

CU-279 - Kansas Investment Corp. request:
conditional use permit to establish a mo-
bile home park on property zoned "R-1"
generally located on the west side of
Meridian between 47th and 55th Sts. So.

POSTED 4-18-85 KX

ACTION

COMMITTEE	DATE
MA.P.C. <i>subject to platting</i>	<i>5-2-85</i>
BCC./B. CO. C. <i>depressed</i>	<i>5-4-85</i>
<i>S.C.C.</i>	<i>6-19-85</i>

closed

District Court granted the
Conditional Use Permit subject
to recordation of the plat.
5-13-86

POSTED 4-18-85 KX

CU-279 - Kansas Investment Corp. request
by the Kansas Dept. of Transportation for a
conditional use permit to establish a mo-
tor vehicle parking area on the west side of
Meridian between 47th and 55th Sts. So.

ACTION

COMMITTEE	DATE
M.A.P.C. <u>approved</u>	<u>5-2-85</u>
B.C.C./B. CO. C. <u>subject to platting</u>	<u>5-27-85</u>
<u>deferred 3 weeks</u>	
S.C.C. <u>joined 3-0</u>	<u>6-19-85</u>
<u>closed</u>	

District Court granted the
Conditional Use Permit subject
to recordation of the plat.
5-13-86

Southborough Estates
recorded 9-21-87

Property annexed 10-23-87

DATA SHEET

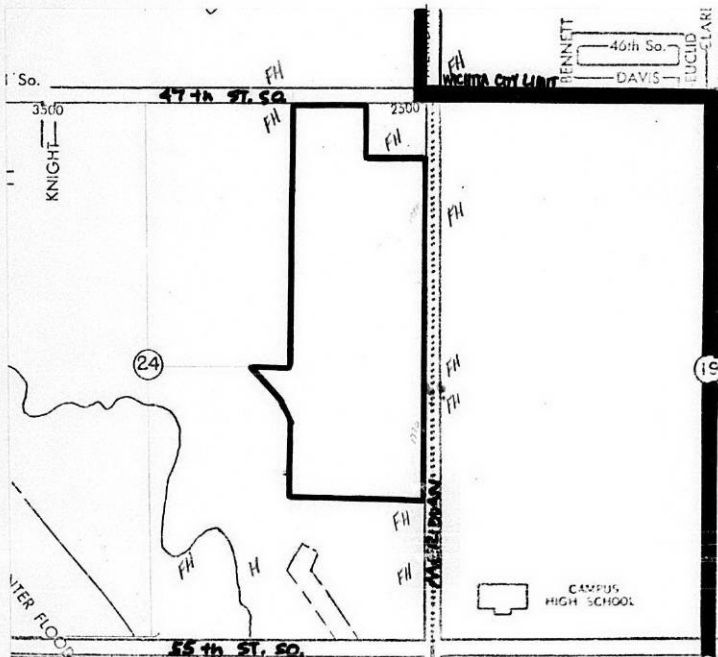
Z- _____
 SCZ- _____
 CJ- 279
 DR- _____
 DP- _____
 Case Filed: 4-3-85
 Associated Case: _____

- APPLICATION DATA: Map No. 5241 A & B
- General Location: On the west side of Meridian between 47th Street South and 55th Street South
 - From _____ to _____
 - Proposed Use: To establish a mobile home park on property zoned "R-1" Suburban Residential
 - DP Name: _____
 - Applicant: Kansas Investment Corporation
 Address 946 North West Street, Wichita, Kansas 67203 Phone 945-0491
 - Agent: Poe and Associates of Kansas, Inc.
 Address 434 North Oliver, Suite 110, Wichita, Kansas 67208 Phone 685-4114
 - Proposed Use: _____

- AREA DATA:
- Acres: 113.2 (Irregular) ft. by 3240' ft.)
 - Adjoining Zoning: N "R-1" & "RC" S "R-1" & "LC" E "R-1" W "R-1"
 - Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

Standard
 No. 2153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOGAN, OH
 MOORESPORT, TX, LUCASVILLE GROVE, GA
 U.S.A.

Excerpt from MAPC
5-2-85

vacant trailer courts and plenty of places for trailers now in the area that are nice ones. There are new ones going in.

GOEBEL commented regarding the vacancy. He said that he has argued for a year or so now that they have to start paying attention to how many vacant single family platted lots are available and they are not doing that. It has always been brought up that the people have to have a choice of what neighborhood they want to live in, and he felt they have to have a choice of what mobile home park they want to live in too. He said that several of them around the country have been folded up because they could not make a go of it any more, and he felt that those that don't develop would fold up. GOEBEL felt that some of the figures would be good to make their decision on if staff could come up with an occupancy report on them, but he also felt that if they were going to require it there then they have to know how many platted pieces of single family lots are sitting around and use those same statistics or same thinking if they were going to turn down some of the plats that were developing. He mentioned that there are a lot of single family lots available in Wichita. He said that he was not a mobile home lover himself, but felt that there were right places for them.

PETERS mentioned that the last applicant was denied by this body but then he withdrew his application. He said that some of his past experiences were, the County Commission turned them down and they were immediately annexed to the City and approved.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the largely undeveloped character of the neighborhood but the reasonable availability of municipal sewer and water; the residential zoning and uses of nearby properties; and the recommendation of approval by staff; I move that we recommend to the governing body that this application be approved subject to:

- a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
- b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
- c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
- d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
- e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
- f. No individual mobile home space shall have direct access to a public street.
- g. Either an off-street parking slab constructed of asphalt or other hard-surface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.

- h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 25 feet, provided however, that two paved off-street parking spaces per mobile home pad shall be provided.
- i. There shall be no open storage and each mobile home space shall be provided with a storage building.
- j. The maximum number of mobile home pads for the entire development shall not exceed 585, plus or minus 10%.
- k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
- l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

Hansen moved, Gardner seconded and
it carried with a vote of 9 in favor
(Hansen, Gardner, Banzer, Bayouth,
Chisholm, Crockett, Goebel, Moore,
and Peters) and 1 opposed (Wilson).

On 8-12-87 Jeff Bannon returned my call. He was insistent on wanting a one-year extension yet he would not tell me why. He said Jack had told him "staff" could administratively grant a first extension. I tried to explain Policy 5 to him and said even tho the Co. Com. Ca. is authorized to grant an extension, the chairman has always asked that the full board review and act on the request. I thought it would be unwise of him to reflag this controversial case which was denied by BOC by asking them to grant more time! He still insisted on an extension so I told him that if he would write explaining why he needs the extension, we would forward his request to the Chairman with our recommendation (which probably would not be favorable.)

Jeff called back in about 15 minutes to talk some more. I read his Policy 5 and he concluded that he would wait until after BOC action on his plat on 8-25 then talk to us again. I assured him we would not close the CV file if he proceeded on schedule to get the plat to the Co. Clerk for recording ASAP after 8-25.
L.O.



946 N. West Street • Wichita, KS 67203

"Specializing in Farms, Ranches, & Suburban Real Estate"

316-945-0491

August 10, 1987

Mr. Marvin Krout
Director of Planning
455 N. Main
Wichita, Ks. 67202

RE: Conditional Use Permit (CU-279)

Dear Mr. Krout:

The Planning Department has indicated that the above referenced case was granted subject to platting by August 22, 1987.

I am proceeding with the platting process, but I will need an additional time to complete and record the plat.

I am therefore, requesting a One (1) year extension to complete the platting process. Please respond to my request in writing before August 22, 1987.

If you have any questions, please give me a call.

Yours Truly,


JEFF W. BANNON

JWB/rm

*Plat scheduled for WCC 8-25-87. No need for extension.
MK agreed. I called Bannon 8-11-87 to relay this info.
(See note of 8-12-87)*

RECEIVED

AUG 11 1987

METROPOLITAN PLANNING
ROUTE

5-5-87

Jeff Rawson asked if he should
get annexed first or plat first.
After discussing with Jack and
Bob Young and reading 28.04.160,
it was determined that he should
plat and in the platting process
ask for annexation. We would
hold the annexation request until
after the plat is recorded and
the conditional use is posted
to the maps. He still
owns the Commercial corner
which makes this property
annexable. The mobile
home park would come into
the City as "G" zoning
if the plat is recorded and the
CU is effective prior to annexation.

Louise

CV-279

2-18-87

Jeff Barron asked if he has a one-year time limit on platting, and if so, ~~if~~ did the year start 5-13-86 when District Court ordered the permit granted subject to platting, or 8-22-86 when the County's appeal of this District Court ruling was withdrawn. Jack checked with Richard Euron who told him it should be one year from the final action on the case which was 8-22-86.

Therefore, Jeff Barron has until 8-22-87 to plat this property. If he needs more time, he will need to request an extension.

L.O.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

February 12, 1987

TO: Ron Worley, Sedgwick County Zoning Administrator
FROM: Jack H. Galbraith, Chief Planner
SUBJECT: CU-279 - Conditional Use for a Mobile Home Park

In a meeting with the County Counselor and Richard Euson on 2-10-87, a copy of a Journal Entry of Judgment on the above-captioned case was given to me (copy attached). Based on these findings, the court ordered that the conditional use be granted subject to the recordation of an approved plat. This action of the court was determined on May 6, 1986. Also, under the findings of fact, the plaintiff agreed to and accepted all the conditions which were imposed by the Metropolitan Area Planning Commission as conditions of approval.

Based on this action and findings, I wanted you to be aware that we will post the official maps that make the conditional use effective upon the recording of the plat that as yet has not been submitted. Upon that action, we will transmit a copy of the conditions of approval as recommended by the Planning Commission.

If you have any questions on this case, please call.

JHG:blw
Attachment

*not needed since property is
to be annexed immediately*

PL/0077/4

85C 2406
FILED
APP. DECKET NO. ---

IN THE EIGHTEENTH JUDICIAL DISTRICT May 13 10 36 AM '86
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

CLERK OF THE DISTRICT COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS
BY *[Signature]*

*MAPD received
8-10-87*

JEFF BANNON,)
Plaintiff,)
vs.) Case No. 85 C 2406
THE BOARD OF COUNTY COMMISSIONERS)
OF SEDGWICK COUNTY, KANSAS,)
Defendant.)

JOURNAL ENTRY OF JUDGMENT

NOW on this 6th day of May, 1986, this matter having been previously submitted for determination by the Court, and the Court having taken the matter under advisement and having given due and careful consideration to the record of the proceedings of the Metropolitan Area Planning Commission and the Board of County Commissioners of Sedgwick County, Kansas, which included the recommendations of the professional staff of the City of Wichita Metropolitan Area Planning Department, and having reviewed all exhibits submitted by respective counsel for the plaintiff and defendant, and having considered the testimony of C. Bickley Foster, and having reviewed the citations submitted to the Court by the respective counsel herein, the Court makes its findings of fact, conclusions of law and memorandum opinion.

The Findings of Fact, Conclusions of Law and Memorandum Opinion attached hereto are made the findings of fact, conclusions of law and opinion of this Court as if again set forth fully in this Journal Entry.

The Court finds the denial of the plaintiff's request for a conditional use permit by the Board of County Commissioners of Sedgwick County, Kansas to be arbitrary and unreasonable and enters as its judgment herein, the Findings of Fact, Conclusions of Law and Memorandum Opinion hereto attached.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the property legally described as:

KAPLAN,
MCMILLAN
AND
HARRIS
ATTORNEYS

ROBERT W. KAPLAN
ALVIN MCMILLAN
CHARLES F. HARRIS
JEFF DEWEY

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
(316) 262-5175

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24 described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence North 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line; thence North 600 feet to the point of beginning;

be granted a conditional use permit for the purpose of the establishment and construction of a mobile home park and for the purposes set forth in the application of the plaintiff for the said conditional use permit, and it is directed that the conditional use permit is approved subject to recordation of an approved plat.

IT IS SO ORDERED.



Michael Corrigan
 THE HONORABLE MICHAEL CORRIGAN
 DISTRICT COURT JUDGE

APPROVED:

KAPLAN, McMILLAN AND HARRIS

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed for record in the office of the Clerk of the District Court, Sedgwick County, Kansas, on this 9 day of Feb. 1937.

By *Robert W. Kaplan*
 Robert W. Kaplan
 Attorney for Plaintiff

By *Bita Reese*

THE BOARD OF COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

By *Richard N. Euson*
 Richard N. Euson

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

JEFF BANNON,)
)
 Plaintiff,)
)
 vs.) Case No. 85 C 2406
)
 THE BOARD OF COUNTY COMMISSIONERS)
 OF SEDGWICK COUNTY, KANSAS,)
)
 Defendant.)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND MEMORANDUM OPINION

I. Nature and History of Case

This matter originated with an application by the plaintiff for a conditional use permit to establish a mobile home park to be generally located on the west side of Meridian between 47th Street South and 55th Street South. The application area is legally described as:

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24 described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence North 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line; thence North 600 feet to the point of beginning.

The plan as submitted with the application proposed a maximum of 585 mobile home pads, which would be a density of 9.17 homes per acre. The plan as submitted provided that each mobile home space would have a minimum of 5,000 square feet and that

access would be by virtue of one opening to 47th Street South and three openings to Meridian.

The matter was first heard by the Metropolitan Area Planning Department of Sedgwick County, Kansas on May 2, 1985.

The matter was referred to the Sedgwick County Board of County Commissioners for hearing and determination on May 29, 1985 but was, on motion of the commission, deferred until June 19, 1985.

On June 19, 1985, upon unanimous motion of the commission, the request for a conditional use permit was denied. This appeal followed.

II. Findings of Fact

The Court finds the following facts to be controlling:

1. The site in question presently contains a farm house and open agricultural land. Zoning for this area is residential-1, with some areas being zoned light commercial.
2. The area surrounding the proposed site is the location of numerous existing mobile home parks and lots, including (a) Green Acres Mobile Home Park, containing approximately 250 mobile homes, located approximately one-quarter of a mile north of the site; (b) Mobile Manor, Inc., containing approximately 300 mobile homes, located approximately one mile north of the site; (c) Mobile Home Manor, Inc. Addition, a 150-unit mobile home park under construction, located approximately three-quarters of a mile north of the site; (d) Cottonwood Grove Mobile Home Park, containing approximately 425 mobile homes, located approximately one-quarter mile north of the site; and (e) various other mobile homes and modular homes located on private lots within a one-mile radius of the site.
3. The proposed design for the site was prepared by Poe & Associates of Kansas, consulting engineers, and presented to the Metropolitan Area Planning Commission in its regular meeting held on May 2, 1985.

4. The proposed design for the site was approved by the Metropolitan Area Planning Commission by a 9-1 vote, provided that certain conditions were met.

5. The plaintiff agreed to and accepted all the conditions which were imposed by the Metropolitan Area Planning Commission as conditions of approval.

6. Protest petitions to the proposed conditional use were filed by the owners of approximately 45% of the land area within the 1,000-foot radius protest site.

7. The request for the conditional use permit denominated as Application No. CU-279 was presented to the defendant, the Board of County Commissioners of Sedgwick County, Kansas, at its regular meeting of May 29, 1985. At that meeting, the applicant's proposed mobile home park plan was presented by city-county staff to the Sedgwick County Commission with the comment that the mobile home layout was a reasonable and adequate design for the proposed development. The Sedgwick County Commission conducted a public hearing on that date, and persons objecting to the land being used as a mobile home park site were allowed to express their objections. At the conclusion of the public hearing, the matter was deferred to June 19, 1985.

8. At the June 19, 1985 County Commission meeting, the request was again presented, and it is noted that the parties herein have stipulated that the Metropolitan Area Planning Department staff supported the project. At the June 19, 1985 meeting, the vote was called for, and without any debate, the conditional use permit was denied by a 2-0 vote.

9. No reasons whatsoever were given for the denial.

10. The parties have stipulated to the following exhibits which are accepted and have been reviewed by the Court:

- (a) Applicable zoning regulations, Sedgwick County, Kansas, and zoning ordinances, City of Wichita, Kansas.
- (b) Minutes and recommendations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

- (c) Proceedings of the Board of Sedgwick County Commissioners.
- (d) Accuracy and admissibility of the sketch plan of South Towne Mobile Home Park.
- (e) Photographic exhibits.
- (f) Staff Report of the Wichita-Sedgwick County Metropolitan Area Planning Department.
- (g) Minutes and recommendations of the Wichita-Sedgwick County Metropolitan Area Planning Department.
- (h) Proposed resolution to approve the rezoning.
- (i) Protest petitions.
- (j) For informational purposes only, the Trailer Code of Sedgwick County, Kansas, which the parties agree was not officially adopted by the Sedgwick County Commissioners.
- (k) The presented analysis of school-cost information.
- (l) Soil surveys taken April, 1979.
- (m) The pertinent portions of the Metropolitan Area Planning Department case file.
- (n) Land Use Element of the Comprehensive Plan for the Wichita-Sedgwick County Metropolitan Area adopted August 31, 1978 for the year 2000 and consisting of the following Land Use Technical Reports:
 - (1) Part I: Goals and Objectives
 - (2) Part II: Methodology
 - (3) General Development Guide

11. The parties have further stipulated that the real property which is the subject of the conditional use permit for the mobile home park is currently vacant and unimproved ground and has never been developed, and the Court so finds.

12. Finally, the parties have stipulated to the testimony of C. Bickley Foster as well as to the qualifications of C. Bickley Foster, and the Court accepts and adopts from said stipulation the following testimony which the Court finds to be controlling of the issues in this lawsuit:

(a) The character of the neighborhood

The 113.2-acre proposed site is located on the west side of Meridian between 47th Street South and 55th Street South. The site is 3,240 feet long extending south from 47th Street and

mostly 1,320 feet wide with an approximately eight-acre tract not included in the northeast corner where the applicant lives. In all four directions, the land nearby is used for agriculture with scattered farmhouses, some of which are used by non-farm dwellers. Campus High School is located at the northeast corner of Meridian and 55th Street. Numerous mobile home parks are located mostly north of the site. For example, Green Acres with about 250 mobile homes is approximately 1/4 mile north; Mobile Manor, Inc. with 300 homes is one mile north; Mobile Home Manor, Inc., under construction for 150 homes, is 3/4 mile north; and the newest one zoned by the City of Wichita and under construction for 450 homes is Cottonwood Grove located 1/4 mile to the north. Mobile and modular housing is also situated on private lots in addition to the stick-built houses in the surrounding area. A suburban-type development on septic tank systems is located 1/2 mile west of the western boundary of the proposed site. The city limits of Wichita extend southward along Meridian to 47th Street, thence eastward on 47th Street for 1/2 mile and then continue southward again. The proposed development is compatible with the character of the neighborhood.

(b) The zoning and uses of properties nearby

The nearby uses of property are described in factor (a) above. Existing zoning on the proposed site is "R-1" Suburban Residential, as is all the surrounding area except some "LC" Light Commercial zoning to the north and south. Mr. Foster testified that from a planner's standpoint, the existing zoning of the area exhibits a very liberal attitude towards the location of mobile homes. It was Mr. Foster's opinion that a mobile home park may properly be located in all Sedgwick County residential zones when approved as a conditional use. Further, mobile home parks may be approved as conditional uses in the "BB" Office District and permitted in the "LC" Light Commercial and "C" General Commercial Districts. This is in contrast to the City of Wichita, Kansas, which only permits mobile homes in the "G"

*Not a true
or correct
statement*

Manufactured Home District and only in a mobile home park or manufactured housing subdivision. It is Mr. Foster's opinion that the land use policy of Sedgwick County, Kansas, which has been implemented through zoning, encourages the placement of mobile homes in a wide variety of locations. Mr. Foster concluded his testimony on factor (b) by stating that, assuming the market continued to support mobile home parks, the denial of the conditional use permit would simply shift the decision to rezone or approve a conditional use for another site since mobile home parks in the county are the only form of residential use for which proper zoning is not readily available.

(c) The suitability of the subject property for the uses to which it has been restricted.

The site is level with manageable drainage problems and transversed by a high pressure gas line. The soil is classified by the Soil Survey of Sedgwick County, Kansas published by the U. S. Soil Conservation Service as Narvon (Na) and Tabler (Tb). According to the report, Narvon soil type has very good agricultural production qualities based on potential crop yields and similarly very good physical qualities for urban-type development. On the other hand, Tabler has good, but not as good, agricultural production qualities; however, it has very poor urban-type development characteristics. About half of the site which is along Meridian is Narvon with the interior half as Tabler.

The "R-1" Suburban Residential District permits by right only agriculture, one-family dwellings (including mobile and modular homes), churches and related schools, exploration for oil, golf courses, public schools and the usual home occupation and accessory structures. It is unrealistic to believe that the site will remain in agriculture given its location next to Wichita and the availability of utilities and paved roadways. Certainly the land market for public and church schools, oil exploration and golf courses could be considered highly doubtful.

Churches would never utilize such a large site. Stick-built and mobile homes on individual lots could be placed on the Marvon soil area with or without public sewers and basements. While Tabler soils are rated severe for most urban-type development characteristics, public water and sewers and paved streets can considerably overcome such limitations. The shrink-swell and low-strength characteristics increase the cost of construction for structures and discourage basements. Mobile homes supported by central I-beam construction for transport purposes would fare far better on such soils than stick-built homes supported by perimeter foundations. Again, this factor supports development of mobile homes.

- (d) The extent to which removal of the restrictions will detrimentally affect nearby property.

Since this application is for a conditional use and not rezoning, it not only does not allow a new range of permitted uses, but limits the use of the property to only a mobile home park. While the traffic would increase, it would be no more than anticipated by the opening of any other mobile home park to the north. The limited access control of two entrances to Meridian and one to 47th Street will help maintain the carrying capacity of the roads.

The main thrust of the protestors' arguments are that they perceive such a mobile home park to devalue their property and basically they in the south of Wichita have had their share of such parks. The substantial number of mobile homes in the area is well documented by Commissioner Hentzen's survey conducted for him by the County Appraiser's office. No actual documentation, however, was offered as to their perceived loss of value. Although the neighbors were wary of the final appearance of this or any other mobile home park, all participants, including the M.A.P.C. and its staff, seem to feel that the design for this park was good and in fact "superior" to one proposed in 1963 for this site by another applicant and subsequently withdrawn.

The present applicant has not only agreed to all conditions for approval, including meeting the county Trailer Code, but the amenities have considerably been exceeded by what might actually be required by the applicable regulations. None of the neighbors suggested a change in the development other than not being built at all. For some combination of socioeconomic reasons, the south of Wichita has been the focal point for mobile home expansion. The only way to satisfy the neighbors would be to arbitrarily reverse the entire land use policy which directly or indirectly places mobile homes in the area in contradistinction to the natural socioeconomic forces at work. No action to reverse this fairly debatable policy has been initiated by the County Commissioners, the M.A.P.C. or the staff since the decision on this matter.

- (e) The length of time the subject property has remained vacant as zoned.

It is stipulated by the parties that the land has never been developed.

- (f) The relative gain to the public health, safety, and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner.

The Court finds that at the presentation of the applicant to the Sedgwick County Commissioners at the May 29, 1985 meeting, Kenneth Hill of Poe & Associates, engineers, provided information obtained from the Research, Planning and Development Services Division of the Wichita public schools that showed 2.43 times as many students come from conventional housing as from mobile homes in the south Wichita area. Additional information presented by Mr. Hill from the Chief Deputy County Clerk indicated that a mobile home park actually generated more revenue per student in the Haysville school district. The neighborhood argument that the mobile home park would create an overcrowded condition for the school was therefore not persuasive. It was also Mr. Foster's testimony that while traffic will increase, it would not be greatly different than that which would

be created from a stick-built subdivision with its higher-per-household number of occupants and vehicles. Therefore, he believes that the benefit to the public at large not permitting the development would appear to be minimal. While the benefits to the public are considerable in providing suitable housing for many people who otherwise have been priced out of the stick-built market, the substantial improvement in mobile home quality in the last decade has attracted the public increasingly to that solution to the housing problem. There are other public benefits, including jobs and taxes, and the Court finds that the hardship to the applicant leaving him with a piece of agricultural ground for which a potential development price has been paid and no feasible use of the land is a greater detriment than any potential hardship to public health, safety or welfare.

(g) The recommendations of permanent or professional staff.

It has been stipulated that staff recommended the approval of the application with conditions as agreed to by the applicant.

(h) The conformance of the requested change to the adopted or recognized master plan being utilized by the city.

The Metropolitan Area Planning Commission adopted by resolution its current Land Use Element of the Comprehensive Plan for the Wichita-Sedgewick County Metropolitan Area for the year 2000 in August 1978. It was based on data compiled during 1974-75, written during 1976-78 and published in three reports. In actuality, the plan does not anticipate development of the site in question during the planning period to year 2000. It does anticipate that from 1980 to 2000, 3,400 mobile homes on 510 acres would be added to the metropolitan area. The plan does not single out mobile homes for any particular location but as part of the general residential development. The Metropolitan Area Planning Commission in its motion to approve the application, indicated its consideration of the plan, and the motion indicated

that the M.A.P.C. considered the factors as contained in Policy Statement No. 10. The Court, having reviewed Policy Statement No. 10 of the Metropolitan Area Planning Commission, finds that item 2 therein makes reference to the recognized master plan being utilized by the city. Mr. Foster testified as follows:

A reading of pertinent sections of the plan would lead one to believe that the M.A.P.C. realizes that development is taking place faster in the direction of the proposed site than anticipated in the 1974-78 plan preparation period. While the methodology report rated the square-mile section where the site is located as in the third of four quarter percentiles, many of the criteria have now changed. A 21-acre city park named Southview located 1/8 mile to the east along 47th Street was acquired in 1981 and substantial improvements began in January 1985. Public sewers are already constructed on Meridian and city water supply is now 1/4 mile north. The city limits of Wichita are at the corner of 47th and Meridian to which the Wichita Metropolitan Transit Authority buses already provide service. The area to the north is rapidly filling in.

The Court finds such testimony to be persuasive in finding that the application complies with factor (h), the conformance of the requested change to the adopted or recognized master plan being utilized by the city.

15. The Court finds factually that a careful review and analysis of the source material and site supports factually the approval of the conditional use. The Court now considers its conclusions of law as applicable to this case as follows:

III. Conclusions of Law

The rules of judicial review which this Court must apply in zoning appeal cases are as follows:

1. The local zoning authority and not the Court has the right to prescribe change or refuse to change zoning.
2. The District Court's power is limited to determining (a) the lawfulness of the action taken, and (b) the reasonableness of such action.
3. There is a presumption that the zoning authority acted reasonably.

4. The land owner has the burden of proving unreasonableness by a preponderance of the evidence.

5. The Court may not substitute its judgment for that of the administrative body and should not declare the action unreasonable unless totally compelled to do so by the evidence.

6. An action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide of the mark that its unreasonableness lies outside the realm of fair debate.

7. Whether action is reasonable or not is a question of law to be determined upon the basis of the facts which were presented to the zoning authority.

8. The District Court, in reviewing the zoning decision of an administrative agency, may take additional evidence that is relevant to limited issues of reasonableness and legality of the order appealed.

9. If valid differences of opinion are evident and present in connection with fairly debatable issues, the Court may not substitute its judgment for that of the County Commission in order to change the decision on the debate.

In judging whether the actions of the county were arbitrary and unreasonable in denying plaintiff's application, the Court applies the test of reasonableness established in Golden v. City of Overland Park, 224 Kan. 591, 584 P.2d 130 (1978).

These factors are:

1. The character of the neighborhood.
2. The zoning and uses of properties nearby.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The extent to which removal of the restrictions will detrimentally affect nearby property.
5. The length of time the subject property has remained vacant as zoned.
6. The relative gain to the public health, safety, and welfare by the destruction of the value of the

plaintiff's property as compared to the hardship imposed upon the individual landowner.

7. The recommendations of permanent or professional staff.
8. The conformance of the requested change to the adopted or recognized master plan being utilized by the city.

The Court also recognizes that objection of neighborhood residents is a relative factor for the Court to consider.

The Court, having reviewed the stipulation of facts, the stipulation that the land has never been developed, the stipulated testimony of C. Bickley Foster, and Exhibits 1 through 14 as previously identified in the Court's findings of fact herein, finds the following rules of law to be controlling:

1. The Court finds as controlling the criteria from the case of Golden v. City of Overland Park, 224 Kan. 591, 584 P.2d 130 (1978), in permitting the Court to determine whether the actions of the Sedgwick County Commissioners in denying the conditional use permit for a mobile home park were arbitrary and unreasonable.

2. The Court finds that all eight considerations, i.e., the character of the neighborhood; the zoning and uses of properties nearby; the suitability of the subject property for the uses to which it has been restricted; the extent to which removal of the restrictions will detrimentally affect nearby property; the length of time the subject property has remained vacant as zoned; the relative gain to the public health, safety and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner; the recommendations of permanent or professional staff; and, finally, the conformance of the requested change to the adopted or recognized master plan being utilized by the city, must all be resolved in favor of the plaintiff.

3. The Court fails to find any basis for the action of the Sedgwick County Commission except the opposition of neighborhood residents. Although the Supreme Court of the State of

Kansas has spoken to the consideration to be given the opposition of neighboring residents and the consideration to be given the "public" in considering these matters, the Court in Waterstradt v. Board of Commissioners, 203 Kan. 317, 454 P.2d 445 (1969), stated:

"Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The Court is of the belief that the County Commission relied heavily on the opposition of the neighbors. The other stated reasons as contained in the minutes of the Metropolitan Area Planning Commission and Sedgwick County Commission meetings totally lack substantial or probative evidence for refusal of zoning changes when the entire area is considered. The Court has considered not only Golden v. City of Overland Park, supra, but also the holdings of Combined Investment Co. v. Board of Butler County Comm'rs, 227 Kan. 17, 28, 605 P.2d 533 (1980), and Taco Bell v. City of Mission, 234 Kan. 879, 885, 678 P.2d 133 (1984).

The Court finds that in the case at hand there is rationale for applying the Golden factors. The county zoning regulations do not contain any special standards for reviewing a conditional use permit. The Wichita-Sedgwick County Metropolitan Area Planning Commission apparently uses the same criteria for reviewing a conditional use application as it does a rezoning case. The M.A.P.C. motion for approval of the Bannon application on page 9 of their minutes of May 2, 1985 makes reference to "Policy Statement No. 10". The policy states that the eight factors of Golden, supra, as previously listed, apply to their review of applications plus the following additional considerations:

"(9) The impact of the proposed development on community facilities.

"(10) The previously adopted zoning policies of the M.A.P.C. and Governing Body.

"(11) The opposition or support of neighborhood residents."

The county zoning regulations basically permit a mobile home park to be located anywhere in the R-1 suburban residential district, provided a conditional use permit is approved for a particular site. The Court therefore believes that although the matter at hand is not a rezoning case, the size of the proposed developments and M.A.P.C. standards for review would indicate that the Golden factors would serve as not only a useful but the appropriate test in judging whether the actions of the Sedgwick County Commissioners were arbitrary and unreasonable in denying a conditional use permit for a mobile home park.

When considering the application of the factors of Golden, the fact that this project received the recommendation of professional staff and had previously been approved by the Metropolitan Area Planning Commission and in reviewing the minutes of the meetings of the M.A.P.C. and County Commission, as well as the testimony of the expert, C. Bickley Foster, it is clear to the Court that the only reason for denying this application was the opposition of the neighborhood. Considering the fact that this property has never been developed and all of the other factors support acceptance of a mobile home park in this area, the Court finds the county to have acted arbitrarily and unreasonably in refusing to grant the conditional use permit and accordingly finds for the plaintiff.

Plaintiff's counsel is directed to prepare a journal entry which is consistent with the foregoing decision.

THE HONORABLE MICHAEL CORRIGAN
DISTRICT COURT JUDGE

D. Cottonwood Grove Mobile Home park with approximately 425 mobile homes located approximately $\frac{1}{4}$ mile north of the site.

E. Various other mobile homes and modular homes located on private lots within a 1 mile radius of said site.

(See: Attached photos - Exhibit 'C')

4. The proposed design for the site, was prepared by Poe and Associates of Kansas, consulting engineers, and presented to the Metropolitan Area Planning Commission in a regular meeting held on May 2, 1985. (See: Attached site plan - Exhibit 'D'.)

5. The proposed design for the site was approved at said Metropolitan Area Planning Commission meeting by a 9 to 1 vote, provided certain conditions were met. (See: Motion setting forth MAPC Conditions - Exhibit 'E'; Minutes of MAPC meeting - Exhibit 'F'.) *to the*

6. To date, plaintiff has agreed to all of the conditions imposed by the Metropolitan Area Planning Commission.

7. Protest Petition to the proposed conditional use can be filed by landowners within a 1,000' radius of the proposed site. In this particular case, a protest petition was filed by the owners of approximately 45% of the land area within the 1,000' radius. (See: Exhibit 'G'.)

8. This request for a conditional use permit, CU-279, was presented to the defendant, the Board of County Commissioners of Sedgwick County, Kansas at the regular meeting on May 29, 1985. (See: Board of Sedgwick County Commissioners Meeting Minutes - Exhibit 'H'.)

9. At said County Commission meeting, the proposed Mobile Home Park plan was presented by City-County Staff to the Metropolitan Area Planning Commission. Staff indicated their support of the project and further conveyed that the application had been supported by a 9 to 1 vote in favor by the Metropolitan Area Planning Commission.

KAPLAN
MCMILLAN
AND
HARRIS
ATTORNEYS

HERT W. KAPLAN
L. W. MCMILLAN
CHARLES F. HARRIS
JEFF DEWEY

PHONE
FAX
TELETYPE
FACSIMILE

10. At said County Commission meeting, the adjoining land owners were allowed to express their objections to the land being used as a mobile home park site.

11. The matter was deferred by the defendant Board of County Commissioners of Sedgwick County, Kansas.

12. At a regular meeting, on June 19, 1985, the Board of County Commissioners again heard the request for a conditional use permit. At this meeting, there was no discussion on the merits of the case. (See: Board of County Commissioners Meeting Minutes - Exhibit 'I'.)

13. At said meeting, a vote was called for and without any debate, the conditional use permit was denied by a 3-0 vote.

14. No reasons whatsoever were given for the denial.

15. Following this unfavorable decision, the plaintiff filed the present action.

RESPECTFULLY SUBMITTED

KAPLAN, McMILLAN AND HARRIS
ATTORNEYS FOR PLAINTIFF,
JEFF BANNON

BY: _____
ROBERT W. KAPLAN

ATTORNEY FOR DEFENDANT,
THE BOARD OF COUNTY
COMMISSIONERS OF SEDGWICK
COUNTY, KANSAS,

BY: _____
RICHARD A. EUSON

KAPLAN
MCMILLAN
AND
HARRIS
ATTORNEYS

ROBERT W. KAPLAN
ALVIN M. MILLAN
CHARLES F. HARRIS
JEFF DEWEY

316-262-5175

● Total Area 18,959,492 SQ. FT.
Application Area 4,877,450 "
Street R/W 570,300 "
Net Area 13,511,742 "
20% of Net Area 2,702,348 "
● Net Protest Area 9,920,403 "
Total % Protesting 73.4 %

This figure includes Net Area reported which is not valid because of lack of proof in data.

● Total Area 18,959,492 SQ. FT.
Application Area 4,877,450 "
Street R/W 570,300 "
Net Area 13,511,742 "
20% of Net Area 2,702,348 "
● Net Protest Area 6,153,903 "
Total % Protesting 45.5 %

FORM 29-1

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
-------------	--------

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

17,300,492.000 +
 785,000.000 +
 785,000.000 +
 18,959,492.000 *

 18,959,492.000 +
 5,447,750.000 -
 13,511,742.000 =

 13,511,742. *
 0.20 =
 2,702,348.40 *

 6,153,903. ÷
 13,511,742. =
 0.455 *

A
 Total
 Area
 2400
 950
 3350 X 1320 4,422,000
 +
 670 X 550 368,500
 +
 370 X 470 ÷ 2 86,950
 Total Appl Area 4,877,450

- ① 785,000
- ② 1000 X 1320 = 1,320,000
- ③ 785,000
- ④ 3350 X 1000 = 3,350,000.
- ~~⑤ use per = 867,463~~
- ⑥ use per = 211,960
- ⑦ use per = 2,363,269
- ⑧ street 690 X 65 = 44,850
- ⑨ street 90 X 1670 = 150,300
- ⑩ 2580 X 1000 = 2,580,000
- ⑪ use per = 1,457,426.
- ⑫ use per = ~~1~~ 166,774

NW 1/4 & NE 1/4 SW 1/4 5-28-85
 No proof has been submitted by Norma Cox that the divorce settlement gave her sole ownership of these properties. Therefore, without Lee Cox's signature, the petitions are INVAID.
 (Note: new petitions with Lee Cox's signature were brought to planning dept. this AM, but are much less than the old ones.)

1,580,000
 - 67,500
 ⑬ 1,512,500 ← 39,000 (circled)

 64 950
 X 1320

Protect Area

⑥ 211,960

⑦ 2,363,269

⑩ 2,580,000

⑫ 166,774

Part of ② 831,900

Street

⑨ 44,850

③ 150,300

west of 47th 770x80 + 660x90 = 121,000

" of midian 3910x65 = 254,150

TOTAL STREETS = 579,300*

med (11) $\left. \begin{array}{l} 2814 \\ 2814 \\ 2811 \end{array} \right\} \begin{array}{l} 2814 \\ 1,457,427 \end{array}$

med (7) $\left. \begin{array}{l} 4555 \\ 4566 \\ 4568 \end{array} \right\} \begin{array}{l} 4563 \times 517.92 \\ 2,363,269 \end{array}$

small (5) $\left. \begin{array}{l} 2928 \\ 2916 \\ 2910 \end{array} \right\} \begin{array}{l} 2918 \times 297.28 \\ 867,463 \end{array}$

small (6) $\left. \begin{array}{l} 0706 \\ 0717 \\ 0716 \end{array} \right\} \begin{array}{l} 713 \times 297.28 \\ 211,960 \end{array}$

small (12) $\left. \begin{array}{l} 0547 \\ \del{509} \\ 563 \\ 574 \end{array} \right\} \begin{array}{l} \del{713} \\ \del{716} \\ \del{508} \end{array} \begin{array}{l} = 561 \times 297.28 \\ 166,774 \end{array}$

June 21, 1985

Jeff Bannon
946 North West Street
Wichita, Kansas 67203

RE: CU-279

Dear Mr. Bannon:

Enclosed are copies of the two protest petitions that you requested concerning CU-279. If you need any further information, please let me know.

Sincerely,

Terrence T. Smythe
Senior Planner

TTS:blw

W I C H I T A - S E D G W I C K C O U N T Y
M E T R O P O L I T A N A R E A P L A N N I N G D E P A R T M E N T

To: F. Tim Witsman, County Administrator Date: June 10, 1985
From: Robert A. Lakin, Director of Planning
Subject: Regulations regarding mobile home parks.

After the May 29th Commission meeting at which the conditional-use application for a 585-unit mobile home park on Meridian south of 47th Street South was reviewed, the question was asked if any other similar communities had regulations which would limit the size of mobile home parks or the number of mobile homes in any given area. We checked with planning and zoning code officials in Denver, Austin, Oklahoma City and in Kansas City, Missouri. The City of Denver does not allow mobile homes at all in the city or county, although they still have eight parks which existed prior to adoption of the current regulations. These parks are not allowed to expand. The other cities have no limitations on the size or location of mobile homes as long as the proper zoning is obtained for the mobile home park or subdivision development. Oklahoma City acknowledged having trouble with a concentration of mobile home parks in the southeast part of their city, but have no regulations yet which would allow them to limit the number of mobile homes. A consultant in Tulsa who works with the manufactured homes industry in the Midwest does not know of any area using such a policy. Examination of recent planning text and text on zoning law does not reveal any area using such policies.

Robert A. Lakin
Director of Planning

RAL:mlh

*CU-279 File
Mentor*

WICHITA-SEDGWICK COUNTY

May 21, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Board of County Commissioners

FROM: Robert A. Lakin, Director of Planning

SUBJECT: CU-279 - Mobile Home Park Request on the west side
of Meridian between 47th and 55th Streets South.

On your agenda for May 29 will be the above case. In reviewing the minutes, there was considerable discussion concerning the number of children that would be in a mobile home park, and also the amount of revenues that would come from mobile home parks versus conventional housing and support of school systems. I am attaching the information that was handed out to the Planning Commission for your review. You will also find a "trailer code" that is referred to with the standards in our conditional use case. You may find this of assistance. If you have questions in reviewing any of this material, please feel free to give me or Glen Lytle on my staff a call.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-279 - CONDITIONAL USE PERMIT TO ESTABLISH A MOBILE HOME
PARK. GENERALLY LOCATED ON THE WEST SIDE OF MERIDIAN
BETWEEN 47TH STREET SOUTH AND 55TH STREET SOUTH.

The MAPC recommends that the application be approved.
(see minutes for full motion)

Hansen moved, Gardner seconded and it carried with a vote of 9 in
favor (Hansen, Gardner, Banzer, Bayouth, Chisholm, Crockett, Goebel,
Moore, and Peters) and 1 opposed (Wilson).

NOTE: The percentage of the protest petitions received on this appli-
cation will be pointed out at the time the case is considered by the
County Commission.

ACTION:

1. Approve the recommendation of the Metro-
politan Area Planning Commission subject
to the recommended conditions of approval,
adopt a resolution establishing the
conditional use, and instruct the Planning
Department to withhold publication until
such time as the plat has been recorded;
or
2. Deny the application.

DATA AND MINUTES

MAPC Hearing Date: 5-02-85

BCoC Hearing Date: 5-29-85

AREA DATA:

Acres: 113

Size: 1320' x 3240' (irregular)

Commission District #3

Reason: To establish a mobile home park.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Farm house, agriculture	"R-1"
North	Farm house, agriculture	"R-1" & "LC"
South	Farm house, agriculture	"R-1" & "LC"
East	Farm houses, agriculture	"R-1"
West	Farm house, agriculture	"R-1"
History: CU-263	10-13-83 Haysville P.C.	Denied
	10-20-83 MAPC	Denied
	11-16-83 BCoC	Return to MAPC
	12-01-83 MAPC	Denied
	12-28-83 Withdrawn by applicant	

Applicant: Kansas Investment Corp., 946 N. West Street, Wichita 67203

Protestors: Arthur and Wilma Danielson, 2909 West 47th Street South;
John Arnce, 5018 South Meridian.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 2, 1985

LEGAL:

5. Case No. CU-279 - Kansas Investment Corp. requests a Conditional Use Permit for the East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

SMYTHE pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following items should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting approval of a Conditional Use Permit to establish a mobile home park on an approximate 113 acre unplatted tract of land zoned "R-1" and located on the west side of Meridian and south of 47th Street South.

A site plan submitted with the application proposes a maximum of 585 mobile home pads which would be a density of 5.17 homes per acre. The applicant has indicated on the proposed site plan that each mobile home space will have a minimum of 5,000 square feet. Access would be one opening to 47th Street South and three openings to Meridian.
2. The major factors to consider in regards to this application are water, sewer and drainage. The City of Wichita Water Department advises that water could be extended from a point one-half mile east of Meridian or one-quarter mile north of 47th Street at the developers expense. Sanitary sewer could be provided by the Southwest Interceptor Sewer which runs along the entire length of subject property in Meridian. There are drainage problems associated with subject property that will have to be resolved at the time of platting. There is a 300 acre tributary which runs south from 47th to enter the Protection Drainage District Channel south of 55th Street; and a 100-acre tributary which crosses Meridian one-half mile south of 47th Street.
3. Generally eight percent of the site should be useable open space which would be 9 acres for this site. The proposed site plan shows approximately 20 acres to be used for open space and recreation areas. In association with the mobile home park, the applicant proposes a swimming pool and a building to house rest rooms, changing facilities and a storm shelter.
4. If a storage area for recreational vehicles and boats is contemplated, then a spot of Commercial zoning would be needed. Because it generally is outside storage, it should be located internally near the

light commercial zoning so that the mobile homes will help screen the vehicles from adjacent properties.

5. Should the Commission determine that this is an appropriate area for a mobile home park, then the following conditions of approval would be consistent with other approved mobile home parks:
 - a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
 - b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
 - c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
 - d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
 - e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
 - f. No individual mobile home space shall have direct access to a public street.
 - g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.
 - h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 30 feet as required by the County Trailer Code.
 - i. There shall be no open storage and each mobile home space shall be provided with a storage building.
 - j. The maximum number of mobile home pads for the entire development shall not exceed 585.
 - k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
 - l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

DISCUSSION:

SMYTHE stated that a request for mobile home park approval on this property was heard about a year and a half ago. That application was for 150 acres and proposed a 920 unit mobile home park that pretty much ignored the basic drainage in the area. He said that in October 1983, the Haysville Planning Commission denied the application; the Metropolitan Area Planning Commission denied it, and it was returned from the County Commissioners and was denied once again by the Metro-

politan Area Planning Commission, and finally withdrawn by the applicant.

SMYTHE pointed out that the new request was for 113 acres of unplatted land and excludes the light commercial piece of property on the southwest corner of 47th and Meridian. He mentioned that the Planning Commission had received packets from both the applicant's agent and the Board of Education in the City of Haysville explaining some of their viewpoints. SMYTHE stated that the site plan submitted with the application proposes a maximum of 585 mobile home pads with a density of 5.17 homes per acre. He said there would be one access to 47th Street and three accesses to Meridian Avenue. He said that the major factors concerning this case as well as the previous case heard about a year ago were water, sewer and drainage. The Water Department advises that the water could be extended from approximately 1/2 mile to the east on 47th Street. The southwest interceptor sewer runs along the west side of Meridian. Water and sewer could be extended at the applicant's expense. SMYTHE pointed out that there was a 300-acre tributary that runs from the north side of 47th Street down and basically corresponds to the drainage to the area in the south part of the development. The 100-acre tributary crosses Meridian about midway down and all of that drainage flows to the southern part of this application. SMYTHE said that Meridian was scheduled in the County C.I.P. for resurfacing in 1988. He said that if water and sewer were to be extended from the City of Wichita, the standard out-of-the-city agreements would be requested. SMYTHE said that staff was in support of the application although they would like to amend conditions "h" and "j". Condition "h" states that the minimum width of 30 feet was required by the County Trailer Code. He said that staff talked with the applicant's agent, and that staff was satisfied with a 25-foot road provided there were two off-street parking spaces per pad. Condition "j" states that the maximum number of mobile home pads for the entire development shall not exceed 585. SMYTHE pointed out that this was a preliminary proposed plan, and staff would be supportive of some sort of leeway, maybe 10 percent at the maximum. He said that at the present density of units there was a 5.17, and if given a 10 percent leeway, that would raise the units to about 643 units and a density of 5.70.

CROCKETT stated that apparently the site was within the Haysville school district, but not in the Haysville planning domain. He asked if that was correct.

SMYTHE said that was correct.

HANSEN said that she was not clear what the regulations were with the mobile home park in a conditional use situation on requiring and getting compliance on plantings. She asked, based on the plan the Commission has seen, how much can they enforce?

LAKIN responded that first of all they have made reference to a County Mobile Home Code which was a working draft that he did not believe had ever been adopted by the County and the Health officials to where it is legally enforceable. It is used as a standard. He said that anything that the Commission really wanted to tie down needed to be tied down by reference to that document or some other specific requirement and made a part of the conditional use motion.

LAKIN made the Commission aware that this request was a County conditional use case, and that it could not develop in the County very well without City of Wichita water and/or sewers. When that occurs, it would then be subject to annexation. When it is annexed it comes in with "G" Mobile Home zoning, and so the real strict control on the conditions drop out except for approval of the site plan and layout which is authorized through the Planning Director.

HANSEN asked what mechanism could a planning commissioner write into this dealing with landscaping.

LAKIN stated that under the conditional use permit they could require landscaping by description or require a landscaping plan for

certain areas with some sense of direction for staff to be able to evaluate it as they do on some of the community unit plans. He said that he was a little concerned that if this does get annexed into the City, then the landscape requirement would not be enforceable. He said that perhaps another way to get to that was to enter into a covenant between this property owner and adjacent property owners, but enforcement becomes a problem on private covenants.

HANSEN stated that she believed so strongly that they need a moderate and low cost housing in this community, but she also believed that there was no excuse for turning a neighborhood into a tacky area.

WILSON asked if the Commission was looking at anything new and different other than the magnitude.

LAKIN pointed out that they were looking at two things different; magnitude was one, and an improved site design.

KENNY HILL, Poe and Associates, representing the applicant, stated that to answer Mr. Wilson's question about changes that have happened with this property, when this originally came to the Commission in 1983, this property was owned by Norma Cox and Jeff Bannon was a contract purchaser. Since that time this land has been purchased by Jeff Bannon, who lives on the property. This is his land and he intends to develop it in some manner and feels this is the best use for the property.

HILL read from a prepared statement, stating that since an application for a mobile home park had been filed in this area and later withdrawn, they have had an opportunity to review and answer concerns that were indicated in the previous MAPC minutes. They began by completing the drainage concept which is incorporated in the site plan and has been reviewed and approved by the County Engineer's office. Another item of concern was the size of the park which has been reduced from 920 spaces and 154 acres to 585 mobile homes in 113 acres. Some of the other concerns were answered by the design of the site plan. The proposed plan eliminates a grid street pattern. It provides useable open space and takes into consideration the location of the existing pipeline. The site plan proposes a swimming pool, bath house, storm shelter, and parking area to be centrally located. Pedestrian walkways are located at the rear of the mobile homes and there will also be room for landscape berms and plantings. These walkway areas, along with open spaces, account for 20-1/2 acres of the site. The average lot width is 50 feet and will be located on privately owned asphalt streets. Each space will have a two-car concrete parking area plus a concrete patio and storage building.

HILL said that the developers met with the Superintendent of the Haysville School District who informed them that the present enrollment at Haysville is 3,000. The Superintendent also stated that they had structures which would accommodate an additional 1,000 students, but he was concerned about the initial increases in annual enrollment. The developer, at that time, suggested that one thing that could be done to lessen the impact on the school system would be to limit the number of units that could be built per year in the mobile home park. It was agreed that this would help, and for that reason the applicant then suggested that the development be limited to 100 units in 1986; 150 in 1987; 200 in 1988; and the remainder in 1989. This suggestion was based on the information that they had that indicated that each mobile home would add one student to the school system, making a total of 585 students for this development. He said the data they just received indicates that only 173 students would actually be added from this 585 unit mobile home park. He said that he was not sure that the proposed phase development was helpful when these new projections are considered. HILL said that the new data came from a report prepared by the Research Planning and Development Services Division of the Wichita Public Schools. HILL pointed out that he had provided each of the Commissioners with data from the report. This reports shows 842 students coming from 2,846 mobile homes located between West Street and Oliver south of Kellogg. This is less than one student out of three

mobile homes, or one-third of the original projection. In this same area 2,213 students came from single family conventional housing, including 3,077 houses.

HILL said that the Haysville School District indicated some concern about the revenue generated from a mobile home park.

MOTION: That Mr. Hill be allowed an additional four minutes to finish his presentation. Gardner moved, Chisholm seconded and it carried unanimously.

HILL stated this prompted them to do a tax comparison between the mobile homes and the stick built housing. He mentioned the letter from the Sedgwick County Assistant Chief Deputy Appraiser. It shows annual taxes of \$187,740.54 for a 550-unit residential development versus \$133,083.49 for the same size mobile home park.

HILL mentioned the second letter he provided the Commission (document No. 2) came from the County Clerk's office. It shows that 68.17 percent of the total mill levy goes to Haysville U.S.D. 261. He said that based on the information on the last sheet, a 550 unit mobile home park will pay \$560.35 per student in taxes to the U.S.D. 261, while 550 conventional housing units will pay \$324.01 to the school district. He said that was because there were more students per household in conventional housing than there are in mobile homes.

HILL continued that in an attempt to answer some of the neighborhood concerns, the applicant notified the adjacent property owners by letter on April 5, 1985. The color site plan was enclosed and the letter indicating his plans to construct a quality mobile home park. It advised them of today's meeting and offered personally to answer questions. The owner was not contacted by any of the neighbors. He said that since there was a protest petition in the area in 1983, they assumed that there might be one filed against the proposal today. They therefore prepared an aerial photograph which shows the surrounding property. This was to indicate that most of the surrounding property was undeveloped at this time. HILL also pointed out that only 15 different owners were listed on the ownership list in the 1000-foot radius that were notified. HILL said that it takes signatures of those owning 20 percent of the property within the 1000-foot radius, and in this case, one or two of the owners could make the protest over 20 percent. He said the reason they provided the aerial photograph was if there was someone in the neighborhood who objected, the Commission might want to find out how much of the adjacent land they do own. HILL said that the applicant has made contact with the Wichita Area Chamber of Commerce and they have indicated a need for affordable housing.

HILL pointed out that they would like to change the two items mentioned by Smythe relative to the street width and the 10 percent leeway on the density to make any fine tuning adjustments, if need be, in the final design. He said that he believed the plan they have prepared could be developed into a quality mobile home park which would provide the affordable housing needed in the Wichita area.

GARDNER stated that he had read through the numbers given to the Commission by Hill, and appreciated them, because there was quite a bit of difference between the numbers Hill generated with the Wichita school system and the number that the Haysville school system has put forth; a big difference and one that he felt was significant.

CROCKETT commented that he was curious on the attendance areas summarized the Wichita public school data; how did Hill happen to choose the five attendance areas that he selected?

HILL responded that the report that they had was for U.S.D. 259, which takes in all of the area south of Kellogg from West Street to Oliver, and there are other attendance areas in that area also. The areas they chose had heavy uses of mobile homes. The other areas had

maybe 1, 5, 7 mobile homes; not a significant amount, so they took all there was with significant mobile home developments.

WILMA DANIELSON, 2909 West 47th Street South, stated that she and her mother own the 80 acres that would be adjoining the site immediately on the west side, the complete length of the proposed mobile home park. She said they feel like they are the victims of a battering ram in effect here, by trying to wear them down and hitting them repeatedly in the same way. She apologized that there were not more people out, but the time, jobs and money do take their toll. She thanked Commissioner Peters that he was appreciative of the fact that this does take a great deal of effort for people to come out, and that was appreciated. DANIELSON said that the neighborhood did not get a petition up this time, however, if the vote is not in support of their views, it definitely would be done. She said that as far as Mr. Bannon's letter was concerned, it was a very nice letter and she appreciated him doing it. She did not contact Mr. Bannon because she did not know what to say except "why", and did not feel that she would get a very good answer. DANIELSON said that this may be an exercise in futility but they felt they have to make the effort. She said that recently, in the last year, there was an obituary in the paper describing a lady who had died in her home, and it said that she had died in her mobile home in South Wichita. She said that she found that very redundant. However, she felt the south of Wichita was getting a greater share than they deserve. She believes that they are creating a ghetto, and she meant that in the dictionary sense, as Eastborough is a ghetto, but they are creating a ghetto, and they are creating a community in a community. All of these are little communities and are not interested in the community at large. They are almost in separate cities. She said that in the past ten years, about the time the mobile home park went in on Meridian between 47th and MacArthur, from that time on she had watched the homes go from rather well-manicured, fences tended, etc., to places now where mattresses are left on the yard and rotting, where there are junk cars that are being parted out and on the front yard, lack of maintenance on the yards. She said that she was not looking for a utopia but was looking for a nice average community, and she believed that it has gone from that. DANIELSON said she hoped that each one of the Commissioners had driven down the area, looked at the area, and driven into the mobile home parks and observed some of the scenery. There was one mobile home park that had been put in at the bypass and MacArthur on Meridian and it was the most stark, absolutely unpretty site that one could imagine. It is completely devoid of vegetation. They did put in some little fir trees this last year but they have all turned brown. They are also developing across the road for mobile homes, and again they will probably be devoid of any landscaping. She said that if it keeps going in the direction it's going, with a few well-placed bridges you will be able to walk from the bypass to Haysville on tops of mobile home roofs. It just keeps going. She mentioned the other mobile home parks and land owned by the applicant in this area, stating that they have this domino effect, one mobile home creates another mobile home, etc., and in its wake it is not a good development of the community at large or the community as a whole. She felt that this "need for mobile homes" is the victim of a phenomenon called "leap frog syndrome", because what happens is you have people who live in one mobile home that has gone downhill; "no maintenance is now not attractive, here's a new one, lets move". She asked then what happens to the old one? What is the maintenance on those? Do we create another Park City? She felt these kinds of things are very valid questions that they have to address.

MOTION: That Mrs. Danielson be allowed an additional minute to finish her presentation. Crockett moved, Hanson seconded and it carried unanimously.

DANIELSON felt that they have to have some concern for the community at large and what happens ten years down the line. She asked if they were planning for the community, for the mobile home parks, or for the whole area as a site.

DANIELSON stated that there was a pasture land that connects to this area. There are cows in it at the present time. In the summers before, a half mile from her house, they have had a few camp fires out there and have had a few problems with people starting fire. There is a little creek that goes through there, but she cannot see it from her house and cannot maintain it. The only alternative she might have was to have a ranger station set up. She felt that there were aesthetic things to be considered here and felt that the long range, down the road picture has to be considered.

ARTHUR DANIELSON, 2909 West 47th Street South, stated that he would feel remiss if he did not follow his wife. He said that they would only be looking at 16,560 lineal feet of property that would encompass the mobile homes to the other side of them. He said that if this was a nice housing development they would be more than happy to look out their window and see the houses and children playing, etc. He said they have nothing against mobile homes. They realize that certain people have to live in mobile homes. He said that he fully believe in the growth of the City of Wichita, but did not believe the answer to Wichita's housing problem was to throw up mobile home parks on every section of ground in the south part of town. He said that he understood that the potential growth of the City of Wichita was 3,000 to 4,000 people a year. They are talking in this one particular area of at least 2,000 people. He felt the City should evaluate their stand and decide if they want a community fifty years from now they can point to with pride or whether they want one gigantic mobile home park stretching from Kellogg to Haysville.

HANSEN asked Mr. Danielson, having lived in the area awhile, if he had any idea why some of the south side areas had not been selected for single family homes.

DANIELSON said yes, they started in with the mobile home parks.

HANSEN said that maybe they started in with them because there were some drainage problems that were somewhat unique to the south side of Wichita.

DANIELSON pointed out that the east side of town was developed because it was clay and could not be farmed, so the farm land became the cheap land. The south part of town is good land for farming.

JOHN ARNCE, 5018 South Meridian, stated that he was contacted one day and a half ago and told about this meeting, but wanted to voice his opposition. He mentioned that when he bought his property the mobile home court was voted down one year ago, and that is why he bought the property. He said that he had an option on another five acres, but did not feel he would go through with it because the property value has gone down.

GARDNER commented that he has made the argument on several occasions before and will repeat it at this point and time. You have a situation where in the zoning laws you discriminate against a particular style and construction of housing. If it is modular in construction or if it is a mobile home, it is treated differently than stick built on site. There are a variety of reasons for doing so, he understands. He said that probably the most poignant issue at hand, however, was the fact that they have promoted over a period of time within the zoning laws a situation of economic discrimination. It probably is of a category as classic as there are varieties of religious and racial discrimination over the years, and probably at some point in the future someone will choose to address it. He felt that the aspect of zoning on a basis of whether or not people live in a mobile home, or live in a single family site built house, is a situation that invariably brings neighborhoods in with a concern for their well-being and whether or not they want to allow people in that are going to live in a different style of housing than they have. The economics of housing are very simple in Wichita. If you desire to purchase new housing under \$30,000 per unit, your choices are very limited. It is nearly always a modular construction unit and more often than not, it is going to be on a rented space as opposed to an

owned site. He felt that there was a demand for housing in this town in that category and price range, and it is among people who simply cannot afford something of a more expensive nature. These are the people in many respects who constitute the backbone of our local economy and industry. They are the labor force in large part that work in the plants and schools, and do in fact provide the manpower and personnel that operate business in this community. He said that if they want, through zoning legislation, to exclude them from housing opportunities precluding mobile home park developments and sites upon which to establish this discriminated against form of housing, then vote against the mobile home park. GARDNER said that he was not suggesting that there was not enough of them, he was merely suggesting that within the property rights arrangement that we have, we do in fact promote a type of discrimination. He felt that the type of arguments introduced today are not as to whether or not there is too high a density for a variety of other things, it is simply directed against the type of people and the type of occupancy. He said he believed that these people have a right to a housing location just as much as anyone else, and felt that in some locations where they may have a higher concentration of mobile home parks than others, you have a simple function of economics that happens to be reasonably near employment, a reasonably good school system, a reasonable level of shopping, and he felt that those factors have a bearing in an economic way of life that they don't have or exercise a control over from this bench.

HANSEN said that she would like to add to what Mr. Gardner has said because she was one of the people who was most vociferous about turning this proposal down the last time in this particular area, and she felt very, very deeply about it because it was so poorly presented, so poorly planned, and so poorly laid out. She said she believed that when a mobile home park is established with no site planning and no amenities, you do have a miserable neighbor, but where you plan a mobile home park with a little creative site planning and proper plantings, it can become an acceptable neighbor to those who are there. She said she felt very strongly that they need moderate cost housing in this community and that the need does not diminish at all over time. HANSEN said she agreed with Mr. Gardner about a number of the things he said in terms of the discrimination that exists. Probably it exists because they were so poorly planned in the past. It is true that developers in the oldest mobile home parks are losing their residents to the newer ones because she felt the newer people are doing a little bit better job all the time. She said that this time they have had someone come in with a site plan that was a little more creative. There is an effort to provide amenities, and she had asked questions about whether or not they could enforce the fact that some of those really happen down the line once given the conditional use because she believed that if they did not have that kind of thing built in, it would turn out to be another undesirable neighbor, but if they do what they have brought before the Commission today, the neighborhood would have good drainage, the proper planting system, and the density was lower than many, many residential neighborhoods in this community. HANSEN said that she would support this proposal. It has to be, to a certain extent, an act of faith because the regulations were not tight enough to suit her, but Mr. Bannon does live there, which in her mind mediates in his favor, simply because she could not believe that he was going to not want to carry through with a more quality proposal.

WILSON said that he disagreed. He did not know whether this was well planned or not because they were talking about on down the line whether it was well planned. He said that the Commission has approved them in the area before for different organizations and different people, and they turned it down the last time because of the density. It had a good operator, a man with a good record who had nice trailer courts and who showed the Commission nice amenities, but now he did not know whether this applicant has a good record at all as an operator or whether he intends to keep this as his own use or turn it over to some other developer. That really was not the prerogative of the Commission. The Commission's prerogative was whether it was the best use for the ground. He felt the density was getting awfully heavy. There are

vacant trailer courts and plenty of places for trailers now in the area that are nice ones. There are new ones going in.

GOEBEL commented regarding the vacancy. He said that he has argued for a year or so now that they have to start paying attention to how many vacant single family platted lots are available and they are not doing that. It has always been brought up that the people have to have a choice of what neighborhood they want to live in, and he felt they have to have a choice of what mobile home park they want to live in too. He said that several of them around the country have been folded up because they could not make a go of it any more, and he felt that those that don't develop would fold up. GOEBEL felt that some of the figures would be good to make their decision on if staff could come up with an occupancy report on them, but he also felt that if they were going to require it there then they have to know how many platted pieces of single family lots are sitting around and use those same statistics or same thinking if they were going to turn down some of the plats that were developing. He mentioned that there are a lot of single family lots available in Wichita. He said that he was not a mobile home lover himself, but felt that there were right places for them.

PETERS mentioned that the last applicant was denied by this body but then he withdrew his application. He said that some of his past experiences were, the County Commission turned them down and they were immediately annexed to the City and approved.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the largely undeveloped character of the neighborhood but the reasonable availability of municipal sewer and water; the residential zoning and uses of nearby properties; and the recommendation of approval by staff; I move that we recommend to the governing body that this application be approved subject to:

- a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
- b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
- c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
- d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
- e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
- f. No individual mobile home space shall have direct access to a public street.
- g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.

- h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 25 feet, provided however, that two paved off-street parking spaces per mobile home pad shall be provided.
- i. There shall be no open storage and each mobile home space shall be provided with a storage building.
- j. The maximum number of mobile home pads for the entire development shall not exceed 585, plus or minus 10%.
- k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
- l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

Hansen moved, Gardner seconded and it carried with a vote of 9 in favor (Hansen, Gardner, Banzer, Bayouth, Chisholm, Crockett, Goebel, Moore, and Peters) and 1 opposed (Wilson).

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-279, request for establishment of Mobile Home Park in the R-1 zoning district.

Legal description of property included in the above case:

Please see back for legal description of property.

*At Risk & owned
MURP*



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor: 5018 So. Meridian A tract in the NW $\frac{1}{4}$ of Sec. 19, Twp. 23-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the N.W. Corner of said NW $\frac{1}{4}$; thence S 00° E, along the west line of said NW $\frac{1}{4}$, 1139 ft. for a place of beginning; thence continuing S 00° E, 258.26 ft. thence N 89°48'30" E, 683.76 ft; thence N 00° E, 175 ft. thence N 44°09' W, 132.99 ft; thence S 88°36' W, 591.3 ft. to the place of beginning. Said tract contains 4.063 acres gross.

B. Name(s) of protestor(s):

(a) *John W. Arnce*
Signature
John W. Arnce
Typed or Printed Name

*John Arnce
is the
this tract
Norma Cox
is the owner*

(b) *Norma Cox*
Signature
Norma Cox
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 16th day of May, 1985, by John W. Arnce and Norma Cox

Evelyn Houchin
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

The East Half of the N.E. Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick Co., Ks., & the N.E. Quarter of the S.E. Quarter of said Section 24, and that part of the N.W. Quarter of the S.E. Quarter of said Section 24, described as beginning at the N.E. Corner of the N.W. Quarter of said S.E. Quarter; thence $00^{\circ} 03' 40''$ E, along the East line of the N.W. quarter of said S.E. quarter, 500 ft; thence $N 13^{\circ} 51' 16''$ W, 211.17 ft; thence $N 45^{\circ} 04' 59''$ W, 417.57 ft, to the North line of the N.W. quarter of said S.E. Quarter; thence $N 89^{\circ} 58' 42''$ E, 345 ft. to beginning, less & except a tract beginning at the N.E. corner of the N.E. Quarter of Section 24, Township 28 South, Range 1 West; thence 1 west; thence West 660 ft. along the Section line; thence South 600 ft. parallel to the East Section line; thence East 660 ft. to the East Section line, thence North 600 ft. to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South

PROTEST PETITION

(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU- 279, request for establishment of Mobile Home Park in the R-1 zoning district.

Legal description of property included in the above case:

Please see back for legal description of property.

*not part of divorce
DIVORCED*



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

#R1-301, East half of N.W. quarter section 19 township 28-range 1-E, 80 acre #R1-301-1, West 1/2 of N.W. quarter, except 1.13 acre for floodway condemnation case A-29459, and except beginning 1139 ft. South of N.W. corner So. 258,26 ft. East 683.76 ft. North 175.00 ft. N.W. 132.99 ft. East 591.3 ft. to beginning, same section 19 Township 28 range 1E. #R1-307 N. 1/2 of S.W. quarter section 19-28-1E. Generally located East side of Meridian, between 47th St. South and 55th St. South, said tract contains 235 1/2 acres.

B. Name(s) of protestor(s):

(a) *Norma Cox*
Signature

(b) _____
Signature

Norma Cox
Typed or Printed Name

Typed or Printed Name

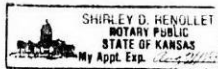
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 16 day of May, 1985 by *Norma Cox*

Shirley D. Henallet
Notary Public

My Appointment expires *August 21, 1988*



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

The East Half of the N.E. Quarter of Section 24, Township 23 South, Range 1 West of the 6th P.M., Sedgwick Co., Ks., & the N.E. Quarter of the S.E. Quarter of said Section 24, and that part of the N.W. Quarter of the S.E. Quarter of said Section 24, described as beginning at the N.E. Corner of the N.W. Quarter of said S.E. Quarter; thence $000^{\circ} 03' 40''$ E, along the East line of the N.W. Quarter of said S.E. Quarter, 500 ft.; thence $N 13^{\circ} 51' 16''$ W, 211.17 ft.; thence $N 45^{\circ} 04' 59''$ W, 417.57 ft. to the North line of the N.W. Quarter of said S.E. Quarter; thence $N 89^{\circ} 53' 42''$ E, 345 ft. to beginning, less & except a tract beginning at the NE. corner of the N.E. Quarter of Section 24, Township 23 South, Range 1 West; thence 1 West; thence West 660 ft. along the Section Line; thence South 600 ft. parallel to the East Section line; thence East 660 ft. to the East Section line, thence North 600 ft. to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South

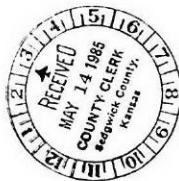
PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ- _____, zone change from _____ to _____ OR Case No. CU- 279, request for establishment of MOBILE HOME PARK in the R-1 zoning district.

Legal description of property included in the above case:

As per attached sheet



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

The N/2 of the SE/4 of the SE/4, except that tract belonging to Martin D. Clifton (etux) Section 24

B. Name(s) of protestor(s):

(a) Dale J. Clark
Signature
Dale J. Clark
Typed or Printed Name

(b) Judith A. Clark
Signature
Judith A. Clark
Typed or Printed Name

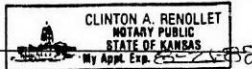
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12TH day of MAY, 1985 by Dale J. Clark and Judith A. Clark

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

BRIEF DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

W CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence $N 13^{\circ}51'16''$ W, 211.17 feet; thence $N 45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence $N 89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

PROTEST PETITION

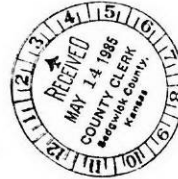
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-279, request for establishment of MOBILE HOME PARK in the B-1 zoning district.

Legal description of property included in the above case:

As per attached sheet



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

Beg 1320 Ft W.S.E. corner SEM N208.75
Ft W 208.75 Ft S 208.75 Ft E to Beg Sec 13-28-1W

B. Name(s) of protestor(s):

(a) Robert H. Wickham
Signature

(b) Virginia H. Wickham
Signature

Robert H. Wickham
Typed or Printed Name

Virginia H. Wickham
Typed or Printed Name

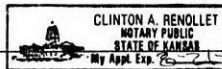
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12TH day of MAY, 1985 by Robert H. Wickham and Virginia H. Wickham

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

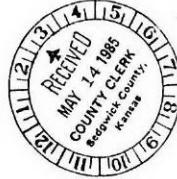
The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N $13^{\circ}51'16''$ W, 211.17 feet; thence N $45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N $89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU- 279, request for establishment of MOBILE HOME PARK in the R-1 zoning district.

Legal description of property included in the above case:
AS PER ATTACHED SHEET



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor: ROBERT H. WICKHAM
SW/4 SE1/4 Exc S208.75 Ft E
208.75 Ft. Sec 13-28-1W

B. Name(s) of protestor(s):

(a) Robert H. Wickham
Signature
Robert H. Wickham
Typed or Printed Name

(b) _____
Signature

Typed or Printed Name

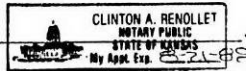
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12th day of MAY, 1985 by Robert H. Wickham

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N $13^{\circ}51'16''$ W, 211.17 feet; thence N $45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N $89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-279, request for establishment of MOBILE HOME PARK in the R-1 zoning district.

Legal description of property included in the above case:

As per attached sheet



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

1/2 of the NE 1/4 except 208' square tract on the NE corner Section 24-28-1W

B. Name(s) of protestor(s):

(a) _____
Signature
Ralph Waldo Binelow (Deceased)
Typed or Printed Name

(b) Leta A. Binelow
Signature
By Wilma J. Danielson
Typed or Printed Name

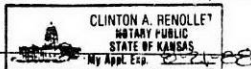
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 13th day of MAY, 1985 by Wilma J. Danielson as Power of Attorney

Clinton A. Renolle
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence $N 13^{\circ}51'16''$ W, 211.17 feet; thence $N 45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence $N 89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That I, Leta A. Bigelow, of Wichita, Sedgwick County, Kansas, have made, constituted and appointed and by these presents do make, constitute and appoint my son, Ralph Lauren Bigelow, a/k/a R. L. Bigelow, and my daughter, Wilma J. Danielson, as my true and lawful attorneys-in-fact. I intend this Power of Attorney to be considered durable under the laws of Kansas, K.S.A. 58-610, through and including 617. This Power of Attorney shall not be affected by the disability or incapacity of the undersigned principal. All acts done by my attorneys-in-fact, or either of them, during any period of disability or incapacity of the undersigned shall have the same effect and inure to the benefit of and bind the undersigned as the principal, and the principal's successor in interest, as if the principal were competent and not disabled.

A. In the event that a Conservator of my Estate or a Guardian of my person be hereafter legally required, I nominate and appoint my above named attorneys-in-fact Co-Conservators of my Estate and Co-Guardians of my person, and direct the Court having jurisdiction of said matters to appoint said attorneys-in-fact.

I direct that either of my said named attorneys-in-fact may act for and on my behalf by delivering a copy of this instrument to any person, firm or corporation who may require evidence of this appointment, and to this end and to my use, to do the following:

To ask, demand, recover and receive all sums of monies, debts, chattels, and other effects or income which now or may hereafter become due me and upon receipt thereof or any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges of the same as my attorneys shall think fit or be advisable. To sell any motor vehicle owned by me, and to execute, acknowledge and deliver a certificate of title to any such vehicle to the purchaser thereof, and in addition, to sell any other tangible personal property which I may own.

To deposit any monies which may come to my attorneys' hands at any time with any bank or banker, and to make withdrawals from any of my bank accounts as my said attorneys-in-fact or either of them shall think fit or may be necessary in the payment of any debts, or interest, taxes, assessments, insurance and expenses due and payable or to become due and payable on account of my real and personal estate.

To enter into and upon all of my real estate and to let, manage, and improve or repair the same thereof as may be necessary and to insure any buildings or improvements thereof, and to pay before becoming delinquent, all taxes or other assessments which may become due thereon.

To contract with any person for the leasing of any of my real estate for such periods, and at such rents, and subject to such conditions as my attorneys shall see fit, and to let into possession thereof any of such persons and to give notice to quit to any tenant, or occupier thereof, and to recover any rents, or arrears of rent, which may be due therefrom.

To pay every month the sum necessary for my reasonable care and support, including the payment of ordinary household expenses, any medical expenses, and to contract with other persons for my care, keep or maintenance, including, if necessary, the reasonable charges at any medical institution or nursing home.

To transfer funds from any savings or investment accounts which I may own, to my checking account, and if it should further become necessary to convert to cash, any bonds, notes or other investments to cash, in order that all such expenses be promptly paid.

To prepare and file on my behalf any and all statements and returns required by the Internal Revenue Service and any State Bureau of Revenue and to represent me and my interests before any official of any of these offices on any matters whatsoever.

To borrow upon the security of any real estate which I may own in the State of Kansas, which sum of money is not in excess of the maximum available for loan using such real estate as security and to this end to make, execute, acknowledge and deliver a mortgage or mortgages, with the usual interest and insurance clauses, and all other usual provisions and covenants, to secure the payment of the notes or obligations given for such loans, and to sign and deliver such notes and obligations at any interest rate which may be negotiated by my said attorneys-in-fact.

To grant, bargain and sell any real estate which I may own situated in the State of Kansas, or any part thereof, for such prices and upon such terms as my said attorneys shall deem to be reasonable, and for me and in my name to make, execute, acknowledge and deliver good and sufficient deeds of conveyance for the same, with or without covenants of warranty.

In general to do all other acts, deeds, matters and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all such acts, deeds, matters and things herein either particularly or generally described as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

AND, I, the undersigned, hereby ratify and confirm and promise that at all times to ratify and confirm all and whatsoever my attorneys shall lawfully do or cause to be done in and about the premises by virtue of this Power of Attorney, including anything which shall be done between the revocation of these presents by my death or in any other manner and notice of such revocation reaching my said attorneys; and I hereby declare that as against me and all persons claiming under me everything which my said attorneys shall do or cause to be done in pursuance thereof shall be valid and effectual in favor of any persons claiming the benefit thereof who before the doing thereof shall not have notice of any such death or revocation.

IN WITNESS WHEREOF, the above and foregoing Power of Attorney was executed on this 15th day of October, 1982.

Leta A. Bigelow
LETA A. BIGELOW

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 15th day of October, 1982, personally appeared LETA A. BIGELOW, who is personally known to me to be the identical person who executed the within and foregoing Power of Attorney and duly acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Leo R. Wetta
Notary Public



My Appointment Expires:

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-279, request for establishment of _____ in the R-1 zoning district.

MOBILE HOME PARK

Legal description of property included in the above case:

As per attached sheet



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

208^{sq} square starting at NE corner of W 1/2 of NE 1/4 Section 24-28-1 W

B. Name(s) of protestor(s):

(a) Arthur E. Danielson (b) Wilma J. Danielson
Signature Signature
Arthur E. Danielson Wilma J. Danielson
Typed or Printed Name Typed or Printed Name

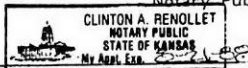
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 13TH day of MAY, 1985 by Arthur E. Danielson and Wilma J. Danielson

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ALL RIGHTS RESERVED BY THE COPYRIGHT OWNER TO BE CHARGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N $13^{\circ}51'16''$ W, 211.17 feet; thence N $45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N $89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

PROTEST PETITION
(COUNTY CASES)

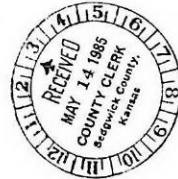
SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU- 279, request for establishment of _____ MOBILE HOME PARK in the R-1 zoning district.

Legal description of property included in the above case:

As per attached sheet

Handwritten notes:
1/10 - REPLY WITH ZONING DIST. MEASUREMENT TO THE AGENCY AND TO THE AGENCY. OK



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

SE 1/4 of Section 13

B. Name(s) of protestor(s)

(a) *Patricia J. Mills*
Signature

Patricia J. Mills
Typed or Printed Name

(b) _____
Signature

Typed or Printed Name

ACKNOWLEDGEMENT

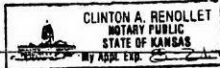
State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12TH day of

MAY, 1985 by Patricia J. Mills

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

DETAILED DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N $13^{\circ}51'16''$ W, 211.17 feet; thence N $45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N $89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

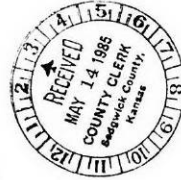
PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ- , zone change from to OR Case No. CU-279, request for establishment of MOBILE HOME PARK in the R-1 zoning district.

Legal description of property included in the above case:

As per attached sheet



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

W/2 of SW
SW/4 of the SW/4 except the West 2636'
of the S/2 of the N/2 of Section 18

B. Name(s) of protestor(s):

(a) Herbert V. Peebler
Signature

(b) Lena Peebler
Signature

Herbert V. Peebler
Typed or Printed Name

Lena Peebler
Typed or Printed Name

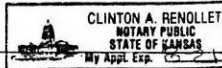
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12TH day of MAY, 1985 by Herbert V. Peebler and Lena Peebler

Clinton A. Renollet
Notary Public

My Appointment expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}00'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence $N 13^{\circ}51'16''$ W, 211.17 feet; thence $N 45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence $N 89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

Published in The Daily Reporter on _____, 1985

RESOLUTION NO. _____

CASE NO. CU-279

A RESOLUTION TO ESTABLISH A MOBILE HOME PARK IN THE "R-1" SUBURBAN RESIDENTIAL 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.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION 1. 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 to establish a mobile home park in the "R-1" Suburban Residential District, is hereby approved on the lands legally described as follows:

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08' 40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

SUBJECT TO THE FOLLOWING:

- a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
- b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
- c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
- d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.

- e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
- f. No individual mobile home space shall have direct access to a public street.
- g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.
- h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 25 feet, provided however, that two paved off-street parking spaces per mobile home pad shall be provided.
- i. There shall be no open storage and each mobile home space shall be provided with a storage building.
- j. The maximum number of mobile home pads for the entire development shall not exceed 585, plus or minus 10%.
- k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
- l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval 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 Commission.

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

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 19____.

_____, Chairman
Donald E. Gragg

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

May 3, 1985

Arthur & Wilma Danielson
2909 West 47th Street South
Wichita, Ks. 67217

Re: CU-279 - Mobile Home Park

Dear Mr. & Mrs. Danielson:

The Planning Commission at its regular meeting of May 2, 1985, considered the above-captioned request, and their action was as indicated on the attached letter.

This is to advise you that if you and others owning property within 1000 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, May 16, 1985. Enclosed are two copies of the protest petition form, and if you have need for more forms, they may be obtained at this office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez
Senior Planner

JHC:sad
Encl. (2)
cc: John Arnce, 5018 South Meridian, Wichita 67217

*2 protest petitions mailed to Home Co. 5-3-85
1137 S. Arnce
67212*

May 3, 1985

Kenny Hill
Poe & Associates of Kansas, Inc.
434 North Oliver, Suite 110
Wichita, Kansas

Re:CU-279 - Mobile Home Park

Dear Mr. Hill:

At its regular meeting of May 2, 1985, the Metropolitan Area Planning Commission considered the above-captioned Conditional Use request. The action of the Commission was to recommend approval subject to the following conditions:

- a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
- b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
- c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
- d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
- e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
- f. No individual mobile home space shall have direct access to a public street.

- g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.
- h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 25 feet, provided however, that two paved off-street parking spaces per mobile home pad shall be provided.
- i. There shall be no open storage and each mobile home space shall be provided with a storage building.
- j. The maximum number of mobile home pads for the entire development shall not exceed 585, plus or minus 10%.
- k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
- l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, May 29, 1985 in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Louise Olivarez
Senior Planner

JHC:sad

cc: Jeff Bannon, Kansas Investment Corp., 946 N. West Street, Wichita
Ron Worley, County Zoning Administrator
Arthur & Wilma Danielson, 2909 W. 47th St. So., Wichita 67217
John Arnce, 5018 South Meridian, Wichita 67217

May 3, 1985

Dr. Tim Rundus
Superintendent of Schools
Haysville U.S.D. 261
1745 West Grand
Haysville, Ks. 67060

Re: CU-279 - Mobile Home Park

Dear Dr. Rundus:

Thank you for your letter of April 26, 1985 concerning the potential impact of the proposed mobile home park at 47th and Meridian on the U.S.D. 261 tax base. A copy of your information was furnished to each member of the Metropolitan Area Planning Commission.

The applicant's agent also furnished information to the commissioners about the potential number of students and amount of taxes to be generated by this development. A copy of his report is enclosed for your information and review. His data is from a study furnished to him by the planning and research division of U.S.D. 259.

Sincerely,

Louise Olivarez
Senior Planner

LO:sad

Encl.

TAX COMPARISON

DOCUMENT #1 550 SINGLE FAMILY DU'S \$187,740.54 TAXES
550 MOBILE HOMES \$133,083.49 TAXES

DOCUMENT #2 (TAXES TO HAYSVILLE SCHOOL DISTRICT)

SINGLE FAMILY \$187,740.54 x 68.17% = \$127,982.72
MOBILE HOME \$133,983.49 x 68.17% = \$ 91,336.55

WICHITA PUBLIC SCHOOL DATA

.2958 STUDENTS/MOBILE HOME
.719 STUDENTS/SINGLE FAMILY
550 UNITS x .2958 = 163 PUPILS (MOBILE HOMES)
550 UNITS x .719 = 395 PUPILS (SINGLE FAMILY)

REVENUE PER PUPIL

\$ 91,336.55 ÷ 163 = \$560.35 MOBILE HOME
\$127,982.72 ÷ 395 = \$324.01 SINGLE FAMILY

SUMMARY
OF
WICHITA PUBLIC SCHOOL DATA

SINGLE FAMILY CONVENTIONAL HOUSING

ATTENDANCE AREA	HOMES	STUDENTS	STUDENTS/HOME
CESSNA	670	559	.83
COLVIN	465	297	.64
ENTERPRISE	707	414	.59
FUNSTON	854	506	.59
WHITE	381	437	1.15
	<u>3077</u>	<u>2213</u>	

$3077 \div 2213 = 0.719$ STUDENTS/HOME (AVERAGE)

MOBILE HOME HOUSING

ATTENDANCE AREA	HOMES	STUDENTS	STUDENTS/HOME
CESSNA	647	149	.23
COLVIN	576	121	.21
ENTERPRISE	916	258	.28
FUNSTON	562	272	.48
WHITE	145	42	.29
	<u>2846</u>	<u>842</u>	

$2846 \div 842 = 0.2958$ STUDENTS/MOBILE HOME (AVERAGE)

*STUDENTS REFER TO ALL CHILDREN BETWEEN THE AGES OF 5 AND 17 AS SHOWN ON THE ATTACHED PAGES FROM THE WICHITA SCHOOL RESEARCH REPORT.

**CESSNA ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	670	122	263	139	157	1,353	2,034
Duplex-Fourplex	143	2	14	5	3	229	253
Multifamily	155	9	9	9	3	260	290
Mobile Home	<u>647</u>	<u>95</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>1,098</u>	<u>1,342</u>
TOTAL	1,615	228	364	191	196	2,940	3,919

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	99.09	.18	.39	.21	.24	2.02	3.04
Duplex-Fourplex	100.00	.01	.10	.03	.02	1.60	1.77
Multifamily	99.36	.06	.06	.06	.02	1.68	1.87
Mobile Home	<u>99.07</u>	<u>.15</u>	<u>.12</u>	<u>.06</u>	<u>.05</u>	<u>1.70</u>	<u>2.07</u>
OVERALL AVERAGE	99.20	.14	.23	.12	.12	1.82	2.43

**COLVIN ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	465	88	127	80	90	953	1,338
Duplex-Fourplex	1,324	431	416	105	108	1,776	2,836
Multifamily	138	81	127	37	19	237	501
Mobile Home	<u>576</u>	<u>168</u>	<u>83</u>	<u>22</u>	<u>16</u>	<u>965</u>	<u>1,254</u>
TOTAL	2,503	768	753	244	233	3,931	5,929

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	93.37	.19	.27	.17	.19	2.05	2.88
Duplex-Fourplex	80.60	.33	.31	.08	.08	1.34	2.14
Multifamily	95.83	.59	.92	.27	.14	1.72	3.63
Mobile Home	<u>98.46</u>	<u>.29</u>	<u>.14</u>	<u>.04</u>	<u>.03</u>	<u>1.68</u>	<u>2.18</u>
OVERALL AVERAGE	88.20	.31	.30	.10	.09	1.57	2.37

**ENTERPRISE ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	707	135	219	100	95	1,365	1,914
Duplex-Fourplex	10				1	18	19
Multifamily	15	2	2			25	29
Mobile Home	<u>916</u>	<u>80</u>	<u>171</u>	<u>39</u>	<u>48</u>	<u>1,541</u>	<u>1,879</u>
TOTAL	1,648	217	392	139	144	2,949	3,841

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	96.85	.19	.31	.14	.13	1.93	2.71
Duplex-Fourplex	76.92				.10	1.80	1.90
Multifamily	100.00	.13	.13			1.67	1.93
Mobile Home	<u>98.63</u>	<u>.09</u>	<u>.19</u>	<u>.04</u>	<u>.05</u>	<u>1.68</u>	<u>2.05</u>
OVERALL AVERAGE	97.50	.13	.24	.08	.09	1.79	2.33

**FUNSTON ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	854	157	288	110	108	1,690	2,353
Duplex-Fourplex	100	39	17	10	10	169	245
Multifamily	261	120	111	26	31	449	737
Mobile Home	<u>562</u>	<u>148</u>	<u>174</u>	<u>47</u>	<u>51</u>	<u>958</u>	<u>1,378</u>
TOTAL	1,777	464	590	193	200	3,266	4,713

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	95.27	.18	.34	.13	.13	1.98	2.75
Duplex-Fourplex	82.86	.39	.17	.10	.10	1.69	2.45
Multifamily	89.69	.46	.43	.10	.12	1.72	2.82
Mobile Home	<u>90.21</u>	<u>.26</u>	<u>.31</u>	<u>.08</u>	<u>.09</u>	<u>1.70</u>	<u>2.45</u>
OVERALL AVERAGE	92.20	.26	.33	.11	.11	1.84	2.65

**WHITE ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	381	103	224	111	102	799	1,339
Duplex-Fourplex	1	1	1			2	4
Mobile Home	<u>145</u>	<u>13</u>	<u>28</u>	<u>7</u>	<u>7</u>	<u>243</u>	<u>298</u>
TOTAL	527	117	253	118	109	1,044	1,641

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	97.69	.27	.59	.29	.27	2.10	3.51
Duplex-Fourplex	100.00	1.00	1.00			2.00	4.00
Mobile Home	<u>98.63</u>	<u>.09</u>	<u>.19</u>	<u>.05</u>	<u>.05</u>	<u>1.68</u>	<u>2.06</u>
OVERALL AVERAGE	97.70	.22	.48	.22	.21	1.98	3.11

DOCUMENT #1



SEDGWICK COUNTY, KANSAS
OFFICE OF THE APPRAISER

COURTY COURTHOUSE • SUITE 227 • WICHITA, KANSAS 67203 • TELEPHONE 316-268-1401

March 29, 1985

Jeff Bannon
946 N. West St.
Wichita, KS 67203

RE: Comparison of taxes between
residential and mobile home
developments

Dear Jeff:

Submitted herewith is the comparisons we discussed over the telephone concerning referenced developments at the Southwest corner of 47th Street South and Meridian.

Residential Development

Land

110 acres platted into 550 lots 50 x 132 ft.
Unit value of \$15 per front foot 50 x 15.00 = \$750

\$	750	value
	30%	assessment
\$	230	assessed value
	550	lots
\$	126,500	total assessment
	.108028	mill levy
\$	13,665.54	taxes

Jeff Bannon
March 29, 1985
Page 2

Dwelling

1000 sq. ft., frame, average grade, no garage and no basement

1,000 sq. ft.
\$ 9.75 per sq. ft.
9,750 value
30% assessment ratio
2,930
.108028 mill levy
\$ 316.52 taxes
550 units
\$174,075.00 taxes

Recap

Taxes on land: \$ 13,665.54
Taxes on dwellings: 174,075.00
Total taxes: \$ 187,740.54

Mobile Home Park:

Land

110 acres = 4,791,600 sq. ft.
Less streets and
greenery = 1,216,600 sq. ft.
3,575,000 sq. ft.

Converted to acres: 82 acres
\$ 3,500 per acre
\$ 287,000 value
30% assessment ratio
\$ 86,100 assessment
.108028 mill levy
\$ 9,301.21 taxes

Mobile Home

1,000 sq. ft., no garage and no basement
\$ 6.30 per sq. ft.
\$ 6,300 value
30% assessment ratio
\$ 1,890 assessed value
.108028 mill levy
\$ 204.17 taxes
550 units
\$ 112,293.50 taxes

Jeff Bannon
March 29, 1985
Page 3

Site Improvements Paid by Developer

550 storage sheds @ \$300 ea.	\$	165,000
Average swim pool		3,000
Bathhouse and restrooms		4,500
2 parking stalls per unit @ \$210 ea. x 550 units		115,500
Storm cellar		3,500
Tennis court		3,000
Blacktop streets est.		40,000
Street lights est.		20,000
Total site improvements		<u>354,500</u>
		30% assessment ratio
		106,350 assessed value
		.108028 mill levy
		<u>\$ 11,488.78 taxes</u>

Recap

Land:	9,301.21
Mobile homes	112,293.50
Site improvements	11,488.78
Total taxes	<u>\$133,083.49</u>

Comparison

Residential development:	\$ 187,740.54
Mobile home court:	<u>133,083.49</u>
Differences:	<u>\$ 54,657.05</u>

If we can be of further assistance, please advise.

Very truly yours,

Bill G. Earnst

Bill G. Earnst
Assistant Chief Deputy Appraiser
Real Estate Division
268-7211

BGE/skp

cc: Bob McQuiston, Supervisor
Mobile Home and Aircraft Dept.

DOCUMENT #2



SEDGWICK COUNTY, KANSAS

OFFICE OF THE COUNTY CLERK

DON WRIGHT
COUNTY CLERK

JIM POWELL
CHIEF DEPUTY

COUNTY COURTHOUSE • 126 N. MAIN • WICHITA, KANSAS • 67201 • 313 • TELEPHONE 268-7666

Mr. Jeff Bannon
946 N. west Street
Wichita, Kansas 67212

Dear Mr. Bannon:

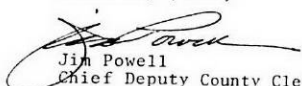
Per your recent request, I have attached a copy of the 1984 Tax District Distribution of Levies for Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas, which is located in Taxing District 27-04, Waco Township.

Haysville USD 261 has a general levy of 66.320 mills. The total mill levy (all levies) within taxing district 27-04 is 108.028. Therefore, the general USD 261 levy represents 61.39% of the total levies.

There is an additional levy of 7.323 mills for USD 261 bonds. When added to the general USD 261 levy of 66.320 mills, the resulting total USD 261 levy of 73.643 mills represents 68.17% of all ad valorem taxes on tangible property within the aforementioned taxing district.

If you have any additional questions, or if I can be of any further service, please do not hesitate to let me know.

Sincerely yours,


Jim Powell
Chief Deputy County Clerk

JLP:ms
enclosure

11/06/84

SEDGWICK COUNTY
1984 TAX STRICT DISTRIBUTION OF LINES

WACO TOWNSHIP	U-261 GCD	WA	27-04
01-01 STATE		1.500	.0138853
02-01 COUNTY		20.550	.1902284
04-68 WACO TOWNSHIP		1.031	.0095438
06-04 USD 261		66.320	.6139149
07-07 USD 261 BOND		7.323	.0677880
09-03 GREENWOOD CEMETERY		.000	.0000000
11-01 COUNTY FIRE DISTRICT		10.578	.0979191
14-01 SOUTH CENTRAL KANSAS LIBRARY SYS		.726	.0067205
TAX DISTRICT TOTAL		108.028	1.0000000

This form is to be used by school district officials and county clerks to compute the estimated general state aid. It may be filed with the Kansas State Department of Education. Attach one copy of this completed form to the School Budget Form to be filed with the County Clerk on or before August 25, 1984.

ESTIMATED STATE AID COMPUTATION - 1984-85 BUDGET

State Aid = 58.77% of total budget

1. (1) Estimated Legally Adopted Budget Per Pupil (Legally Adopted Budget) \div 9/15/84, Enrollment \div 9/15/84 Enrollment = \$ 2,434,871
2. Local Effort Rate = Dist. Budget Per Pupil (Line 1) 2,434,871 Norm Budget Per Pupil 2,547.9 \div (2) .995043 X 1.436 = \$ 1,428,881
3. (1) Legally Adopted Budget (See Line 1 above) = \$ 2,434,871
4. Local Effort Rate (Line 2 \div 100) \times District Health (See Pages 3 & 4) 158,821,620 = \$ 2,269,259
5. Estimated Income Tax Receipts (Line 7 Form 152) 402,539 \times 85% = \$ 342,158
6. Actual Receipts for P.L. 874, 7/1/83 to 6/30/84 (or receipts district was entitled to receive if no application was made) 2,770 \times 92.2 % from page 2 = \$ 2,554
7. Prior year's receipts from motor vehicle tax (General Fund only - 7/1/83 to 6/30/84) = \$ 347,961
8. Prior year's receipts from dealer inventory stamp tax (General Fund only - 7/1/83 to 6/30/84) = \$ 4,704
9. Prior year's receipts in lieu of tax payments from IRB's (General Fund only - 7/1/83 to 6/30/84) = \$ 0
10. Total Deductions (Line 4 + 5 + 6 + 7 + 8 + 9) = \$ 2,966,636
11. PROPOSED STATE AID FOR DISTRICT (Line 3 - Line 10) (Do not enter if a negative amount) = \$ 34,218,646
12. Computed State Aid under Grandfather Clause (Gen. State Aid per pupil 1972-73 - See pages 5 & 6) 238 \times 9/15/84 Enrollment (same as Line 1) 2951 = \$ 702,338
13. Proposed State Aid under Grandfather Clause (Multiply Line 12 by 100 %) (Listed below based on your 1983 General Fund Mill Rate) = \$ 702,338
14. Estimated General State Aid (See Line 11 above) = \$ 34,218,646
15. Estimated Income Tax Receipts (Line 7 Form 152 \times 75%) = \$ 301,940
16. Sub-Total (Line 14 + 15) = \$ 34,520,586
17. Estimated State Aid under Grandfather Clause (Line 13 - Line 16) (Do not enter if a negative amount) = \$ -0-
18. Estimated State Aid 7/1/84 to 6/30/85 (Line 11 + 17) = \$ 34,218,646
19. Estimated State Aid for 7/1/85 to 12/31/85 (50% of Line 18) = \$ 1,687,459

Enrollment of The District	Norm Budget** Per Pupil	Adjustment	1983 Gen. Fund Mill Rate	% of Entitlement	1983 Gen. Fund Mill Rate	% of Entitlement
0-199	\$3,832	None				
200-399	\$3,832 minus \$1,885 (E-200)		48.24 - above	100%	42.24 - 43.23	40%
400-1,899	\$3,455 minus \$.6720000 (E-400)		47.24 - 48.23	90%	41.24 - 42.23	30%
1,900-9,999	\$2,447	None	46.24 - 47.23	80%	40.24 - 41.23	20%
10,000 & over	\$2,725	None	45.24 - 46.23	70%	39.24 - 40.23	10%
(1) Legally Adopted Budget Cannot Exceed Line 22						
Form 5-230-150			44.24 - 45.23	60%	Below - 39.23	0%
			43.24 - 44.23	50%		

CERTIFICATE

TO THE CLERK OF Sedgwick COUNTY, STATE OF KANSAS
We, the undersigned, duly elected, qualified and acting officers of
Haysville U.S.D. 261

certify that: (1) the hearings mentioned in the attached proofs of publication were held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the fiscal year 1984-85; and (3) the Amount(s) of 84 Tax to be Levied are within statutory limitations.

Amount 82 Taxes Uncollected 66542 divided by amount of 82 Taxes Levied 1,560,338 =
Actual Delinquency for 82 Taxes 4.26 % Rate Used in this Budget 5 %

1984-85 ADOPTED BUDGET			
TABLE OF CONTENTS:	Code	Expenditures	Amount of 84 Tax To be Levied
Adopted Budget & Financial Stmt.	Line	(1)	(2)
WORKSHEET I	03		
WORKSHEET II	04		
STATEMENT OF INDEBT.	05		
General	(a) 06	7,185,282	2,344,543
Adult Education	08		
Capital Outlay	09	380,036	146,000
Judgments	10		
School Retirement	11		
Special Assessment	12	3,888	3,018
Spec. Liab. Expense	13		
Transportation	14	270,000	
Adult Suppl. Educ.	15	6,000	
Bilingual Education	16		
Driver Training	17	39,000	
Food Service	18	631,000	
Special Education	19	1,094,000	
Vocational Educ.	20	235,000	
Student Material	21		
Textbook Rental	22		
Work. Comp. Resrv.	23		
Health Care Servc.	24		
Risk Mangmt. Resrv.	25		
Bond & Interest #1	26	320,588	275,329
Bond & Interest #2	27		
Bond & Interest #3	28		
Temporary Notes	29		
No Pd. Warrants (b)	30		
COOPERATIVES			
Special Education	31		
Bilingual Education	32		
Data Processing	33		
Elementary Guidance	34		
Total USD	35	10,164,794	2,768,890
OTHER			
Recreation Comm.	36		
Rec.Comm. Emp. Benf.	37		
Public Library Bd.	38		
Historical Museum	39		
Dis. School B & I	40		
Total Other	41		
Proofs of Publication and Notices	42		

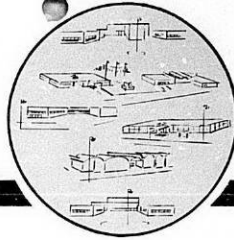
Assisted by: _____

Attest: _____, 1984

County Clerk

Maura C. Hooker
President
Jane H. Hearn
Clerk of the Board

HAYSVILLE U.S.D. 261
1745 West Grand
Haysville, Kansas 67060



Phone: 316-524-0831

TIM RUNDUS PhD, Superintendent
VIRGIL COMBS, Associate Superintendent

April 26, 1985

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Hall, 7th Floor
455 North Main Street
Wichita, KS 67202-1688

RE: Impact on USD 261 Tax Base
Case No.: CU-279

Gentlemen:

It is my purpose to convey the immediate impact of the proposed mobile home park on the existing local tax requirements to operate our school system. Please note the enclosed analysis statement prepared from the data received from the Sedgwick County appraisers office.

The bottom line is that the existing tax base for USD 261 would be potentially required to support an additional \$810 per student for each of the estimated 585 students that would be school age living in the park.

If further information or details would be helpful for the decision making process, please contact me at your convenience.

Sincerely,

Dr. Tim Rundus
Superintendent of Schools

TR:js

HAYSVILLE U.S.D. 261
1745 West Grand
Haysville, Kansas 67060

Phone: 316-524-0831

TIM RUNDUS PhD, Superintendent
VIRGIL COMBS, Associate Superintendent



Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Hall, 7th Floor
455 North Main Street
Wichita, KS 67202-1688

1-101
Balbrath

South Town Mobile Home Park
Meridian & 47th St. South
110 acres more or less
Jeff Bannon, Owner
April 10, 1985

Metropolitan Area Planning Commission Hearing- May 2, 1985

Analysis

585 total potential units - Schedule of Construction
1986- 100 units
1987- 150 units
1988- 200 units
1989- 185 units

Estimated student population by Planning Commission based on three existing mobile home parks in Wichita area: One student/unit.

Estimated advalorem tax revenue determined by Sedgwick County appraiser for a fully developed 110 acre mobile home park with 585 units:
Data- Personal Property tax @ 108.28 mills
Average mobile home in park: 1970 model 14'x70'
Range of tax revenue per sq. ft of mobile home space ranges from 10¢ to 25¢
Taxes generated @ 10.59¢ = \$60,711
Real estate tax on the land fully developed = \$15,568
Total levy under 1984 tax structure for county & school district = \$76,279
School district share 72/108 mills = \$50,852

1984-85 General Fund Budget per pupil = \$2434
1984-85 Equalization Aid per pupil = \$1676
Advalorem tax required from tax base per pupil = \$758
Tax revenue per pupil generated from full capacity mobile home park =
\$50,852/585 = \$86.92
Ratio of revenue per pupil to requirement per pupil for local tax source
\$86.92/\$758 = 11.46%

ASSUMPTION: Tax appraiser estimate of 10.59¢ per square foot of mobile home was inaccurate and that the actual rate was 20¢ per square foot:
New estimate for revenue per student equals \$148.40 using identical procedures.

Conclusion - It is evident that a mobile home park would generate no more than 25% of the current requirements from the advalorem tax under the best of circumstances.

The number's could be improved through further consideration that Murray Gill represents approximately 19 percent of our tax base.

Also an increase proportionally of equalization aid could improve the negative impact on the tax base.

Tim Rundus

JF

RE: AGENDA ITEM NO.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

CU-279 - Conditional use permit to establish a mobile home park
Generally located on the west side of Meridian between
47th Street South and 55th Street South.

MAPC HEARING DATE: 5-02-85

Acres: 113

Size: 1320' x 3240' (irregular)

Reason: To establish a mobile home park.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Farm house, agriculture	"R-1"
North	Farm house, agriculture	"R-1" & "LC"
South	Farm house, agriculture	"R-1" & "LC"
East	Farm houses, agriculture	"R-1"
West	Farm house, agriculture	"R-1"
History: CU-263	10-13-83 Haysville P.C.	Denied
	10-20-83 MAPC	Denied
	11-16-83 BCoC	Return to MAPC
	12-01-83 MAPC	Denied
	12-28-83 Withdrawn by applicant	

Applicant: Kansas Investment Corp., 946 N. West Street, Wichita 67203

COMMENTS:

The following items should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting approval of a Conditional Use Permit to establish a mobile home park on an approximate 113 acre unplatted tract of land zoned "R-1" and located on the west side of Meridian and south of 47th Street South.

A site plan submitted with the application proposes a maximum of 585 mobile home pads which would be a density of 5.17 homes per acre. The applicant has indicated on the proposed site plan that each mobile home space will have a minimum of 5,000 square feet. Access would be one opening to 47th Street South and three openings to Meridian.
2. The major factors to consider in regards to this application are water, sewer and drainage. The City of Wichita Water Department advises that water could be extended from a point one-half mile east of Meridian or one-quarter mile north of 47th Street at the developers expense. Sanitary sewer could be provided by the Southwest Interceptor Sewer which runs along the entire length of subject property in Meridian. There are drainage problems associated with subject property that will have to be resolved at the time of platting. There is a 300 acre tributary which runs south from 47th to enter the Protection Drainage District Channel south of 55th Street; and a 100-acre tributary which crosses Meridian one-half mile south of 47th Street.

3. Generally eight percent of the site should be useable open space which would be 9 acres for this site. The proposed site plan shows approximately 20 acres to be used for open space and recreation areas. In association with the mobile home park, the applicant proposes a swimming pool and a building to house rest rooms, changing facilities and a storm shelter.
 4. If a storage area for recreational vehicles and boats is contemplated, then a spot of Commercial zoning would be needed. Because it generally is outside storage, it should be located internally near the light commercial zoning so that the mobile homes will help screen the vehicles from adjacent properties.
 5. Should the Commission determine that this is an appropriate area for a mobile home park, then the following conditions of approval would be consistent with other approved mobile home parks:
 - a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
 - b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
 - c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
 - d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
 - e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
 - f. No individual mobile home space shall have direct access to a public street.
 - g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.
 - h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 30 feet as required by the County Trailer Code.
 - i. There shall be no open storage and each mobile home space shall be provided with a storage building.
 - j. The maximum number of mobile home pads for the entire development shall not exceed 585.
 - k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
 - l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.
-

CASE NO. CJ-279

14 "Notices to Adjoining Property Owners mailed on 4-18-85
for MAPC meeting on 5-2-85.

2 One each to Applicant and Agent.

3 One each to Karen Crook, Ron Worley and David Spears.

1 USD 261

19 TOTAL

20

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 18, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-279.

Location: On the west side of Meridian between 47th Street South and 55th Street South.

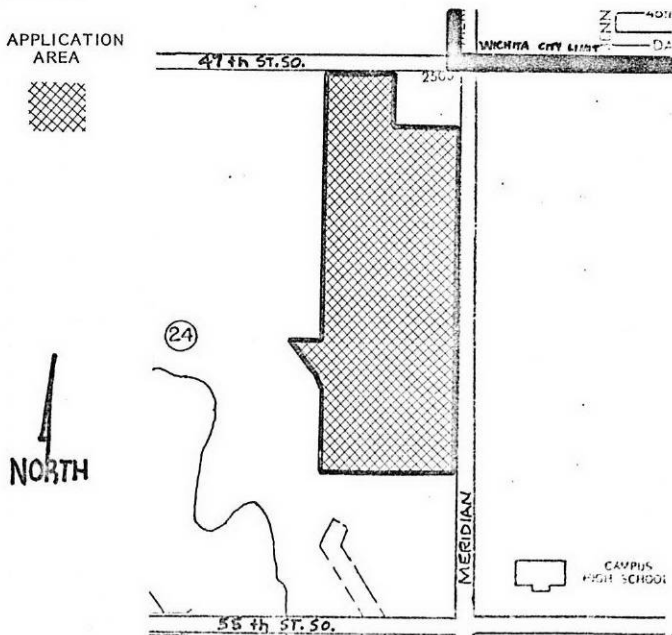
Address: N/A.

Request: Conditional Use Permit to Establish a Mobile Home Park on Property Zoned "R-1" Suburban Residential.

NOTICE IS HEREBY GIVEN THAT on Thursday, May 2, 1985, at 1:30 P.M., in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION will consider the above-mentioned item for purposes of making a recommendation to the Board of County Commissioners.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose these requests. If you have no interest in or objection to the requests, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 18, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-279.

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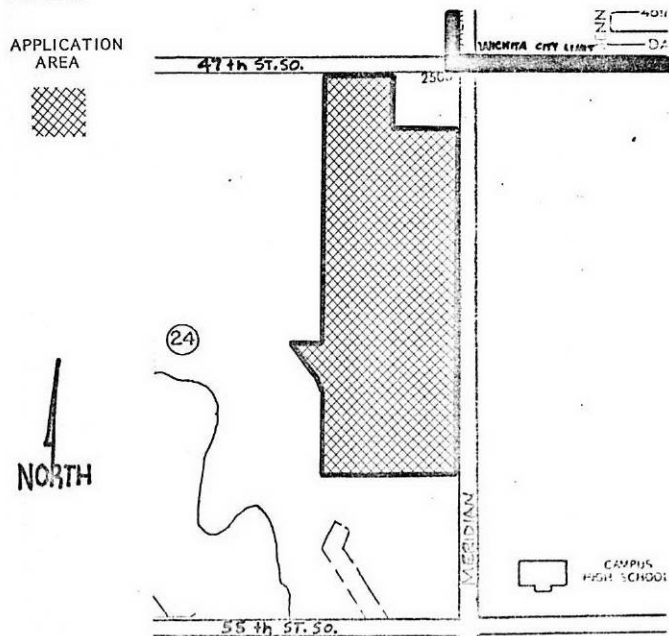
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If you have any questions or wish additional information, please call 268-4421.



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LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

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C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Same as Conditional Uses***

(____) Published in The Eagle Beacon on April 12, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, May 2, 1985,
The WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION,
in the City Commission Meeting Room, City Hall, First Floor, 455 North
Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the
following applications:

M/72-341-20

CASE NO. CU-279

Conditional Use Permit to Establish a Mobile Home Park
On Property Zoned "R-1" Suburban Residential

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence $00^{\circ}08'40''$ E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N $13^{\circ}51'16''$ W, 211.17 feet; thence N $45^{\circ}04'59''$ W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N $89^{\circ}58'42''$ E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1' West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

CU-279

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT Kansas Investment Corp. ✓
 ADDRESS 946 North West Street PHONE 945-0491
 AGENT Poe and Associates of Kansas, Inc. ✓
 ADDRESS 434 N. Oliver Suite 110 PHONE 685-4114

B. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

C. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a Mobile Home Park
 _____ (use)
 on property legally described as follows:

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning.

2. b. There are 113.2 acres (round to nearest tenth) in the above described property.

MAP 5241 A, B
 T9-333-2

N¹R¹S¹R¹ E R-1 W R-1
 EC LC

TAPC MAY 2 1985
 Revised 8/80

SEGVIA contact Haysville Board of Education *

3. THIS PROPERTY IS LOCATED AT (ADDRESS) _____

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Southwest CORNER OF ⁴⁷45th Street South AND Meridian _____, OR

B. ON THE West SIDE OF Meridian (AVE.) STREET BETWEEN ⁴⁷45th Street South (AVE.) STREET AND 55th Street So(AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 (ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

To permit the construction of a mobile home park.

6. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

X Jeff W. Bannon _____
BY Kansas Investment Corp. BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)
Jeff W. Bannon, Pres.

BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on 4:20 (day, month, year). It has been checked and
found to be complete and accompanied by required documents and the appropriate
fee of \$ 500.00.

T. SMYTHE Name

Title

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners in a radius of 1,000 feet from the East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of Said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the east line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 600 feet along the Section line; thence South 600 feet parallel to the East Section Line; thence East 600 feet to the East Section line, thence North 600 feet to the point of beginning, as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>NAMES AND ADDRESSES</u>
The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the east line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 600 feet along the Section line; thence South 600 feet parallel to the East Section Line; thence East 600 feet to the East Section line; thence North 600 feet to the point of beginning.	o/c Kansas Investment Corporation 946 North West Street Wichita, KS 67203 Key No. WA-162-1 and part of Key No. WA-165
The West Half of the Northwest Quarter of Section Nineteen (19), Township Twenty-Eight (28) South, Range One (1) East of the 6th P.M., in Waco Township, Sedgwick County, Kansas. Subject to 1.13 acres taken for Floodway.	✓ Lee R. Cox and Norma A. Cox 5018 South Meridian Wichita, KS 67217 Key No. RI-301-1 and Key No. RI-301-1A

*Adjusted to 1982
according to
Norma Cox*

53-23 Address for Norma Cox: 1137 Lakeland
Wichita 67312

CERTIFICATE OF OWNERSHIP
(cont'd)

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
A tract in the Southwest Quarter of Section 19, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as commencing at the Northwest corner of said Southwest Quarter; thence south along the west line of said Southwest Quarter, 390 feet for a place of beginning; thence east parallel with the north line of said Southwest Quarter, 200 feet; thence south parallel with the west line of said Southwest Quarter, 137 feet; thence west parallel with the north line of said Southwest Quarter, 200 feet to a point on the west line of said Southwest Quarter; thence North 137 feet to the place of beginning.	Herbert L. Nett and Gisela F. Nett ✓ 120 Wire Haysville, KS 67060 Part of Key No. RI-307
The North Half of the Southwest Quarter of Section Nineteen (19), Township Twenty-eight (28) South, Range One (1) East of the 6th P.M., Sedgwick County, Kansas.	of Lee R. Cox and Norma A. Cox 5018 South Meridian Wichita, KS 67217 Key No. RI-307
The South Half (S/2) of the Southwest Quarter (SW/4) of Section 19, Township 28, Range 1 East of the Sixth P.M., Sedgwick County, Kansas.	✓ The Board of Education of United District No. 261 Sedgwick County, Kansas. Key No. RI-306
The West Half of the Southwest Quarter of the Southwest Quarter, Section 18, Township 28 South, Range 1 East of the 6th P.M., except the West 263.6 feet of the South Half of the North Half of the Southwest Quarter of the Southwest Quarter, Section 18, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.	✓ Herbert V. Peebler and Lena P. Peebler 4756 South Meridian Wichita, KS 67217 Key No. D-222-UP and Key No. D-225-UP
West Half of the South Half of the Southeast Quarter of Section 13, Township 28 South, Range 1 West of the Sixth Principal Meridian in Sedgwick County, Kansas, except one acre in the Southeast corner.	✓ Robert H. Wickham 2910 West 47th Street South Wichita, KS 67217 Key No. WA-99

CERTIFICATE OF OWNERSHIP
(cont'd)

DESCRIPTION	OWNERS AND ADDRESSES
-------------	----------------------

Beginning at the Southeast corner of the Southeast Quarter (SE/4) of Section Thirteen (13), Township Twenty-Eight (28), Range One (1) West of the Sixth Principal Meridian, North Twenty (20) Rods, West Eighty (80) Rods, South Twenty (20) Rods, thence East to the point of beginning, and

Patricia J. Mills
4659 South Meridian
Wichita, KS 67212
Key Nos. WA-100, WA-99-3,
and WA-99-1

The North Thirty (30) acres of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Thirteen (13), Township Twenty-Eight (28), Range One (1) West of the Sixth Principal Meridian, all in Sedgwick County, Kansas.

Beginning at a point 1320.00 feet west of the Southeast Corner of the Southeast Quarter, Section 13, Township 28 South, Range 1 West of the 6th P.M., in Sedgwick County, Kansas, thence north 208.75 feet; thence west 208.75 feet; thence south 208.75 feet to the south line of said Southeast Quarter, thence east 208.75 feet to the beginning.

Robert Howard Wickham and
Virginia Helen Wickham
2910 West 47th Street South
Wichita, KS 67217
Key No. WA-99-2

All of that part of the Southwest Quarter (SW/4) of Section Twenty-four (24), east of the Valley Center-Wichita Flood Control Project in Township Twenty-eight (28) South, Range One (1) West of the Sixth (6th) Principal Meridian, Sedgwick County, Kansas.

Albert William Vanderhofst and
Bette Ann Vanderhofst
6220 West 47th Street South
Wichita, KS 67215
Key No. WA-169-1

The East Half of the Northwest Quarter of Section 24, Township 28 South of the 6th P.M., Sedgwick County, Kansas, except the North 1372.02 feet thereof.

Howard W. Beverage and
Frankie D. Beverage
5010 South Knight
Wichita, KS 67217
Key No. WA-163-11

The West Half (W/2) of the Northeast Quarter (NE/4) of Section Twenty-four (24) Township Twenty-eight (28) South, Range One (1) West of the 6th Principal Meridian, Sedgwick County, Kansas, EXCEPT a tract described as:

Ralph Waldo Bigelow and
Leta A. Bigelow
~~2909 West 47th Street South~~
Wichita, KS ~~67217~~ MAIZE
Key No. WA-162

635 Queen
67101

Beginning at the Northeast corner of the West Half (W/2) of the Northeast Quarter (NE/4) of said Section Twenty-four (24), thence South along the East line of the West Half (W/2) of said Northeast Quarter (NE/4), a distance of 208 feet, thence West on a line parallel with the North boundary of the West Half (W/2) of said Northeast Quarter (NE/4) a distance of 208 feet, thence North on a line parallel with the East boundary of the West Half (W/2) of said Northeast Quarter (NE/4), a distance of 208 feet; thence East along the North boundary of said Northeast Quarter (NE/4) to the point of beginning, said exception containing 1 acre more or less.

CERTIFICATE OF OWNERSHIP
(cont'd)

DESCRIPTION	OWNERS AND ADDRESSES
<p>A tract in the Northeast Quarter of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as: Beginning at the Northeast corner of the Northeast Quarter of Section 24, thence west 600 feet along the North Section Line; thence South parallel with the East Section Line, 600 feet; thence West parallel with the North Section line, 600 feet; thence North 600 feet to the point of beginning.</p>	<p>✓ Kansas Investment Corporation 946 North West Street Wichita, KS 67203 Part of Key No. WA-162-1</p>
<p>A tract of land in the West Half of the Northeast Quarter (W/2 NE/4) of Section Twenty-four (24), Township Twenty-eight (28) South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of the West Half of the Northeast Quarter, thence South along the east side of the West Half of the Northeast Quarter, a distance of 208 feet, thence West on a line parallel with the north boundary of the West Half of the Northeast Quarter a distance of 208 feet, thence North on a line parallel with the east boundary of the West Half of the Northeast Quarter a distance of 208 feet, thence East along the north boundary of said Northeast Quarter to the point of beginning, containing one (1) acre, more or less.</p>	<p>✓ Arthur D. Danielson and Wilma J. Danielson 2909 West 47th Street South Wichita, KS 67217 Key No. WA-162-2</p>
<p>The Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except that part described as beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E along the East line of the Northwest Quarter of the said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the North line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning.</p>	<p>✓ Roger F. Weidman 2900 West 55th Street South Wichita, KS 67217 Part of Key No. WA-165</p>
<p>A tract in the Southeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Southeast corner of Section 24; thence North along the East line of Section 24, a distance of 746.76 feet for a point of beginning; thence West parallel to the South line of Section 24, a distance of 321 feet; thence South parallel to the East line of Section 24, a distance of 86.00 feet; thence East parallel to the South line of Section 24, a distance of 321.00 feet to the East line of Section 24; thence North on the East line of Section 24, a distance of 86.00 feet to the point of beginning.</p>	<p>✓ Martin D. Clifton and Genevieve J. Clifton 5461 South Meridian Wichita, KS 67217 Key No. WA-168-1</p>

CERTIFICATE OF OWNERSHIP
(cont'd)

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
South one-half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section 24, Township 28, Range 1 West in Sedgwick County, Kansas, except the .78 acres taken for floodway Right-of-Way in Condemnation Proceedings No. A-29459 in District Court of Sedgwick County, Kansas, and except right-of-way granted for Public Drainage Canal.	OK Robert F. Heidman 2900 West 55th Street South Wichita, KS 67217 Key No. WA-167
A tract in the Southwest Quarter of the Southeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at the Southwest Corner of the Southwest Quarter of said Southeast Quarter; thence East 240 feet; thence North parallel with the West line of the Southwest Quarter of said Southeast Quarter, 425 feet; thence Northeasterly 473.5 feet, more or less, to a point 560 feet East and 775 feet North of the Southwest Corner of the Southwest Quarter of said Southeast Quarter; thence East parallel with the South line of the Southwest Quarter of said Southeast Quarter, 125 feet; thence North parallel with the West line of the Southwest Quarter of said Southeast Quarter, 548 feet, more or less, to the North line of the Southwest Quarter of said Southeast Quarter; thence West 685 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter; thence South 1323.4 feet, more or less, to beginning.	Marshall Dean Mears and Carla J. Mears 3114 West 55th Street South Wichita, KS 67217 Key No. WA-166-1
The Southwest Quarter of the Southeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., in Sedgwick County, Kansas, except a tract in the Southwest Quarter of the Southeast Quarter of Section 24, Township 28 South, Range 1 West described as: Beginning at the Southwest Corner of the Southwest Quarter of said Southeast Quarter; thence East 240 feet; thence North parallel with the West line of the Southwest Quarter of said Southeast Quarter, 425 feet, thence Northeasterly 473.5 feet more or less to a point 560 feet East and 775 feet North of the Southwest corner of the Southwest Quarter of said Southeast Quarter; thence East parallel with the South line of the Southwest Quarter of said Southeast Quarter, 125 feet; thence North parallel with the West line of the Southwest Quarter of said Southeast Quarter, 548 feet more or less to the North line of the Southwest Quarter of said Southeast Quarter; thence West 685 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter; thence South 1323.4 feet more or less to beginning.	OK Roger F. Weidman 2100 South West Street Wichita, KS 67217 Key No. WA-166

CERTIFICATE OF OWNERSHIP
(cont'd)

DESCRIPTION	OWNERS AND ADDRESSES
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A tract of land located in the Southeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Southeast corner of said Section 24, North along the East line of Section 24, a distance of 746.76 feet to the point of beginning; thence West parallel to the South line of Section 24, a distance of 321 feet; thence South parallel to the East line of Section 24, a distance of 86 feet; thence West parallel to the South line of Section 24, a distance of 998.45 feet; thence North parallel to the East line of Section 24, a distance of 660.77 feet; thence East parallel to the South line of Section 24, a distance of 1319.45 feet to the East line of Section 24; thence South on the East line of Section 24, a distance of 574.77 feet to the point of beginning.

↙ Dale J. Clark and Judith A. Clark
5419 South Meridian
Wichita, KS 67217
Key No. WA-168

DATED this 2/30/1984, 1984

REALTY TITLE CO., INC. 7-02-8248

Judith Cachard

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 18, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-279.

Location: On the west side of Meridian between 47th Street South and 55th Street South.

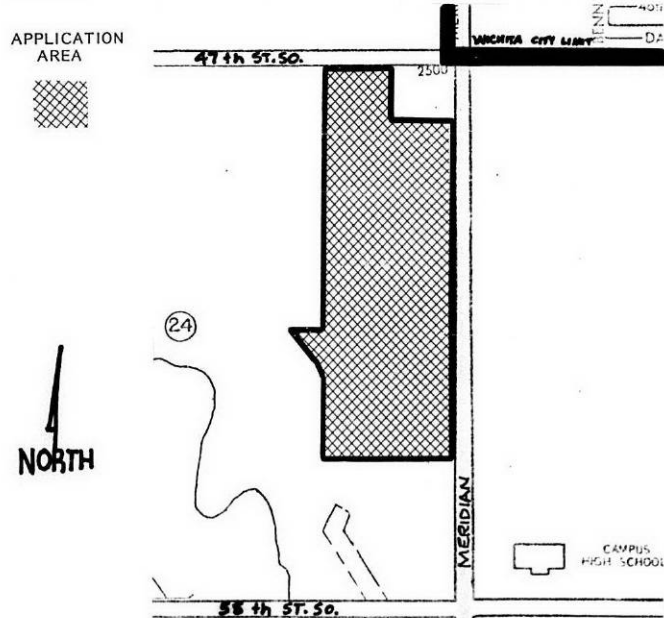
Address: N/A.

Request: Conditional Use Permit to Establish a Mobile Home Park on Property Zoned "R-1" Suburban Residential.

NOTICE IS HEREBY GIVEN THAT on Thursday, May 2, 1985, at 1:30 P.M., in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION will consider the above-mentioned item for purposes of making a recommendation to the Board of County Commissioners.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose these requests. If you have no interest in or objection to the requests, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

FORM 29-02

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-279 - CONDITIONAL USE PERMIT TO ESTABLISH A MOBILE HOME PARK, GENERALLY LOCATED ON THE WEST SIDE OF MERIDIAN BETWEEN 47TH STREET SOUTH AND 53TH STREET SOUTH.

The MAPC recommends that the application be approved. (see minutes for full motion)

Hansen moved, Gardner seconded and it carried with a vote of 9 in favor (Hansen, Gardner, Banzer, Bayouth, Chisholm, Crockett, Goebel, Moore, and Peters) and 1 opposed (Wilson).

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission subject to the recommended conditions of approval, adopt a resolution establishing the conditional use, and instruct the Planning Department to withhold publication until such time as the plat has been recorded; or
2. Deny the application.

585
 Bob Arnold
 Wilma Danielson
 John Arnce
 John Arnce
 Bob Danielson
 Wilma Danielson
 Hansen
 Gardner
 Banzer
 Bayouth
 Chisholm
 Crockett
 Goebel
 Moore
 Peters
 Wilson

Swain
 Hansen
 MC-30
 6/14/85

45%

DATA AND MINUTES

MAPC Hearing Date: 5-02-85

BCoC Hearing Date: 5-29-85

AREA DATA:

Acres: 113

Size: 1320' x 3240' (irregular)

Commission District #3

Reason: To establish a mobile home park.

	Land Use	Zoning
Existing North	Farm house, agriculture	"R-1"
South	Farm house, agriculture	"R-1" & "LC"
East	Farm house, agriculture	"R-1" & "LC"
West	Farm houses, agriculture	"R-1"
	Farm house, agriculture	"R-1"

History:	CU-263	10-13-83	Haysville P.C.	Denied
		10-20-83	MAPC	Denied
		11-16-83	BCoC	Return to MAPC
		12-01-83	MAPC	Denied
		12-28-83	Withdrawn by applicant	

Applicant: Kansas Investment Corp., 946 N. West Street, Wichita 67203

Protestors: Arthur and Wilma Danielson, 2909 West 47th Street South; John Arnce, 5018 South Meridian.

Submitted to Board of County Commissioners
 4/11/85 on 5/29/85
 Approved with some SFs
 At Haysville

Submitted to
 Board of County Commissioners
 6/14/85

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 2, 1985

LEGAL:

5. Case No. CU-279 - Kansas Investment Corp. requests a Conditional Use Permit for the East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24, described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence N 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line, thence North 600 feet to the point of beginning. Generally located on the west side of Meridian between 47th Street South and 55th Street South.

SMYTHE pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following items should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting approval of a Conditional Use Permit to establish a mobile home park on an approximate 113 acre unplatted tract of land zoned "R-1" and located on the west side of Meridian and south of 47th Street South.

A site plan submitted with the application proposes a maximum of 585 mobile home pads which would be a density of 5.17 homes per acre. The applicant has indicated on the proposed site plan that each mobile home space will have a minimum of 5,000 square feet. Access would be one opening to 47th Street South and three openings to Meridian.

2. The major factors to consider in regards to this application are water, sewer and drainage. The City of Wichita Water Department advises that water could be extended from a point one-half mile east of Meridian or one-quarter mile north of 47th Street at the developers expense. Sanitary sewer could be provided by the Southwest Interceptor Sewer which runs along the entire length of subject property in Meridian. There are drainage problems associated with subject property that will have to be resolved at the time of platting. There is a 300 acre tributary which runs south from 47th to enter the Protection Drainage District Channel south of 55th Street; and a 100-acre tributary which crosses Meridian one-half mile south of 47th Street.
3. Generally eight percent of the site should be useable open space which would be 9 acres for this site. The proposed site plan shows approximately 20 acres to be used for open space and recreation areas. In association with the mobile home park, the applicant proposes a swimming pool and a building to house rest rooms, changing facilities and a storm shelter.
4. If a storage area for recreational vehicles and boats is contemplated, then a spot of Commercial zoning would be needed. Because it generally is outside storage, it should be located internally near the

light commercial zoning so that the mobile homes will help screen the vehicles from adjacent properties.

5. Should the Commission determine that this is an appropriate area for a mobile home park, then the following conditions of approval would be consistent with other approved mobile home parks:
 - a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
 - b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
 - c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
 - d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
 - e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
 - f. No individual mobile home space shall have direct access to a public street.
 - g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.
 - h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 30 feet as required by the County Trailer Code.
 - i. There shall be no open storage and each mobile home space shall be provided with a storage building.
 - j. The maximum number of mobile home pads for the entire development shall not exceed 585.
 - k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
 - l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

DISCUSSION:

SMYTHE stated that a request for mobile home park approval on this property was heard about a year and a half ago. That application was for 150 acres and proposed a 920 unit mobile home park that pretty much ignored the basic drainage in the area. He said that in October 1983, the Haysville Planning Commission denied the application; the Metropolitan Area Planning Commission denied it, and it was returned from the County Commissioners and was denied once again by the Metro-

politan Area Planning Commission, and finally withdrawn by the applicant.

SMYTHE pointed out that the new request was for 113 acres of unplatted land and excludes the light commercial piece of property on the southwest corner of 47th and Meridian. He mentioned that the Planning Commission had received packets from both the applicant's agent and the Board of Education in the City of Haysville explaining some of their viewpoints. SMYTHE stated that the site plan submitted with the application proposes a maximum of 585 mobile home pads with a density of 5.17 homes per acre. He said there would be one access to 47th Street and three accesses to Meridian Avenue. He said that the major factors concerning this case as well as the previous case heard about a year ago were water, sewer and drainage. The Water Department advises that the water could be extended from approximately 1/2 mile to the east on 47th Street. The southwest interceptor sewer runs along the west side of Meridian. Water and sewer could be extended at the applicant's expense. SMYTHE pointed out that there was a 300-acre tributary that runs from the north side of 47th Street down and basically corresponds to the drainage to the area in the south part of the development. The 100-acre tributary crosses Meridian about midway down and all of that drainage flows to the southern part of this application. SMYTHE said that Meridian was scheduled in the County C.I.P. for resurfacing in 1988. He said that if water and sewer were to be extended from the City of Wichita, the standard out-of-the-city agreements would be requested. SMYTHE said that staff was in support of the application although they would like to amend conditions "h" and "j". Condition "h" states that the minimum width of 30 feet was required by the County Trailer Code. He said that staff talked with the applicant's agent, and that staff was satisfied with a 25-foot road provided there were two off-street parking spaces per pad. Condition "j" states that the maximum number of mobile home pads for the entire development shall not exceed 585. SMYTHE pointed out that this was a preliminary proposed plan, and staff would be supportive of some sort of leeway, maybe 10 percent at the maximum. He said that at the present density of units there was a 5.17, and if given a 10 percent leeway, that would raise the units to about 643 units and a density of 5.70.

CROCKETT stated that apparently the site was within the Haysville school district, but not in the Haysville planning domain. He asked if that was correct.

SMYTHE said that was correct.

HANSEN said that she was not clear what the regulations were with the mobile home park in a conditional use situation on requiring and getting compliance on plantings. She asked, based on the plan the Commission has seen, how much can they enforce?

LAKIN responded that first of all they have made reference to a County Mobile Home Code which was a working draft that he did not believe had ever been adopted by the County and the Health officials to where it is legally enforceable. It is used as a standard. He said that anything that the Commission really wanted to tie down needed to be tied down by reference to that document or some other specific requirement and made a part of the conditional use motion.

LAKIN made the Commission aware that this request was a County conditional use case, and that it could not develop in the County very well without City of Wichita water and/or sewers. When that occurs, it would then be subject to annexation. When it is annexed it comes in with "C" Mobile Home zoning, and so the real strict control on the conditions drop out except for approval of the site plan and layout which is authorized through the Planning Director.

HANSEN asked what mechanism could a planning commissioner write into this dealing with landscaping.

LAKIN stated that under the conditional use permit they could require landscaping by description or require a landscaping plan for

certain areas with some sense of direction for staff to be able to evaluate it as they do on some of the community unit plans. He said that he was a little concerned that if this does get annexed into the City, then the landscape requirement would not be enforceable. He said that perhaps another way to get to that was to enter into a covenant between this property owner and adjacent property owners, but enforcement becomes a problem on private covenants.

HANSEN stated that she believed so strongly that they need a moderate and low cost housing in this community, but she also believed that there was no excuse for turning a neighborhood into a tacky area.

WILSON asked if the Commission was looking at anything new and different other than the magnitude.

LAKIN pointed out that they were looking at two things different; magnitude was one, and an improved site design.

KENNY HILL, Poe and Associates, representing the applicant, stated that to answer Mr. Wilson's question about changes that have happened with this property, when this originally came to the Commission in 1983, this property was owned by Norma Cox and Jeff Bannon was a contract purchaser. Since that time this land has been purchased by Jeff Bannon, who lives on the property. This is his land and he intends to develop it in some manner and feels this is the best use for the property.

HILL read from a prepared statement, stating that since an application for a mobile home park had been filed in this area and later withdrawn, they have had an opportunity to review and answer concerns that were indicated in the previous MAPC minutes. They began by completing the drainage concept which is incorporated in the site plan and has been reviewed and approved by the County Engineer's office. Another item of concern was the size of the park which has been reduced from 920 spaces and 154 acres to 585 mobile homes in 113 acres. Some of the other concerns were answered by the design of the site plan. The proposed plan eliminates a grid street pattern. It provides useable open space and takes into consideration the location of the existing pipeline. The site plan proposes a swimming pool, bath house, storm shelter, and parking area to be centrally located. Pedestrian walkways are located at the rear of the mobile homes and there will also be room for landscape berms and plantings. These walkway areas, along with open spaces, account for 20-1/2 acres of the site. The average lot width is 50 feet and will be located on privately owned asphalt streets. Each space will have a two-car concrete parking area plus a concrete patio and storage building.

HILL said that the developers met with the Superintendent of the Haysville School District who informed them that the present enrollment at Haysville is 3,000. The Superintendent also stated that they had structures which would accommodate an additional 1,000 students, but he was concerned about the initial increases in annual enrollment. The developer, at that time, suggested that one thing that could be done to lessen the impact on the school system would be to limit the number of units that could be built per year in the mobile home park. It was agreed that this would help, and for that reason the applicant then suggested that the development be limited to 100 units in 1986; 150 in 1987; 200 in 1988; and the remainder in 1989. This suggestion was based on the information that they had that indicated that each mobile home would add one student to the school system, making a total of 585 students for this development. He said the data they just received indicates that only 173 students would actually be added from this 585 unit mobile home park. He said that he was not sure that the proposed phase development was helpful when these new projections are considered. HILL said that the new data came from a report prepared by the Research Planning and Development Services Division of the Wichita Public Schools. HILL pointed out that he had provided each of the Commissioners with data from the report. This reports shows 842 students coming from 2,846 mobile homes located between West Street and Oliver south of Kellogg. This is less than one student out of three

mobile homes, or one-third of the original projection. In this same area 2,213 students came from single family conventional housing, including 3,077 houses.

HILL said that the Haysville School District indicated some concern about the revenue generated from a mobile home park.

MOTION: That Mr. Hill be allowed an additional four minutes to finish his presentation. Gardner moved, Chisholm seconded and it carried unanimously.

HILL stated this prompted them to do a tax comparison between the mobile homes and the stick built housing. He mentioned the letter from the Sedgwick County Assistant Chief Deputy Appraiser. It shows annual taxes of \$187,740.54 for a 550-unit residential development versus \$133,083.49 for the same size mobile home park.

HILL mentioned the second letter he provided the Commission (document No. 2) came from the County Clerk's office. It shows that 68.17 percent of the total mill levy goes to Haysville U.S.D. 261. He said that based on the information on the last sheet, a 550 unit mobile home park will pay \$560.35 per student in taxes to the U.S.D. 261, while 550 conventional housing units will pay \$324.01 to the school district. He said that was because there were more students per household in conventional housing than there are in mobile homes.

*John
in H. Hill's*

HILL continued that in an attempt to answer some of the neighborhood concerns, the applicant notified the adjacent property owners by letter on April 5, 1985. The color site plan was enclosed and the letter indicating his plans to construct a quality mobile home park. It advised them of today's meeting and offered personally to answer questions. The owner was not contacted by any of the neighbors. He said that since there was a protest petition in the area in 1983, they assumed that there might be one filed against the proposal today. They therefore prepared an aerial photograph which shows the surrounding property. This was to indicate that most of the surrounding property was undeveloped at this time. HILL also pointed out that only 15 different owners were listed on the ownership list in the 1000-foot radius that were notified. HILL said that it takes signatures of those owning 20 percent of the property within the 1000-foot radius, and in this case, one or two of the owners could make the protest over 20 percent. He said the reason they provided the aerial photograph was if there was someone in the neighborhood who objected, the Commission might want to find out how much of the adjacent land they do own. HILL said that the applicant has made contact with the Wichita Area Chamber of Commerce and they have indicated a need for affordable housing.

HILL pointed out that they would like to change the two items mentioned by Smythe relative to the street width and the 10 percent leeway on the density to make any fine tuning adjustments, if need be, in the final design. He said that he believed the plan they have prepared could be developed into a quality mobile home park which would provide the affordable housing needed in the Wichita area.

GARDNER stated that he had read through the numbers given to the Commission by Hill, and appreciated them, because there was quite a bit of difference between the numbers Hill generated with the Wichita school system and the number that the Haysville school system has put forth; a big difference and one that he felt was significant.

CROCKETT commented that he was curious on the attendance areas summarized the Wichita public school data; how did Hill happen to choose the five attendance areas that he selected?

HILL responded that the report that they had was for U.S.D. 259, which takes in all of the area south of Kellogg from West Street to Oliver, and there are other attendance areas in that area also. The areas they chose had heavy uses of mobile homes. The other areas had

maybe 1, 5, 7 mobile homes; not a significant amount, so they took all there was with significant mobile home developments.

WILMA DANIELSON, 2909 West 47th Street South, stated that she and her mother own the 80 acres that would be adjoining the site immediately on the west side, the complete length of the proposed mobile home park. She said they feel like they are the victims of a battering ram in effect here, by trying to wear them down and hitting them repeatedly in the same way. She apologized that there were not more people out, but the time, jobs and money do take their toll. She thanked Commissioner Peters that he was appreciative of the fact that this does take a great deal of effort for people to come out, and that was appreciated. DANIELSON said that the neighborhood did not get a petition up this time, however, if the vote is not in support of their views, it definitely would be done. She said that as far as Mr. Bannon's letter was concerned, it was a very nice letter and she appreciated him doing it. She did not contact Mr. Bannon because she did not know what to say except "why", and did not feel that she would get a very good answer. DANIELSON said that this may be an exercise in futility but they felt they have to make the effort. She said that recently, in the last year, there was an obituary in the paper describing a lady who had died in her home, and it said that she had died in her mobile home in South Wichita. She said that she found that very redundant. However, she felt the south of Wichita was getting a greater share than they deserve. She believes that they are creating a ghetto, and she meant that in the dictionary sense, as Eastborough is a ghetto, but they are creating a ghetto, and they are creating a community in a community. All of these are little communities and are not interested in the community at large. They are almost in separate cities. She said that in the past ten years, about the time the mobile home park went in on Meridian between 47th and MacArthur, from that time on she had watched the homes go from rather well-manicured, fences tended, etc., to places now where mattresses are left on the yard and rotting, where there are junk cars that are being parted out and on the front yard, lack of maintenance on the yards. She said that she was not looking for a utopia but was looking for a nice average community, and she believed that it has gone from that. DANIELSON said she hoped that each one of the Commissioners had driven down the area, looked at the area, and driven into the mobile home parks and observed some of the scenery. There was one mobile home park that had been put in at the bypass and MacArthur on Meridian and it was the most stark, absolutely unpretty site that one could imagine. It is completely devoid of vegetation. They did put in some little fir trees this last year but they have all turned brown. They are also developing across the road for mobile homes, and again they will probably be devoid of any landscaping. She said that if it keeps going in the direction it's going, with a few well-placed bridges you will be able to walk from the bypass to Haysville on tops of mobile home roofs. It just keeps going. She mentioned the other mobile home parks and land owned by the applicant in this area, stating that they have this domino effect, one mobile home creates another mobile home, etc., and in its wake it is not a good development of the community at large or the community as a whole. She felt that this "need for mobile homes" is the victim of a phenomenon called "leap frog syndrome", because what happens is you have people who live in one mobile home that has gone downhill; "no maintenance is now not attractive, here's a new one, lets move". She asked then what happens to the old one? What is the maintenance on those? Do we create another Park City? She felt these kinds of things are very valid questions that they have to address.

MOTION: That Mrs. Danielson be allowed an additional minute to finish her presentation. Crockett moved, Hansen seconded and it carried unanimously.

DANIELSON felt that they have to have some concern for the community at large and what happens ten years down the line. She asked if they were planning for the community, for the mobile home parks, or for the whole area as a site.

DANIELSON stated that there was a pasture land that connects to this area. There are cows in it at the present time. In the summers before, a half mile from her house, they have had a few camp fires out there and have had a few problems with people starting fire. There is a little creek that goes through there, but she cannot see it from her house and cannot maintain it. The only alternative she might have was to have a ranger station set up. She felt that there were aesthetic things to be considered here and felt that the long range, down the road picture has to be considered.

ARTHUR DANIELSON, 2909 West 47th Street South, stated that he would feel remiss if he did not follow his wife. He said that they would only be looking at 16,560 lineal feet of property that would encompass the mobile homes to the other side of them. He said that if this was a nice housing development they would be more than happy to look out their window and see the houses and children playing, etc. He said they have nothing against mobile homes. They realize that certain people have to live in mobile homes. He said that he fully believe in the growth of the City of Wichita, but did not believe the answer to Wichita's housing problem was to throw up mobile home parks on every section of ground in the south part of town. He said that he understood that the potential growth of the City of Wichita was 3,000 to 4,000 people a year. They are talking in this one particular area of at least 2,000 people. He felt the City should evaluate their stand and decide if they want a community fifty years from now they can point to with pride or whether they want one gigantic mobile home park stretching from Kellogg to Haysville.

HANSEN asked Mr. Danielson, having lived in the area awhile, if he had any idea why some of the south side areas had not been selected for single family homes.

DANIELSON said yes, they started in with the mobile home parks.

HANSEN said that maybe they started in with them because there were some drainage problems that were somewhat unique to the south side of Wichita.

DANIELSON pointed out that the east side of town was developed because it was clay and could not be farmed, so the farm land became the cheap land. The south part of town is good land for farming.

JOHN ARNCE, 5018 South Meridian, stated that he was contacted one day and a half ago and told about this meeting, but wanted to voice his opposition. He mentioned that when he bought his property the mobile home court was voted down one year ago, and that is why he bought the property. He said that he had an option on another five acres, but did not feel he would go through with it because the property value has gone down.

CARDNER commented that he has made the argument on several occasions before and will repeat it at this point and time. You have a situation where in the zoning laws you discriminate against a particular style and construction of housing. If it is modular in construction or if it is a mobile home, it is treated differently than stick built on site. There are a variety of reasons for doing so, he understands. He said that probably the most poignant issue at hand, however, was the fact that they have promoted over a period of time within the zoning laws a situation of economic discrimination. It probably is of a category as classic as there are varieties of religious and racial discrimination over the years, and probably at some point in the future someone will choose to address it. He felt that the aspect of zoning on a basis of whether or not people live in a mobile home, or live in a single family site built house, is a situation that invariably brings neighborhoods in with a concern for their well-being and whether or not they want to allow people in that are going to live in a different style of housing than they have. The economics of housing are very simple in Wichita. If you desire to purchase new housing under \$30,000 per unit, your choices are very limited. It is nearly always a modular construction unit and more often than not, it is going to be on a rented space as opposed to an

owned site. He felt that there was a demand for housing in this town in that category and price range, and it is among people who simply cannot afford something of a more expensive nature. These are the people in many respects who constitute the backbone of our local economy and industry. They are the labor force in large part that work in the plants and schools, and do in fact provide the manpower and personnel that operate business in this community. He said that if they want, through zoning legislation, to exclude them from housing opportunities precluding mobile home park developments and sites upon which to establish this discriminated against form of housing, then vote against the mobile home park. GARDNER said that he was not suggesting that there was not enough of them, he was merely suggesting that within the property rights arrangement that we have, we do in fact promote a type of discrimination. He felt that the type of arguments introduced today are not as to whether or not there is too high a density for a variety of other things, it is simply directed against the type of people and the type of occupancy. He said he believed that these people have a right to a housing location just as much as anyone else, and felt that in some locations where they may have a higher concentration of mobile home parks than others, you have a simple function of economics that happens to be reasonably near employment, a reasonably good school system, a reasonable level of shopping, and he felt that those factors have a bearing in an economic way of life that they don't have or exercise a control over from this bench.

HANSEN said that she would like to add to what Mr. Gardner has said because she was one of the people who was most vociferous about turning this proposal down the last time in this particular area, and she felt very, very deeply about it because it was so poorly presented, so poorly planned, and so poorly laid out. She said she believed that when a mobile home park is established with no site planning and no amenities, you do have a miserable neighbor, but where you plan a mobile home park with a little creative site planning and proper plantings, it can become an acceptable neighbor to those who are there. She said she felt very strongly that they need moderate cost housing in this community and that the need does not diminish at all over time. HANSEN said she agreed with Mr. Gardner about a number of the things he said in terms of the discrimination that exists. Probably it exists because they were so poorly planned in the past. It is true that developers in the oldest mobile home parks are losing their residents to the newer ones because she felt the newer people are doing a little bit better job all the time. She said that this time they have had someone come in with a site plan that was a little more creative. There is an effort to provide amenities, and she had asked questions about whether or not they could enforce the fact that some of those really happen down the line once given the conditional use because she believed that if they did not have that kind of thing built in, it would turn out to be another undesirable neighbor, but if they do what they have brought before the Commission today, the neighborhood would have good drainage, the proper planting system, and the density was lower than many, many residential neighborhoods in this community. HANSEN said that she would support this proposal. It has to be, to a certain extent, an act of faith because the regulations were not tight enough to suit her, but Mr. Bannon does live there, which in her mind mediates in his favor, simply because she could not believe that he was going to not want to carry through with a more quality proposal.

WILSON said that he disagreed. He did not know whether this was well planned or not because they were talking about on down the line whether it was well planned. He said that the Commission has approved them in the area before for different organizations and different people, and they turned it down the last time because of the density. It had a good operator, a man with a good record who had nice trailer courts and who showed the Commission nice amenities, but now he did not know whether this applicant has a good record at all as an operator or whether he intends to keep this as his own use or turn it over to some other developer. That really was not the prerogative of the Commission. The Commission's prerogative was whether it was the best use for the ground. He felt the density was getting awfully heavy. There are

vacant trailer courts and plenty of places for trailers now in the area that are nice ones. There are new ones going in.

GOEBEL commented regarding the vacancy. He said that he has argued for a year or so now that they have to start paying attention to how many vacant single family platted lots are available and they are not doing that. It has always been brought up that the people have to have a choice of what neighborhood they want to live in, and he felt they have to have a choice of what mobile home park they want to live in too. He said that several of them around the country have been folded up because they could not make a go of it any more, and he felt that those that don't develop would fold up. GOEBEL felt that some of the figures would be good to make their decision on if staff could come up with an occupancy report on them, but he also felt that if they were going to require it there then they have to know how many platted pieces of single family lots are sitting around and use those same statistics or same thinking if they were going to turn down some of the plats that were developing. He mentioned that there are a lot of single family lots available in Wichita. He said that he was not a mobile home lover himself, but felt that there were right places for them.

PETERS mentioned that the last applicant was denied by this body but then he withdrew his application. He said that some of his past experiences were, the County Commission turned them down and they were immediately annexed to the City and approved.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the largely undeveloped character of the neighborhood but the reasonable availability of municipal sewer and water; the residential zoning and uses of nearby properties; and the recommendation of approval by staff; I move that we recommend to the governing body that this application be approved subject to:

- a. The applicant shall plat the entire area including the 600' x 600' of "LC" zoning located at the southwest corner of 47th Street South and Meridian within one year from the date of approval of the conditional use by the Board of County Commissioners; or the application be considered denied and closed. Said plat shall be recorded with the Register of Deeds prior to the publication of the resolution establishing the conditional use.
- b. Development of the site shall not commence until municipal sanitary sewer and water services are available.
- c. The applicant shall meet all the applicable conditions established in the County Trailer Code.
- d. Submission of two copies of the "Mobile Home Park Development Plan" to the Metropolitan Area Planning Department for their files.
- e. Recreational vehicle storage areas shall not be located within the proposed development. This type of use is not an accessory use to a mobile home park and would require commercial zoning.
- f. No individual mobile home space shall have direct access to a public street.
- g. Either an off-street parking slab constructed of asphalt or other hardsurface material and sufficient in size to accommodate two automobiles shall be provided for each mobile home space; or a continuous parking lane shall be provided along the frontage of all mobile home spaces.

- h. All private roads within the mobile home park shall be paved with concrete, asphaltic concrete, or asphalt, to the minimum standard for flexible or rigid pavement as included in the "Guide for Mobile Home Court Improvements" as published by the Federal Housing Administration and to a minimum width of 25 feet, provided however, that two paved off-street parking spaces per mobile home pad shall be provided.
- i. There shall be no open storage and each mobile home space shall be provided with a storage building.
- j. The maximum number of mobile home pads for the entire development shall not exceed 585, plus or minus 10%.
- k. All mobile homes shall comply with the anchorage to the ground provisions as required by State statutes.
- l. The mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park.

Hansen moved, Gardner seconded and it carried with a vote of 9 in favor (Hansen, Gardner, Banzer, Bayouth, Chisholm, Crockett, Goebel, Moore, and Peters) and 1 opposed (Wilson).

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24 described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence North 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line; thence North 600 feet to the point of beginning;

be granted a conditional use permit for the purpose of the establishment and construction of a mobile home park and for the purposes set forth in the application of the plaintiff for the said conditional use permit, and it is directed that the conditional use permit is approved subject to recordation of an approved plat.

IT IS SO ORDERED.



Michael Corrigan
 THE HONORABLE MICHAEL CORRIGAN
 DISTRICT COURT JUDGE

APPROVED:

KAPLAN, McMILLAN AND HARRIS

By *Robert W. Kaplan*
 Robert W. Kaplan
 Attorney for Plaintiff

Clerk of the District Court. The above is a true and correct copy of the original instrument filed for record in the County of Sedgwick, Kansas, on the 9th day of Feb., 1987.
 By *Kita Reese*
 Clerk of the District Court.

THE BOARD OF COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

By *Richard A. Euson*
 Richard A. Euson

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

JEFF BANNON,)
)
 Plaintiff,)
)
 vs.) Case No. 85 C 2406
)
 THE BOARD OF COUNTY COMMISSIONERS)
 OF SEDGWICK COUNTY, KANSAS,)
)
 Defendant.)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND MEMORANDUM OPINION

I. Nature and History of Case

This matter originated with an application by the plaintiff for a conditional use permit to establish a mobile home park to be generally located on the west side of Meridian between 47th Street South and 55th Street South. The application area is legally described as:

The East Half of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; and the Northeast Quarter of the Southeast Quarter of said Section 24, and that part of the Northwest Quarter of the Southeast Quarter of said Section 24 described as beginning at the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence S 00°08'40" E, along the East line of the Northwest Quarter of said Southeast Quarter, 500 feet; thence N 13°51'16" W, 211.17 feet; thence North 45°04'59" W, 417.57 feet to the north line of the Northwest Quarter of said Southeast Quarter; thence N 89°58'42" E, 345 feet to beginning, less and except a tract beginning at the Northeast corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West; thence West 660 feet along the Section line; thence South 600 feet parallel to the East Section line; thence East 660 feet to the East Section line; thence North 600 feet to the point of beginning.

The plan as submitted with the application proposed a maximum of 585 mobile home pads, which would be a density of 5.17 homes per acre. The plan as submitted provided that each mobile home space would have a minimum of 5,000 square feet and that

access would be by virtue of one opening to 47th Street South and three openings to Meridian.

The matter was first heard by the Metropolitan Area Planning Department of Sedgwick County, Kansas on May 2, 1985.

The matter was referred to the Sedgwick County Board of County Commissioners for hearing and determination on May 29, 1985 but was, on motion of the commission, deferred until June 19, 1985.

On June 19, 1985, upon unanimous motion of the commission, the request for a conditional use permit was denied. This appeal followed.

II. Findings of Fact

The Court finds the following facts to be controlling:

1. The site in question presently contains a farm house and open agricultural land. Zoning for this area is residential-1, with some areas being zoned light commercial.

2. The area surrounding the proposed site is the location of numerous existing mobile home parks and lots, including (a) Green Acres Mobile Home Park, containing approximately 250 mobile homes, located approximately one-quarter of a mile north of the site; (b) Mobile Manor, Inc., containing approximately 300 mobile homes, located approximately one mile north of the site; (c) Mobile Home Manor, Inc. Addition, a 150-unit mobile home park under construction, located approximately three-quarters of a mile north of the site; (d) Cottonwood Grove Mobile Home Park, containing approximately 425 mobile homes, located approximately one-quarter mile north of the site; and (e) various other mobile homes and modular homes located on private lots within a one-mile radius of the site.

3. The proposed design for the site was prepared by Poe & Associates of Kansas, consulting engineers, and presented to the Metropolitan Area Planning Commission in its regular meeting held on May 2, 1985.

4. The proposed design for the site was approved by the Metropolitan Area Planning Commission by a 9-1 vote, provided that certain conditions were met.

5. The plaintiff agreed to and accepted all the conditions which were imposed by the Metropolitan Area Planning Commission as conditions of approval.

6. Protest petitions to the proposed conditional use were filed by the owners of approximately 45% of the land area within the 1,000-foot radius protest site.

7. The request for the conditional use permit denominated as Application No. CU-279 was presented to the defendant, the Board of County Commissioners of Sedgwick County, Kansas, at its regular meeting of May 29, 1985. At that meeting, the applicant's proposed mobile home park plan was presented by city-county staff to the Sedgwick County Commission with the comment that the mobile home layout was a reasonable and adequate design for the proposed development. The Sedgwick County Commission conducted a public hearing on that date, and persons objecting to the land being used as a mobile home park site were allowed to express their objections. At the conclusion of the public hearing, the matter was deferred to June 19, 1985.

8. At the June 19, 1985 County Commission meeting, the request was again presented, and it is noted that the parties herein have stipulated that the Metropolitan Area Planning Department staff supported the project. At the June 19, 1985 meeting, the vote was called for, and without any debate, the conditional use permit was denied by a 3-0 vote.

9. No reasons whatsoever were given for the denial.

10. The parties have stipulated to the following exhibits which are accepted and have been reviewed by the Court:

- (a) Applicable zoning regulations, Sedgwick County, Kansas, and zoning ordinances, City of Wichita, Kansas.
- (b) Minutes and recommendations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

- (c) Proceedings of the Board of Sedgwick County Commissioners.
- (d) Accuracy and admissibility of the sketch plan of South Towne Mobile Home Park.
- (e) Photographic exhibits.
- (f) Staff Report of the Wichita-Sedgwick County Metropolitan Area Planning Department.
- (g) Minutes and recommendations of the Wichita-Sedgwick County Metropolitan Area Planning Department.
- (h) Proposed resolution to approve the rezoning.
- (i) Protest petitions.
- (j) For informational purposes only, the Trailer Code of Sedgwick County, Kansas, which the parties agree was not officially adopted by the Sedgwick County Commissioners.
- (k) The presented analysis of school-cost information.
- (l) Soil surveys taken April, 1979.
- (m) The pertinent portions of the Metropolitan Area Planning Department case file.
- (n) Land Use Element of the Comprehensive Plan for the Wichita-Sedgwick County Metropolitan Area adopted August 31, 1978 for the year 2000 and consisting of the following Land Use Technical Reports:
 - (1) Part I: Goals and Objectives
 - (2) Part II: Methodology
 - (3) General Development Guide

11. The parties have further stipulated that the real property which is the subject of the conditional use permit for the mobile home park is currently vacant and unimproved ground and has never been developed, and the Court so finds.

12. Finally, the parties have stipulated to the testimony of C. Bickley Foster as well as to the qualifications of C. Bickley Foster, and the Court accepts and adopts from said stipulation the following testimony which the Court finds to be controlling of the issues in this lawsuit:

(a) The character of the neighborhood

The 113.2-acre proposed site is located on the west side of Meridian between 47th Street South and 55th Street South. The site is 3,240 feet long extending south from 47th Street and

mostly 1,320 feet wide with an approximately eight-acre tract not included in the northeast corner where the applicant lives. In all four directions, the land nearby is used for agriculture with scattered farmhouses, some of which are used by non-farm dwellers. Campus High School is located at the northeast corner of Meridian and 55th Street. Numerous mobile home parks are located mostly north of the site. For example, Green Acres with about 250 mobile homes is approximately 1/4 mile north; Mobile Manor, Inc. with 300 homes is one mile north; Mobile Home Manor, Inc., under construction for 150 homes, is 3/4 mile north; and the newest one zoned by the City of Wichita and under construction for 450 homes is Cottonwood Grove located 1/4 mile to the north. Mobile and modular housing is also situated on private lots in addition to the stick-built houses in the surrounding area. A suburban-type development on septic tank systems is located 1/2 mile west of the western boundary of the proposed site. The city limits of Wichita extend southward along Meridian to 47th Street, thence eastward on 47th Street for 1/2 mile and then continue southward again. The proposed development is compatible with the character of the neighborhood.

(b) The zoning and uses of properties nearby

The nearby uses of property are described in factor (a) above. Existing zoning on the proposed site is "R-1" Suburban Residential, as is all the surrounding area except some "LC" Light Commercial zoning to the north and south. Mr. Foster testified that from a planner's standpoint, the existing zoning of the area exhibits a very liberal attitude towards the location of mobile homes. It was Mr. Foster's opinion that a mobile home park may properly be located in all Sedgwick County residential zones when approved as a conditional use. Further, mobile home parks may be approved as conditional uses in the "BB" Office District and permitted in the "LC" Light Commercial and "C" General Commercial Districts. This is in contrast to the City of Wichita, Kansas, which only permits mobile homes in the "G"

*Not a true
or correct
statement*

Manufactured Home District and only in a mobile home park or manufactured housing subdivision. It is Mr. Foster's opinion that the land use policy of Sedgwick County, Kansas, which has been implemented through zoning, encourages the placement of mobile homes in a wide variety of locations. Mr. Foster concluded his testimony on factor (b) by stating that, assuming the market continued to support mobile home parks, the denial of the conditional use permit would simply shift the decision to rezone or approve a conditional use for another site since mobile home parks in the county are the only form of residential use for which proper zoning is not readily available.

(c) The suitability of the subject property for the uses to which it has been restricted.

The site is level with manageable drainage problems and transversed by a high pressure gas line. The soil is classified by the Soil Survey of Sedgwick County, Kansas published by the U. S. Soil Conservation Service as Narvon (Na) and Tabler (Tb). According to the report, Narvon soil type has very good agricultural production qualities based on potential crop yields and similarly very good physical qualities for urban-type development. On the other hand, Tabler has good, but not as good, agricultural production qualities; however, it has very poor urban-type development characteristics. About half of the site which is along Meridian is Narvon with the interior half as Tabler.

The "R-1" Suburban Residential District permits by right only agriculture, one-family dwellings (including mobile and modular homes), churches and related schools, exploration for oil, golf courses, public schools and the usual home occupation and accessory structures. It is unrealistic to believe that the site will remain in agriculture given its location next to Wichita and the availability of utilities and paved roadways. Certainly the land market for public and church schools, oil exploration and golf courses could be considered highly doubtful.

Churches would never utilize such a large site. Stick-built and mobile homes on individual lots could be placed on the Narvon soil area with or without public sewers and basements. While Tabler soils are rated severe for most urban-type development characteristics, public water and sewers and paved streets can considerably overcome such limitations. The shrink-swell and low-strength characteristics increase the cost of construction for structures and discourage basements. Mobile homes supported by central I-beam construction for transport purposes would fare far better on such soils than stick-built homes supported by perimeter foundations. Again, this factor supports development of mobile homes.

- (d) The extent to which removal of the restrictions will detrimentally affect nearby property.

Since this application is for a conditional use and not rezoning, it not only does not allow a new range of permitted uses, but limits the use of the property to only a mobile home park. While the traffic would increase, it would be no more than anticipated by the opening of any other mobile home park to the north. The limited access control of two entrances to Meridian and one to 47th Street will help maintain the carrying capacity of the roads.

The main thrust of the protestors' arguments are that they perceive such a mobile home park to devalue their property and basically they in the south of Wichita have had their share of such parks. The substantial number of mobile homes in the area is well documented by Commissioner Hentzen's survey conducted for him by the County Appraiser's office. No actual documentation, however, was offered as to their perceived loss of value. Although the neighbors were wary of the final appearance of this or any other mobile home park, all participants, including the M.A.P.C. and its staff, seem to feel that the design for this park was good and in fact "superior" to one proposed in 1963 for this site by another applicant and subsequently withdrawn.

The present applicant has not only agreed to all conditions for approval, including meeting the county Trailer Code, but the amenities have considerably been exceeded by what might actually be required by the applicable regulations. None of the neighbors suggested a change in the development other than not being built at all. For some combination of socioeconomic reasons, the south of Wichita has been the focal point for mobile home expansion. The only way to satisfy the neighbors would be to arbitrarily reverse the entire land use policy which directly or indirectly places mobile homes in the area in contradistinction to the natural socioeconomic forces at work. No action to reverse this fairly debatable policy has been initiated by the County Commissioners, the M.A.P.C. or the staff since the decision on this matter.

- (e) The length of time the subject property has remained vacant as zoned.

It is stipulated by the parties that the land has never been developed.

- (f) The relative gain to the public health, safety, and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner.

The Court finds that at the presentation of the applicant to the Sedgwick County Commissioners at the May 29, 1985 meeting, Kenneth Hill of Poe & Associates, engineers, provided information obtained from the Research, Planning and Development Services Division of the Wichita public schools that showed 2.43 times as many students come from conventional housing as from mobile homes in the south Wichita area. Additional information presented by Mr. Hill from the Chief Deputy County Clerk indicated that a mobile home park actually generated more revenue per student in the Haysville school district. The neighborhood argument that the mobile home park would create an overcrowded condition for the school was therefore not persuasive. It was also Mr. Foster's testimony that while traffic will increase, it would not be greatly different than that which would

be created from a stick-built subdivision with its higher-per-household number of occupants and vehicles. Therefore, he believes that the benefit to the public at large not permitting the development would appear to be minimal. While the benefits to the public are considerable in providing suitable housing for many people who otherwise have been priced out of the stick-built market, the substantial improvement in mobile home quality in the last decade has attracted the public increasingly to that solution to the housing problem. There are other public benefits, including jobs and taxes, and the Court finds that the hardship to the applicant leaving him with a piece of agricultural ground for which a potential development price has been paid and no feasible use of the land is a greater detriment than any potential hardship to public health, safety or welfare.

- (g) The recommendations of permanent or professional staff.

It has been stipulated that staff recommended the approval of the application with conditions as agreed to by the applicant.

- (h) The conformance of the requested change to the adopted or recognized master plan being utilized by the city.

The Metropolitan Area Planning Commission adopted by resolution its current Land Use Element of the Comprehensive Plan for the Wichita-Sedowick County Metropolitan Area for the year 2000 in August 1978. It was based on data compiled during 1974-75, written during 1976-78 and published in three reports. In actuality, the plan does not anticipate development of the site in question during the planning period to year 2000. It does anticipate that from 1980 to 2000, 3,400 mobile homes on 512 acres would be added to the metropolitan area. The plan does not single out mobile homes for any particular location but as part of the general residential development. The Metropolitan Area Planning Commission in its motion to approve the application, indicated its consideration of the plan, and the motion indicated

that the M.A.P.C. considered the factors as contained in Policy Statement No. 10. The Court, having reviewed Policy Statement No. 10 of the Metropolitan Area Planning Commission, finds that item 2 therein makes reference to the recognized master plan being utilized by the city. Mr. Foster testified as follows:

A reading of pertinent sections of the plan would lead one to believe that the M.A.P.C. realizes that development is taking place faster in the direction of the proposed site than anticipated in the 1974-78 plan preparation period. While the methodology report rated the square-mile section where the site is located as in the third of four quarter percentiles, many of the criteria have now changed. A 21-acre city park named Southview located 1/8 mile to the east along 47th Street was acquired in 1981 and substantial improvements began in January 1985. Public sewers are already constructed on Meridian and city water supply is now 1/4 mile north. The city limits of Wichita are at the corner of 47th and Meridian to which the Wichita Metropolitan Transit Authority buses already provide service. The area to the north is rapidly filling in.

The Court finds such testimony to be persuasive in finding that the application complies with factor (h), the conformance of the requested change to the adopted or recognized master plan being utilized by the city.

15. The Court finds factually that a careful review and analysis of the source material and site supports factually the approval of the conditional use. The Court now considers its conclusions of law as applicable to this case as follows:

III. Conclusions of Law

The rules of judicial review which this Court must apply in zoning appeal cases are as follows:

1. The local zoning authority and not the Court has the right to prescribe change or refuse to change zoning.
2. The District Court's power is limited to determining (a) the lawfulness of the action taken, and (b) the reasonableness of such action.
3. There is a presumption that the zoning authority acted reasonably.

4. The land owner has the burden of proving unreasonableness by a preponderance of the evidence.

5. The Court may not substitute its judgment for that of the administrative body and should not declare the action unreasonable unless totally compelled to do so by the evidence.

6. An action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide of the mark that its unreasonableness lies outside the realm of fair debate.

7. Whether action is reasonable or not is a question of law to be determined upon the basis of the facts which were presented to the zoning authority.

8. The District Court, in reviewing the zoning decision of an administrative agency, may take additional evidence that is relevant to limited issues of reasonableness and legality of the order appealed.

9. If valid differences of opinion are evident and present in connection with fairly debatable issues, the Court may not substitute its judgment for that of the County Commission in order to change the decision on the debate.

In judging whether the actions of the county were arbitrary and unreasonable in denying plaintiff's application, the Court applies the test of reasonableness established in Golden v. City of Overland Park, 224 Kan. 591, 584 P.2d 130 (1978).

These factors are:

1. The character of the neighborhood.
2. The zoning and uses of properties nearby.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The extent to which removal of the restrictions will detrimentally affect nearby property.
5. The length of time the subject property has remained vacant as zoned.
6. The relative gain to the public health, safety, and welfare by the destruction of the value of the

plaintiff's property as compared to the hardship imposed upon the individual landowner.

7. The recommendations of permanent or professional staff.
8. The conformance of the requested change to the adopted or recognized master plan being utilized by the city.

The Court also recognizes that objection of neighborhood residents is a relative factor for the Court to consider.

The Court, having reviewed the stipulation of facts, the stipulation that the land has never been developed, the stipulated testimony of C. Bickley Foster, and Exhibits 1 through 14 as previously identified in the Court's findings of fact herein, finds the following rules of law to be controlling:

1. The Court finds as controlling the criteria from the case of Golden v. City of Overland Park, 224 Kan. 591, 584 P.2d 130 (1978), in permitting the Court to determine whether the actions of the Sedgwick County Commissioners in denying the conditional use permit for a mobile home park were arbitrary and unreasonable.

2. The Court finds that all eight considerations, i.e., the character of the neighborhood; the zoning and uses of properties nearby; the suitability of the subject property for the uses to which it has been restricted; the extent to which removal of the restrictions will detrimentally affect nearby property; the length of time the subject property has remained vacant as zoned; the relative gain to the public health, safety and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner; the recommendations of permanent or professional staff; and, finally, the conformance of the requested change to the adopted or recognized master plan being utilized by the city, must all be resolved in favor of the plaintiff.

3. The Court fails to find any basis for the action of the Sedgwick County Commission except the opposition of neighborhood residents. Although the Supreme Court of the State of

Kansas has spoken to the consideration to be given the opposition of neighboring residents and the consideration to be given the "public" in considering these matters, the Court in Waterstradt v. Board of Commissioners, 203 Kan. 317, 454 P.2d 445 (1969), stated:

"Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The Court is of the belief that the County Commission relied heavily on the opposition of the neighbors. The other stated reasons as contained in the minutes of the Metropolitan Area Planning Commission and Sedgwick County Commission meetings totally lack substantial or probative evidence for refusal of zoning changes when the entire area is considered. The Court has considered not only Golden v. City of Overland Park, *supra*, but also the holdings of Combined Investment Co. v. Board of Butler County Comm'rs, 227 Kan. 17, 28, 605 P.2d 533 (1980), and Taco Bell v. City of Mission, 234 Kan. 879, 885, 678 P.2d 133 (1984).

The Court finds that in the case at hand there is rationale for applying the Golden factors. The county zoning regulations do not contain any special standards for reviewing a conditional use permit. The Wichita-Sedgwick County Metropolitan Area Planning Commission apparently uses the same criteria for reviewing a conditional use application as it does a rezoning case. The M.A.P.C. motion for approval of the Bannon application on page 9 of their minutes of May 2, 1985 makes reference to "Policy Statement No. 10". The policy states that the eight factors of Golden, *supra*, as previously listed, apply to their review of applications plus the following additional considerations:

"(9) The impact of the proposed development on community facilities.

"(10) The previously adopted zoning policies of the M.A.P.C. and Governing Body.

"(11) The opposition or support of neighborhood residents."

The county zoning regulations basically permit a mobile home park to be located anywhere in the R-1 suburban residential district, provided a conditional use permit is approved for a particular site. The Court therefore believes that although the matter at hand is not a rezoning case, the size of the proposed developments and M.A.P.C. standards for review would indicate that the Golden factors would serve as not only a useful but the appropriate test in judging whether the actions of the Sedgwick County Commissioners were arbitrary and unreasonable in denying a conditional use permit for a mobile home park.

When considering the application of the factors of Golden, the fact that this project received the recommendation of professional staff and had previously been approved by the Metropolitan Area Planning Commission and in reviewing the minutes of the meetings of the M.A.P.C. and County Commission, as well as the testimony of the expert, C. Bickley Foster, it is clear to the Court that the only reason for denying this application was the opposition of the neighborhood. Considering the fact that this property has never been developed and all of the other factors support acceptance of a mobile home park in this area, the Court finds the county to have acted arbitrarily and unreasonably in refusing to grant the conditional use permit and accordingly finds for the plaintiff.

Plaintiff's counsel is directed to prepare a journal entry which is consistent with the foregoing decision.

THE HONORABLE MICHAEL CORRIGAN
DISTRICT COURT JUDGE

TAX COMPARISON

DOCUMENT #1 550 SINGLE FAMILY DU'S \$187,740.54 TAXES
550 MOBILE HOMES \$133,083.49 TAXES

DOCUMENT #2 (TAXES TO HAYSVILLE SCHOOL DISTRICT)
SINGLE FAMILY \$187,740.54 x 68.17% = \$127,982.72
MOBILE HOME \$133,983.49 x 68.17% = \$ 91,336.55

WICHITA PUBLIC SCHOOL DATA

.2958 STUDENTS/MOBILE HOME

.719 STUDENTS/SINGLE FAMILY

550 UNITS x .2958 = 163 PUPILS (MOBILE HOMES)

550 UNITS x .719 = 395 PUPILS (SINGLE FAMILY)

REVENUE PER PUPIL

\$ 91,336.55 ÷ 163 = \$560.35 MOBILE HOME

\$127,982.72 ÷ 395 = \$324.01 SINGLE FAMILY

SUMMARY
OF
WICHITA PUBLIC SCHOOL DATA

SINGLE FAMILY CONVENTIONAL HOUSING

ATTENDANCE AREA	HOMES	STUDENTS	STUDENTS/HOME
CESSNA	670	559	.83
COLVIN	465	297	.64
ENTERPRISE	707	414	.59
FUNSTON	854	506	.59
WHITE	381	437	1.15
	<u>3077</u>	<u>2213</u>	

$3077 \div 2213 = 0.719$ STUDENTS/HOME (AVERAGE)

MOBILE HOME HOUSING

ATTENDANCE AREA	HOMES	STUDENTS	STUDENTS/HOME
CESSNA	647	149	.23
COLVIN	576	121	.21
ENTERPRISE	916	258	.28
FUNSTON	562	272	.48
WHITE	145	42	.29
	<u>2846</u>	<u>842</u>	

$2846 \div 842 = 0.2958$ STUDENTS/MOBILE HOME (AVERAGE)

*STUDENTS REFER TO ALL CHILDREN BETWEEN THE AGES OF 5 AND 17 AS SHOWN ON THE ATTACHED PAGES FROM THE WICHITA SCHOOL RESEARCH REPORT.

**CESSNA ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	670	122	263	139	157	1,353	2,034
Duplex-Fourplex	143	2	14	5	3	229	253
Multifamily	155	9	9	9	3	260	290
Mobile Home	<u>647</u>	<u>95</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>1,098</u>	<u>1,342</u>
TOTAL	1,615	228	304	191	196	2,940	3,919

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	99.09	.18	.39	.21	.24	2.02	3.04
Duplex-Fourplex	100.00	.01	.10	.03	.02	1.60	1.77
Multifamily	99.36	.06	.06	.06	.02	1.68	1.87
Mobile Home	<u>99.07</u>	<u>.15</u>	<u>.12</u>	<u>.06</u>	<u>.05</u>	<u>1.70</u>	<u>2.07</u>
OVERALL AVERAGE	99.20	.14	.23	.12	.12	1.82	2.43

**COLVIN ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

<u>Type of Dwelling Unit</u>	<u>Number of Occupied Units</u>	<u>Number of Persons Residing In Dwelling Units by Ages</u>					<u>Total Persons</u>
		<u>0-4</u>	<u>5-11</u>	<u>12-14</u>	<u>15-17</u>	<u>18+</u>	
Single Family	465	88	127	80	90	953	1,338
Duplex-Fourplex	1,324	431	416	105	108	1,776	2,836
Multifamily	138	81	127	37	19	237	501
Mobile Home	<u>576</u>	<u>168</u>	<u>83</u>	<u>22</u>	<u>16</u>	<u>965</u>	<u>1,254</u>
TOTAL	2,503	768	753	244	233	3,931	5,929

Rate of Occupancy

<u>Type of Dwelling Unit</u>	<u>Percent of Occupied Units</u>	<u>Number of Persons Residing In Dwelling Units by Ages</u>					<u>Total Persons</u>
		<u>0-4</u>	<u>5-11</u>	<u>12-14</u>	<u>15-17</u>	<u>18+</u>	
Single Family	93.37	.19	.27	.17	.19	2.05	2.88
Duplex-Fourplex	80.60	.33	.31	.08	.08	1.34	2.14
Multifamily	95.83	.59	.92	.27	.14	1.72	3.63
Mobile Home	<u>98.46</u>	<u>.29</u>	<u>.14</u>	<u>.04</u>	<u>.03</u>	<u>1.68</u>	<u>2.18</u>
OVERALL AVERAGE	88.20	.31	.30	.10	.09	1.57	2.37

**ENTERPRISE ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	707	135	219	100	95	1,365	1,914
Duplex-Fourplex	10				1	18	19
Multifamily	15	2	2			25	29
Mobile Home	<u>916</u>	<u>80</u>	<u>171</u>	<u>39</u>	<u>48</u>	<u>1,541</u>	<u>1,879</u>
TOTAL	1,648	217	392	139	144	2,949	3,841

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	96.85	.19	.31	.14	.13	1.93	2.71
Duplex-Fourplex	76.92				.10	1.80	1.90
Multifamily	100.00	.13	.13			1.67	1.93
Mobile Home	<u>98.63</u>	<u>.09</u>	<u>.19</u>	<u>.04</u>	<u>.05</u>	<u>1.68</u>	<u>2.05</u>
OVERALL AVERAGE	97.50	.13	.24	.08	.09	1.79	2.33

**FUNSTON ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	854	157	288	110	108	1,690	2,353
Duplex-Fourplex	100	39	17	10	10	169	245
Multifamily	261	120	111	26	31	449	737
Mobile Home	<u>562</u>	<u>148</u>	<u>174</u>	<u>47</u>	<u>51</u>	<u>958</u>	<u>1,378</u>
TOTAL	1,777	464	590	193	200	3,266	4,713

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	95.27	.18	.34	.13	.13	1.98	2.75
Duplex-Fourplex	82.86	.39	.17	.10	.10	1.69	2.45
Multifamily	89.69	.46	.43	.10	.12	1.72	2.82
Mobile Home	<u>90.21</u>	<u>.26</u>	<u>.31</u>	<u>.08</u>	<u>.09</u>	<u>1.70</u>	<u>2.45</u>
OVERALL AVERAGE	92.20	.26	.33	.11	.11	1.84	2.65

**WHITE ATTENDANCE AREA
BY AGE AND TYPE OF HOUSING IN 1984**

Population Distribution

Type of Dwelling Unit	Number of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	381	103	224	111	102	799	1,339
Duplex-Fourplex	1	1	1			2	4
Mobile Home	<u>145</u>	<u>13</u>	<u>28</u>	<u>7</u>	<u>7</u>	<u>243</u>	<u>298</u>
TOTAL	527	117	253	118	109	1,044	1,641

Rate of Occupancy

Type of Dwelling Unit	Percent of Occupied Units	Number of Persons Residing In Dwelling Units by Ages					Total Persons
		0-4	5-11	12-14	15-17	18+	
Single Family	97.69	.27	.59	.29	.27	2.10	3.51
Duplex-Fourplex	100.00	1.00	1.00			2.00	4.00
Mobile Home	<u>98.63</u>	<u>.09</u>	<u>.19</u>	<u>.05</u>	<u>.05</u>	<u>1.68</u>	<u>2.06</u>
OVERALL AVERAGE	97.70	.22	.48	.22	.21	1.98	3.11

DOCUMENT #1.



SEDGWICK COUNTY, KANSAS
OFFICE OF THE APPRAISER

COUNTY COURTHOUSE • SUITE 222 • WICHITA, KANSAS 67203 • TELEPHONE (316) 265-7451

March 29, 1985

Jeff Bannon
946 N. West St.
Wichita, KS 67203

RE: Comparison of taxes between
residential and mobile home
developments

Dear Jeff:

Submitted herewith is the comparisons we discussed over the telephone concerning referenced developments at the Southwest corner of 47th Street South and Meridian.

Residential Development

Land

110 acres platted into 550 lots 50 x 132 ft.
Unit value of \$15 per front foot 50 x 15.00 = \$750

\$	750	value
	30%	assessment
\$	230	assessed value
	550	lots
\$	126,500	total assessment
	.108028	mill levy
\$	13,665.54	taxes

Jeff Bannon
March 29, 1985
Page 2

Dwelling

1000 sq. ft., frame, average grade, no garage and no basement

1,000 sq. ft.
\$ 9.75 per ft.
9,750 value
30% assessment ratio
2,930
.108028 mill levy
\$ 316.52 taxes
550 units
\$174,075.00 taxes

Recap

Taxes on land: \$ 13,665.54
Taxes on dwellings: 174,075.00
Total taxes: \$ 187,740.54

Mobile Home Park:

Land

110 acres = 4,791,600 sq. ft.
Less streets and
greenery = 1,216,600 sq. ft.
3,575,000 sq. ft.

Converted to acres: 82 acres
\$ 3,500 per acre
\$ 287,000 value
30% assessment ratio
\$ 86,100 assessment
.108028 mill levy
\$ 9,301.21 taxes

Mobile Home

1,000 sq. ft., no garage and no basement
\$ 6.30 per sq. ft.
\$ 6,300 value
30% assessment ratio
\$ 1,890 assessed value
.108028 mill levy
\$ 204.17 taxes
550 units
\$ 112,293.50 taxes

Jeff Bannon
March 29, 1985
Page 3

Site Improvements Paid by Developer

550 storage sheds @ \$300 ea.	\$ 165,000
Average swim pool	3,000
Bathhouse and restrooms	4,500
2 parking stalls per unit @ \$210 ea. x 550 units	115,500
Storm cellar	3,500
Tennis court	3,000
Blacktop streets est.	40,000
Street lights est.	20,000
Total site improvements	<u>354,500</u>
	30% assessment ratio
	<u>106,350</u> assessed value
	.108028 mill levy
	<u>\$ 11,488.78</u> taxes

Recap

Land:	9,301.21
Mobile homes	112,293.50
Site improvements	11,488.78
Total taxes	<u>\$133,083.49</u>

Comparison

Residential development:	\$ 187,740.54
Mobile home court:	<u>133,083.49</u>
Differences:	<u>\$ 54,657.05</u>

If we can be of further assistance, please advise.

Very truly yours,

Bill G. Earnst

Bill G. Earnst
Assistant Chief Deputy Appraiser
Real Estate Division
268-7211

BGE/skp

cc: Bob McQuiston, Supervisor
Mobile Home and Aircraft Dept.

DOCUMENT #2



SEDGWICK COUNTY, KANSAS

OFFICE OF THE COUNTY CLERK

DON WRIGHT
COUNTY CLERK

JIM POWELL
CHIEF DEPUTY

COUNTY COURTHOUSE • 225 N. MAIN • WICHITA, KANSAS 67201 • 67203 • TELEPHONE 268-7666

Mr. Jeff Bannon
946 N. west Street
Wichita, Kansas 67212

Dear Mr. Bannon:

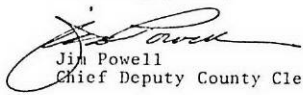
Per you recent request, I have attached a copy of the 1984 Tax District Distribution of Levies for Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas, which is located in Taxing District 27-04, Waco Township.

Haysville USD 261 has a general levy of 66.320 mills. The total mill levy (all levies) within taxing district 27-04 is 108.028. Therefore, the general USD 261 levy represents 61.39% of the total levies.

There is an additional levy of 7.323 mills for USD 261 bonds. When added to the general USD 261 levy of 66.320 mills, the resulting total USD 261 levy of 73.643 mills represents 68.17% of all ad valorem taxes on tangible property within the aforementioned taxing district.

If you have any additional questions, or if I can be of any further service, please do not hesitate to let me know.

Sincerely yours,


Jim Powell
Chief Deputy County Clerk

JLP:ms
enclosure

11/06/84 1984 TAX DISTRICT DISTRIBUTION OF L IES

WACO TOWNSHIP	U-261 GCD	WA	27-04
01-01	STATE	1.500	.0138853
02-01	COUNTY	20.550	.1902284
04-68	WACO TOWNSHIP	1.031	.0095438
06-04	USD 261	66.320	.6139149
07-07	USD 261 BOND	7.323	.0677880
09-03	GREENWOOD CEMETERY	.000	.0000000
11-01	COUNTY FIRE DISTRICT	10.578	.0979191
14-01	SOUTH CENTRAL KANSAS LIBRARY SYS	.726	.0067205
TAX DISTRICT TOTAL		108.028	1.0000000

CERTIFICATE

TO THE CLERK OF Sedgwick COUNTY, STATE OF KANSAS
We, the undersigned, duly elected, qualified and acting officers of
Haysville U.S.D. No. 361

certify that: (1) the hearings mentioned in the attached proofs of publication were held
(2) after the Budget Hearing this budget was duly approved and adopted as the maximum
expenditure for the various funds for the fiscal year 1984-85; and (3) the Amount(s) of
Tax to be Levied are within statutory limitations.

Amount 82 Taxes Uncollected 66582 divided by amount of 82 Taxes Levied 1,560,318 =
Actual Delinquency for 82 Taxes 3.26 % Rate Used in this Budget 3 %

1984-85 ADOPTED BUDGET				
TABLE OF CONTENTS:	Code	Amount of	84 Tax To	County Clerk's
Adopted Budget &	01	Expenditures	be Levied	Final Levy Rate
Financial Stmt.	Line	(1)	(2)	(3)
WORKSHEET I	02			
WORKSHEET II	04			
STATEMENT OF INDEBT.	05			
General	06	7,185,282	7,323,523	4.0 187
Adult Education	08			
Capital Outlay	09	380,036	185,000	7. 223
Judgments	10			
School Retirement	11			
Special Assessment	12	3,888	3,818	1.004
Spec. Lib. Expense	13			
Transportation	14	270,000		
Adult Suppl. Educ.	15	6,000		
Bilingual Education	16			
Driver Training	17	30,000		
Food Service	18	631,000		
Special Education	19	1,000,000		
Vocational Educ.	20	235,000		
Student Material	21			
Textbook Rental	22			
Work. Comp. Reserv.	23			
Health Care Serv.	24			
Risk Managt. Reserv.	25			
Bond & Interest #1	26	320,538	375,329	4.022
Bond & Interest #2	27			
Bond & Interest #3	28			
Temporary Notes	29			
No Pd. Warrants (b)	30			
COOPERATIVES				
Special Education	31			
Bilingual Education	32			
Data Processing	33			
Literature Guidance	34			
Total Exp	35	10,164,794	7,768,890	7. 643
OTHER				
Recreation Comm.	36			
Rec. Cont. Imp. Serv.	37			
Public Library Bd.	38			
Historical Museum	39			
Dis. School B & I	40			
Total Other	41			
Proofs of Publications and Notices	42			

Assisted by: _____

Attests: _____ 1984

Maura C. Hester
President
Clerk of the Board

County Clerk

MS - Hospital
PL - would have organized for AA.
Xtra of profit.

Deer Commission -
- Children for time of school for
- Taxes don't pay for services.
for maintenance

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*