

K# 34-1440

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R E S O L U T I O N N O . 1 3 4 - 1 9 9 0

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR PLACEMENT OF MANUFACTURED HOMES IN PLATTED SUBDIVISIONS IN THE "AA" ONE-FAMILY DWELLING DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN 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 GOVERNING BODY 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 17.C of the Zoning Regulations, a conditional use permit for placement of manufactured homes in platted subdivisions on property zoned "AA" One-Family Dwelling District is hereby approved on lands legally described below:

Case No. CU-329

Conditional Use Permit request for placement of manufactured homes in platted but undeveloped subdivisions zoned the "AA" One-Family Dwelling District

All lots in Wood River Addition and Wood River Second Addition, Sedgwick County, Kansas. Generally located in an area approximately 1,000 feet north of 47th Street South between Oaklawn Improvement District and the Arkansas River.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Only one manufactured or site-built home may be placed on a platted lot.
- B. All manufactured homes placed on the application area shall have been manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act, generally known as the HUD Code.
- C. All manufactured homes located on the application area shall be placed on a permanent enclosed perimeter foundation or shall provide skirting around the perimeter of the home which is in accordance with specifications contained in Section 1(D)(9)(b) of the County Zoning Resolution.
- D. All outside stairs which access the manufactured home and which have a rise of more than 30 inches from grade to finished floor elevation shall be provided with handrails. Any stairs, porches and handrails attached to or serving the manufactured home shall be constructed so as to be structurally sound.
- E. All manufactured homes and accessory structures placed within the subdivisions that are subject to this resolution shall observe the front, side and rear yard requirements of the "AA" One-Family Dwelling District.

Sent to be published  
[Signature]

- F. No manufactured home or associated accessory structure shall be located on a lot so as to encroach onto any utility easement.
- G. Pursuant to restrictive covenants filed of record on Film 0989, Page 0904 and Film 1015, Page 0542, a minimum of 4 off-street parking spaces shall be provided per dwelling unit on the following lots:

Lots 2 through 7, Block 2, Wood River Addition;

Lots 9 through 22, Block 1, Wood River 2nd Addition;

Lots 7 through 25, Block 3, Wood River 2nd Addition; and

Lots 28 through 49, Block 3, Wood River 2nd Addition.

For all other lots within the subject subdivisions, a minimum of 2 off-street parking spaces shall be provided. Specific lots subject to this requirement are as follows:

Lots 1 through 6, Block 1, Wood River Addition;

Lot 1 and Lot 8, Block 2, Wood River Addition;

Lot 1 and Lot 2, Block 3, Wood River Addition;

Lots 1 through 8, Block 1, Wood River 2nd Addition;

Lots 23 through 28, Block 1, Wood River 2nd Addition;

Lots 1 through 7, Block 2, Wood River 2nd Addition;

Lots 1 through 6, Lot 26 and Lot 27, Block 3, Wood River 2nd Addition.

- H. The adoption of this resolution supersedes and makes null and void Resolution No. 221-1988 and Resolution No. 277-1989, which were adopted for conditional use case CU-301. The construction of two-family dwelling units, authorized by CU-301, is no longer permitted on any of the lots now subject to this new resolution.

I. Prior to publication of the resolution, the applicant shall petition for the paving of the off-site portion of Wood River Street to a suburban street paving standard. The applicant shall also submit a new letter of credit guaranteeing this off-site road to the standards of an unpaved suburban street.

- J. Prior to development of more than 67 lots within Wood River 1st and 2nd Additions, the applicant shall pave the balance of Wood River Street south to 47th Street South.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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.

SECTION III. That this Resolution, shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

DAVID BAYOUTH	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
BERNARD A. HENTZEN	<u>Aye</u>
BILLY Q. McCRAY	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 6<sup>th</sup> day of June, 1990.



ATTEST:

Don Wright  
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

Henry H. Blase  
County Counselor/Assistant

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Mark F. Schroeder  
MARK F. SCHROEDER, Chairman

David Bayouth  
DAVID BAYOUTH, Chairman Pro Tem

Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen  
BERNARD A. HENTZEN, Commissioner

Billy Q. McCray  
BILLY Q. McCRAY, Commissioner



May 10, 1990

STAFF REPORT

CASE NUMBER: CU-329

OWNER/APPLICANT/AGENT: Smith and Company, Steve Ruud & Darrell and  
Florence Hoskinson (owners/applicants)  
Reiss and Goodness (engineer)

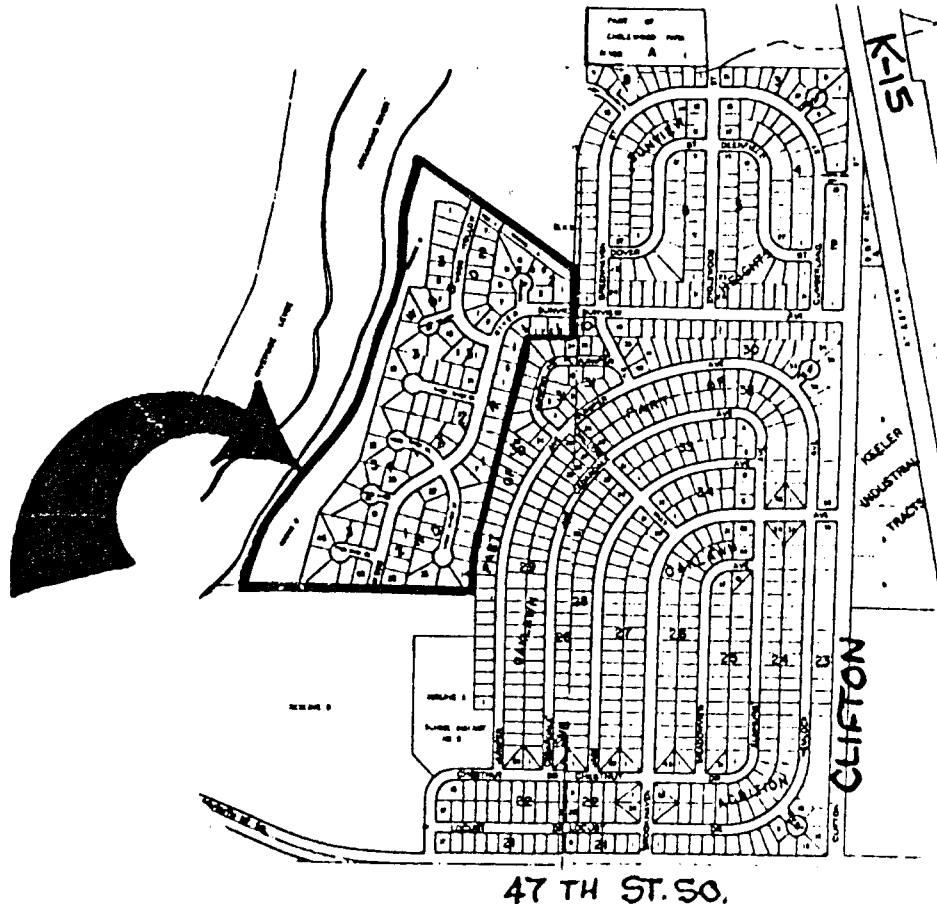
REQUEST: Conditional use permit authorizing the place-  
ment of manufactured homes in platted subdivi-  
sions

CURRENT ZONING: "AA" One-Family Dwelling District with con-  
ditional use permit authorizing duplexes.

SITE SIZE: 38.8 acres (irregular shape)

LOCATION: In an area approximately 1,000 ft. north of  
47th St. S., between Oaklawn & the Arkansas  
River.

PROPOSED USE: To permit 100 existing platted lots to each  
be occupied with a manufactured home.



BACKGROUND: The applicant is requesting a conditional use permit to place manufactured homes in two platted subdivisions located in an area approximately 1,000 feet north of 47th Street South, between Oaklawn and the Arkansas River. The two subdivisions that are the subject of this request were platted in 1988 and 1989 and involve a combined total of 100 lots. The application area measures 38.8 acres.

In February of 1990, certain changes were made to the County Zoning Resolution regarding where and under what procedure manufactured housing may be placed in unincorporated areas of Sedgwick County. One of the changes provided for the establishment of a manufactured home/mobile home subdivision in the "R", "R-1" and "AA" districts by way of a conditional use permit. This request represents the first conditional use permit case to establish a manufactured home subdivision. A manufactured home is defined by the County Zoning Resolution as "a structure consisting of one or more components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards Act, generally known as the HUD Code. 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." This request does not involve or propose to authorize the placement of "mobile homes" on the subject property. Mobile homes are different than manufactured homes. A mobile home is partially defined by the County Zoning Resolution as "a moveable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance with the HUD Code as is now required for a manufactured home."

When the Wood River Additions were platted, the subdivider was required to guarantee the construction of a suburban roadway from the south line of this application area to 47th Street South. This guarantee was accomplished by using a letter of credit which will expire in a few months. Since the guaranteed roadway has not been constructed, it is necessary that this new owner of the subdivision provide a new guarantee for construction of the roadway. The needed roadway will directly connect the application area's streets to 47th Street South.

CASE HISTORY: SCZ-0577 - "R-1" and "AA" to "AA" w/associated conditional use permit (CU-301) authorizing two-family dwelling units - approved in 1987.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Undeveloped
SOUTH	"R-1"	Undeveloped
EAST	"AA"	Single-family residences
WEST	"R-1"	Undeveloped/Arkansas River

PUBLIC SERVICES: When the subject lots were platted in 1988 and 1989, guarantees for the extension of municipal water, sanitary sewer and the pavement of adjacent streets were submitted. A guarantee for paving Wood River Street south to 47th Street was also provided by way of a letter of credit.

CONFORMANCE TO PLANS/POLICIES: Section 6(A)(10)(e) of the County Zoning Resolution provides for the creation of a manufactured home subdivision in the "AA" zoning district, provided the Metropolitan Area Planning Commission reviews the request and the Board of County Commissioners approves the use by issuing a conditional use permit. The Land Use Element of the Comprehensive Plan does not depict a land use for this tract of land.

RECOMMENDATION: It is recommended that this conditional use permit be approved, subject to the following conditions:

- A. Only one manufactured or site-built home may be placed on a plat-  
ted lot.
- B. All manufactured homes placed on the application area shall have  
been manufactured to the standards embodied in the federal  
Manufactured Home Construction and Safety Standards Act, generally  
known as the HUD Code.
- C. All manufactured homes located on the application area shall be  
placed on a permanent enclosed perimeter foundation or shall  
provide skirting around the perimeter of the home which is in  
accordance with specifications contained in Section 1(D)(9)(b) of  
the County Zoning Resolution.
- D. All outside stairs which access the manufactured home and which  
have a rise of more than 30 inches from grade to finished floor  
elevation shall be provided with handrails. Any stairs, porches  
and handrails attached to or serving the manufactured home shall  
be constructed so as to be structurally sound.
- E. All manufactured homes and accessory structures placed within the  
subdivisions that are subject to this resolution shall observe the  
front, side and rear yard requirements of the "AA" One-Family  
Dwelling District.
- F. No manufactured home or associated accessory structure shall be  
located on a lot so as to encroach onto any utility easement.
- G. Pursuant to restrictive covenants filed of record on Film 0989,  
Page 0904 and Film 1015, Page 0542, a minimum of 4 off-street  
parking spaces shall be provided per dwelling unit on the fol-  
lowing lots:

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- H. The adoption of this resolution supersedes and makes null and void Resolution No. 221-1988 and Resolution No. 277-1989, which were adopted for conditional use case CU-301. The construction of two-family dwelling units, authorized by CU-301, is no longer permitted on any of the lots now subject to this new resolution.
- I. The applicant shall submit a new letter of credit or other acceptable guarantee for construction of Wood River Street (suburban standard) from the south line of the application area to 47th Street South. This guarantee shall be submitted to the Planning Department prior to this case being scheduled for review by the County Commission.