

R#107-1993

R#107-1993

RECEIVED

Published in The Daily Reporter on <sup>23</sup> JUN 17 1993, 1993

METROPOLITAN PLANNING  
RESOLUTION NO. ☐ ☐

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A HOBBY KENNEL IN THE "R-1" SUBURBAN 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 hobby kennel on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

Case No. CU-356

Conditional use permit request to allow a hobby kennel on property zoned the "R-1" Suburban Residential District

The East Half of the North Half of the Northeast Quarter of Section 13, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the southwest corner of 13th Street North and 159th Street East.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The owners or occupants 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.
2. The kennel shall comply with the separation requirements established by Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution. If screening is required, it shall be in accordance with the definition of "kennel screening."

3. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian for all dogs five months of age and older.
4. If the dogs are confined to indoor runs, the runs shall not be smaller than 4 ft. by 8 ft. to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run shall be increased by 2 ft. for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of any indoor run. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
5. Cleaning of the hobby kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation, providing a complete air change at a minimum of five-to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85°F or higher.
6. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
7. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The hobby kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
8. Dogs that are a part of the hobby kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
9. Use of this property for a hobby kennel shall be in accordance with the site plan approved for this case.
10. Any violation of the foregoing conditions shall render this conditional use permit null and void.

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  
PAUL W. HANCOCK  
BILLY Q. MCCRAY  
MARK F. SCHROEDER  
THOMAS G. WINTERS

Aye  
Aye  
Assent  
Aye  
Aye

DATED this 5th day of May, 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

Betsy Gwin  
BETSY GWIN, Commissioner

Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

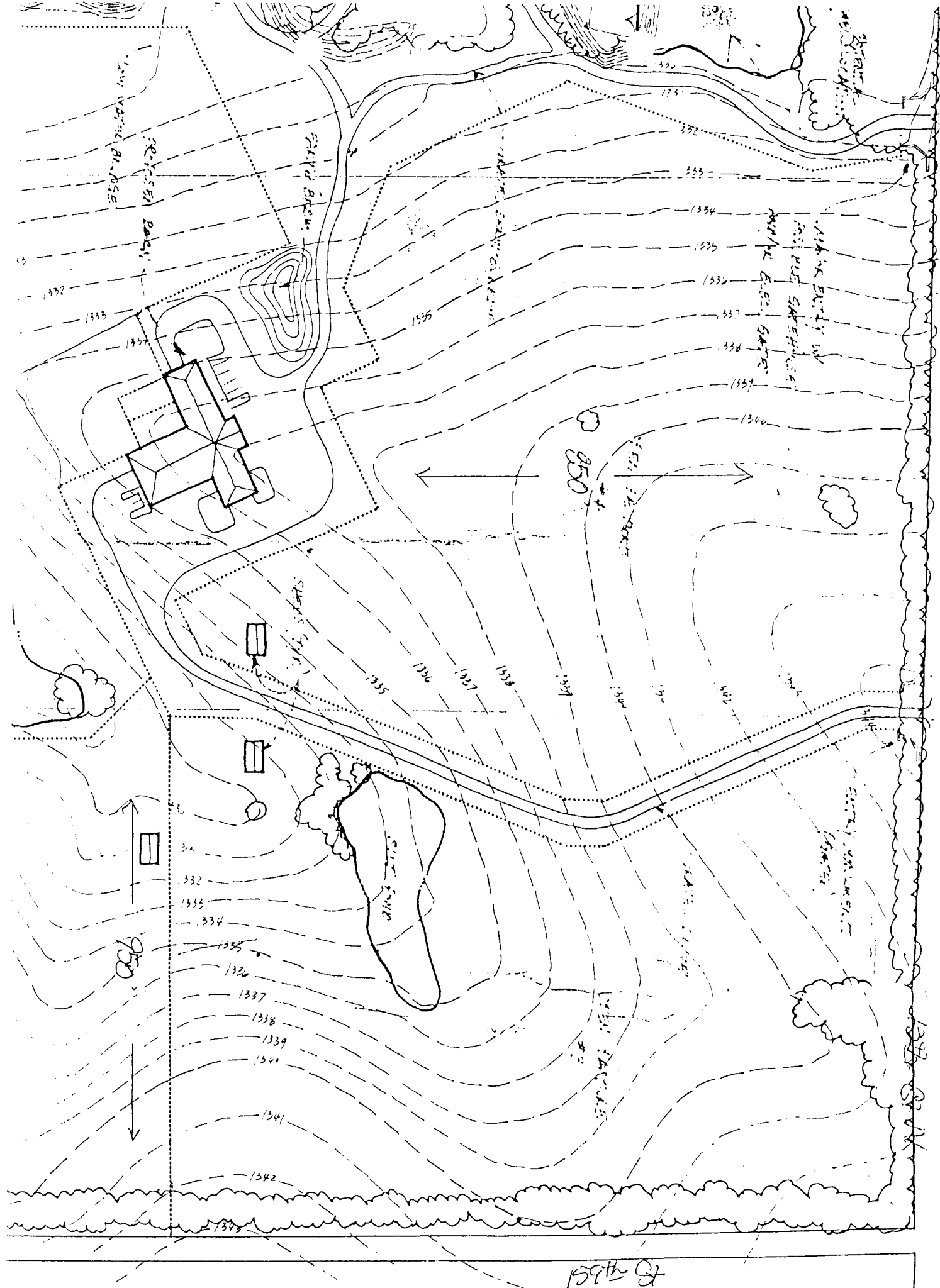
Thomas G. Winters  
THOMAS G. WINTERS, Commissioner

APPROVED AS TO FORM ONLY:

[Signature]  
County Counselor/Assistant

[Signature]  
SUSAN CROCKETT-SPOON  
County Clerk

ATTEST



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

April 8, 1993

STAFF REPORT

CASE NUMBER: CU-356

OWNERS-APPLICANTS: Mark Moxley & Nancy Murfin Moxley

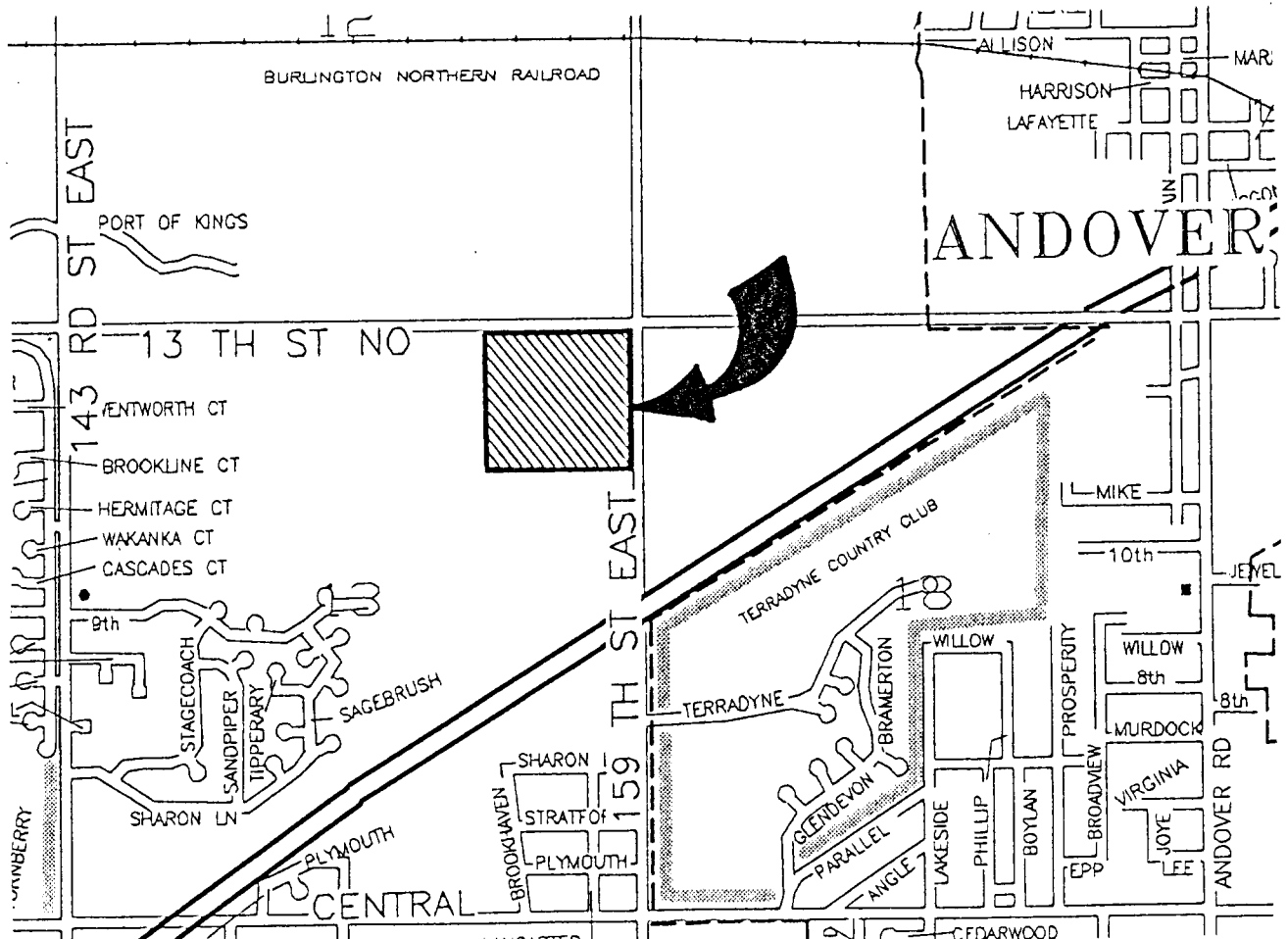
REQUEST: Conditional use permit to allow a hobby kennel

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 40 acres

LOCATION: Southwest corner of 13th St. N. & 159th St. E.

PROPOSED USE: Hobby kennel to house property owners' dogs



BACKGROUND: The applicants are requesting a conditional use permit for a hobby kennel on a 40-acre unplatted tract generally located on the southwest corner of 13th Street North and 159th Street East. The application area is a portion of the applicants' 150-acre ownership. The applicants own six dogs which they propose to house in an existing barn. The barn is located 850 feet south of 13th Street and 950 feet west of 159th Street.

A hobby kennel is defined by the Sedgwick County Zoning Regulations as "premises housing 5-10 adult dogs owned by the property resident." Section 5(A)(10)(L) of the Regulations requires a conditional use permit for hobby kennels in the "R-1" Suburban Residential District (hobby kennels are permitted "by right" in the "R" District).

Surrounding property to the south and west is zoned "R-1" Suburban Residential and is owned by the applicants. Property to the north is zoned "R-1" and is primarily open space. Property to the west is located in Butler County and is zoned "A-2" Agricultural. The property is undeveloped. Three single-family homes exist within the area, one 1,000 feet to the northwest and two 1,250 feet south of the proposed kennel.

The 1978 Comprehensive Plan indicates this area for agricultural uses. The proposed 1992 Comprehensive Plan includes this area in the City of Wichita's new growth area and depicts low-density residential uses. Municipal services are not currently available at this location. However, a 12-inch water line and a Four-Mile Creek interceptor are currently located at two locations one mile away (143rd & 13th and at 159th and Central).

A site plan submitted by the applicants indicates that a 5 ft. by 8 ft. inside run is planned for each dog. Access to a 5 ft. by 20 ft. outside run will be provided by a doggie door. In addition, a 120 ft. by 64 ft. turnout pen is planned.

The zoning regulations require outside runs and other open-air type enclosures to be located behind the front yard setback and no closer than 200 feet from a dwelling other than the owners' and no closer than 50 feet from adjoining property lines. Screening for facilities located closer than 600 feet from adjoining property lines is also required; however, the applicants' site plan indicates that they meet all of these requirements and will not have to provide screening.

Therefore, based on the rural nature of the surrounding area, the ability of the applicants to adequately buffer surrounding properties from any negative effects with their own property, and the restricted use of the kennel for the applicants and not for the general public, staff recommends the request be approved, subject to conditions.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

|           |        |                                      |
|-----------|--------|--------------------------------------|
| NORTH     | "R-1"  | Undeveloped                          |
| NORTHWEST | "R-1"  | Single-family residence              |
| SOUTH     | "R-1"  | Undeveloped; single-family residence |
| EAST      | "A-2"* | Undeveloped                          |
| WEST      | "R-1"  | Undeveloped                          |

\*Butler County; "A-2" = Agricultural

PUBLIC SERVICES: Municipal water and sewer are not currently available at this site. However, the applicants' property is within the Four-Mile Creek Service Area. Municipal water improvements are anticipated along 159th from Pawnee to 13th during the 2002-2010 planning period. The site has access from 13th, a two-lane unimproved arterial with 30 feet of existing half-street right-of-way. The proposed Comprehensive Plan indicates that paving of 13th from 143rd to 159th will be necessary to serve the designated growth areas.

CONFORMANCE TO PLANS/POLICIES: The 1978 Comprehensive Plan depicts this area for agricultural uses. The proposed 1992 Comprehensive Plan includes this area within the City of Wichita's Growth Area and indicates low-density residential uses. There are no adopted MAPC zoning policies for this section of 13th Street.

RECOMMENDATION: Approval, subject to the following conditions:

1. The owners or occupants 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.
2. The kennel shall comply with the separation requirements established by Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution. If screening is required, it shall be in accordance with the definition of "kennel screening."
3. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian for all dogs five months of age and older.
4. If the dogs are confined to indoor runs, the runs shall not be smaller than 4 ft. by 8 ft. to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run shall be increased by 2 ft. for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of any indoor run. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.

5. Cleaning of the hobby kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation, providing a complete air change at a minimum of five- to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85°F or higher.
6. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
7. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The hobby kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
8. Dogs that are a part of the hobby kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
9. Use of this property for a hobby kennel shall be in accordance with the site plan approved for this case.
10. Any violation of the foregoing conditions shall render this conditional use permit null and void.