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# Sedgwick County

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## Legislation Details (With Text)

**File #:** 17-440      **Version:** 1      **Name:**  
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**On agenda:** 5/10/2017      **Final action:** 5/10/2017  
**Title:** CON2017-00007 - A COUNTY CONDITIONAL USE REQUEST FOR A ONE-VEHICLE RECREATIONAL VEHICLE PARK ON PROPERTY ZONED RR RURAL RESIDENTIAL ('RR'); GENERALLY LOCATED EAST OF HILLSIDE AVENUE NORTH, ON THE SOUTH SIDE OF 85TH STREET NORTH (DISTRICT 4).  
Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

### Sponsors:

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### Code sections:

**Attachments:** 1. CON2017-00007 - Map, 2. EXCERPT MINUTES OF MARCH 23 CON2017-00007, 3. EXCERPT MINUTES OF APRIL 6 CON2017-00007, 4. CON2017-07 BOCC RESOLUTION Approved by Legal, 5. CON2017-00007 Protest Petitions, 6. CON2017-00007 Supporting correspondence, 7. CON2017-0007 Objection correspondence, 8. Additional attachments received at MAPC 4/6/17

Date	Ver.	Action By	Action	Result
5/10/2017	1	Board of Sedgwick County Commissioners	Approved	Pass

**CON2017-00007 - A COUNTY CONDITIONAL USE REQUEST FOR A ONE-VEHICLE RECREATIONAL VEHICLE PARK ON PROPERTY ZONED RR RURAL RESIDENTIAL ('RR'); GENERALLY LOCATED EAST OF HILLSIDE AVENUE NORTH, ON THE SOUTH SIDE OF 85TH STREET NORTH (DISTRICT 4).**

Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

**Background:** The applicant is seeking Conditional Use approval for a "recreational vehicle campground" (RV campground) on the approximately 4.61-acre, RR Rural Residential (RR) zoned un-platted subject site. It is the applicant's intention to place a single recreational vehicle on the site and use it in lieu of a permanent structure. In short, the RV will substitute for a building and will be used as a residence. A recreational vehicle campground is permitted in the RR district with Conditional Use approval.

The site is located one-half mile west of North Oliver Street (47th Street East) on the south side of East 85th Street North. Access to the site is from a gravel drive from 85th Street. RR zoned county properties completely surround the 4.61-acre tract. Large lot residential sites, pasture and agriculture uses are predominant within a two-mile radius of the property.

The UZC permits consideration of Recreational Vehicle Campground as a Conditional Use in the RR zoning district. The site is not located within any Urban Area of Influence.

**Analysis:** The applicant was advised to apply for a conditional use to permit a single-vehicle “recreational vehicle campground” because the applicant has constructed a residence of less than 500 square feet on an approximately eight-foot by sixteen-foot four-wheeled trailer and proposes to leave the unit on the wheeled trailer. The proposed resident expects to live in the unit for three to five years. The unit was built by the intended resident, and was not inspected for compliance with any applicable site-built, modular or manufactured home building codes. Since the unit is going to remain on the wheeled trailer it cannot be considered to be a site-built “dwelling unit” (Unified Zoning Code (UZC) Article II, Section II-B.4.j). As long as the unit remains on the wheeled trailer it must be considered either a “manufactured home,” (UZC Article II, Section II-B.8.b) “mobile home” (UZC Article II, Section II-B.4.k), “accessory apartment” (UZC Article II, Section II-B.1.b.) or “vehicle, recreational” (UZC Article II, Section II-B.14.e).

Since the unit was not inspected as it was being constructed it cannot be confirmed that the unit meets HUD “manufactured home” standards without tearing off the interior wall board to allow for structural, electrical and plumbing inspection. Therefore, consideration as a “manufactured home” was eliminated.

By code (UZC Article III, Section III-E.6.l) only “residential-design manufactured homes” (UZC Article II, Section II-B.11.j) dwellings that are 22 feet wide or wider, have sloped roof, roofing and siding material is similar to a site-built home and is placed on a permanent foundation are permitted by right in the county. The structure under consideration does not meet “residential designed manufactured home” standards.

Since 1997, a “mobile home,” which is defined as a movable detached single-family dwelling unit that was manufactured according to standards prior to 1976 or that do not confirm to the HUD code, is prohibited in the county unless they are located on 20 acres (UZC Article III-D.6.l(2)). The application area does not contain 20 acres.

“Accessory apartment” is defined as an accessory use dwelling that may be wholly within or may be detached from a principal single-family dwelling unit. Accessory apartments are subject to certain supplementary use regulations (UZC Article III, Section III-D.6.a) that require the appearance of the accessory apartment to be compatible with the main dwelling unit and the character of the neighborhood and that the accessory structure and the main dwelling unit share the same wastewater and water service. With the unit located on a trailer and having its own distinct sewer and water service the proposed unit does not comply with these requirements.

A “vehicle, recreational” is defined as a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power or designed to be drawn or mounted on a motor vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar use units as determined by the Zoning Administrator. A recreational vehicle may or may not include individual toilet and bath.

The unified zoning code grants the zoning administrator the authority to determine which use category an application best fits. Based upon the information available to the Zoning Administrator at the time of publication of the public notice it was determined that the proposed dwelling unit best fit

the definition of a recreational vehicle.

The case was originally scheduled for the March 23, 2017, Metropolitan Area Planning Commission (MAPC). The applicant requested deferral at the meeting until the April 6, 2017 Metropolitan Area Planning Commission. MAPC voted to allow the deferral and allow those persons present to speak on the record. MAPC considered the Conditional Use request at its April 6, 2017, meeting with additional public comment provided. The application was approved (13-0-1) with the following conditions:

1. The Conditional Use permits a recreational vehicle campground for one recreational vehicle.
2. The site will have a gray water wetland filtration system and a compostable solid waste system approved by the Sedgwick County Waste Water Manager.
3. Tent camping is not permitted.
4. The recreational vehicle campground shall be developed and maintained in general compliance with the approved site plan. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable regulations and codes.
5. The Conditional Use for a recreational vehicle campground for one recreational vehicle shall be declared null and void upon issuance of a certificate of occupancy for a permanent structure on the approved site; or, after the Recreational Vehicle has been removed from the site for a period of 30 days; or, for three (3) years from date of approval with an option to extend one time for a two (2) year period by the Metropolitan Area Planning Commission.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Multiple property owners within the 1,000-foot notification area spoke against the request at the MAPC meetings on March 23, 2017, and April 6, 2017.

Two property owners have filed valid protest petitions that equal 18.57 percent of the total land area within the protest's radius; therefore, it will take a simple majority vote to approve the request.

**Alternatives:**

1. Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution. (Requires a simple majority vote); or
2. Deny the application, by making alternative findings, and override the MAPC recommendation. (Two-thirds majority vote required.).
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Requires a simple majority vote).

**Financial Considerations:** There are no additional financial considerations to the County associated with this application.

**Policy Considerations:** The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

**Legal Considerations:** Options and vote requirements are listed above in the "alternatives." The authority for this action is pursuant to K.S.A. 12-741 et seq.

