



Wichita-Sedgwick County Metropolitan Area Planning Department

May 1, 2018

Lisa and Paul Warren
1827 Farmstead St.
Wichita, KS 67208-1745

RE: CON2018-00014-County Conditional Use to allow a one-vehicle recreational vehicle campground on 37 acres zoned RR Rural Residential generally located ¼ mile west of North Meridian/North 24th Street West, on the south side of West 101st Street North.

Dear Applicant:

At its regular meeting on April 5, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

Dale Miller
Director of Planning

Copies to: Richard Ranzau, District 4 County Commissioner, Mail Stop Room 320
Justin Waggoner, County Law, Mail Stop Room 349
Kelly Dixon, MABC, 1st Floor, Ronald Reagan Building
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213
Neil and Duretta Wretberg, 9929 N. Meridian Avenue, Valley Center, KS 67147-8420
Lorriane Smith, 9801 N. Meridian Avenue, Valley Center, KS 67147-8418
Nancy Sonichsen, 10011 North Meridian Avenue, Valley Center, KS 67147-8463
Rev. Ray and Eleanor Hall, 100061 North Meridian Avenue, Valley Center, KS 67147-8463

CONDITIONAL USE RESOLUTION NO. CON2018-00014

WHEREAS, Lisa and Paul Warren (applicants/owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a "recreational vehicle campground" on approximately 37 acres zoned RR Rural Residential, described as:

NW1/4 NE1/4 EXC W 215 FT THEREOF & EXC BEG 70 FT W NE COR NW1/4 NE1/4 S 750 FT W 255 FT S 85 FT SW 348.68 FT W 456.26 FT N 954.71 FT TO N L I E TO BEG & SW1/4 NE1/4 EXC PT N OF FLDWY. SEC 24-25-1W (2901 West 101st Street North, Valley Center, Sedgwick County, Kansas.)

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 April 5, 2018, consider said application; and

WHEREAS, the MAPC 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 Metropolitan Area Planning Commission that this application be approved to permit a "recreational vehicle campground" on property zoned, RR Rural Residential (RR) described as:

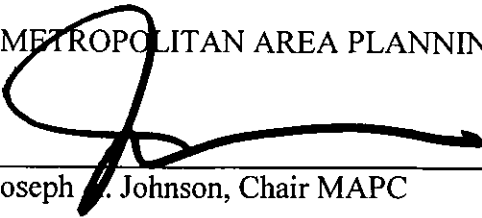
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Approved subject to the following conditions:

1. The Conditional Use permits a recreational vehicle campground for one recreational vehicle as defined by the Wichita-Sedgwick County Unified Zoning Code. In addition to the use permitted by Conditional Use CON2018-00014, all uses permitted by right the RR Rural Residential district are permitted.
2. All waste, including household and sewage, disposal shall be per applicable codes. Water service, including private water well, shall also be provided in compliance with all applicable codes.
3. Access to the site shall meet service drive code requirements and any other applicable code requirements.
4. The recreational vehicle campground shall be developed and maintained in substantial compliance with the approved site plan and applicable codes. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable local, state or federal regulations and codes.
5. The Conditional Use for a recreational vehicle campground for one recreational vehicle shall be declared null and void upon issuance of a certificate of occupancy for a permanent structure on the application area; or, after a period of up to seven years from the date said Conditional Use is approved by the Sedgwick County Board of County Commissioners.
6. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article III of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

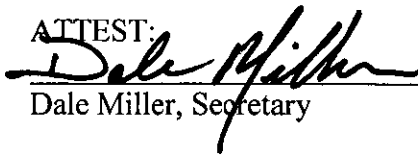
Adopted this 23rd day of April, 2018.

METROPOLITAN AREA PLANNING COMMISSION



Joseph W. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary

STAFF REPORT
Valley Center March 27, 2018
MAPC April 5, 2018

CASE NUMBER: CON2018-00014

APPLICANT/AGENT: Paul and Lisa Warren (applicant/agent)

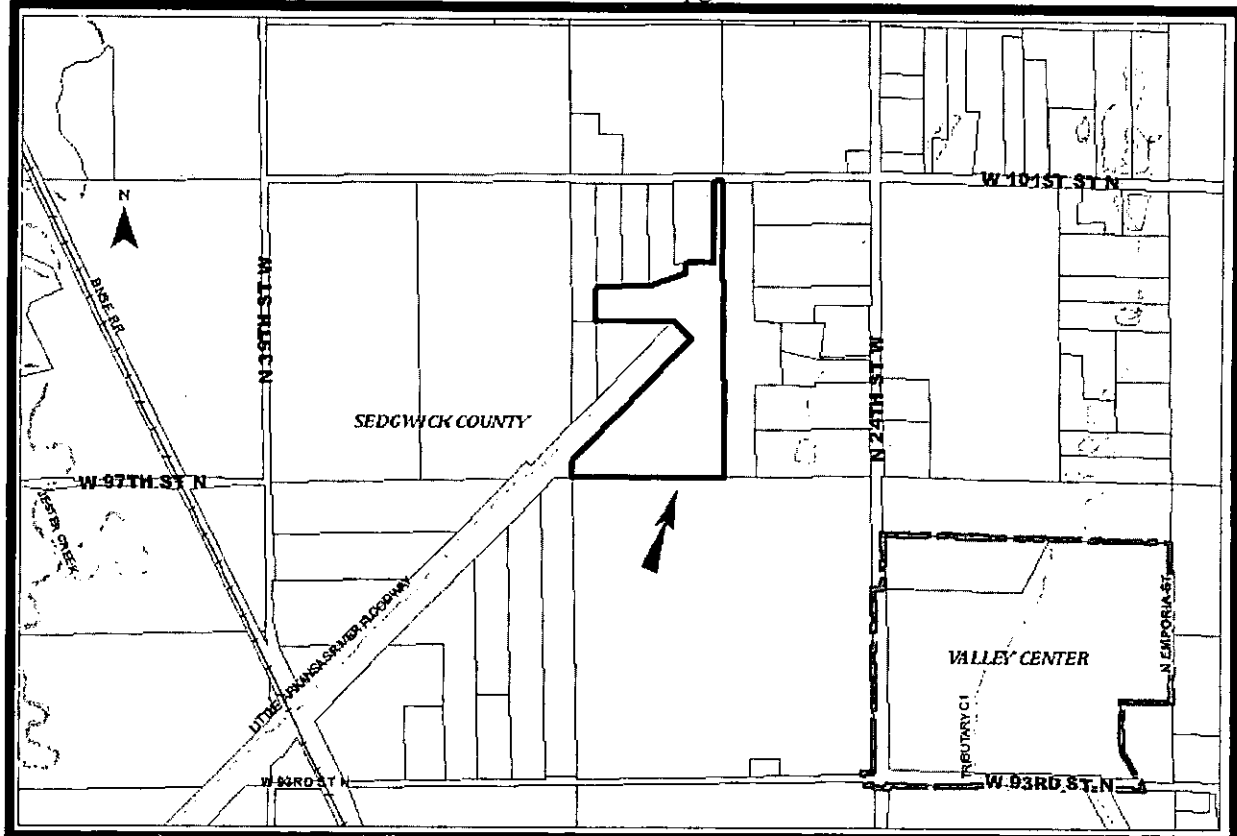
REQUEST: Conditional Use to permit a one-vehicle recreational vehicle campground

CURRENT ZONING: RR Rural Residential

SITE SIZE: Approximately 41.5 acres

LOCATION: South side of West 101st Street North, approximately ¼ mile west of North 24th Street West

PROPOSED USE: Recreational vehicle campground for one vehicle



BACKGROUND: The applicants are requesting “conditional use” approval for a one-vehicle “recreational vehicle campground” on approximately 41.5 unplatted acres located on the south side of West 101st Street North, approximately ¼ mile west of North 24th Street West (Meridian). The subject property is zoned RR Rural Residential (RR). A “recreational vehicle campground” is permitted in the RR district with “conditional use” approval. The application area is divided between two tracts that form an upside-down flag-shape. Access to the bulk of the property is via a 66-foot wide by 730-foot long strip of land that heads south from West 101st Street North to the larger portion of the property and contains a dirt drive-way. The property is currently developed with a larger steel building and a smaller wooden shed, and contains a fifth-wheel recreational vehicle (RV).

The applicants’ site plan (attached) indicates the RV is to be located approximately 1,700 feet south of 101st Street and at least 30 feet from the eastern property line near the existing agricultural building and on-site water well. Access to the RV is proposed to be via a 20-foot wide service drive. The RR zoning district has an interior building side yard setback of 20 feet.

Staff has been advised by the applicants that they are in the process of offering their current in-town residence for sale. At some future time the applicants intend to construct a home on the application area. The applicants are unsure how long it will take to sell their existing home and how soon they would be able to begin construction of a home on the subject property. Until a home can be constructed on the application area, the applicants want to use the fifth-wheel recreational vehicle as an occasional residence and ultimately as a temporary full-time residence.

Residential building permits have a 180 day life-span. If the applicants were in a position to pull a building permit and complete construction within 180 days, the Metropolitan Area Building Department (MABCD) has a long-standing policy of permitting the temporary on-site use of a RV as a dwelling unit without public review while a permanent home is under construction. However, in this circumstance, the applicants are unsure when they will be able to pull a building permit but would like the legal use of their fifth-wheel RV on the application area for an unlimited time frame.

Article II, Section II-B.14.e *Wichita-Sedgwick County Unified Zoning Code (UZC)* defines a “recreational vehicle” as “a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a Motor Vehicle. Recreational Vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Zoning Administrator. A Recreational Vehicle may or may not include individual toilet and bath.”

Article III, Section II-B.8.b of the UZC defines a “manufactured home” as a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.

Article III, Section III-D.6.l(4) of the UZC permits the temporary placement of a “manufactured home” in the County on a residentially zoned lot within the unincorporated portion of Sedgwick County on a temporary basis while a single-family dwelling unit is being constructed, or an existing single-family dwelling unit is substantially being remodeled to the point it is no longer habitable, subject to certain conditions:

- (a) The temporary manufactured home conforms to all setback requirements;

- (b) If the property is not served by a public water supply and municipal type sewer system, the minimum lot area shall be determined by [the Metropolitan Area Building and Construction Department];
- (c) The temporary manufacture home is permitted to be on the property for a maximum of one-year from the issuance of the building permit for the single-family dwelling unit being constructed on the same lot. In the event an additional time period is needed beyond one year, an extension by conditional use may be granted in accordance with Section V-D, provided good cause can be shown as to why more than one-year is necessary;
- (d) The manufactured home shall be set-up in accordance with the County's manufactured home siting standards and Section III-D.6.l(1); and
- (e) No manufactured home shall be permitted on the same lot and/or tract as a dwelling unit being remodeled wherein the dwelling unit is occupied during remodeling.

Recreational vehicles are not built to the HUD standard cited above; therefore, the applicants' RV does not qualify to be considered a "manufactured home" and is not eligible for the temporary manufactured home in the county exemption. Further, the applicants are unsure when they will be able to begin construction on a home, which is key to the RV exemption also noted above. The best solution to the applicant's circumstance is the present application for a one-vehicle recreational campground.

All surrounding property is zoned RR. Land located to the north and east is developed with large-lot homes. The homes are located on unplatted properties ranging in size from 4.4 acres to 22.8 acres. In addition the homes located east of the site, it appears there is an airplane runway located immediately to the east of the application area. Land to the south and west is used for agriculture and is divided into two unplatted tracts of 76 and 154 acres. An arm of the Little Arkansas River Floodway projects into the application area. All of the application area is protected by the Little Arkansas River Floodway; therefore, the site does not require any special flood-related development standards.

101st Street is a sand and gravel road. 101st Street right-of-way abutting the application area is only 30 feet of half-street right-of-way compared to 50 feet for many of the properties abutting 101st Street. The application area is located within the City of Valley Center's Subdivision Regulation jurisdiction. The subject property is also located within the Valley Center Urban Growth Area as shown on the 2035 Urban Growth Areas Map. The application is scheduled to be heard by the Valley Center planning commission on March 27, 2018.

CASE HISTORY: The property was most likely zoned RR in 1985 with the adoption of county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; site-built single-family residences
South: RR; agriculture (154 acres)
East: RR; aircraft runway, site-built-single family residences
West: RR; agriculture (76 acres)

PUBLIC SERVICES: The property is not served by municipal services and will have to rely upon on-site water and waste-water facilities.

CONFORMANCE TO PLANS/POLICIES: The application area is located in the Valley Center Small City Urban Growth Area. Urban growth areas are generally located adjacent to existing municipal boundaries, and are areas likely to experience growth by the year 2035.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the following conditions:

1. The Conditional Use permits a recreational vehicle campground for one recreational vehicle as defined by the Wichita-Sedgwick County Unified Zoning Code. In addition to the use permitted by Conditional Use CON2018-00014, all uses permitted by right the RR Rural Residential district are permitted.
2. All waste, including household and sewage, disposal shall be per applicable codes. Water service, including private water well, shall also be provided in compliance with all applicable codes.
3. Access to the site shall meet service drive code requirements and any other applicable code requirements.
4. The recreational vehicle campground shall be developed and maintained in substantial compliance with the approved site plan and applicable codes. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable local, state or federal regulations and codes.
5. The Conditional Use for a recreational vehicle campground for one recreational vehicle shall be declared null and void upon issuance of a certificate of occupancy for a permanent structure on the application area; or, after a period of five years from the date said Conditional Use is approved by the Sedgwick County Board of County Commissioners. The five-year time limitation may be extended up to five years by Administrative Adjustment provided there are not any protests or appeals from property owners located within 1,000 feet of the perimeter of the application area. If a protest or an appeal to a time extension is registered in writing with the Metropolitan Area Planning Department an extension of time can only be granted by Conditional Use approval as defined in the Wichita-Sedgwick County Unified Zoning Code.
6. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article III of the Unified Zoning Code, may, 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: All surrounding property is zoned RR. Land located to the north and east is developed with large-lot homes. The homes are located on unplatted ownerships ranging in size from 4.4 acres to 22.8 acres. In addition the homes located east of the site, it appears there is an airplane runway located immediately to the east of the application area. Land to the south and west is used for agriculture and is divided into two unplatted tracts of 76 and 154 acres. An arm of the Little Arkansas River Floodway projects into the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which permits primarily site-built homes, manufactured homes on site in excess of 20 acres or residential designed manufactured homes, a limited range of public and civic uses, such as church and community assembly (subject to specific development standards), and a few commercial uses, such as bed and breakfast inn and an event center in the county, farmer's market or hobby kennel (subject to specific development standards) and agriculture. Presumably the uses permitted by right allow for the property to provide an economic return. All surrounding properties are also zoned RR, and have been developed or are used per code except on property that has Conditional Use approval for an accessory apartment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will introduce a use that is not currently found in the immediate area; however, a one-vehicle recreational vehicle campground for a limited time should mitigate detrimental impacts.

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 public's health and safety should not be significantly impacted by the request. The recommended conditions of approval provide an additional level of mitigation. Denial of the request could represent a loss in the use and enjoyment of the applicant's property and the applicant's ability to establish a permanent residential structure on the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located in the Valley Center Small City Urban Growth Area. Urban Growth Areas are generally located adjacent to existing municipal boundaries, and are areas likely to experience growth by the year 2035.
6. Impact of the proposed development on community facilities: None identified.

