

R#143-1993

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R E S O L U T I O N   N O .

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A HORSE STABLE IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the 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 17.C of the Zoning Regulations, a conditional use permit to allow a horse stable on property zoned "R" Rural Residential, legally described below:

Case No. CU-360

Conditional use permit request to allow a horse stable on property zoned the "R" Rural Residential District

The north 800 feet of the east 600 feet of the West 1/2 of the Northeast 1/4 of Section 16, Township 28, Range 2 East, Sedgwick County, Kansas. Generally located 1/4 mile west of Greenwich Road on the south side of 39th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Prior to this item being scheduled before the Board of County Commissioners, the applicant shall, by separate instrument, dedicate an additional 20 feet of right-of-way for 39th Street South.
- B. This conditional use permit authorizes a horse stable and riding academy not to exceed 60 horses. Use of the site shall be according to the approved site plan. No activities associated with the horse stables, with the exception of pasturing, shall occur within any of the required yard setbacks ( 30' front, 20' side and 25' rear). The applicant

*Grant to be published 8-8-93*

shall provide adequate space for off-street parking for patrons of the Academy.

- C. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.
- 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 containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.
- E. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.
- F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.
- G. The building 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 daylight business hours to insure continued compliance with the above requirements. Any violation of these conditions shall declare the conditional use permit null and void.
- H. 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 wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome on-site only one time each year. No on-site burial is permitted.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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.

Commissioners present and voting were:

BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
BILLY Q. McCRAY	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>

DATED this 28th day of July, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS



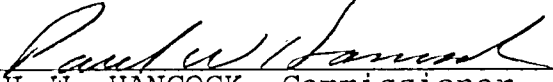
Mark F. Schroeder  
MARK F. SCHROEDER, Chairman

Billy Q. McCray  
BILLY Q. McCRAY, Chairman Pro Tem

Susan Crockett-Spoon  
for SUSAN CROCKETT-SPOON  
County Clerk

Betsy Gwin  
BETSY GWIN, Commissioner

APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
PAUL W. HANCOCK, Commissioner

  
\_\_\_\_\_  
County Counselor/Assistant

  
\_\_\_\_\_  
THOMAS G. WINTERS, Commissioner

- L. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or a combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- N. Prior to the publication of the resolution effectuating the conditional use, the applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the southern boundary of the property and as a buffer from the existing single family residence to the west of the application area. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- O. The approval of the Conditional Use is for a period not to exceed fifteen years from the date of approval by the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises. As part of the operational plan required in B above, the applicant shall divide the site into 2 or 3 distinct areas for the purpose of showing excavation over time. The plan would show which area was to be excavated and at what time. (This item is included due to the applicant's request of 15 years of operation, rather than the typical request of 5 to 10 years. This provision would prevent the entire tract from being disturbed until the latter years of operation.)

June 2000

The revised operational plan, which shall also show the plant site 200 feet south of the original location, shall be submitted prior to this item being scheduled before the Board of County Commissioners.

- P. In order to assist in the enforcement of the operational plan for this conditional use case, the



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CU-360 - REQUEST FOR CONDITIONAL USE PERMIT FOR A HORSE STABLE IN  
THE "R" RURAL RESIDENTIAL DISTRICT, LOCATED 1/4 MILE WEST OF  
GREENWICH ROAD ON THE SOUTH SIDE OF 39TH STREET SOUTH.

(See minutes for full motion).

Polczinski moved, Miles seconded and it carried unanimously.  
McKay, Miner and Phillips were absent.

- ACTION**
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the conditional use permit subject to the recommended conditions; accept the dedication and instruct the County Clerk to forward the document to the Register of Deeds for recording; adopt a resolution authorizing the conditional use permit; or
  2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first reading).

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DATA AND MINUTES

MAPC Hearing Date: 6/17/93 Approve BCoC Hearing Date: 7/28/93

COMMISSION DISTRICT #5

ADJACENT ZONING AND LAND USE:

NORTH:	"R-1"	Single Family Residence
SOUTH:	"R"	Undeveloped agricultural
EAST:	"R"	Undeveloped agricultural
WEST:	"R"	Undeveloped agricultural

Applicants: Anita Rick Revocable Living Trust, 7425 E. 47th Street, Derby, KS.  
Cheryl J. Manahan (contract purchaser) P.O. Box 663, Andover, KS

Protestors: Dave & Ellen Spotswood, 10930 E. 137th St. S., Derby, KS.

CASE NUMBER: CU-360

APPLICANT/AGENT: Anita Rick Revocable Living Trust  
Jean Wiggans, Trustee  
Cheryl Manahan

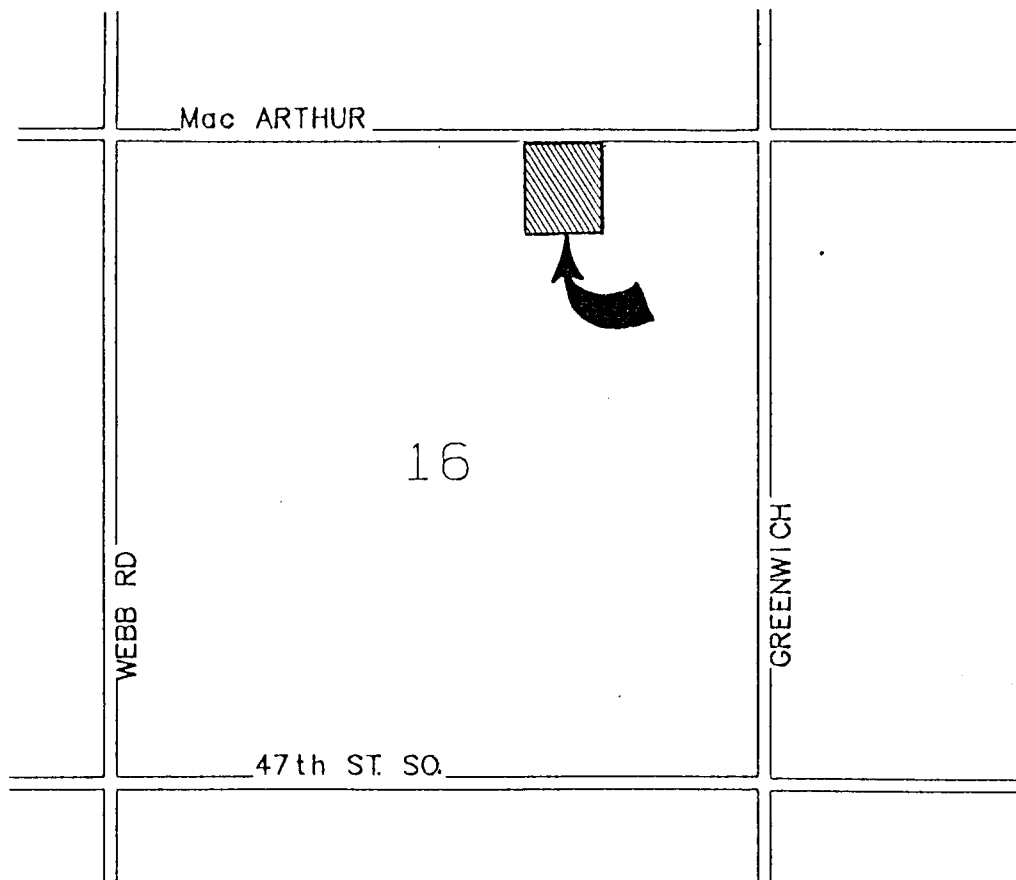
REQUEST: A conditional use permit for a Horse Stable.

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 11 acres

LOCATION: 1/4 mile west of Greenwich Road on the south side of 39th Street South

PROPOSED USE: Wichita Riding Academy, Inc.



EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 17, 1993

8. Case No. CU-360 - Anita Rick Revocable Living Trust, et al, request Conditional Use Permit for a horse stable on the north 800 feet of the east 600 feet of the West 1/2 of the Northeast 1/4 of Section 16, Township 28, Range 2 East, Sedgwick County, Kansas. Generally located 1/4 mile west of Greenwich Road on the south side of 39th Street South.

LESLIE KARR, Senior Planner, pointed out land use, zoning and showed slides of the general area. She reviewed the following staff report:

BACKGROUND: The applicant is requesting a conditional use permit for a 11 acre site generally located west of Greenwich Road on the south side of 39th Street South. The Wichita Riding Academy, Inc. proposes to relocate their facilities to this location. The property is currently undeveloped agricultural ground.

The Academy specializes in training American Saddlebred horses, amateur and juvenile riders, and basic horsemanship skills to the general public. Eighteen to twenty horses owned by customers and twenty to thirty horses owned by the Academy are to be kept on site. Proposed development for the site includes an indoor arena, a forty stall barn, turn out lots, outdoor arena, lawn area and driveway. The Academy occasionally has recitals for the students, which bring 40-50 people to the site. In addition to the 10 acre stable area, a 69 acre pasture area is included in the applicants ownership.

Surrounding property to the north and west is currently zoned "R-1" Suburban Residential. Property to the south and east is zoned "R" Rural Residential. One single family home exists approximately 250 feet to the northeast of the application area. All remaining surrounding property is currently undeveloped agricultural ground.

The 1978 Comprehensive Plan depicts this area for agricultural uses. The proposed 1992 Comprehensive Plan indicates this area for Suburban growth. Suburban Growth is defined as residential development of 1-20 acres for areas where municipal services are not available or planned. In addition, the proposed plan recommends that agriculturally oriented commercial activities are appropriate for rural areas.

The site has access to 39th Street South, an unimproved, 2-lane road with 30 feet of existing half-street right-of-way. Municipal services are not available at this location. The site plan submitted by the applicant indicates that an on-site lagoon is proposed to handle sewage. Treatment of animal wastes in a lagoon system is regulated by the Kansas Department of Health and Environment. Wastes from wash rack areas may be disposed of in the

lagoon but, it is recommended that solid animal wastes are either disposed of off-site or tilled under as fertilizer.

Staff recommends approval of the request after considering the following findings:

1. The requested use of the property is similar to agricultural uses permitted by right in the "R" district and should be compatible with the current rural character of the surrounding area with recommended conditions. (a)

2. The requested use is in conformance with the recommendations of the Comprehensive Plan for large lot residential and agricultural activities. (f)

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"R-1"	Single Family Residence
SOUTH:	"R"	Undeveloped agricultural
EAST:	"R"	Undeveloped agricultural
WEST:	"R"	Undeveloped agricultural

PUBLIC SERVICES: The site has access to 39th Street South, an unimproved, 2-lane road with 30 feet of existing half-street right-of-way, whereas 50 feet would be required. Municipal services are not available at this location. The site plan submitted by the applicant indicates that an on-site lagoon is proposed to handle sewage.

CONFORMANCE TO PLANS/POLICIES: The 1978 Comprehensive Plan depicts this area for agricultural uses. The proposed 1992 Comprehensive Plan indicates this area for Suburban growth. Suburban Growth is defined as residential development of 1-20 acres for areas where municipal services are not available or planned. There are no MAPC adopted zoning policies for this section of 39th Street South.

RECOMMENDATION: Approval, subject to the following conditions:

A. Prior to this item being scheduled before the Board of County Commissioners, the applicant shall, by separate instrument, dedicate an additional 20 feet of right-of-way for 39th Street South.

B. Use of the site shall be according to the approved site plan. No activities associated with the horse stables, with the exception of pasturing, shall occur within any of the required yard setbacks ( 30' front, 20' side and 25' rear). The applicant shall provide

adequate space for off-street parking for patrons of the Academy.

C. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.

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 containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

E. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.

F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.

G. The building 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 daylight business hours to insure continued compliance with the above requirements. Any violation of these conditions shall declare the conditional use permit null and void.

H. 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 wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome on-site only one time each year. No on-site burial is permitted.