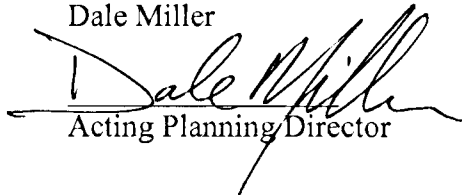


DATE: February 20,2003
TO: File
FROM: Dale Miller, Acting Planning Director
SUBJECT: Adjustment to Site Plan for CU-476

Per Unified Zoning Code provision V-D.14 minor adjustments to Conditional Use site plans may be made administratively. It is my understanding that Kenneth and Leonora Schuldt seek to amend the site plan associated with CU-476 to permit the placement of a residential designed manufactured home on Parcel B, created by a lot split and containing 8.902 acres, located along their eastern property line. By our signatures below, the site plan associated with CU-476 is hereby amended to permit a residential designed manufactured home on Parcel B, subject to applicable regulations.

Dale Miller



Acting Planning Director

Glen Wiltse

Director County Code Enforcement



BAUGHMAN COMPANY, P.A.

ENGINEERING, SURVEYING & PLANNING

316/262-7271 • FAX 316/262-0149 • 315 ELLIS • WICHITA, KANSAS 67211

Page 1 of 2

LOT SPLIT

Parcel A

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas, EXCEPT that part described as beginning at the northeast corner of said Lot 10; thence S00 °W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262.25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning.

Parcel B

Lot 9, EXCEPT the east 747.95 feet thereof; together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00 °W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262.25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

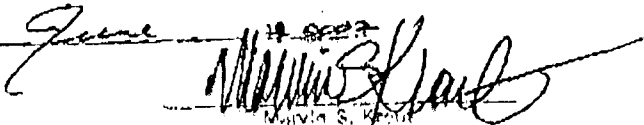
City of Wichita)
(Sedgwick County) 58
(State of Kansas)

L/S No. Sub 002-26
Copy 2 of 4



I, Marvin S. Krout, Director of Planning, Wichita-Sedgwick County Metropolitan Area Planning Department, do hereby certify that under the Authority granted in the Subdivision Rules and Regulations that the lot split to which this stamp is affixed has been approved.

Given under my hand and seal, this 3rd day of

June 1992

Marvin S. Krout

RESOLUTION NO. 92-1998

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 57-1997.

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 V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. CU- 476

Conditional Use permit to allow a riding academy or stable on 27 acres of property generally located north of Central and west of 151st Street West, described as:

Lot 9, except the east 747.95 feet, Block A, and Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The site shall be limited to the following uses: boarding of horses, breeding of horses, and training of horses and riders.
- B. Development of the site, including all indoor and outdoor equestrian facilities on the applicant's entire ownership, shall be in general conformance with the site plan submitted with the application.
- C. No outdoor lighting or outdoor activities shall be permitted after dusk.
- D. The number of non-resident employees shall not exceed five persons.
- E. All facilities associated with the applicant's ownership shall only be used by the applicants, the applicants' customers and the guests of these users.
- F. 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

BACKGROUND: The applicant is requesting a Conditional Use to permit a vehicle rental agency which falls under the zoning code definition for “vehicle and equipment sales,” on a .25 acre platted tract located north of Harry and west of Bluffview. The parcel of land is zoned “LC” Limited Commercial and was once used as a Taco Tico. The existing building on-site (1500 square feet) will be used as the office, with approximately 32 spaces shown on the site plan to be used as customer parking, handicapped spaces, employee parking and vehicle display. The applicant has also stated that he plans on selling a few of these vehicles.

The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area for employee parking. The site plan shows approximately 11,000 square feet for vehicle sales, display and storage which will require a total of 2 space for customer and employee parking. The building (1500 square feet) which will be used as an office will require an additional 3 parking spaces. Therefore, this site will be required to have 5 spaces for employee and customer parking. The site plan submitted by the applicant exceed the number of required parking spaces.

The site adjoins St. Joseph Medical Center on the north. Commercial properties are located south, west and east of this site. A few single-family homes are located approximately 100 to 150 feet to the northeast on the east side of Bluffview.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	“LC” and “GO”	St. Joseph Medical Park
SOUTH:	“LC”	Firestone
EAST:	“LC”	Financial Institution
WEST:	“LC”	Offices

PUBLIC SERVICES: This site is served with municipal services. Access to this site is provided from Bluffview, a two-lane collector street.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, including auto-related uses, should be guided to cluster in areas such as CBD fringe, segments of Kellogg and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support uses. This site is surrounded by commercial land uses and is located with 200 feet of a major arterial, therefore this Conditional Use seems to conform to the

disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.

- G. 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 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.
- H. 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.
- I. 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.
- J. 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.
- K. The maximum number of horses to be boarded at any one time is 50, plus any foals which will 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. This limit of 50 horses includes the applicant's horses for personal use and boarded horses. The property shall be used in a manner consistent with the submitted site plan.
- L. The applicants shall vacate that portion of the drainage and utility easement which lies under the proposed riding arena. The applicants should contact the Metropolitan Area Planning Department to begin this vacation.
- M. 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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>
THOMAS G. WINTERS	<u> Aye </u>
MELODY C. MILLER	<u> Aye </u>
MARK F. SCHROEDER	<u> Aye </u>

DATED this 27th day of May, 1998.



BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

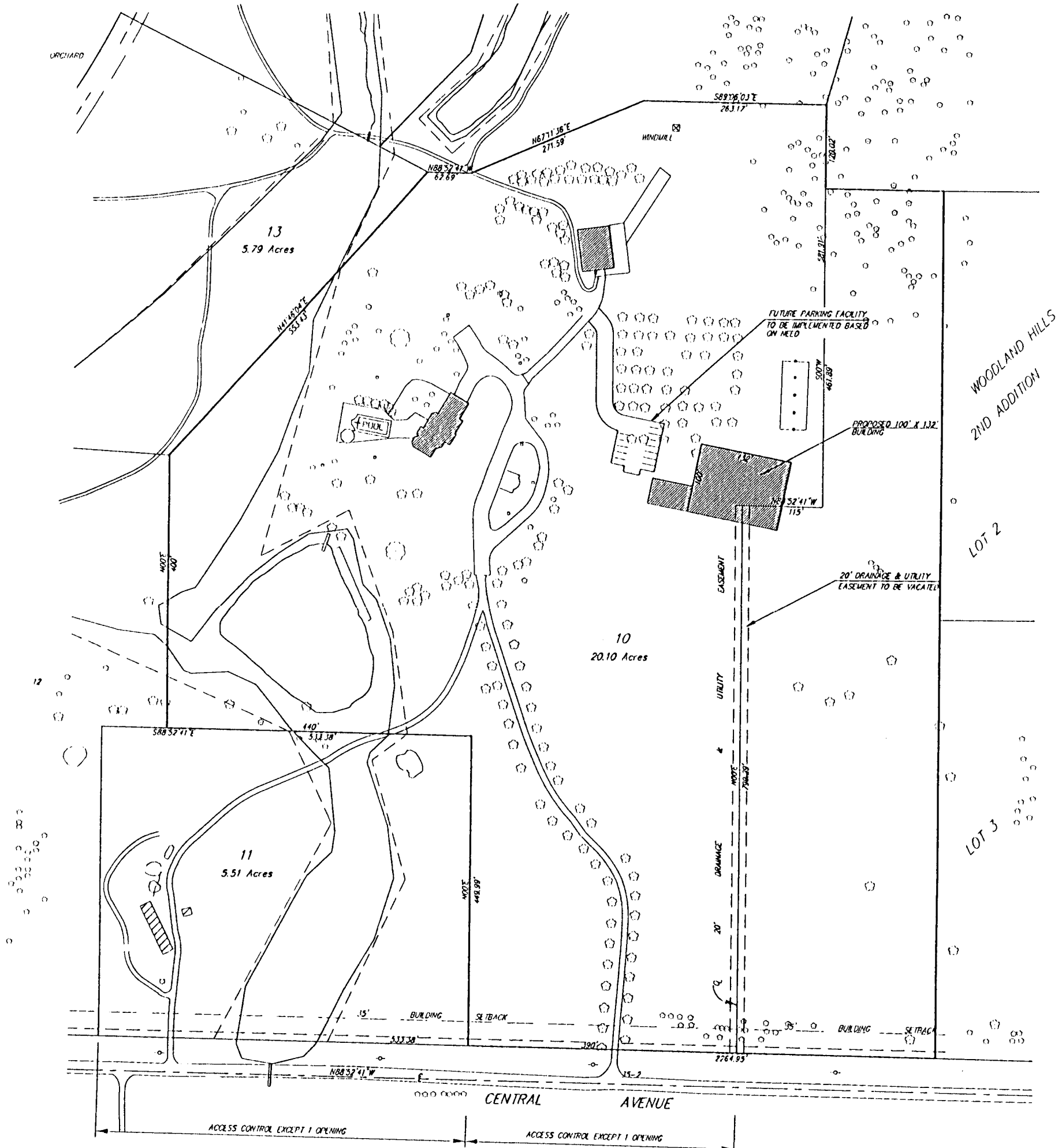
Mark F. Schroeder
MARK F. SCHROEDER, Chairman

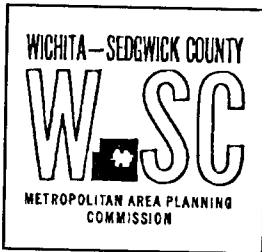
ATTEST:

James Alford
JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

Rich Euson
RICH EUSON
County Counselor





STAFF REPORT

Goddard P.C. March 31, 1998
MAPC April 16, 1998

CASE NUMBER: CU-476

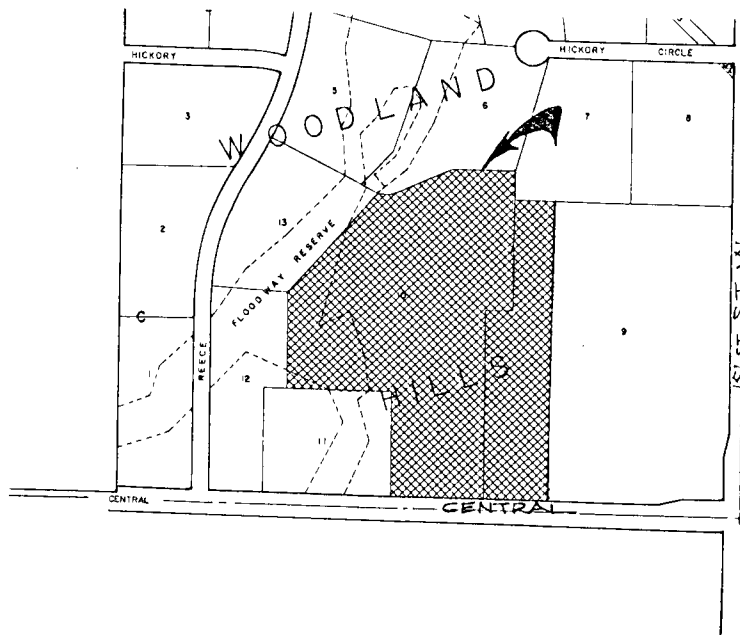
APPLICANT/AGENT: Kenneth V. And Lenora Schuldt

REQUEST: Conditional Use to allow a riding academy and stable

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 20 acres

LOCATION: North of Central and west of 151st St. West



BACKGROUND: The applicants are requesting a Conditional Use to allow a horse riding academy and stable on a 20 acre platted tract of land zoned "RR" Rural Residential located 1/4 mile west of 151st St. West and north of Central.

Currently, the applicants have approximately 10 to 15 horses on this property. The applicants own several of these horses but also offer a boarding service to clients. The Unified Zoning Code describes a riding academy or stable as, "a commercial establishment for boarding, breeding, training or raising of horses not owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities." Therefore, the applicants are required to obtain a Conditional Use to allow a riding academy or stable. Other services proposed to be offered by the applicants include: an additional nine stalls for the boarding of horses, an indoor riding arena with no seats, breeding facility and riding lessons for children and adults.

The indoor riding arena and additional nine stalls (13,200 square foot) will be built in a single structure adjacent to a small barn (37 feet by 59 feet) which currently exists on the east side of this property. The applicant's existing nine stall (2,800 square foot) boarding stable is located northeast of the applicant's home. Approximately 12-15 parking stalls will be provided just west of the proposed riding arena. (See attached site plan) The remainder of the 20 acres on this site are used as either floodway reserve or pasture for the horses.

The site is surrounded by approximately seven properties, which are zoned "RR" Rural Residential. These homes are located on at least five acre tracts with the subject tract being one of the largest in the area. The closest home is approximately 500 feet northeast of the proposed stables. The applicants are intending to contact the adjoining neighbors before the hearing to discuss the proposed use of this property.

CASE HISTORY: The subject area was platted as Woodland Hills Addition in 1995.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-Family Residence
SOUTH:	"RR"	Single-Family Residence
EAST:	"RR"	Single-Family Residence
WEST:	"RR"	Single-Family Residence

PUBLIC SERVICES: This site is served by Rural Water District #4 and has an on-site septic tank. The subject property has access to Central, an unimproved section line road.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as urban reserve. According to the Comprehensive Plan, "these areas are likely to be developed by 2010 based on current growth trends. Until urban

density development occurs, only typical rural densities would be encouraged in these areas.”

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 limited to the following uses: boarding of horses, breeding of horses, and training of horses and riders.
- B. Development of the site, including all indoor and outdoor equestrian facilities on the applicant’s entire ownership, shall be in general conformance with the site plan submitted with the application.
- C. No outdoor lighting or outdoor activities shall be permitted after dusk.
- D. The number of non-resident employees shall not exceed five persons.
- E. All facilities associated with the applicant’s ownership shall only be used by the applicants, the applicants’ customers and the guests of these users.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

- J. 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.
- K. The maximum number of horses to be boarded at any one time is 50, plus any foals which will 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. This limit of 50 horses includes the applicant's horses for personal use and boarded horses. The property shall be used in a manner consistent with the submitted site plan.
- L. The applicants shall vacate that portion of the drainage and utility easement which lies under the proposed riding arena. The applicants should contact the Metropolitan Area Planning Department to begin this vacation.
- M. 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.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The application area is surrounded by single-family residences common to the "RR" Rural Residential Zoning District. The Wichita-Sedgwick County Unified Zoning Code allows stables and riding academies with a Conditional Use Permit in areas zoned "RR" Rural Residential, which presumes they are usually compatible with proper conditions.
- 2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use should not impact nearby properties more than the agricultural and residential uses currently existing and permitted on the subject property. This site is not allowed to hold activities after dusk. Additionally, the stable is required to meet all standards and conditions of the Wichita-Sedgwick County Department of Community Health and therefore should not significantly impact the neighboring properties.
- 3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use map of the Comprehensive Plan identifies this area for urban reserve, which states only typical rural densities should be

permitted in this area, until urban services can be extended. The proposed use is compatible with Goal III(B)(5) of the Comprehensive Plan, which recognizes agriculturally oriented commercial activities as appropriate for rural areas.

4. Impact of the proposed development on community facilities: The horse boarding facility should have a minimal impact upon traffic in the area and municipal facilities should not be impacted by the proposed use.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Public health, safety and welfare should not be threatened by the requested permit. The hardship on the applicant would be the lost opportunity to provide the service which they intend.