



Wichita-Sedgwick County Metropolitan Area Planning Department

May 10, 2018

3501 South 154th Street East
Wichita, KS 67232

RE: CON2018-00013 - County request to grant a Conditional Use Permit to establish a riding academy and stable on property zoned RR Rural Residential – 3501 South 154th Street East

Dear

At its regular meeting on May 9, 2018, the Board of Sedgwick County Commissioners considered your request for a conditional use permit as noted above. The action of the Board was to APPROVE the request unanimously. A copy of the resolution will be available once it is published, should you desire a copy.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: Jim Howell, District V, County Mail Stop #320
MABCD
Justin Waggoner, County Law, Mail Stop #349

RESOLUTION NO. 076-2018

A RESOLUTION GRANTING A CONDITIONAL USE 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-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

Case No. CON 2018-00013

A Conditional Use request to allow a stable and riding academy in a RR Rural Residential District and legally described as follows:

The South 259.5 Feet of the North 1866.5 Feet of the West 844 feet of the NE1/4 of Section 12, Township 28 South, Range 2 East; together with the S 259.5 feet of the North 2126 Feet of the West 844 Feet of the NE1/4 of Section 12, Township 28 South, Range 2 East; together with the South 259.5 feet of the North 2385.5 feet of the West 844 feet of the NE1/4 of Section 12, Township 28 South, Range 2 East; together with a tract described as beginning at the SE corner of the NW1/4 of Section 12, Township 28 South, Range 2 East; thence west 1,297.29 feet; thence north 1,105.06 feet; thence east 1,297.71 feet to the east line of said section; thence south 1,106.74 feet to the beginning, all in Section 12, Township 28 South, Range 2 East; Sedgwick County, Kansas.

SECTION II. That application CON2018-00013 is hereby approved and the Conditional Use is subject to the following Conditions:

1. The operation shall be limited to the use of the existing buildings and facilities. The uses shall be limited to stables and the riding operations as previously conducted. There shall be no rodeos or other events of that nature which would result in large crowds.
2. This permit does not permit new buildings or structures. Building additions associated with the stable operations and riding facilities are permitted, subject to obtaining all necessary building permits from the Metropolitan Area Building and Codes Department (MABCD).
3. Any change in the use, or request for new uses on the property shall be require appropriate future zoning approvals.

4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION III. That upon the taking effect of this Resolution, the notation of such Conditional Use 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 IV. That 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:

DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

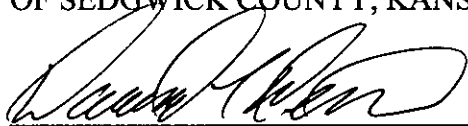
Dated this 9 day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

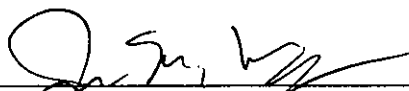

KELLY B. ARNOLD, County Clerk




DAVID T. DENNIS, Chairman
Commissioner, Third District

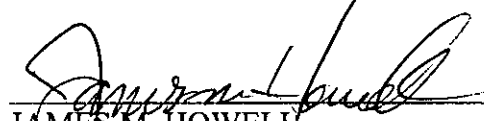

MICHAEL B. O'DONNELL, II
Commissioner, Second District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER,
Assistant County Counselor


DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District


RICHARD RANZAU
Commissioner, Fourth District


JAMES M. HOWELL
Commissioner, Fifth District

BACKGROUND: The applicant is requesting a Conditional Use to allow the use of the property for horse stables and a riding academy. The applicants have recently purchased this property and a significant number of improvements exist on the property which have been used for this use for many years.

The applicant owns approximately 15 unplatted acres that are divided almost equally between three tracts located on the west side of south 154th Street East, approximately 2,037 feet south of 31st Street South, and an additional 32.84-acre tract located immediately west of the application area. The three 5-acre tracts are developed with a single-family residence, corrals, driveways, lagoon, pond and parking, and at least three accessory buildings; a horse barn, garage and covered riding arena. The northernmost of the three 5-acre tracts is developed with horse corrals that are approximately 214 feet wide, north to south. The middle tract contains nearly all of the structures located on the applicant's ownership; the home, garage, horse barn, portions of the corrals, most of the riding arena and parking areas. The southernmost tract contains the southern 85 feet of the riding arena, a pond and additional corrals.

The riding arena is approximately 226-foot by 114-foot, and is located approximately 603 feet northwest of the closest house to the south, and approximately 667 feet southwest of the closest house to the north. The riding area previously was granted a Conditional Use request for an "accessory apartment".

According to the applicants, the extent of the operation will not be any different from the activity of the previous owner, except it is not intended to include a breeding operation nor keep as many horses. Everything else associated with the operation will remain the same as what was previously done. There are no new buildings proposed as part of this request.

The portion of the applicant's property which fronts 154th Street East is part of a larger area that has been divided into 30 unplatted approximately 5-acre tracts. These five-acre tracts are primarily located to the north, east and south of the applicant's property. Larger tracts are located to the west. All property surrounding the applicant's property is zoned RR Rural Residential and is generally used for pasture or developed with single-family residences.

Staff has received some calls and letters from surrounding property owners concerning this request; primarily concerned with the impacts of the operations of the stables and riding academy. The letters are attached.

CHARACTER OF AREA: The character of the surrounding area is residential, mostly single family homes on individual lots or around 5 acres in size. Some of the properties contain agricultural animals and others do not. To the west is a veterinary facility that has received previous conditional use permits for the hospital facility and for kennels. All the lands in the area are zoned RR Rural Residential.

CASE HISTORY: The subject property received a Conditional Use permit in 2005 for an accessory apartment in the large arena at the western portion of the property. The land is unplatted, including the three separate lots which front 154th Street.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	large lot rural residential
SOUTH:	RR	large lot rural residential
EAST:	RR	large lot rural residential
WEST:	RR	veterinary clinic and agriculture

PUBLIC SERVICES: The neighborhood is served by all public utilities. Access to the property is on Sharon Lane from 159th Street, and then onto Majestic Street.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the “agricultural and vacant”. This use is considered appropriate for this area.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The operation shall be limited to the use of the existing buildings and facilities. The uses shall be limited to stables and the riding operations as previously conducted. There shall be no rodeos or other events of that nature which would result in large crowds.
2. This permit does not permit new buildings or structures. Building additions associated with the stable operations and riding facilities are permitted, subject to obtaining all necessary building permits from the Metropolitan Area Building and Codes Department (MABCD).
3. Any change in the use, or request for new uses on the property shall be require appropriate future zoning approvals.
4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning, uses and character of the neighborhood, as noted above, are rural residential all possible impacts on the neighborhood are mitigated by the conditions attached to this Conditional Use.
2. The suitability of the subject property for the uses to which it has been restricted: The property has already been used for these uses and nothing new is being added.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The fact nothing new is being added, the continued operation is considered to be compatible with the neighborhood.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The impact to the landowners would be significant if this request is denied, given the extent of the existing improvements.

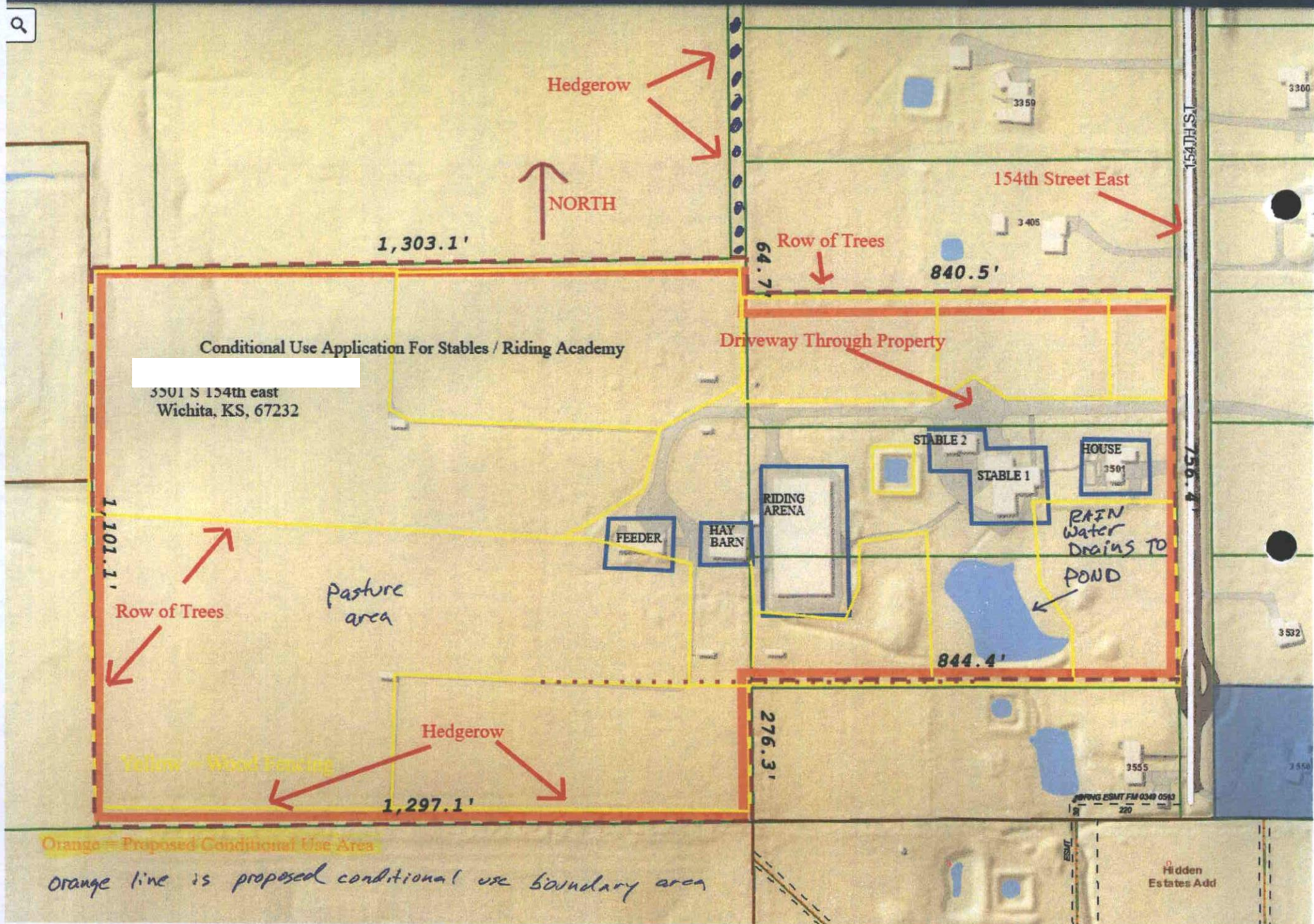
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is agricultural and vacant. Staff believes this project is in conformance with the adopted Plan.
6. Impact of the proposed development on community facilities: The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

Site Plan

Correspondence

Help





FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 6, 2005

FILE COPY

3501 S. 154th E.
Wichita, KS 67232

RE: CON2005-16 – Sedgwick County Conditional Use to permit an accessory apartment. Generally located south of 31st Street South, west of 159th Street East (3501 South 154th Street East), (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **June 29, 2005**, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dale Miller'.

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
Larry L. and Helen A. Lashay, 3555 S. 154th E., Wichita, KS 67232
Beverly A. Ingham, Property Owner, 311 S. Volutsia, Wichita, KS 67211
Ben Sciortino, County Commissioner District V, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
LUCY BURTNETT	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 29th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

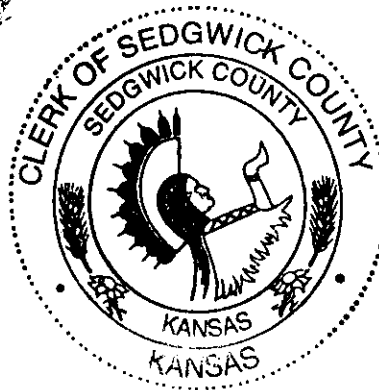
David M. Unruh
DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor



RESOLUTION NO. 110-05

A RESOLUTION APPROVING A CONDITIONAL USE TO PERMIT AN ACCESSORY APARTMENT ON 1.76 ACRES, LOCATED, SOUTH OF 31ST STREET SOUTH, WEST OF 159TH STREET EAST (3501 SOUTH 154TH STREET EAST) ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY 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 BOARD OF COUNTY COMMISSIONERS
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-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

Case No. CON2005-00016

A Conditional Use to permit an accessory apartment on property legally described as:

A tract of land lying in the NE 1/4 of Section 12, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: The south 384.5 feet of the north 2,251 feet of the west 200 feet of the NE/4. Generally located south of 31st Street South, west of 159th Street East (3501 S. 154th Street East).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The accessory apartment shall be subject to the supplementary use regulations contained in Article III, Sec. III-D.6.a of the "Unified Zoning Code.
2. When requested by County Code Enforcement staff the applicant shall mark or identify the four corners of the area covered by this application.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, 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 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.

SITE PLAN

APPROVED 6-29-05 BY BOCC



SCALE: 1" = 300'

EXHIBIT

**KELLY DAVIS
ACCESSORY APARTMENT
CONDITIONAL USE**



The UZC defines a family as "an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit."

Analysis: The MAPC heard this case on May 26, 2005. Three citizens spoke in opposition to the request. One neighbor was concerned over the possible number of people who might live in the apartment, and will that result in the need for a larger apartment at some time in the future? A second neighbor was concerned that the accessory apartment could change the character of the neighborhood from an exclusively single-family, custom-built residential area, which could impact property values. The third speaker appeared to be concerned with the number of people who could live in the apartment, and objected to having to wait on the school bus that picked children up from the application area. The MAPC recommended approval (10-0) based upon the findings contained in the staff report, and subject to conditions listed above.

There is a protest petition equaling 5.36% from the property owner to the south of the application area.

Alternatives:

1. Adopt the findings of the MAPC, approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign the resolution.
2. Deny the application (by making alternative findings), and override the MAPC recommendation. (Two-thirds majority vote required to override the MAPC recommendation.)
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Simple majority vote required.)

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendation for approval is based on the findings of fact stated in the MAPC minutes.

Legal Considerations:



Approved as to form and signed by County Counselor's Office

AGENDA ITEM REQUEST

Proposed Agenda Item: CON2005-16 Sedgwick County Conditional Use to permit an accessory apartment. Generally located south of 31st Street South, west of 159th Street East (3501 South 154th Street East). (District V)

Presented By: John L. Schlegel, Planning Director *JLS*

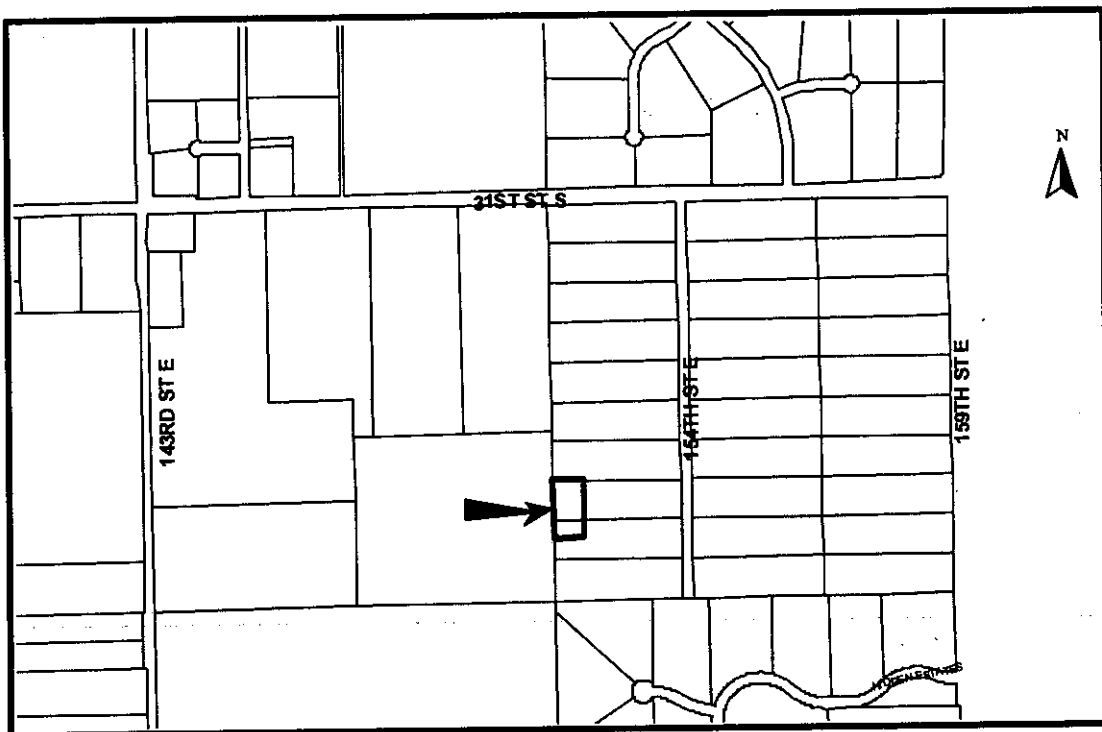
Recommended Action: Adopt the findings of the MAPC, approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign the resolution.

Proposed Agenda Date: June 29, 2005

Outside Attendees: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant, _____, is seeking a Conditional Use permit to allow an “accessory apartment.” The applicant owns approximately 15 unplatted acres that are divided almost equally between three tracts located on the west side of south 154th Street East, approximately 2,037 feet south of 31st Street South. (Through the _____ the applicant also controls an additional 32.84-acre tract located immediately west of the application area, and an additional 10 acres located east of 154th Street.) The three 5-acre tracts are developed with a single-family residence, corrals, driveways, lagoon, pond and parking, and at least three accessory buildings – horse barn, garage and covered riding arena. The northernmost of the three 5-acre tracts is developed with horse corrals that are approximately 214 feet wide, north to south. The middle tract contains nearly all of the structures located on the applicant’s ownership – the home, garage, horse barn, portions of the corrals, most of the riding arena and parking areas. The southernmost tract contains the southern 85 feet of the riding arena, a pond and additional corrals.

The riding arena is approximately 226-foot by 114-foot, and is located on the 1.76-acre application area that is located along the western boundary of the applicant’s ownership (The application area is located approximately 685 feet west of 154th Street East, 285 feet south of the applicant’s northern property line and 120 feet north of the applicant’s southern property line). The arena structure is located approximately 603 feet northwest of the closest house to the south, and approximately 667 feet southwest of the closest house to the north. It is this riding area that is the focus of this Conditional Use request for an “accessory apartment.” The applicant proposes to construct a three-bedroom two-bathroom unit in the northern 19 feet three inches of the existing riding arena to accommodate hired help.

The applicant’s property is part of a larger area that has been divided into 30 approximately 5-acre tracts. These five-acre tracts are primarily located to the north, east and south of the applicant’s property. Larger tracts are located to the west. All property surrounding the applicant’s property is zoned RR Rural Residential and is generally used for pasture or developed with single-family residences.

In Article III.Sec.III-D.6.a of the “Unified Zoning Code” (UZC) accessory apartments are to adhere to the following standards:

1. One accessory apartment is allowed on the same lot as a single-family dwelling, and it may be within the main building, within an accessory building or constructed as an accessory building.
2. The appearance of the accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood.
3. The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium.
4. The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling. Other utilities may be provided separately.