

228-2019

CONDITIONAL USE RESOLUTION NO. CON2019-00030

Published On: _____

WHEREAS, Carrie Brown, (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Kennel, Boarding/Breeding/Training Use, on property zoned Rural Residential at 24617 West Pheasant Court, Viola, and legally described as:

A tract in the Northwest Quarter of Section 26, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Northwest corner thereof; thence south along the West line of said Northwest Quarter 1354 feet for a place of beginning; thence N 88 degrees 29' E parallel with the North line of said Northwest Quarter 665.20 feet; thence Easterly along a curve to the left with a front tangent at S 37 degrees 12' 15" E, a radius of 60 feet, an interior angle of 90 degrees 15' 16" for an arc distance of 95.16 feet to a point 750 feet East of the West line of said Northwest Quarter; thence S parallel with the West line of said Northwest Quarter 303.29 feet more or less to a point 1670.5 feet South of the North line of said Northwest Quarter; thence West parallel with the North line of said Northwest Quarter 750 feet to a point of the West line of said Northwest Quarter; thence North 316.5 feet to the place of beginning, except the West 50 feet thereof for street.

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 September 5, 2019, consider said application; and

WHEREAS, the MAPC 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Kennel, Boarding/Breeding/Training Use, on property zoned Rural Residential at 24617 West Pheasant Court, Viola, and legally described as:

A tract in the Northwest Quarter of Section 26, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Northwest corner thereof; thence south along the West line of said Northwest Quarter 1354 feet for a place of beginning; thence N 88 degrees 29' E parallel with the North line of said Northwest Quarter 665.20 feet; thence Easterly along a curve to the left with a front tangent at S 37 degrees 12' 15" E, a radius of 60 feet, an interior angle of 90 degrees 15' 16" for an arc distance of 95.16 feet to a point 750 feet East of the West line of said Northwest Quarter; thence S parallel with the West line of said Northwest Quarter 303.29 feet more or less to a point 1670.5 feet South of the North line of said Northwest Quarter; thence West parallel with the North line of said Northwest Quarter 750 feet to a point of the West line of said Northwest Quarter; thence North 316.5 feet to the place of beginning, except the West 50 feet thereof for street.

Subject to the following conditions:

1. The Conditional Use shall permit a “kennel, boarding/breeding/training for up to 15 dogs. No dogs will be boarded outdoors overnight.
2. The applicant shall submit a revised site plan for review and approval by the Planning Director within 30 days of approval.
3. The kennel shall be developed, operated, and maintained in compliance with the approved site plan and with all applicable local, state, and federal regulations, resolutions, or statutes.
4. The applicant shall have all required screening per the approved site plan in place within 60 days of approval.
5. The kennel shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
6. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of a non-porous materials or materials approved by The Metropolitan Area Building and Construction Department. (MABCD)
7. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. 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.
8. All waste materials shall be disposed of in such a manner to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site.
9. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease and parasites.
10. The applicant shall obtain all applicable permits including, but not limited to, building, health, and zoning.
11. The boarding facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
12. The Conditional Use shall be valid for 5 years. Upon which the Conditional Use shall need to be renewed or it shall be considered null and void. The renewal of the Conditional Use can be done by Administrative Adjustment.

13. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

Ave
Ave
Ave
Ave
Ave

Dated this 16th day of October, 2019.

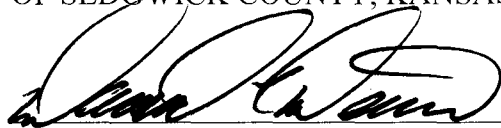
ATTEST:

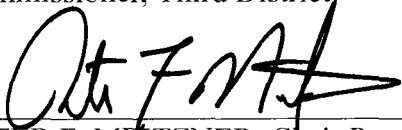
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

for

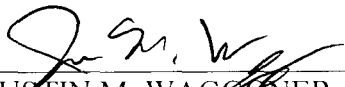
Karen S. Baughman
KELLY B. ARNOLD, Clerk




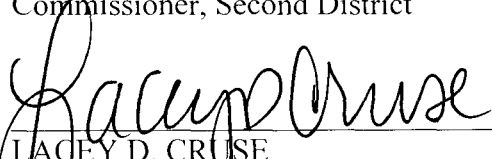

DAVID T. DENNIS, Chairman
Commissioner, Third District

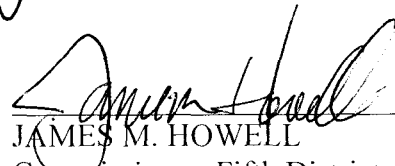

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER
Assistant County Counselor


MICHAEL B. O'DONNELL, II
Commissioner, Second District


LACEY D. CRUSE
Commissioner, Fourth District


JAMES M. HOWELL
Commissioner, Fifth District