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APR 20 2017

Protest Petition

SECTION I

Sedgwick Co. Clerk

This is a protest petition for a Metropolitan Area Planning Commission item in:

☐ Wichita ☒ Sedgwick County (unincorporated)

The undersigned property owners protest the proposed:

☒ Rezoning, Case # CON 2017-00007 a change from RR to RV/Campground
(Zoning District)☒ Conditional Use, Case # CON 2017-00007 ☐ Planned Unit Development, Case # _____
a request for a RV Campground on property zoned RR

SECTION II

Protestor's Name and Property Description (Must Be Completed)

A. Full legal description of your property:

(Legal description can be attached to the petition.)

* please see attached letter via email.

B. Address:

Glenn & Terresia DuBois
7319 S. Spencer Road
Newton, KS 67114Tim & Julie Book
2113 Leigh Street
Papillion, NE 68133

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

[Signature]

Signature

Tim Book

Type or Print Name

Julie A. BookJulie A. Book[Signature]

Signature

Glenn DuBois

Type or Print Name

Terresia DuBoisTerresia DuBois

Additional protest signatures can be attached and made a part of this petition as necessary.

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Board of County Commissioners,

Sedgwick Co. Clerk

20 April 2017

This letter is to officially protest the MAPC's recommendation to approve a Conditional Use RV Campground on 4.61 acres at 4007 E. 85th Street North. We are owners of 160 acres of property located to the northwest of the applicant and we base this protest on three reasons.

First, Wichita-Sedgwick County Unified Zoning defines Recreational Vehicle (RV) as a "unit designated as temporary living quarters for recreational camping or travel..." (Sec. II-B e. P-37) The RV in this case is not being used for camping or travel, but instead a permanent residence with a mailbox. Furthermore, the RV in this case is not being used for temporary living quarters. The applicant is intending to lease the campground for 3-5 years which is not the intent of the zoning laws. Sedgwick County Housing Code defines a temporary house as "any tent, trailer or motor home used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities systems for up to 30 consecutive days." (Section 20.04.010 Definitions #44). It is clear that zoning and housing codes are not intended for RVs to be used as permanent housing.

Next, we argue that the MAPC's decision to approve the Conditional Use RV Campground is contrary to the following five golden rules:

1. Zoning uses and character of the neighborhood. The RV Campground will have a negative impact on surrounding homes and land values as it is completely out of character for the residential neighborhood. New construction in this area has increased over the last 10 years and home values are appraised in the 200k\$-1M\$ price range. In addition, land prices in this area are 20-35% higher than agriculture land prices in nearby counties. An RV Campground will negatively impact new construction and potential land development and in turn decrease the tax base for Sedgwick county along with reducing nearby property values

2. The Suitability of the subject property for the uses to which it has been restricted. The Wichita-Sedgwick County Unified Zoning Code defines the purpose of Rural Residence District to, "accommodate very large-lot, Single Family residential developments in areas where a full range of municipal facilities and services are not available..." (Sec III B. 2 P-44) Nowhere does it mention using recreational vehicles as a single-family home. In addition, Wichita-Sedgwick County Unified Zoning only allows Conditional Use applications for Residential Uses for accessories apartments or group residences NOT RV campgrounds. (Sec III C. (1) P-45) RV campgrounds are NOT covered under Residential Use but are instead covered under Commercial Use. The application, MAPC staff report, or MAPC commission made any reference to issuing a conditional commercial use application. (Sec III C. (3) P-45)

3. The suitability of the subject property for the uses to which it has been restricted. The MAPC Staff Report states, "area is comprised of large lot residential sites, pastures and agriculture uses are predominate within a two-mile radius of the property." There are no other RV parks in the area and the suitability of the property doesn't support one.

4. Relative gain to public health, safety and welfare as compared to the loss in value or hardship. We assess that public safety will be negatively impacted if an RV campground is allowed. First, there is no permanent waste water disposal system installed and waste water will enter the ground water and nearby stream. Next, there was no electrical, plumbing or building inspection completed for the RV that

is already parked illegally on the property. The risk of loss of life due to fire, electrocution or dysentery far outweigh the gain of approving this conditional use application. In addition, no testing was done to determine the wind rating for the RV which poses a risk not only to the occupants but also the neighborhood and vehicle traffic.

5. Opposition or support of neighborhood residence. We, along with 70+ neighbors adamantly oppose the rezoning of the subject property to a RV campground as it will diminish from the character of the neighborhood.

Finally, we ask the Board to consider the fact that the occupants of RV will be occupying a dwelling that has NO electrical inspection, NO HVAC inspection, NO inspection on a wood burning stove, NO plumbing inspection, NO framing inspection, or ANY safety inspection whatsoever. We ask the Board to not put public safety at risk by approving this Conditional Use application for a RV Campground that will be used as a permanent residence.

In conclusion, we strongly believe we have more than proven our point that the Conditional Use application for an RV Campground is not authorized for residential use, and furthermore utilizing an RV as a permanent residence is also not allowed. We also clearly articulated that the Conditional Use application for a RV Campground will negatively affect our rights as property owners using the golden rule format. Finally, we ask the Board of Commissioners to consider the safety of the occupants at this RV Campground, especially the possibility that the occupants could end up living in a residence approved by this Board that has had no safety inspections to include a wood burning stove that is used for heating. We hope the county commission will work to resolve the need to actually draft codes to address tiny house accommodations rather than grossly bending the current regulations. 3-5 years is not temporary housing.

Thank you for hearing us out. We appreciate your work and dedication to Sedgwick County and look forward to hearing from the board regarding this matter.

Respectfully,

See attached document for signatures

Timothy E Book
Owner

Julie A Book
Owner

Glenn D DuBois
Owner

Terresia A DuBois
Owner

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Sedgwick Co. Clerk

03/16/2017

Case # CON 2017-00007

Request and County Conditional Use to allow one vehicle RV

General Location: Campground on R.R. Rural Residential zoned property; generally located E. of Hillside Ave & S. of East 85th St. North (4007 E. 85th St. N.)

Applicant: John W. McKay III, at 4017 E 85th St. North
Valley Center, KS 67147

Legal Description: A complete legal description is available for public inspection @ the Metropolitan Area Planning Department

I am filing a written protest petition as
above described.

Ronald Ross

Patricia Ross

Wichita-Sedgwick County Metropolitan Area Planning Department RECEIVED MAR 20 2017 By: _____

Please add this PROTEST PETITION to my wifes original, that was mailed earlier & recieved by you ON 03/16/2017.