

Published in The Wichita Eagle on 11/25/2016

ORDINANCE NO. 50-359

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00046

Zone change request from Manufactured Housing (MH) to Limited Commercial (LC) on property described as:

Southborough Estates 2nd Subdivision Addition, Wichita, Sedgwick County, Kansas.

Generally located on the West Side of South Meridian Avenue, South of West 47th Street South.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

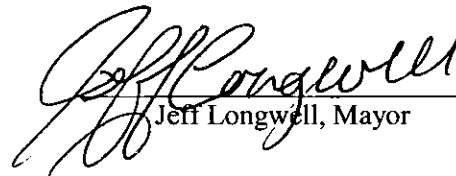
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 22 day of November, 2016.

ATTEST:

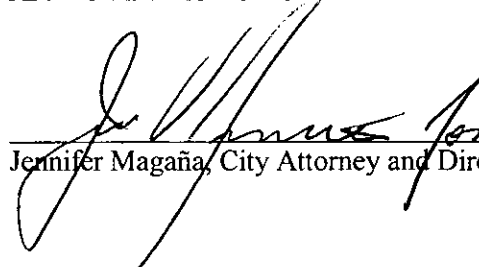


Karen Sublett, City Clerk



Jeff Longwell, Mayor

APPROVED AS TO FORM:



Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT

MAPC November 15, 2015

DAB IV December 7, 2015

CASE NUMBER: ZON2015-00046 & CON2015-00034

OWNER/AGENT: Welcome Home, LLC, c/o Paul Treadwell (owner) Poe & Associates, c/o Bill Fox

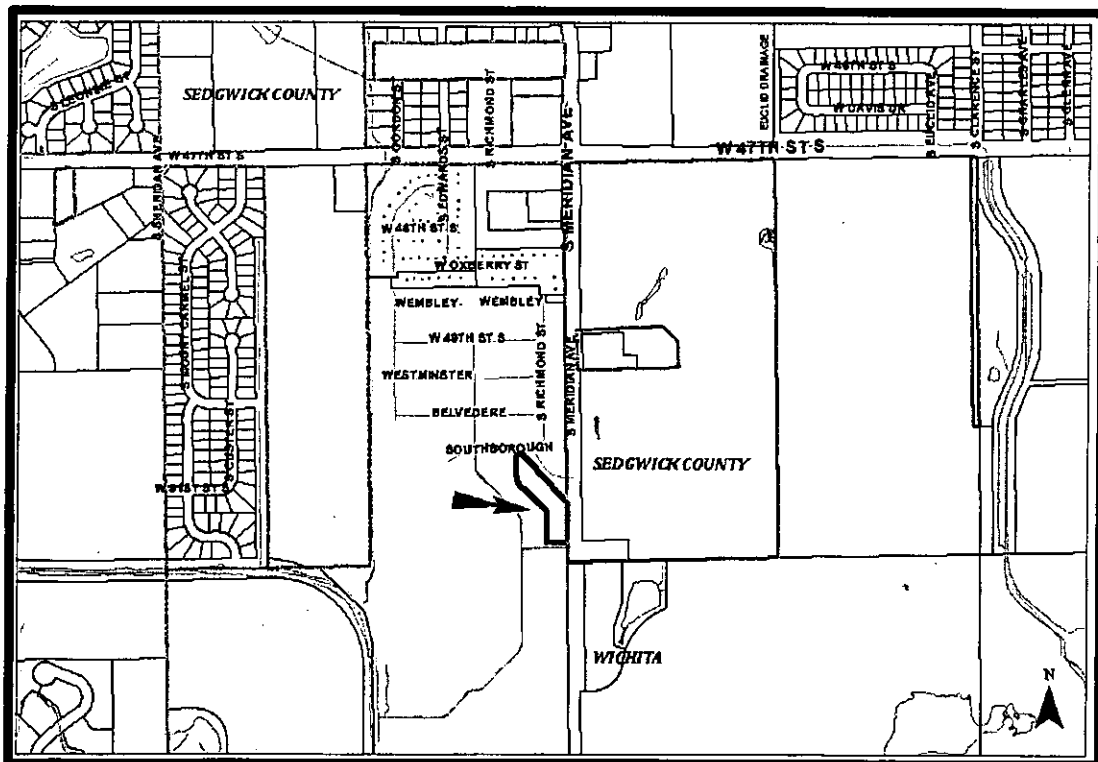
REQUEST: LC Limited Commercial zoning with a Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: MH Manufactured Housing

SITE SIZE: Approximately 1.98-acres

LOCATION: Generally located midway between 47th and 55th Streets South on the west side of Meridian Avenue (WCC #IV)

PROPOSED USE: Sale of manufactured homes



BACKGROUND: The applicant is requesting a zone change from MH Manufactured Housing (MH) to LC Limited Commercial (LC) with a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of manufactured homes. The MH zoning district does not permit the sale of outdoor vehicle and equipment sales/manufactured homes. However, outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district; Unified Zoning Code (UZC), Sec.III-D.6.x. The site is located midway between 47th and 55th Streets South on the west side of Meridian Avenue. The 1.98-acre site is partially developed with a 'new office' and a parking lot, as shown on the applicant's site plan. The 1.98-acre site is part of the approximately 138-acre partially developed MH zoned Southborough Estates Addition manufactured home park.

The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential ("SF-5") zoned subdivision is located further north and west of the site. County zoned SF-20 Single-Family Residential ("SF-20") large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

The applicant's site plan shows the noted new office building and the paved parking with 13 parking spaces. The UZC requires one parking space per 500 square feet of building floor area, plus two spaces for the first 10,000 square feet of lot area used for sales or storage purposes, plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter. The site plan does not give the size of the office, but if it is similar in size to the applicant's double wide manufactured homes (which it resembles) it's size can be calculated at approximately 1,220-square feet; 76 feet (x) 16 feet. The site plan shows a 29,070 display area. Based on the estimate of the office size and the stated size of the display area, the applicant's 13 parking spaces and one disabled parking spaces exceeds the required seven parking spaces. The site plan shows the display area surfaced with gravel. The UZC, Sec. IV-A.1.b requires new development off-street parking and loading facilities shall be provided for any new building constructed and for any new use established, in accordance with the standards of this section.

The UZC, Sec. IV-A,2.b, requires all parking areas, loading areas and driveways on all developments other than low-density residential development be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing. Gravel is not a comparable surfacing, a variance would be required to allow gravel parking. Variances are deviations from specific regulations in this Code. The site plan shows the required solid screening, but no landscaping; landscaping shall be per the UZC. The site plan shows a drive onto Meridian Avenue. The site plan does not show proposed lighting nor signs.

CASE HISTORY: From October-December, 1983, CU-263, a conditional use for a mobile home park, was considered and denied by the Haysville Planning Commission and the MAPC. The applicant withdrew the request prior to consideration and final action by the BoCC. CU-279, a conditional use for a mobile home park subject to platting, was considered and approved by the MAPC at their May 2, 1985 meeting. The BoCC denied the request at their June 19, 1985 meeting. On May 13, 1986, a District Court overturned the BoCC's denial and granted CU-279, a conditional use for a mobile home park subject to platting. On March 7, 2000, the City Council approved zoning case Z-3339, which rezoned the property the site is located on from SF-6 Single-Family Residential to MH. The site is part of the platted Lot 1, Southborough Estates Addition, which was recorded with the Register of Deeds March 13, 1989. The site was annexed into the city sometime between 1981-1990.

ADJACENT ZONING AND LAND USE:

NORTH: MH, LC	Manufactured homes, single-family residence, undeveloped land
SOUTH: MH, SF-20, LC	Agricultural fields, a warehouse-retail business
EAST: SF-5, SF-20	Single-family residence, agricultural fields, large public park
WEST: MH, SF-20, SF-5	Agricultural fields, large tract single-family residence, single-family residential subdivision

PUBLIC SERVICES: The subject property has access to Meridian Avenue, a curbed, four-lane arterial street and Southborough Street, a paved, private, two-lane residential street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the MH zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

The proposed LC zoning is compatible to the "local commercial" category of the Plan. The UZC allows consideration of outdoor vehicle and equipment sales on LC zoned lots as a Conditional Use on a site by site basis. The "Commercial Locational Guidelines of the Comprehensive Plan" (commercial locational guidelines) recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access onto Meridian Avenue, a four-lane arterial. The commercial locational guidelines also recommends that outdoor vehicle and equipment sales should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the conditional use would introduce a new use to the area. The closet manufactured home sales lots may be on the LC zoned southwest corner of the Seneca Street – I-235 interchange and south of the John Mack Bridge on the east side of Broadway Avenue. Both of these sites are the only manufactured home sales businesses in the

areas they are located in. The manufactured home sales lot located on Broadway Avenue has auto sales lots in close proximity. The manufactured home sales lot located off of the Seneca Street – I-235 interchange abuts a manufactured home park, with other manufactured home parks located in the area. Staff is not sure if there is an obvious cluster of manufactured home sale sites in the city.

The mid-mile location of the site initially makes consideration of the requested LC zoning problematic in that there are LC zoned agricultural fields located on three of the seven corners of the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. However, the site's proposed location and the abutting and adjacent current zoning makes the potential for it having a less adverse impact on the areas' current and future residential development, than the three LC agricultural fields located on the corners of arterial intersections. The mid-mile site has approximately 138-acres of partially developed MH zoning on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.
2. The Conditional Use shall be limited to the sale of residential designed manufactured homes, as defined by the UZC. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.
4. All improvements to the property must be finished before car sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.
5. Landscaping shall be per the Landscape Ordinance.
6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
7. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.

8. No outdoor amplification system shall be permitted.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential zoning located east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. If the Zoning Administrator finds that there is a violation of any of the conditions 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 that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it, reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

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2. The suitability of the subject property for the uses to which it has been restricted: The site is part of 138-acres of partially developed MH zoned property. The property is suitable for manufactured homes development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the conditions of the Conditional Use are intended to minimize the negative impact of manufactured home sales on the area. Approval of the LC zoning and the Conditional Use would place commercial zoning at a mid-mile location, which is not a request typically supported by staff. Approval of the Conditional Use would introduce a new use to the area, a manufactured home sales lot. However, the site abuts 138-acres of partially developed MH zoned land on three of its four sides, with the fourth side being Meridian Avenue frontage, which separates the site from SF-20 zoned agricultural fields and a SF-5 zoned single-family residence and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex. The site's relatively small size and it being surrounded by the 138-acres of partially developed MH zoned land lessen its impact.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the MH zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

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on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

4. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

