

CU-230 - Ray Thompson requests  
Condition Use request to permit  
a Horse Boarding and Training  
Establishment on property zoned  
"R-1" Suburban Residential Dist.

*Closed 9/29/82*

*by Mrs. P.C.*

# ACTION

*Posted  
2-28-80*

COMMITTEE \_\_\_\_\_ DATE \_\_\_\_\_

M.A.P.C. *Approved to* \_\_\_\_\_ *3-27-80*  
*conditions*

~~S.C.C./B. CO. C~~ *Approved to* \_\_\_\_\_ *4-23-80*

*conditions as recommended* \_\_\_\_\_ *5-14-80*  
*by the P.C.*

*Closed 9/29/82*

CU-230 - Ray Thompson requests  
Condition Use, request to permit  
a Horse, boarding and training  
Establishment on property zoned  
"R-1" Suburban Residential Dist.

Map No. 4850  
Sec. 5  
Twp. 27  
Range 1W

DATA SHEET  
(~~CONDITIONAL~~ CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 230  
Filed 2-25-80

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

1. Applicant: Ray Thompson  
Address 9030 Harvest Court, 67212 Phone 722-6249
2. Agent: Robert C. Brown  
Address Suite 830, 200 W. Douglas, 67202 Phone 267-5293
3. General Location: east side of Maize Road, 1/2 mile north of 21st St. North. Address \_\_\_\_\_
4. Proposed Use: Horse Boarding and Training Establishment in "R-1" zoning

AREA DATA:

1. Acres: 5.9 ( 287 ft. by 879 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
West CONTRACTOR'S STORAGE North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
2. MAPC Meeting:

Date	Action
<u>3-27-80</u>	<u>Approved and to conditions</u>
_____	_____
_____	_____

3. Governing Body (~~Bd. City Commissioners~~ - Bd. County Commissioners)

Date	Action	Resolution
<del>3-27-80</del> <u>5-14-80</u>	<u>Approved and to the conditions as</u> <u>revised by the P.C.</u>	<u>_____</u>
_____	_____	_____
_____	_____	_____

NOTES:

Closed dedication not submitted 9/29/82

HASTINGS, SAN JOSE, ANGELES  
LOGAN, OMAHA, MADISON, TX, U.S.A.

**S**  
No. 2-133C

Map No. 4850  
Sec. 5  
Twp. 27  
Range 1W

DATA SHEET  
~~COMMERCIAL~~ CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 220  
Filed 2-25-80

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

1. Applicant: Ray Thompson  
Address 9030 Harvest Court, 67212 Phone 722-6249
2. Agent: Robert C. Brown  
Address Suite 830, 200 W. Douglas, 67202 Phone 267-5293
3. General Location: east side of Maize Road, 1/2 mile north of 21st St. North. Address \_\_\_\_\_

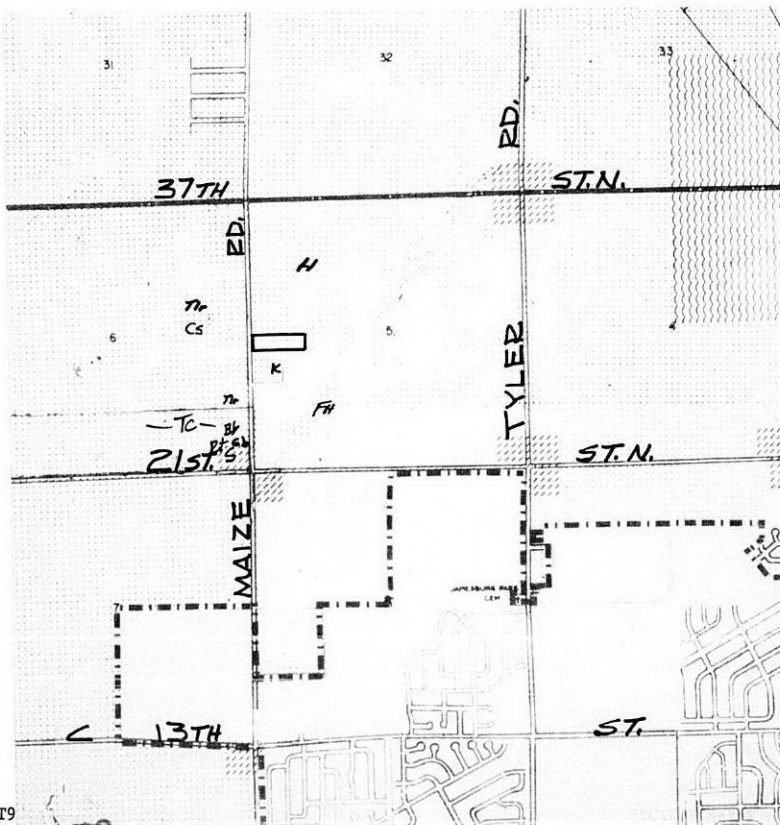
4. Proposed Use: Horse Boarding and Training Establishment in "R-1" zoning

AREA DATA:

1. Acres: 5.9 ( 287 ft. by 909 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
West CONTRACTOR'S STORAGE North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by (Signature) Date 3-14-80 Time 3:45



Map No. 4850  
Sec. 5  
Twp. 27  
Range 1W

DATA SHEET  
(CONDITIONAL USE)

Z-  
SCZ-  
CU- 230  
Filed 2-25-80

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

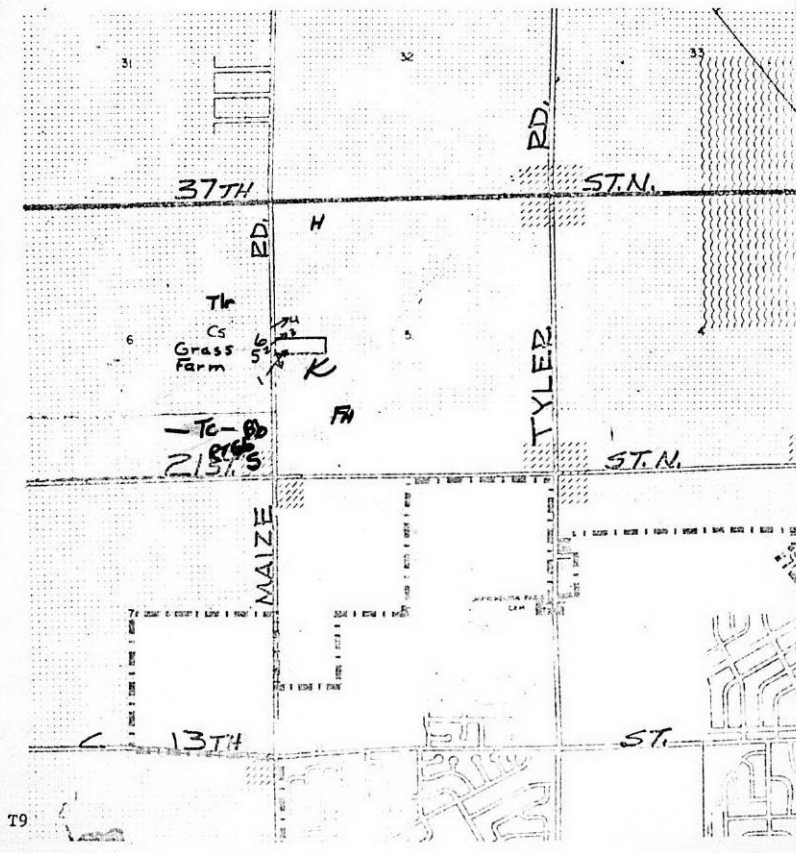
1. Applicant: Ray Thompson  
Address 9030 Harvest Court, 67212 Phone 722-6249
2. Agent: Robert C. Brown  
Address Suite 830, 200 W. Douglas, 67202 Phone 267-5293
3. General Location: east side of Maize Road, 1/2 mile north of 21st St. North.  
Address \_\_\_\_\_

4. Proposed Use: Horse Boarding and Training Establishment in "R-1" zone

AREA DATA:

1. Acres: 5.8 ( 287 ft. by 879 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
West CONTRACTOR STORAGE North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED  
Area (is) (is not) platted.

PHOTO DATA:  
Taken by PK Date 4-7-80 Time 3:45



CV-230 Pasture Sheet

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 230  
Filed 2-25-80

Phone 722-6249

Phone 267-5293

1/2 mile north of 21st

Address \_\_\_\_\_  
Establishment in "R-1" zone

by 879 ft.)

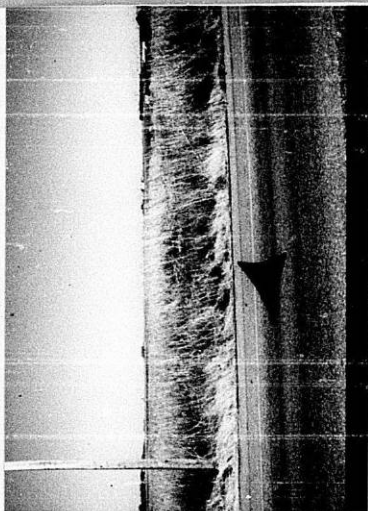
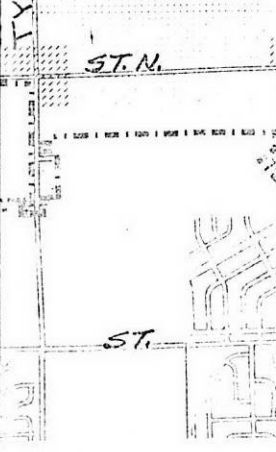
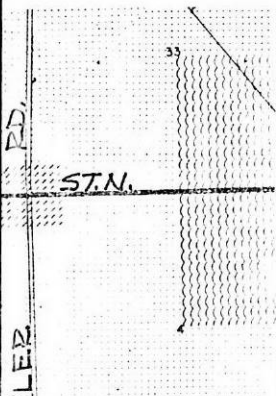
"R-1" N "R-1"

UNDEVELOPED

UNDEVELOPED

UNDEVELOPED

Time 3:45



3



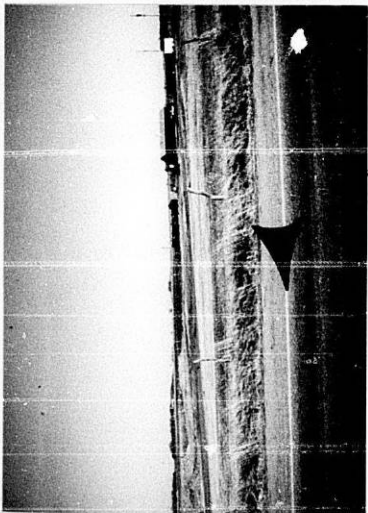
9



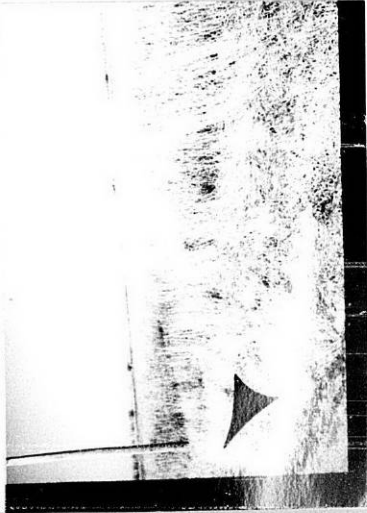
2



5



1



4

Do not publish until  
contingent dedication  
is received  
not published  
file closed see letter  
dated 9/25/82

BSS

R# 103-1980

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1980

R E S O L U T I O N

CASE NO. CU-230

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A HORSE BOARDING AND TRAINING OPERATION (RIDING ACADEMY) IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.0 AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 4.A.10.0 and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow the establishment of a horse boarding and training operation (riding academy) in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in the SW 1/4, S5, T27S, R1W of the 6th P.M. described as: Beginning at the NW corner of the SW 1/4, S5, T27S, R1W of the 6th P.M.; thence East along the North line of the SW 1/4 of the said S5, a distance of 909.0 feet; thence South parallel with the West line of the said S5, a distance of 287.52 feet; thence West 909.0 feet to a point in the West line of the SW 1/4 of said S5; thence North 287.52 feet to the point of beginning. Generally located on the east side of Maize Road, 1/2 mile north of 21st Street North.

SUBJECT TO THE FOLLOWING:

- a. The applicant contingently dedicating by separate instrument an additional 20 feet of right-of-way for the east half of Maize Road. Said contingent dedication shall become effective at such time that the County needs the additional right-of-way to widen and improve Maize Road.
- b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
- c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.

- d. Any buildings constructed on subject property shall maintain a 100-foot setback from the centerline of Maize Road.
- e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property as determined by the County Zoning Office.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

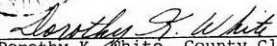
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 14 day of May, 1980.

  
Everett Patrick, Chairman

  
Tom Scott, Commissioner

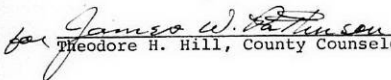
  
Donald E. Gragg, Commissioner



  
Dorothy K. White, County Clerk  
*By Dorothy Paul, Deputy*

(SEAL)

Approved as to form by County Counselor

  
Theodore H. Hill, County Counselor

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4561

September 29, 1982

Ray Thompson  
9030 Harvest Court  
Wichita, Kansas 67212

Re: CU-230 - Conditional Use for a  
Horse Boarding and Training  
Establishment

Dear Mr. Thompson:

In reviewing our open case files recently we noticed that the County Commission approved the above referenced case on May 14, 1980. The approval was subject to several conditions, one of which was the submission of a contingent dedication of 20 feet of street right-of-way for Maize Road. Publication of the resolution permitting the horse boarding and training establishment was to be withheld until the dedication had been submitted. A letter explaining the County Commission's action on this case was sent to your attorney, Robert C. Brown, with a copy to you, on May 14, 1980.

This letter is to inform you that the case file has been marked "closed" since the dedication has not been submitted during the past two and one-half years. If you have any questions, please call.

Sincerely,

*Jack H. Galbraith*  
Jack H. Galbraith  
Chief Planner

JHG:ADC:el

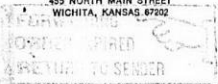
cc: Robert C. Brown, Suite 830, 200 West Douglas, 67202  
Ron Worley, Director, County Dep't. of Building, Planning & Codes

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



*Edie*

THU 30 190507N1 10/05/82

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

Ray Thompson  
9030 Harvest Court  
Wichita, Kansas 67212

*1850 Litchfield?*



*mailed 9-29-82  
Rec'd 10-12-82*



September 29, 1982

Ray Thompson  
9030 Harvest Court  
Wichita, Kansas 67212

Re: CU-230 - Conditional Use for a  
Horse Boarding and Training  
Establishment

Dear Mr. Thompson:

In reviewing our open case files recently we noticed that the County Commission approved the above referenced case on May 14, 1980. The approval was subject to several conditions, one of which was the submission of a contingent dedication of 20 feet of street right-of-way for Maize Road. Publication of the resolution permitting the horse boarding and training establishment was to be withheld until the dedication had been submitted. A letter explaining the County Commission's action on this case was sent to your attorney, Robert C. Brown, with a copy to you, on May 14, 1980.

This letter is to inform you that the case file has been marked "closed" since the dedication has not been submitted during the past two and one-half years. If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ADC:el

cc: Robert C. Brown, Suite 830, 200 West Douglas, 67202  
Ron Worley, Director, County Dep't. of Building, Planning & Codes

May 14, 1980

Syd Werbin, County Director of Building, Planning & Codes  
Vera Stevens, Administrative Assistant

Jack H. Galbraith, Chief Planner

CU-230 - Request for Conditional Use to  
Permit a Horse Boarding and Training Operation.

Wanted you both to have a copy of the attached follow-up letter to Mr. Brown and be advised that the County Commission unanimously approved this request subject to the following conditions:

- a. The applicant contingently dedicating by separate instrument an additional 20 feet of right-of-way for the east half of Maize Road. Said contingent dedication shall become effective at such time that the County needs the additional right-of-way to widen and improve Maize Road.
- b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
- c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.
- d. Any buildings constructed on subject property shall maintain a 100-foot setback from the centerline of Maize Road.
- e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property as determined by the County Zoning Office.

There was considerable argument for having to contingently dedicate 20 additional feet of street right-of-way for Maize Road which is an F.A.S. road. The County Commission unanimously required the above conditions in their approval to this request.

This information is provided to you so that you are aware of the problem and so that you can make sure that no permits are issued on this property until the dedication is submitted to our office and the resolution published. We will advise you when that occurs.

Jack H. Galbraith  
Chief Planner

JHG:el  
Attachment

May 14, 1980

Robert C. Brown  
Suite 830  
200 West Douglas  
Wichita, Kansas 67202

Re: CU-230 - Request for Conditional  
Use to permit a Horse Boarding  
and Training Operation.

Dear Mr. Brown:

The Board of County Commission at its regular meeting of May 14, 1980, considered the above captioned case. Their action was to approve the request subject to the conditions recommended by the Planning Commission and as outlined in our letter to you of March 28, 1980. There was considerable discussion pertaining to the 20 foot contingent dedication, however, the Commissioners were unanimous in requiring that condition.

Previously, I forwarded to you a contingent dedication form. The resolution approving this conditional use will not be published until the contingent dedication is executed and returned to our office. We would appreciate having your client and Mortgage Company, if necessary, execute the dedication and return it to our office at your earliest convenience, so that we can publish the resolution which will establish this as a permitted use.

If you have any questions on preparing the contingent dedication, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el

cc: Ray Thompson, 9030 Harvest Court, 67212

26  
May 6, 1980

Theodore H. Hill, County Counselor

Robert A. Lakin, Director of Planning

CU-230 - Request for Conditional Use Permit.  
Horse Boarding and Training Operation

The above captioned case was considered by the Planning Commission at its regular meeting of March 27, 1980. Our staff recommended approval of the request subject to several conditions, one of which was to require 20 additional feet of street right-of-way for Maiza Road as it is a Federal Aid Secondary and presently has only 40 feet of half right-of-way, whereas 60 feet is required.

Robert G. Brown, attorney for the applicant, argued that his client should not have to dedicate the ROW even though it was shown that a plat to the south had dedicated the full amount.

After considerable discussion, the Planning Commission required a contingent dedication which would become effective at such time as the County needs the additional right-of-way to widen and improve Maiza Road. We provided Mr. Brown with the necessary contingent dedication form and advised that it should be executed and returned to us by April 11 in order to schedule the case for consideration by the Board of County Commission on April 23. He did not return the form and called last week wondering when the case was going to be considered by the County Commission. He further advised that his client's Mortgage Company would not authorize the execution of the dedication and Mr. Brown asked that the case be scheduled so that he could further argue the dedication requirement.

I've provided this background information in anticipation of questions which may be raised at the hearing. Our position has not changed; either he should contingently dedicate the required right-of-way for this Federal Aid Secondary road as others have been required to do, as well as meet the other conditions as recommended by the Planning Commission, or the request should be denied.

Page Two  
Theodore H. Hill  
May 6, 1980

If you have any questions prior to the County Commission's consideration of this case on May 14, please call either Galbraith or me.



Robert A. Lakin  
Director of Planning

RAL:JHG:e1

cc: Joe Freeman, Acting Director  
County Department of Public Works

G. Craig Robinson, Assistant County Counselor

May 8, 1980

Robert C. Brown  
Suite 830  
200 West Douglas  
Wichita, Kansas 67202

Re: CU-230

Dear Mr. Brown:

We are in receipt of your letter of May 5, 1980, and as you have requested, this is to advise you that we have scheduled the above-captioned case for consideration by the Board of County Commissioners at its next regular meeting of May 14, 1980. Their meetings are held in Room 320, Sedgwick County Courthouse beginning at 9:00 a.m.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Ray Thompson, 9030 Harvest Court, Wichita, Ks. 67212  
Syd Werbin, County Zoning Officer

SMITH, SHAY, FARMER & WETTA

ATTORNEYS AT LAW

830 OLIVE W. GARVEY BUILDING

200 WEST DOUGLAS

WICHITA, KANSAS 67202

TELEPHONE

(316) 267-5293

May 5, 1980

PAUL V. SMITH (909-1976)  
DOUGLAS E. SHAY  
WILLIAM C. FARMER  
LEO R. WETTA  
JACK FOCHT  
DENNIS E. SHAY  
ROGER D. HUGHET  
JACK PEGGS  
EDWARD J. HUND  
ROBERT C. BROWN

RECEIVED

MAY 6 1980

METROPOLITAN PLANNING

ROUTE  JG

\_\_\_\_\_

Mr. Galbraith  
Chief Planner  
Metropolitan Area Planning Commission  
City Hall, 10th Floor  
455 N. Main St.  
Wichita, KS 67202

Re: CU-230

Dear Mr. Galbraith:

As I explained to you by telephone conversation, my client has advised me that he is willing and able to comply with the requirements placed upon his property as conditions to the favorable passage of a conditional use permit, as explained in your letter to me of March 28, 1980, with the exception of the requirement of contingently dedicating by separate instrument an additional 20 feet of right away on the east half of Maize road. Unfortunately, the subject property has an existing mortgage, and I am advised that the present holder of the mortgage is not willing to allow my client to contingently dedicate a portion of the mortgaged property.

Since we are therefore prevented from complying with paragraph A of your letter, but are more than willing to comply with the remaining conditions, I would hope that you would consider favorably a recommendation of eliminating condition A from the final review of this matter. In any event, I would appreciate your placing the matter on the agenda for the county commission on Wednesday, May 14, 1980, or as soon thereafter as possible and advising me of the date and time set.

Yours very truly,

  
Robert C. Brown

pn

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-230

CONSIDERED BY MAPC: 3-27-80

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

For establishment of Horse Boarding and Training  
Operation (Riding Academy)

GENERAL LOCATION: East side of Maize Road, 1/2 mile north of 21st  
Street North.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of  
March 27, 1980)

APPLICANT: Ray Thompson, 9030 Harvest Court.

COUNSEL FOR APPLICANT: Robert C. Brown, attorney, 200 W. Douglas, Suite 830.

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE: Existing, Undeveloped, barn; North, East and West, Undeveloped;  
South, Undeveloped & Kennel Club dog trials area.

PLANNING COMMISSION RECOMMENDATION:

That the application be approved subject to conditions as shown in the  
attached excerpt from the minutes of the Planning Commission. Gardner  
moved, Lofton seconded and it carried with a vote of 6 in favor (Gardner,  
Lofton, Bayouth, Goebel, Hennessy and Jones), and 1 opposed (Martens).  
Savina and Shook were absent. Cole resigned.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area  
Planning Commission, approve the application subject to the recommended  
conditions, adopt a resolution establishing the conditional use and  
instruct the Planning Department to withhold publication of the resolution  
until the contingent dedication has been recorded with the Register of  
Deeds; or

2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1980

9. Case No. CU-230 - Ray Thompson requests Conditional Use on a tract of land in the SW 1/4, S5, T27S, RLW of the 6th P.M. described as: Beginning at the NW corner of the SW 1/4, S5, T27S, RLW of the 6th P.M.; thence East along the North line of the SW 1/4 of the said S5, a distance of 909.0 feet; thence South parallel with the West line of the said S5, a distance of 287.52 feet; thence West 909.0 feet to a point in the West line of the SW 1/4 of said S5; thence North 287.52 feet to the point of beginning. Generally located on the east side of Maize Road, 1/2 mile north of 21st Street North.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicants have indicated that they wish to develop the subject property with a horse boarding stables-riding academy use which is permitted as a conditional use in the existing "R-1" Suburban Residential zoning.

Subject property is located on the east side of Maize Road, a Federal Aid Secondary (F.A.S.) highway which requires 60' of half street right-of-way whereas there is only 40' existing.

The applicant has submitted a sketch plan for development of the property which indicates additional stables and a training-exercise ring. It should be noted that the location of the training-exercise ring would have to change if the appropriate amount of street right-of-way for Maize Road is provided from subject property.

Taking into consideration the surrounding property which is undeveloped agricultural land, this appears to be a good area for the type activity proposed.

2. A recommendation of approval by the Planning Commission should be subject to the following:
- a. The applicant dedicating by separate instrument an additional 20' of right-of-way for the east half of Maize Road.
  - b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
  - c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.
  - d. Any buildings constructed on subject property shall maintain a 100 foot setback from the centerline of Maize Road.
  - e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property.

GALBRAITH said that he had been advised that the applicant objected to the additional dedication of street right-of-way on Maize Road, but they feel that they could move their exercise arena outside of the area needed for additional right-of-way.

GALBRAITH said that the staff felt it was not necessary for this type of operation to plat the subject property, but felt that it was important now, and that the County Engineer agrees, that anytime additional right-of-way could be obtained for an FAS road, it should be done. The staff recommended approval of the application subject to the dedication being made by separate instrument.

There was no one present in opposition to the application.

ROBERT C. BROWN, attorney representing the applicant, stated that they have reviewed the staff report and were in agreement with it, with the exception of the dedication. He said that this was an undeveloped area and there were no residences within a half mile in any direction. He said that they believed that this was a good location for this type of development. He said that they indicated in their application that they did not intend to have horse shows, but that this was strictly for boarding horses and training them on a limited basis. BROWN said that they had also talked with the County Health Department and have no objections to the limitations which they have placed upon them. The only difficulty that they have with the dedication, was that they felt that at this time it bears no reasonable relationship to the criteria for approval. It would effectively deny the applicant the use of almost 6,000 square feet of property which could otherwise be utilized for parking or storage facilities. He said that they were willing to make the proper setback requirements.

GARDNER apprised Mr. Brown on the affects of a contingent dedication.

BROWN stated that he was not in a position to offer the contingent dedication at this time.

GOEBEL explained that where the biggest percent of the area is not platted and developed, that as the area is developed up and down Maize Road, the City would require dedications with platting, and if the applicant would continue to use the application area as a conditional use after all of the area was platted and partially developed, the City would probably have to create a condemnation proceedings just for the applicant's site.

BROWN responded that they have agreed and would comply with any setback requirements. They will not build any structures on that area in the event that in the future it needed to be condemned.

MOTION: Having considered the factors as contained in Policy Statement No. 10; the character of the neighborhood, the zoning and uses of property nearby, and in consideration of the recommendations of staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- a. The applicant contingently dedicating by separate instrument an additional 20 feet of right-of-way for the east half of Maize Road. Said contingent dedication shall become effective at such time that the County needs the additional right-of-way to widen and improve Maize Road.
- b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.

- c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.
- d. Any buildings constructed on subject property shall maintain a 100-foot setback from the centerline of Maize Road.
- e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property as determined by the County Zoning Office.

Gardner moved, Lofton seconded and it carried with a vote of 6 in favor (Gardner, Lofton, Bayouth, Goebel, Hennessy and Jones), and 1 opposed (Martens). Savina and Shook were absent. Cole resigned.

-----

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1980

R E S O L U T I O N

CASE NO. CU-230

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A HORSE BOARDING AND TRAINING OPERATION (RIDING ACADEMY) IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.0 AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 4.A.10.0 and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow the establishment of a horse boarding and training operation (riding academy) in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in the SW 1/4, S5, T27S, R1W of the 6th P.M. described as: Beginning at the NW corner of the SW 1/4, S5, T27S, R1W of the 6th P.M.; thence East along the North line of the SW 1/4 of the said S5, a distance of 909.0 feet; thence South parallel with the West line of the said S5, a distance of 287.52 feet; thence West 909.0 feet to a point in the West line of the SW 1/4 of said S5; thence North 287.52 feet to the point of beginning. Generally located on the east side of Maize Road, 1/2 mile north of 21st Street North.

SUBJECT TO THE FOLLOWING:

- a. The applicant contingently dedicating by separate instrument an additional 20 feet of right-of-way for the east half of Maize Road. Said contingent dedication shall become effective at such time that the County needs the additional right-of-way to widen and improve Maize Road.
- b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
- c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.

- d. Any buildings constructed on subject property shall maintain a 100-foot setback from the centerline of Maize Road.
- e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property as determined by the County Zoning Office.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Chairman  
Everett Patrick

\_\_\_\_\_, Commissioner  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald E. Gragg

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
Theodore H. Hill, County Counselor

March 28, 1980

Robert C. Brown  
Suite 830  
200 West Douglas  
Wichita, Kansas 67202

Re: CU-230

Dear Mr. Brown:

At its regular meeting of March 27, 1980, the Metropolitan Area Planning Commission considered the above-captioned case. The action of the Commission was to recommend that the application be approved subject to the following conditions:

- a. The applicant contingently dedicating by separate instrument an additional 20' of right-of-way for the east half of Maize Road.
- b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
- c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.
- d. Any buildings constructed on subject property shall maintain a 100' setback from the centerline of Maize Road.
- e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property.

Regarding condition #a above, enclosed is a sample contingent dedication for your use in preparing the contingent dedication which should be executed and returned to our office by April 11th so that subject case can be scheduled for consideration by the Board of County Commissioners at their regular meeting on April 23, 1980. This meeting to be held in Room 320, Sedgwick County Courthouse at 9:00 a.m.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

Encl:

cc: Ray Thompson, 9030 Harvest Court, Wichita, Ks. 67212  
Syd Werbin, County Zoning Officer



Page 2  
MAPC AGENDA  
CU-230  
3-27-80

Taking into consideration the surrounding property which is undeveloped agricultural land, this appears to be a good area for the type activity proposed.

2. A recommendation of approval by the Planning Commission should be subject to the following:
  - a. The applicant dedicating by separate instrument an additional 20' of right-of-way for the east half of Maize Road.
  - b. The applicant complying with all applicable regulations of the Wichita-Sedgwick County Department of Community Health.
  - c. The ring or arena area will be used only for training and exercise of horses and the approval of this request shall not be construed as permitting horse shows or rodeos.
  - d. Any buildings constructed on subject property shall maintain a 100 foot setback from the centerline of Maize Road.
  - e. Adequate off-street parking areas shall be provided for the uses contemplated on the subject property.

CU-230 - 5 "Notice to Adjoining Property Owners" mailed 3-13-80 for the  
MAPC meeting of 3-27-80

1 Joe Freeman - Acting Director, Dpt. of Public Works *County*

-

6 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 13, 1980

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on March 27, 1980, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-230

Conditional Use Request to Permit Establishment of  
A Horse Boarding and Training Establishment  
on Property Zoned "R-1" Suburban Residential District

A tract of land in the SW $\frac{1}{4}$ , S5, T27S, R1W of the 6th P.11. described as: Beginning at the NW corner of the SW $\frac{1}{4}$ , S5, T27S, R1W of the 6th P.M.; thence East along the North line of the SW $\frac{1}{4}$  of the said S5, a distance of 909.0 feet; thence South parallel with the West line of the said S5, a distance of 287.52 feet; thence West 909.0 feet to a point in the West line of the SW $\frac{1}{4}$  of said S5; thence North 287.52 feet to the point of beginning. Generally located on the east side of Maize Road, 1/2 mile north of 21st Street North.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

Summary Description of County Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District  
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District  
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District  
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District  
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District  
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts  
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT  
FOR PROPERTY LOCATED WITHIN THE JURISDICTION  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

MAP#  
N-R-1  
E-R-1  
S-R-1  
W-R-1

4850  
37  
105

SEC 5, 27, 1W

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

CU-230

I. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT RAY THOMPSON

ADDRESS 9030 Harvest Court 67212 PHONE 722-6249

AGENT Robert C. Brown

ADDRESS Suite 830 200 West Douglas, Wichita PHONE 267-5293  
Kansas

B. APPLICANT not applicable 67207

ADDRESS not applicable PHONE \_\_\_\_\_

AGENT not applicable

ADDRESS not applicable PHONE \_\_\_\_\_

C. APPLICANT not applicable

ADDRESS not applicable PHONE \_\_\_\_\_

AGENT not applicable

ADDRESS not applicable PHONE \_\_\_\_\_

(Use separate sheet if necessary for names of additional applicants).

II. The applicant proposes to establish a horse stable

and barn (use)

on property legally described as Lot(s) see below

not applicable, Block(s) not applicable of the

not applicable Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

sk  
for  
legal

A tract of land in the SW $\frac{1}{4}$  S5T27SRLW of the 6th P.M. described as: Beginning at the NW corner of the SW $\frac{1}{4}$  S5T27RLW of the 6th P.M.; thence East along the North line of the SW $\frac{1}{4}$  of the said S5, a distance of 909.0 feet; thence South parallel with the West line of the said S5, a distance of 287.52 feet; thence West 909.0 feet to a point in the West line of the SW $\frac{1}{4}$  of said S5; thence North 287.52 feet to the point of beginning, containing 6.0 acres more or less

I I I. THIS PROPERTY IS LOCATED AT (ADDRESS) 2500 MAIZE ROAD

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE NORTHEAST <sup>QUADRANT</sup> ~~CORNER~~ OF MAIZE ROAD AND 21ST STREET NORTH, OR MORE SPECIFICALLY DESCRIBED AS

B. ON THE EAST SIDE OF MAIZE ROAD (AVENUE) 1/2 mile north of STREET BETWEEN 21st St. & 29th (AVENUE) STREET NORTH AND (AVENUE) STREET NORTH.

I V. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 (ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

Desire to board and train horses for others, but do not desire to have a show ring, to race or show horses, or use for any purpose other than boarding, riding, and training. Current zoning is R-1, which allows for the boarding and training of one's own horses. The facilities planned are primarily for own horses, but desired to be large enough to accommodate horses, on a limited basis, belonging to others.

V I. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FORTHGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

X Raymond Shampson

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at 2.00 (AM, PM) on Feb 25, 1980 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 70.00.

G. Lynn Shirley Name  
J. Planner Title

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 SEDGWICK COUNTY ) SS

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All the owners within 575 Feet of the North 287.52 Feet of the West 909.0 Feet of the SW $\frac{1}{4}$  of Section 5, Township 27 South, Range 1 West of the 6th P.M., in Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Caption Property		J Raymond D. Thompson Sue C. Thompson 9030 Harvest Ct. Wichita, Kansas 67212
The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ Exc. Caption and Exc. Wichita Kennel Club Add. and Exc. the East 985 feet, all in Section 5, Township 27 South, Range 1 West of the 6th P.M.,		J Bruce A. Pearson Esther L. Pearson 2108 W. Pawnee Court Wichita, Kansas 67213
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 27 South, Range 1 West,		J David D. Cranmer Alice Joyce Cranmer 2501 N. Maize Road Wichita, Kansas 67212
S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, Township 27 South, Range 1 West,		D Bruce A. Pearson Esther L. Pearson 2108 W. Pawnee Ct. Wichita, Kansas 67213



LOTS AND BLOCKS

ADDITION

OWNERS

Lot 1,

WICHITA KENNEL CLUB

Wichita Kennel Club Inc

*not listed in any  
of the books. This  
info was given to me  
by kennel owners & Secy.  
idic*

Address Unknown

*% John E. Case  
4514 S. Oak 67217*

DATED AT WICHITA, KANSAS THIS 21st DAY OF FEBRUARY, 1979 @ 7:00 A.M.

FIDELITY TITLE COMPANY INC.

BY *C. E. Bud Decker*  
Vice President

Tracer No. 49454

  
Fidelity  
Title  
Company,  
inc.



FORM 021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
-------------	--------

NAME

ADDRESS

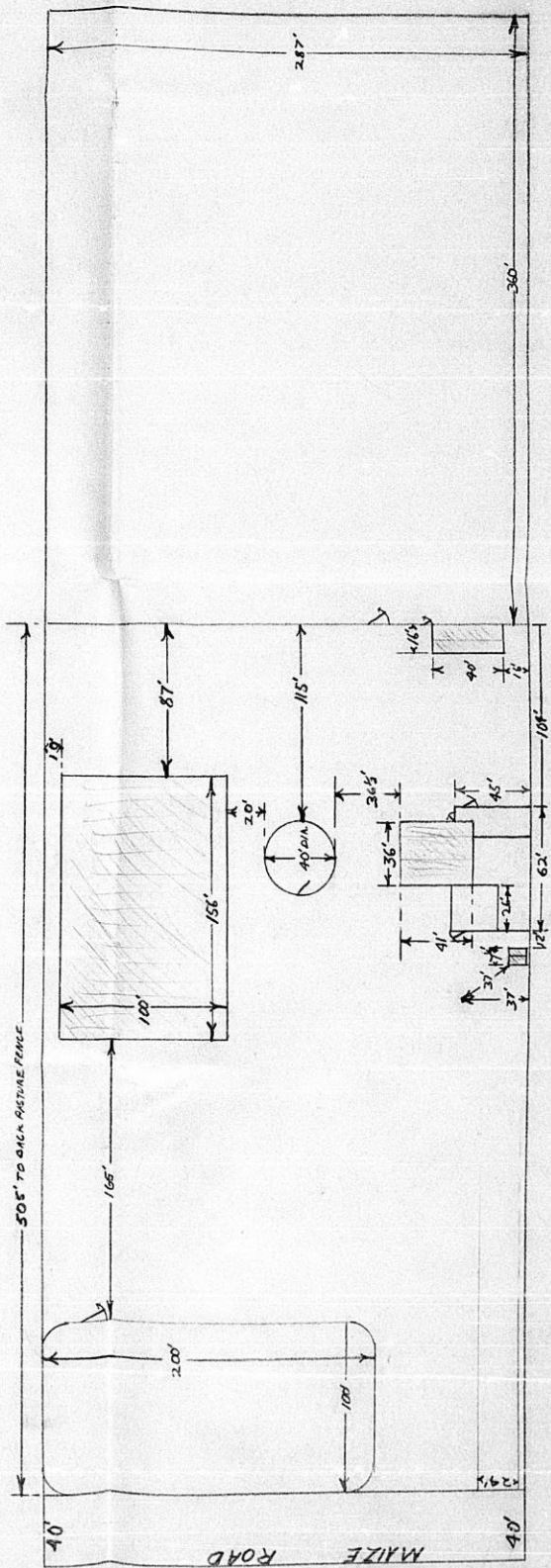
FUND

DUE DATE

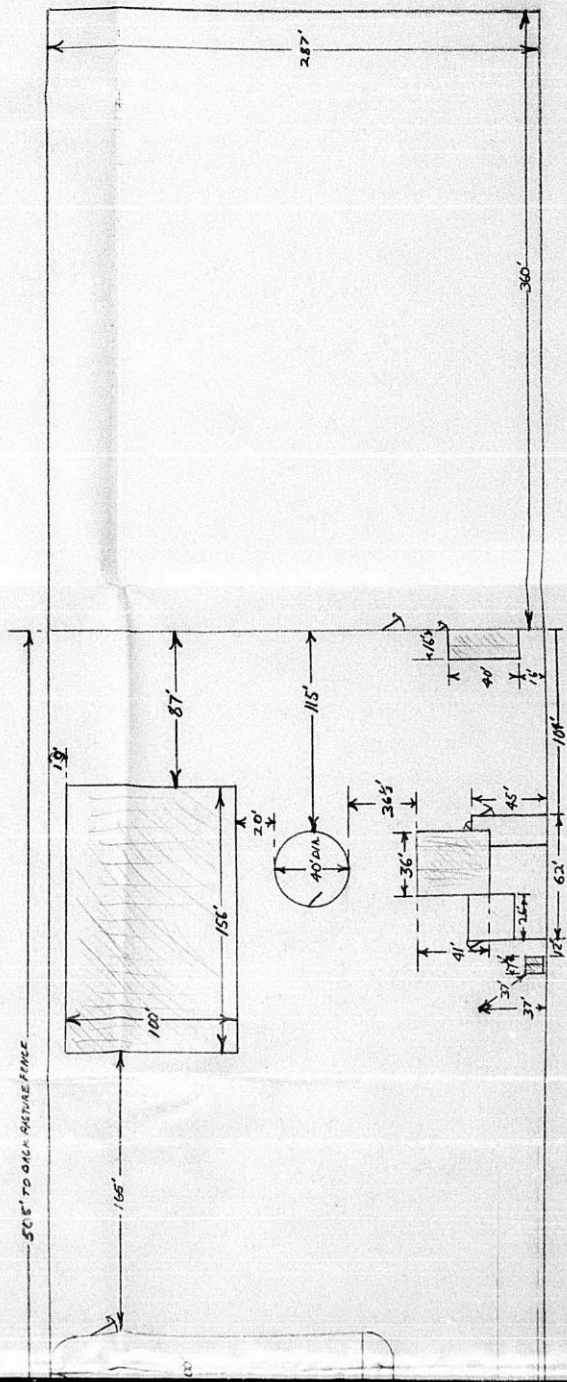
COMMENTS

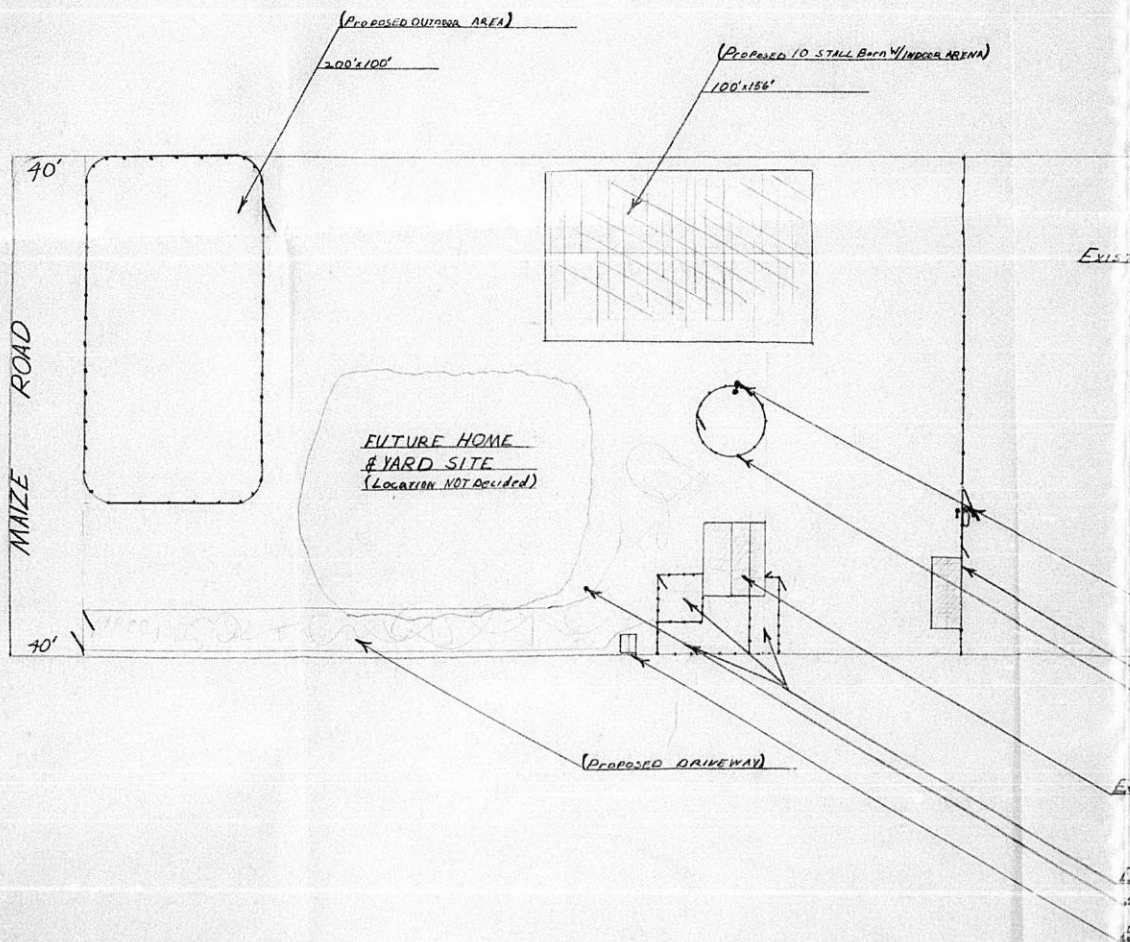
DATE

BY



N





EXISTING ARENA



EXISTING Back Pasture 360' x 287'

EXISTING YARD LIGHTS

EXISTING Pasture Shelter

EXISTING Round Arena

EXISTING 5 STALL BARN

EXISTING Corrals

EXISTING 6.5' x 10' cased well

EXISTING Pump & Tool Shed

10' 20' 30' 40' 50' 60' 70'		
SCALE: 60	APPROVED BY:	DRAWN BY: DAVE THORNTON
DATE:		REVISED
		DRAWING NUMBER