

RESOLUTION NO 089-2020

Published on: \_\_\_\_\_

**WHEREAS**, Doreen and Paul Hardiman, (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Kennel, Boarding/Breeding/Training Use, on property zoned SF- 20 Single Family Residential at 9025 E 42<sup>nd</sup> Street South, Derby, and legally described as:

A tract of land in the Northeast Quarter of Section 17, Township 28 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as: Beginning 1,468.59 feet west of the southeast corner of the Northeast Quarter; thence West 463.5 feet; thence North 470 feet; thence East 463.5 feet; thence South 470 feet to beginning, EXCEPT the south 9 feet thereof AND EXCEPT north 35 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 December 5, 2019, consider said application; and

**WHEREAS**, the Board of County Commissioners of Sedgwick County 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 of Sedgwick County that this application be approved to allow a Conditional Use for Kennel, Boarding / Breeding / Training Use, on property SF- 20 Single Family Residential at 9025 E 42<sup>nd</sup> Street South, Derby, and legally described as:

A tract of land in the Northeast Quarter of Section 17, Township 28 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as: Beginning 1,468.59 feet west of the southeast corner of the Northeast Quarter; thence West 463.5 feet; thence North 470 feet; thence East 463.5 feet; thence South 470 feet to beginning, EXCEPT the south 9 feet thereof AND EXCEPT north 35 feet for road.

Subject to the following conditions:

1. The Conditional Use shall permit a "kennel, boarding/breeding/training for up to 10 dogs at any given time for training sessions. No boarding or day care services shall be permitted. All dogs shall be accompanied outdoors at all times. Dogs shall only be outside for the duration of an appropriate training session and/or to relieve themselves. Any outdoor training shall be confined to a property screened dog run.
2. The minimum lot size shall be waived following approval from the Board of County Commissioners.
3. The screening requirement shall be waived for the south property line following approval from the Board of County Commissioners. Should the abutting property to the south be developed

with a dwelling unit within 300 feet of the property line, then screening shall be required in compliance with UZC Section III-D.6.k.

4. The applicant shall submit a revised site plan for review and approval by the Planning Director within 30 days of approval.
5. 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.
6. The kennel shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
7. Cleaning of the training kennel facility shall be performed as often as necessary to maintain sanitary conditions. Interior surface materials shall be constructed of a non-porous materials or materials approved by The Metropolitan Area Building and Construction Department. (MABCD)
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 applicant shall obtain all applicable permits including, but not limited to, building, health, and zoning.
10. The training facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
11. 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.
12. 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 Board of County Commissioners 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

Aye  
Aye  
Aye  
Aye  
No

Dated this 19th day of February, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]  
KELLY B. ARNOLD, County Clerk



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

[Signature]  
LACEY D. CRUSE, Chair Pro Tem  
Commissioner, Fourth District

APPROVED AS TO FORM:

[Signature]  
JUSTIN M. WAGGONER  
Assistant County Counselor

[Signature]  
MICHAEL B. O'DONNELL, II  
Commissioner, Second District

[Signature]  
DAVID T. DENNIS  
Commissioner, Third District

[Signature]  
JAMES M. HOWELL  
Commissioner, Fifth District