

R# 209-1990

Published in The Daily Reporter on November 6, 1990

RESOLUTION NO. 209-1990

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A MANUFACTURED HOME SUBDIVISION 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, AND SUBSEQUENTLY AMENDED.

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

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to establish a manufactured home subdivision on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

Case No. CU-337

Conditional Use Permit request to establish a manufactured home subdivision on property zoned the "R-1" Suburban Residential District

The south half of the Southwest Quarter of Section 12, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except the east 590 feet thereof and except the north 632.7 feet of the west 2,066.54 feet thereof. Generally located at the northeast corner of 135th Street west and 39th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Only two manufactured homes may be placed on the application area by virtue of this resolution.
- B. All manufactured homes placed on the application area shall have been manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards Act, generally known as the HUD Code.
- C. All manufactured homes located on the application area shall be placed on a permanently enclosed perimeter foundation or shall provide skirting around the perimeter of the home which is in accordance with specifications contained in Section 1(D)(9)(b) of the County Zoning Resolution.
- D. All outside stairs which access the manufactured home and which have a rise of more than 30 inches from grade to finished floor elevation shall be provided with handrails. Any stairs, porches and handrails attached to or serving the manufactured home shall be constructed so as to be structurally sound.
- E. All manufactured homes and accessory structures placed within the subdivision shall observe the front, side and rear yard requirements of the applicable zoning district.

Sent to be published 11/4/91 RAN

- F. No manufactured home or associated accessory structure shall be located on a lot so as to encroach onto any utility easement.
- G. In order to obtain additional street right-of-way for both MacArthur Road and 135th Street West, have a drainage plan approved for the property, resolve how this property will provide on-site sewerage and water, provide for the future orderly development of abutting properties, and establish access controls to perimeter arterial streets, the applicants shall plat the property within one year after the approval of this request by the Board of County Commissioners, or the application shall be considered denied and closed. The Conditional Use Resolution shall not be published until the plat has been recorded.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

Commissioners present and voting were:

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

DATED this 12<sup>th</sup> day of September, 1990.



BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Mark F. Schroeder  
MARK F. SCHROEDER, Chairman

David Bayouth  
DAVID BAYOUTH, Chairman Pro Tem

Don Wright  
DON WRIGHT, County Clerk

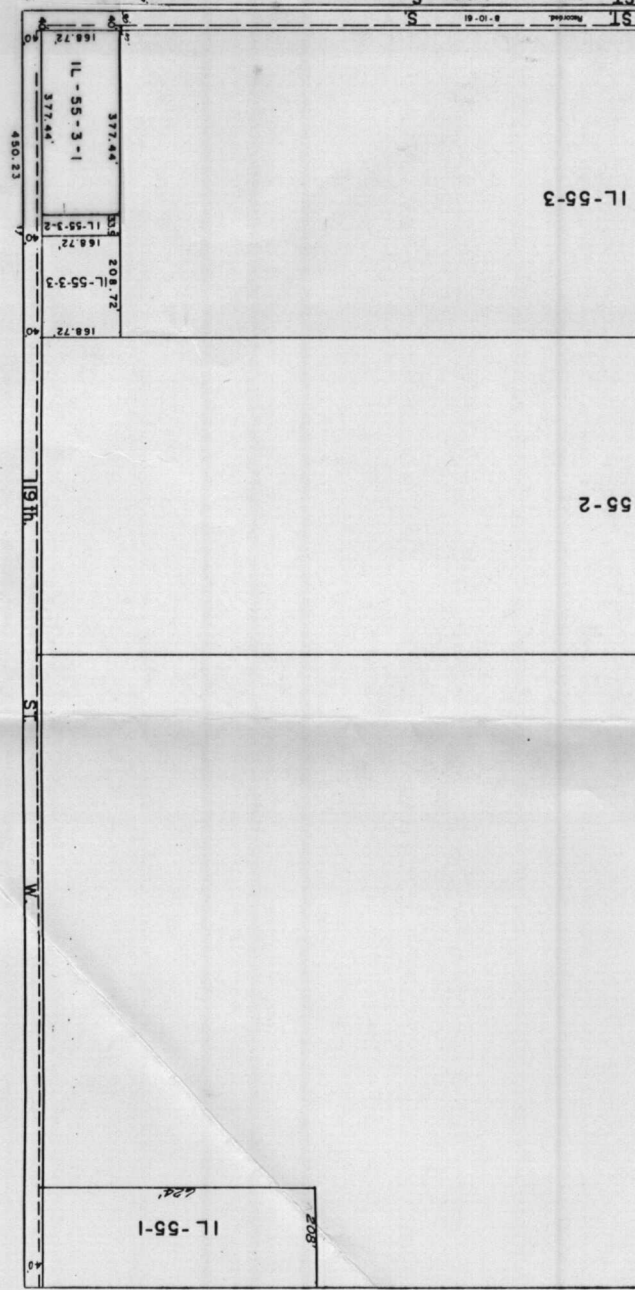
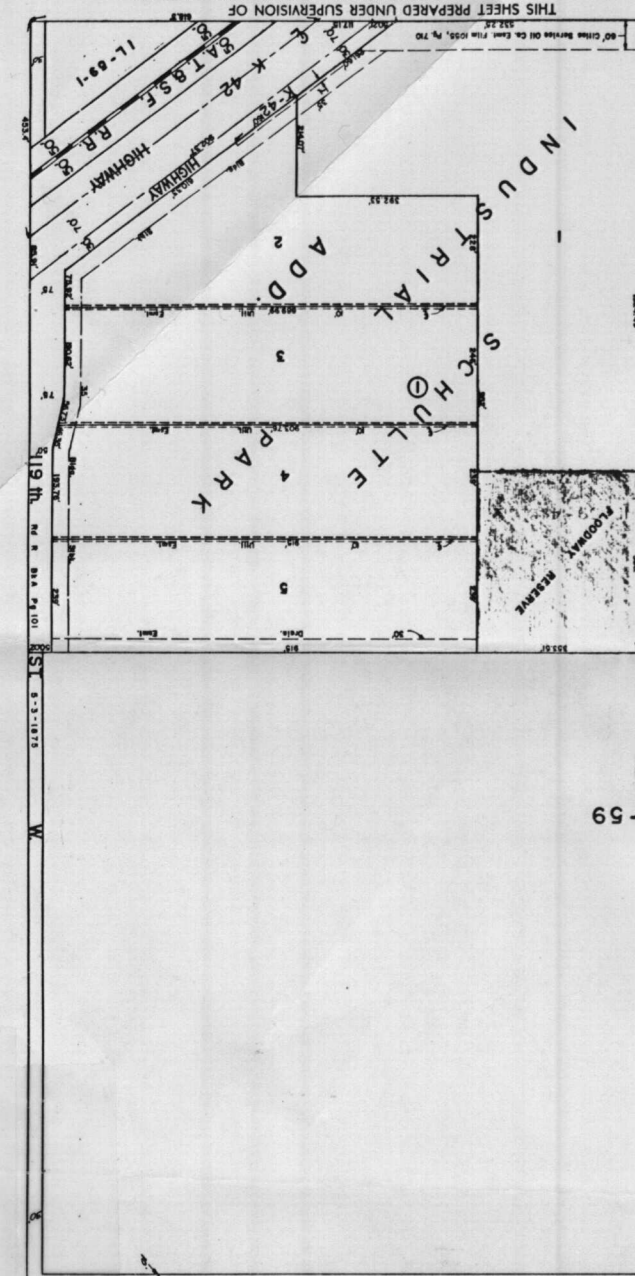
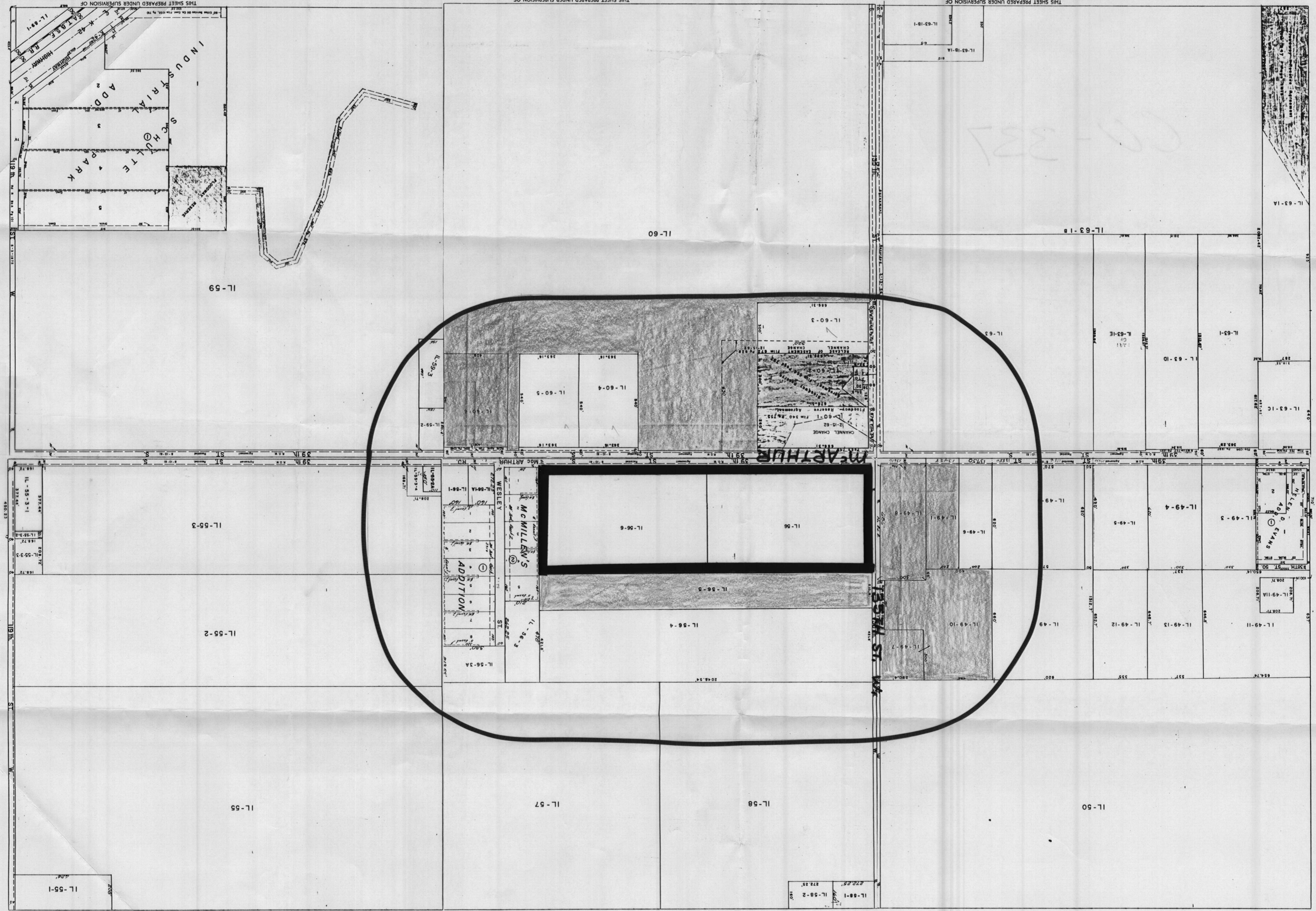
Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

Bernard A. Hentzen  
BERNARD A. HENTZEN, Commissioner

Henry H. Blase  
County Counselor/Assistant

Billy Q. McCray  
BILLY Q. McCRAY, Commissioner



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4  
August 16, 1990

STAFF REPORT

CASE NUMBER: CU-337

OWNER/APPLICANT/AGENT: Karen Long & Wesley Trinkle (owners/applicants)  
T.L. Daniels (agent)

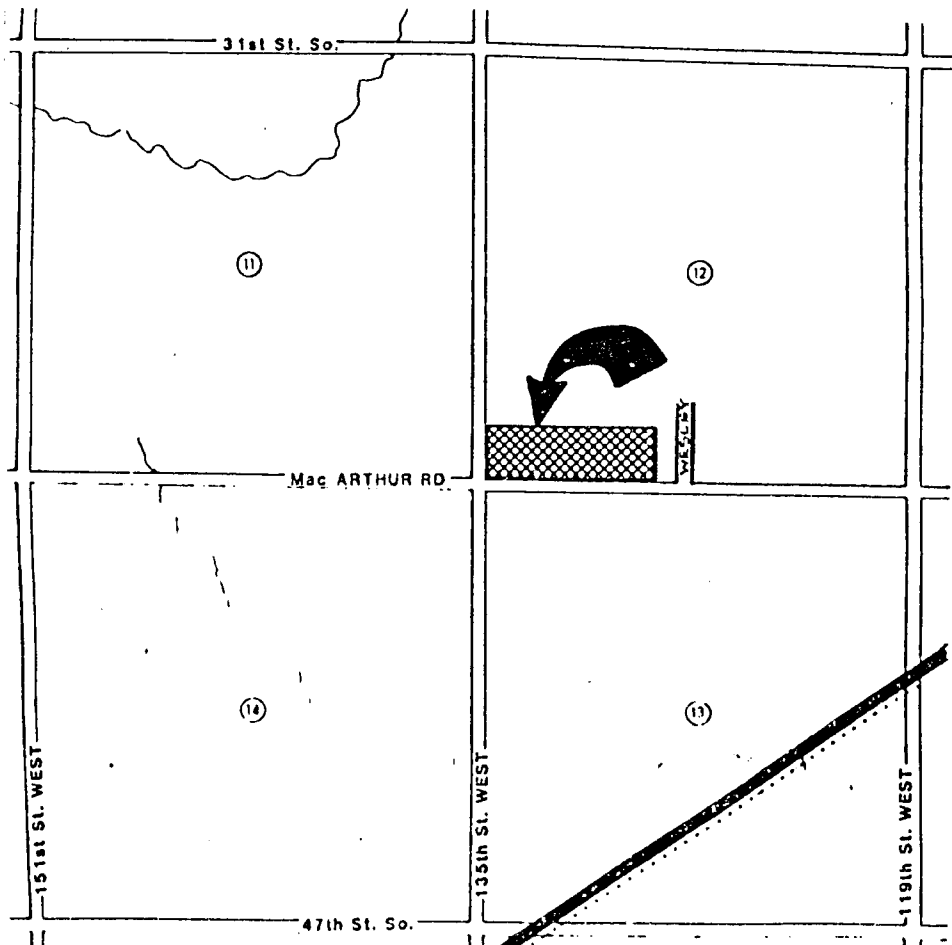
REQUEST: Conditional use permit to establish a manufactured home subdivision.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 33.3 acres (2,067 ft. x 702 ft.)

LOCATION: Northeast corner of 135th St. W. & MacArthur Road (39th St. So.)

PROPOSED USE: To permit the placement of manufactured homes within a subdivision to be platted.



BACKGROUND: The applicants are requesting a conditional use permit to place manufactured homes on property that is proposed to be subdivided. The application area is currently unplatted, measures approximately 33.3 acres, and is located at the northeast corner of 135th Street West and MacArthur Road. The property is zoned "R-1" Suburban Residential. Except for some unoccupied farm buildings, the site is undeveloped. A field check of the property has verified the existence of manufactured homes in this unincorporated area of the county. Manufactured homes exist to the east and south. Site built housing exists to the west and north, as well as to the east and south.

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

The applicant has submitted a rough sketch of a possible subdivision of the property. It depicts the platting of six lots and is attached to this staff report. The applicant is advised that at the time of platting, the layout submitted may need to be revised to provide for reduced access along MacArthur Road and an appropriate development pattern for the remainder of the quarter section. That is, a determination will be made regarding the desirability of dedicating a north/south roadway to provide street access from MacArthur Road to the interior of this quarter section of the site. In addition, a determination will be made as to how the lots will be sewered and this will determine required lot size.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Single-family residence and undeveloped
SOUTH	"R-1"	Single-family residences
EAST	"R-1"	Single-family residences
WEST	"R"	Single-family residences

PUBLIC SERVICES: This property is not served with either municipal water or sanitary sewer. Adjacent MacArthur Road is a two-lane paved F.A.S. road for which additional right-of-way is needed. Additional right-of-way is also required for 135th Street West, which is an unpaved section line road. The 135th Street/MacArthur Road intersection does not have electronic signalization.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Comprehensive Plan depicts agricultural land use for this general area of the County. In January of 1990, the MAPC adopted Policy Statement #14 which "looks with favor on applications for additional manufactured and mobile home parks and subdivisions within the area of its jurisdiction, where adequate sewer, water and roads can reasonably be made available for the density being proposed, and when the proposed development will be compatible with surrounding uses."

RECOMMENDATION: Inasmuch as manufactured homes already exist on building sites adjacent to this property, it is recommended that this conditional use permit be approved, subject to the following conditions:

- A. Only one manufactured or site-built home may be placed on a plat-  
ted lot.
- B. All manufactured homes placed on the application area shall have  
been manufactured to the standards embodied in the Federal Manu-  
factured Home Construction and Safety Standards Act, generally  
known as the HUD Code.
- C. All manufactured homes located on the application area shall be  
placed on a permanently enclosed perimeter foundation or shall  
provide skirting around the perimeter of the home which is in  
accordance with specifications contained in Section 1(D)(9)(b) of  
the County Zoning Resolution.
- D. All outside stairs which access the manufactured home and which  
have a rise of more than 30 inches from grade to finished floor  
elevation shall be provided with handrails. Any stairs, porches  
and handrails attached to or serving the manufactured home shall  
be constructed so as to be structurally sound.
- E. All manufactured homes and accessory structures placed within the  
subdivision shall observe the front, side and rear yard require-  
ments of the applicable zoning district.
- F. No manufactured home or associated accessory structure shall be  
located on a lot so as to encroach onto any utility easement.

- G. In order to obtain additional street right-of-way for both MacArthur Road and 135th Street West, have a drainage plan approved for the property, resolve how this property will provide on-site sewerage and water, provide for the future orderly development of abutting properties, and establish access controls to perimeter arterial streets, the applicants shall plat the property within one year after the approval of this request by the Board of County Commissioners, or the application shall be considered denied and closed. The Conditional Use Resolution shall not be published until the plat has been recorded.