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Legislation Details (With Text)

File #: 18-337 **Version:** 1 **Name:**
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On agenda: 5/9/2018 **Final action:** 5/9/2018
Title: CON2018-00013 - A COUNTY CONDITIONAL USE FOR A HORSE STABLE AND RIDING ACADEMY FACILITY ON WEST SIDE OF 154TH STREET EAST AND SOUTH OF 31ST STREET SOUTH. (3501 154TH STREET EAST).
Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

Sponsors:

Indexes:

Code sections:

Attachments: 1. CON2018-13 Protest Map.pdf, 2. CON2018-00013 Attachments.pdf, 3. Resolution CON2108-00013.pdf, 4. EXCERPT MINUTES OF CON2018-00013.pdf

Date	Ver.	Action By	Action	Result
5/9/2018	1	Board of Sedgwick County Commissioners	Approved	Pass

CON2018-00013 - A COUNTY CONDITIONAL USE FOR A HORSE STABLE AND RIDING ACADEMY FACILITY ON WEST SIDE OF 154TH STREET EAST AND SOUTH OF 31ST STREET SOUTH. (3501 154TH STREET EAST).

Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

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 has 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, 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.

Analysis: 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 on surrounding properties and the public roads.

The request was heard by the Metropolitan Area Planning Commission (MAPC) on March 22, 2018. MAPC recommended approval of the request by an 11-0 vote. The MAPC recommendation 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 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 (UZO), the Zoning Administrator shall enforce all remedies of Section VIII of the UZO, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Three protest petitions were submitted in opposition to the request. The protest petition totals 7.12 percent of the net protest area. This percent does not meet the minimum 20 percent required by Statute for a valid protest requiring a larger majority vote of the Board of County Commissioners. As a result, this may be approved by a simple majority, or at least 3 of the 5 Commissioners. Please see the attached protest area map.

Alternatives:

1. Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution. (Requires a simple majority vote, or 3 of the 5 County Commissioners); or
2. Deny the application, by making alternative findings, and override the MAPC recommendation. (Requires a two-thirds majority, or 4 of the 5 County Commissioners); or
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. (Requires a simple majority vote).

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: Approved as to form and signed by County Counselor's Office.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Outside Attendees: Jeffery and Jennifer Dreiling (Owners).

Multimedia Presentation: Powerpoint.