

CONDITIONAL USE RESOLUTION NO. CON-2 1-00051

WHEREAS, W. C. Selby (owner/applicant); Gary Wiley (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for Agricultural Sales and Service and Riding Academy/Stable on 13.2 acres zoned "RR" Rural Residential described as:

A tract of land in the Northwest Quarter of Section 15, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows:

Beginning at the Northwest corner of said Northwest Quarter; thence East, along the North line of said Northwest Quarter, 978.14 feet; thence South 690 feet; thence West 145 feet; thence South 100 feet; thence West 120 feet; thence Northwesterly 430 feet more or less to a point 350 feet East and 580 feet South of the Northwest corner of said Section 15; thence West 350 feet to the West line of said Section 15, thence North, along the West line of said Section 15, 580 feet to the point of beginning: except road right-of-way on the North and West. Generally located at the southeast corner of 87th Street South and Hydraulic.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of October 11, 2001, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use for Agricultural Sales and Service and Riding Academy/Stable on approximately 13.2 acres zoned "RR" Rural Residential described as:

A tract of land in the Northwest Quarter of Section 15, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows:

Beginning at the Northwest corner of said Northwest Quarter; thence East, along the North line of said Northwest Quarter, 978.14 feet; thence South 690 feet; thence West 145 feet; thence South 100 feet; thence West 120 feet; thence Northwesterly 430 feet more or less to a point 350 feet East and 580 feet South of the Northwest corner of said Section 15; thence West 350 feet to the West line of said Section 15, thence North, along the West line of said Section 15, 580 feet to the point of beginning: except road right-of-way on the North and West. Generally located at the southeast corner of 87th Street South and Hydraulic.

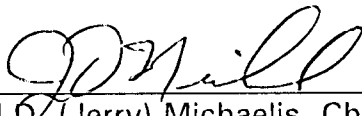
subject to the following conditions:

- A. The site shall be developed and maintained in general conformance with the approved site plan. In addition to those uses permitted in the "RR" Rural Residential district, the site shall be limited to the following uses: boarding, breeding and training of horses and riders and agricultural sales and service, including display and sale of horse and stock trailers. Display and sale of trailers shall occur only in the area depicted on the site plan.
- B. All applicable permits and licenses shall be obtained in a timely basis (e.g. on-site sewage and water wells, building permits, zoning and animal waste handling and disposal).
- C. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered waste shall be disposed of in a manner acceptable to the Wichita-Sedgwick County Health Department.
- D. The horse stable facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls and wooden floors closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal container or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.
- E. Weeds and grass around the stable and corral areas shall be controlled and kept at a height that they do not provide a fire hazard or harbor vectors such as mosquitoes or vermin.
- F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by an appropriate water proofing method. The stable building, fences and shelters shall be constructed of dimensioned building materials.
- G. The maximum number of horses to be boarded at any one time is 50, plus any foals which may be stabled with the mare for a period of one year, at which point they would be stabled separately and count toward the specified limit of 50 horses. The limit of 50 horses includes the applicant's horses. In addition to the 50 horses that may be boarded on-site, an additional 50 horses may be permitted for equestrian events. Additional non-boarded horses may be permitted for equestrian events so long as the total number of horses on-site at any one time does not exceed 100.
- H. All equestrian facilities shall be used only by the property owner, the owner's customers and their guests.
- I. The buildings and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable hours to insure continued compliance with the requirements of this Conditional Use.
- J. All outdoor arena related activities shall cease by 11:00 P.M., and any arena related outdoor lighting shall be turned off by 11:30 P.M. Outdoor arena activities shall not begin before sunrise.

- K. The number of non-resident employees shall not exceed five persons.
- L. No public address systems can be employed in a manner that permits the sound to be heard beyond the applicant's property boundaries.
- M. The applicant shall provide a contingent dedication of 20 feet of right-of-way along Hydraulic and 25 feet of right-of-way along 87th Street within 90 days of the approval of the Conditional Use.
- N. A revised site plan shall be submitted within 30 days of approval of the Conditional Use which defines the location for customer parking and the number of spaces provided as required at a rate established by County Code Enforcement.
- O. Any violation of the conditions of approval of this Conditional Use shall declare the Conditional Use permit null and void.

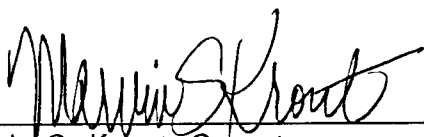
Adopted this 11th day of October, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

Northwest Corner,
Section 15, T29S, R1E

Q 87TH STREET SOUTH

Q HYDRAULIC

1" = 100'

SITE PLAN

APPROVED

10/24/01 BY *Drj*

8 PROPOSED PARKING SPACES

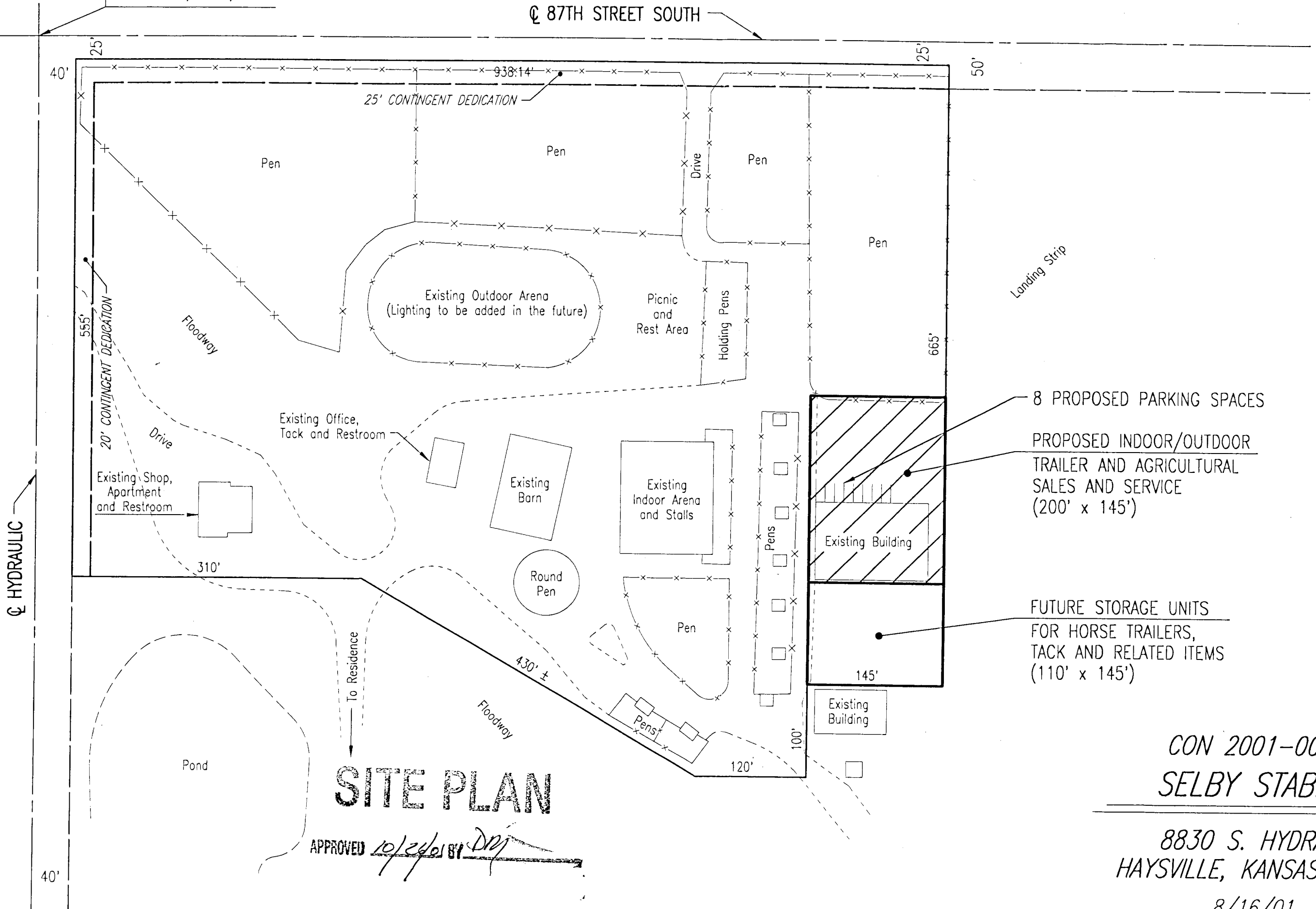
PROPOSED INDOOR/OUTDOOR
TRAILER AND AGRICULTURAL
SALES AND SERVICE
(200' x 145')

FUTURE STORAGE UNITS
FOR HORSE TRAILERS,
TACK AND RELATED ITEMS
(110' x 145')

CON 2001-00051
SELBY STABLES

8830 S. HYDRAULIC
HAYSVILLE, KANSAS 67060

8/16/01
REVISED 10/15/01





AGENDA ITEM NO. _____

STAFF REPORT

Haysville P.C. 9-27-01

MAPC 10-11-01

CASE NUMBER: CON2001-00051

APPLICANT/AGENT: W.C. Selby (owner/applicant); Gary Wiley (agent)

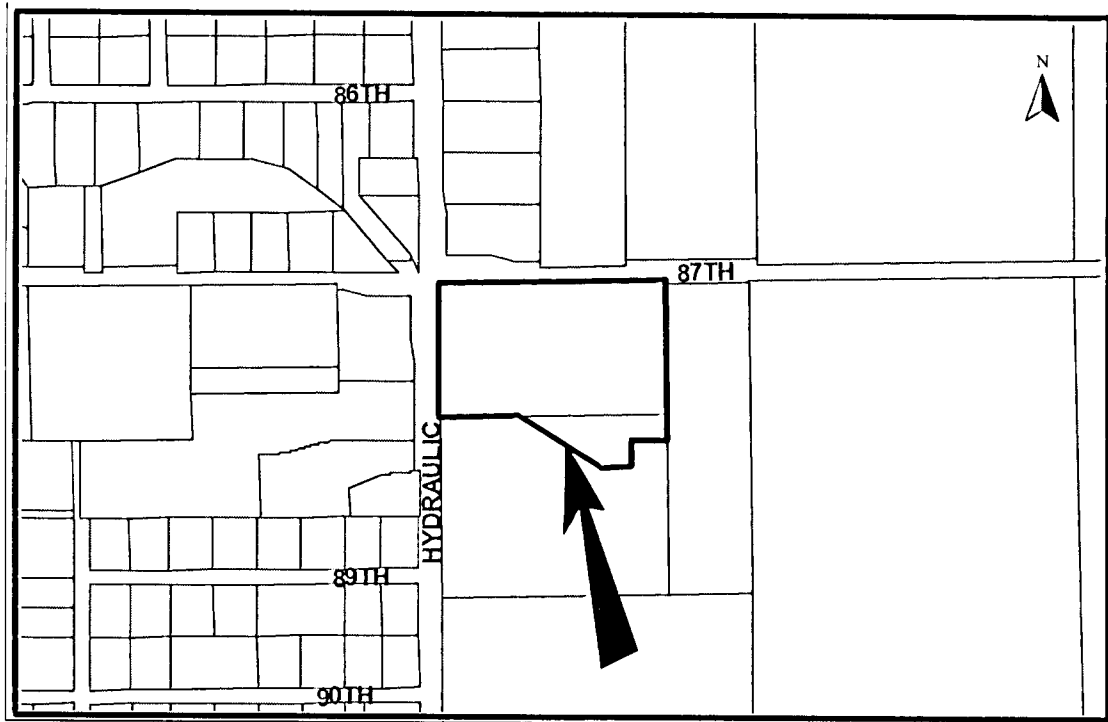
REQUEST: Conditional Use for Agricultural Sales and Service and Riding Academy/Stable

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 13.2 acres

LOCATION: Southeast corner of 87th Street South and Hydraulic

PROPOSED USE: Horse stable, riding academy and agricultural sales and services



BACKGROUND: The applicant is seeking a Conditional Use to permit a "riding academy / stable" and "agricultural sales and service" on 13.2 acres located at the southeast corner of 87th Street South and Hydraulic. Since 1983-1984, the applicant has operated a non-conforming boarding stable / riding academy with horse tack sales at this location. The applicant seeks to make the stable and related horse activities conforming, and to add "agricultural sales and service" (sale of horse tack and horse/stock trailers both indoors and outdoors) to the uses permitted on the property. The applicant owns the adjoining land located to the east and south of the application area. The applicant's home is located on the property south of the application area.

The attached site plan depicts the locations of the various existing office, barns, shop, tack room and pens as well as the proposed location for the trailer sales. The trailer sales are to be located along the east line of the application area, 360 feet south of 87th Street and 800 feet east of Hydraulic. An existing 80 by 120 foot building is to house the sales and service for the trailers. An area immediately north of the building would also be used for outdoor display, service and sales. An area 110 by 145 feet is shown south of the existing building that would serve as storage for trailers, tack and related items.

All surrounding property is zoned "RR" Rural Residential. Property to the north is fallow cropland; to the east is an airstrip, owned by the applicant, and cropland; to the south is the applicant's personal residence; and to the west are large-lot residences.

The Unified Zoning Code defines agricultural sales and service as an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. The "RR" district permits on-site agricultural uses to have 12 square feet of signage, with lighting to be arranged to reflect away from adjacent premises.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; vacant cropland
SOUTH: "RR" Rural Residential; residence
EAST: "RR" Rural Residential; airstrip
WEST: "RR" Rural Residential; large-lot residential

PUBLIC SERVICES: Traffic counts are not available. Hydraulic is a two-lane paved road with 40 feet of half-street right-of-way. Hydraulic is shown on the 2030 "Transportation Plan" map as being a 2-lane arterial. 87th Street South is a two-lane sand and gravel road with 25 feet of half-street right-of-way. Standard right-of-way for these two streets is 60 feet for Hydraulic and 50 feet for 87th Street. The applicant should meet with Sedgwick County Code Enforcement to determine what, if any, paving will be required for drives and parking areas. The applicant should also meet with County Public Works to determine if any floodplain issues will affect the proposed project.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" map depicts the site as appropriate for "rural" uses. The "rural" category denotes land that is located beyond the 2030 urban service boundary for Wichita and it is also beyond the growth areas for any of the smaller communities located within Sedgwick County. The rural designation is intended to accommodate agricultural uses, rural based uses that are no more

offensive than normal agricultural uses, and large lot residential subdivisions with provision for future water and sewer services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The site shall be developed and maintained in general conformance with the approved site plan. Construction of facilities approved by this Conditional Use permit shall begin within one year of the approval of this request or the Conditional Use shall become null and void. In addition to those uses permitted in the "RR" Rural Residential district, the site shall be limited to the following uses: boarding, breeding and training of horses and riders and agricultural sales and service, including display and sale of horse and stock trailers. Display and sale of trailers shall occur only in the area depicted on the site plan.
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- K. The number of non-resident employees shall not exceed five persons.
- L. No public address systems can be employed in a manner that permits the sound to be heard beyond the applicant's property boundaries.
- M. The applicant shall dedicate 20 feet of right-of-way along Hydraulic and 25 feet of right-of-way along 87th Street within 90 days of the approval of the Conditional Use.
- N. A revised site plan shall be submitted within 30 days of approval of the Conditional Use which defines the location for customer parking and the number of spaces provided as required at a rate established by County Code Enforcement.
- O. Any violation of the conditions of approval of this Conditional Use shall declare the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. All surrounding land is zoned "RR" Rural Residential. There are large lot residences and farmstead located, cropland and an airstrip located nearby. The character of the area is rural.
2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned "RR" Rural Residential which permits agricultural pursuits as well as large-lot residential uses. The site is currently developed with a residence and a nonconforming horse boarding, training and breeding facility. The site could continue to be used as a nonconforming stable. Agricultural sales and service and a riding academy and stables are permitted by Conditional Use permit in the "RR" district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The stable exists today, and apparently operates without complaint from nearby property owners. Approval of the agricultural sales and service use will introduce a more intense use than crop production or residential uses, however there is adequate distance between the proposed use and existing residences to minimize detrimental impacts. Also, the conditions placed on the development by the Conditional Use and various code requirements further minimize negative impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Sedgwick County Development Guide" map depicts this site as appropriate for "rural" uses. The rural designation is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provision for future water and sewer services. Equestrian activities and agricultural sales and service uses are appropriate for rural areas and would be consistent with the Plan's recommendations
5. Impact of the proposed development on community facilities: Traffic can be expected to increase in the area, but with the requested right-of-way dedication, road facilities could be improved to meet future demands.