

**EXCERPT MINUTES OF MARCH 22, 2018, WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No. CON2018-00013- County Conditional Use for Riding Academy or Stable on Property Zoned RR Rural Residential, Generally Located Southwest of East 31st Street South and South 154th Street East (3501 South 154th Street East) on property described as:

S 259.5 FT N 2,126 FT W 844 FT NE1/4 SEC12-28-2E, S 259.5 FT N 1,866.5 FT NE1/4 EXC E 1808 FT THEREOF SEC 12-282E, S 259.5 FT N 2,385.5 FT W 844 FT W 844 NE ¼ SEC12-28-2E AND BEG SE COR NW1/4 TH W 1,297.29 FT N 1105.06 FT E 1,297.71 FT TO E LI S 1,106.74 FT TO BEG SEC 12-28-2E.

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 unplatte 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 unplatte 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.

YEAROUT presented the staff report. He noted that the use is not changing, nor is the use going to be more intense. The change is the previous owner only maintained animals owned by the property owner. The new owner intends to stable horses owned by people not living on-site, which triggers the need for the conditional use.

JEFF DRIELING, 3501 South 154th Street East, Wichita, KS 67232 noted that they had just bought the property in January. They will live on-site. They want to board a few horses to help pay for taxes, insurance and utilities. The use is not a primary source of income. The property is fenced all the way around. The lighted arena is enclosed. They will not hold any rodeos or things like that on-site. There will not allow boarders to ride in the street. There are already horses located to the north, west and east of his property. They do not need large truck or deliveries. He will address any neighbor complaints as quickly as possible.

FOSTER asked if the applicant considered the use a “riding academy.”

DRIELING responded that he was not sure what a riding academy was; they were more in to the stable part. They were not going to be giving lessons.

FOSTER how many horses will be on-site.

DRIELING they currently have 24 stables total; probably under 30 horses including his own horses. They have eight horses out there now.

GREENE what will the area be used for.

DRIELING responded that it was a place for the boarders to ride.

GREENE not for shows.

DRIELING no. There might be one or two times a year when they might have a clinic for a small, five to ten people, number of people to learn better horsemanship. There will not be weekly events.

BARRY INMAN, 3443 South 159th Street East, Wichita, KS 67232 stated he did not really have a problem with the riding academy. He has also has horses. He stated his complaint was with the previous owner who employed illegal aliens and allowed them to live on the property. He wanted to make sure anyone the new owner hired was a legal resident. He also did not like the fact that the previous owner would walk her horses on the public road. Does not want young people riding horse on 159th Street and wants speed limit signs on 154th and 159th streets. How many additional people will be working there.

DRIELING stated that they do not have any intention of hiring any employees, but if they did they will be legal. He repeated that none of his boarders will be allowed outside the fenced-in area.

MOTION: Approve subject to staff recommendation.

B. JOHNSON moved, **KLAUSMEYER** seconded the motion and it carried (11-0).