

WHEREAS, Henry and Lynesia Cocking, (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request an amendment to a Conditional Use for a Kennel; Boarding, Breeding, and Training Facility in the County, on property zoned Rural Residential at 22215 West 29th Street North, and legally described as:

Beginning 330 feet East of the Northwest corner of the Northeast Quarter of Section 1, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; thence East 330 feet; thence South 660 feet; thence West 330 feet; thence North 660 feet to beginning, EXCEPT the North 50 feet for road.

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

WHEREAS, the MAPC did, at the meeting of February 23, 2023, consider said application; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow an amendment to a Conditional Use for a Kennel; Boarding, Breeding, and Training Facility in the County, on property zoned Rural Residential at 22215 West 29th Street North, and legally described as:

Beginning 330 feet East of the Northwest corner of the Northeast Quarter of Section 1, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; thence East 330 feet; thence South 660 feet; thence West 330 feet; thence North 660 feet to beginning, EXCEPT the North 50 feet for road.

Approval of the application is subject to the following conditions:

1. The Conditional Use for a Boarding/Breeding/Training Kennel shall comply with all applicable federal, state, and local requirements including the UZC's Supplementary Use Regulation standards, except with the following modifications to the Unified Zoning Code's Supplementary Use Regulation standards: (a) The site shall be 4.55-acres and allow outdoor runs and training areas as shown on an approved site plan, which includes the required screening or landscaping providing the desired screening effect within the first growing season following installation and throughout the year every year thereafter, and; (b) The outdoor runs of the indoor kennels attached to the west side of the existing 40-foot {x} 60-foot accessory structure to be used for the indoor training of one dog at a time, shall be allowed no closer 170 feet west of the east single-family residence. The primary outdoor training area is allowed no closer than 170 feet west of the east single-family residence and shall be located between the west side of the kennel and the east side of the applicants house as shown on the submitted site plan.

2. The "occasional" outside training area shown on the submitted site plan shall conform to the setback standards and shall be used for one dog at a time.
3. The maximum number of dogs allowed will be 60 animals, which includes boarding dogs and one day services such as private lessons, doggie daycare and grooming will be included in the allowance.
4. No more than 40 dogs may be boarded at any one time except during legal holidays, religious holidays and scheduled school breaks such as spring break and fall break. During these times, the owner may expand the number of dogs boarded to 50 for Friday, Saturday and Sunday for a period of five days before and five days after the holiday. Doggie daycare will be reduced so as not to exceed the maximum of 60 dogs per day allowed. This condition excludes the group class dogs, the owner's personal dogs, breeding dogs and puppies from litters.
5. Dogs shall be allowed outdoors from 6:30 AM to sunset. No more than 25 dogs will be allowed in the large area and 10 dogs allowed in the small area at any one time.
6. Two dog training classes will be allowed per week (Monday –Friday). No more than 12 dogs will be allowed per class. Training classes cannot be conducted after 8 p.m. The classes will be held on different days. The trainer will be allowed to select the training days as may be needed, but no more than two days per week.
7. Two Saturday classes may be held consecutively but must have a minimum of 30 minutes between classes. Should a need arise, the Saturday classes may be held on Sunday. Classes may not be held on both Saturday and Sunday.
8. During Daylight Saving Time between March and November, the training classes may be scheduled during weekday evening hours. No more than four classes will be allowed, and weekend classes will be suspended. Classes will conclude by 8 p.m.
9. A limited number of dog training items such as leashes, collars, treats and clothes will be available to clients using the facility for retail sales. No other retail will be allowed. Sales tax will be collected and remitted as required by state law.
10. The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.
11. Cleaning of the boarding 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 as approved by Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.
12. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals 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.
13. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the boarding, breeding and training kennel must be removed from the site and shall not be discharged into the residential sewage lagoon on-site or any other on-site disposal system. Contact MABCD to discuss their solid waste disposal plans.
14. The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
15. The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
16. The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.
17. The Conditional Use is permitted a 20 square-foot rock sign placed in close proximity to the Kennel office on the 29th Street North frontage, as approved by MABCD.

18. The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.
19. The Conditional Use (CON2013-000012) shall be in effect as long the original applicants, Henry T. Cocking & Lyneisa M. Cocking, live on the described property (see legal) and run the kennel. At any time that the original applicants do not live on the described property and run the kennel, the Conditional Use shall be null and void. The applicants shall record a covenant with the Sedgwick County Register of Deeds tying this restriction to the described property.
20. The conditions for this application shall expire on March 31, 2024. After that deadline, the operation will revert to the conditions established by CON2013-00012 for 22215 West 29th Street North location.
21. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.

[remainder of page intentionally left blank]

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 5 day of April, 2023.

ATTEST:



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

[Signature]
KELLY B. ARNOLD, County Clerk

[Signature]
PETER F. MEITZNER, Chairman
Commissioner, First District

[Signature]
JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

[Signature]
KIRK W. SPONSEL
Assistant County Counselor

[Signature]
SARAH LOPEZ
Commissioner, Second District

[Signature]
DAVID T. DENNIS
Commissioner, Third District

[Signature]
RYAN K. BATY
Commissioner, Fourth District