WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
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April 28, 1997

Velda M. Biby
Marshall and Carla Mears
4320 W. 55th St. S.
Wichita, Ks 67215

RE: CU-428 - Conditional use to allow placement of a manufactured home as a principal dwelling unit on a 6.4 acres platted lot and generally located north of 55th Street South and west of West Street

Dear Ms. Biby:

At its regular meeting on March 27, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated March 31, 1997.

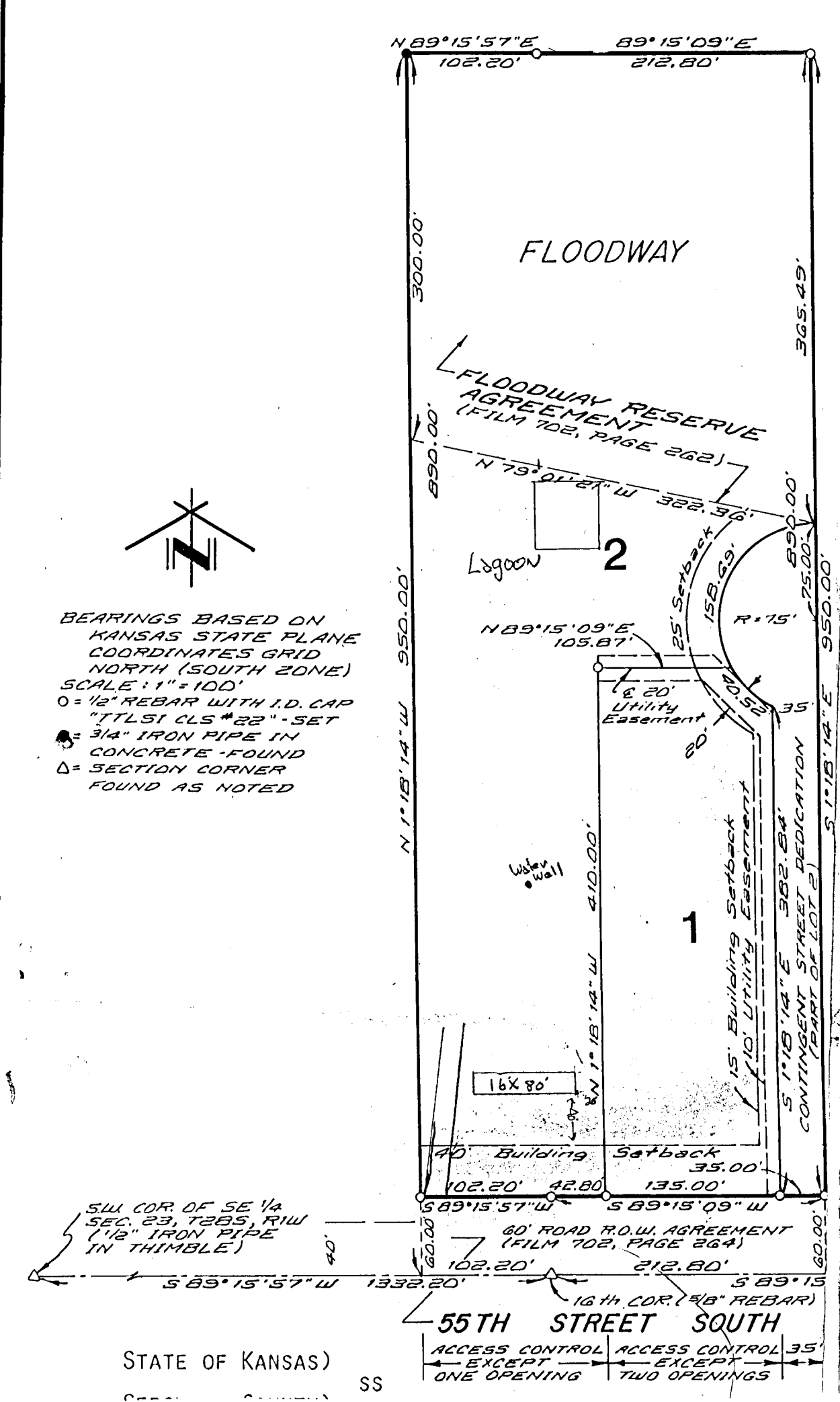
This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lawrence P. Mitchell
Senior Planner

RE/sh

cc: Matthew and Christina Benbrook, 2101 W. MacArthur #404, Wichita, Ks 67217
Glen Wiltse, Sedgwick County Code Enforcement



STATE OF KANSAS)
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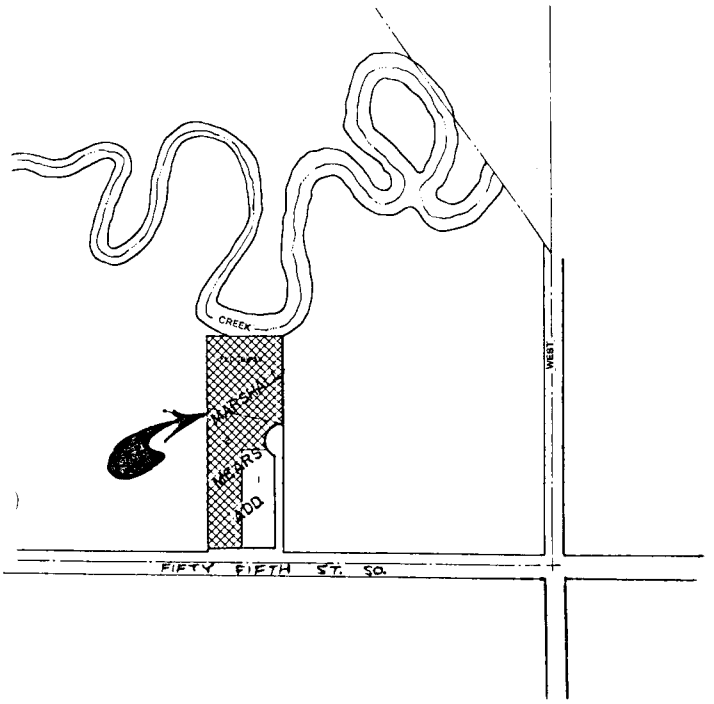
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

March 27, 1997

CASE NUMBER:	CU-428
APPLICANT/AGENT:	Velda M. Biby (applicant)/Matthew and Christina Benbrook (agent)
REQUEST:	Conditional Use to allow a manufactured home as a principal dwelling
CURRENT ZONING:	"SF-6" Single Family Residential
SITE SIZE:	6.4 acres
LOCATION:	One-quarter mile west of West Street, north of 55th Street South
PROPOSED USE:	Manufactured home as a principal dwelling unit



BACKGROUND: Prior to February 7, 1990, manufactured and mobile homes were permitted by zoning regulations in the unincorporated area of Sedgwick County wherever a site-built home was permitted. As of February 7, 1990, however, more restrictive regulations apply and unless at least one of several listed exemptions is applicable, approval of a conditional use by the Planning Commission is required before a permit for a manufactured or mobile home can be issued. Before the adoption of the Unified Zoning Code on March 25, 1996, these requests were considered and acted on by the County Board of Zoning Appeals as use exceptions. Section III-D.6.I(4) of the Unified Zoning Code states that the Planning Commission may grant this type of a conditional use provided that a finding be made that the manufactured/mobile home unit will be in harmony with the surrounding area and will preserve property values and that the unit shall comply with the following standards: (a) the mobile home has been manufactured after September 1, 1973; (b) be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home by solid concrete on masonry walls or a material designed to be used as mobile home skirting that does not have a flame spread rating in excess of 25; (c) be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and (d) have any stairs, porches and handrails constructed so as to be structurally sound.

The applicant's site is platted as Lot 2 within Marshall Mears Addition and is 6.4 acres in size. At the time of platting, Lot 2 was approved by Sedgwick County Department of Community Health for on-site sewage facilities and water wells subject to the following conditions: (a) that a permit for on-site sewage facilities be obtained from the Sedgwick County Community Health Department prior to construction, repair or modification; (b) that should any water wells be constructed, modified or repaired that they meet current Kansas Water Well Construction Standards (Article 30) of the Kansas Administrative Regulations; (c) that at such time as public sewer and water becomes available to serve these properties connection to them be made; and (d) Sewage Facilities Design Specifications: a waste stabilization pond is required. The size will be determined at the time of permit issuance. The lagoon is to be located 100 feet from all property lines, 50 feet from all surface water, 100 feet from all water wells, 50 feet from any buildings or vegetation more than 10 feet tall, and out of the flood area.

Access to the applicants site is off of 55th Street South which is a paved section line road. The applicant's site has 145 feet of frontage and is 1250 feet deep with approximately the rear 330 feet of the lot located within a floodway reserve adjacent to Cowskin Creek. Surrounding properties have been developed with site built homes as well as manufactured homes. There are two other mobile homes located west of the application area. The closest is immediately adjacent to the site and the furthest is approximately 400 feet away. The manufactured home proposed to be located on the applicants site is a 1994, 16' x 80', Skyline.

Staff is of the opinion that a manufactured home of the size and age proposed on the site will be in harmony with the surrounding area and that property values will be preserved. It is noted that the application is for a "manufactured" home, not a "mobile" home and therefore the home was manufactured after 1973 and meets the standards in the Federal Manufactured Home Construction and Safety Standards Acts known as the HUD Code. The applicant is advised that the home must comply with the quality standards specified in the new Unified Zoning Code Section III-D.6.I(2) and with all other applicable codes. A permit must be obtained from the County Code Enforcement Department prior to permanently placing the home on this site.

CASE HISTORY: Property was platted in October 1991.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Agricultural Use
SOUTH:	"SF-20" Agricultural Use
EAST:	"SF-20" Single Family Dwelling
WEST:	"SF-20" Manufactured Home

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "agricultural." This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically, the requirements of Section III-D.6.I (2) of the zoning code shall be met.

2. The manufactured home shall be no smaller than 16' x 80' and shall be no older than a 1994 model. If the manufactured home is replaced in the future with another manufactured home, the replacement home shall be no more than ten years old and no smaller than 16' x 80'.

3. This conditional use may be declared null and void upon a finding by the Board of County Commissioners that the applicants have failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it are zoned "SF-6" Single-Family Residential. It is primarily a rural area with a cluster of homes located mid-mile. There are at least two other mobile homes located within 400 feet of the application area.

2. The suitability of the subject property for the uses to which it has been restricted: The property has been platted with appropriate development requirements.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area, the existence of several other mobile/manufactured homes in the area, there should not be any detrimental effects on nearby by property.

4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The plan does not speak specifically to manufactured homes in the rural areas of the county. The zoning code anticipated these uses and made specific provisions for the process. This site appears to comply with the provision for the process. This site appears to comply with the provisions outlined in the code. Approval of this request will not harm any Comprehensive Plan policies or guidelines.

7. Impact of the proposed development on community facilities: None identified.