CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Garver Engineering Company
Attn: Will Clevenger
924 North Main
Wichita, KS 67203

December 12, 2017

RE: CON2017-00036 - County request to grant a Conditional Use Permit to establish a Recreational Vehicle Park in the Regency Manufactured Home Park zoned SF-20 Single-Family Residential at 16171 West US 54 Highway

Dear Applicant:

At its regular meeting on **November 16, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

DLY: al
attachments

Copies to: MABCD
BCCC #3 David Dennis, County Mail Stop #320
County Law, Justin Waggoner, Mail Stop #349

CONDITIONAL USE RESOLUTION NO. CON2017-00036

WHEREAS, Regency of Kansas, Inc., (applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Recreational Vehicle Park use on property zoned SF-20, Single-Family Residential District, at 16171 West US Highway 54, and legally described as:

> The east 1016.8 feet of the NW quarter of Section 34, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, lying between the south right-of-way line of U.S. 54 Highway and the north right-of-way line of the Wichita Western, now ATS&F Railway, EXCEPT that part commencing at the northeast corner of said NW1/4; thence S00°W along the east line of said NW quarter, 880 feet for a point of beginning; thence continuing S00°E along said east line, 520 feet; thence S90°W, 625 feet; thence N00°E, parallel with said east line, 520 feet; thence S90°E, 625 feet to the point of beginning.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of November 16, 2017, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Recreational Vehicle Park use on property zoned SF-20, Single-Family Residential District, at 16171 West US Highway 54, legally described as:

> The east 1016.8 feet of the NW quarter of Section 34, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, lying between the south right-of-way line of U.S. 54 Highway and the north right-of-way line of the Wichita Western, now ATS&F Railway, EXCEPT that part commencing at the northeast corner of said NW1/4; thence S00°W along the east line of said NW quarter, 880 feet for a point of beginning; thence continuing S00°E along said east line, 520 feet; thence S90°W, 625 feet; thence N00°E, parallel with said east line, 520 feet; thence S90°E, 625 feet to the point of beginning.

Subject to the following conditions:

1. The Conditional Use shall be operated as depicted in Conditional Use Site Plan by Garver Engineering, dated October 3, 2017.

2. No tents or houseboats shall be permitted within the Recreational Vehicle Park.

3. 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.

Adopted this 16 Day of November, 2017

METROPOLITAN AREA PLANNING COMMISSION

Joe Johnson, Chair MAPC

ATTEST:

Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 4

STAFF REPORT

MAPC November 16, 2017

CASE NUMBER: CON2017-00036

APPLICANT/AGENT: Regency of Kansas, Inc. – Peter Bakos (Owner)/Garver USA – Will Clevenger (Agent)

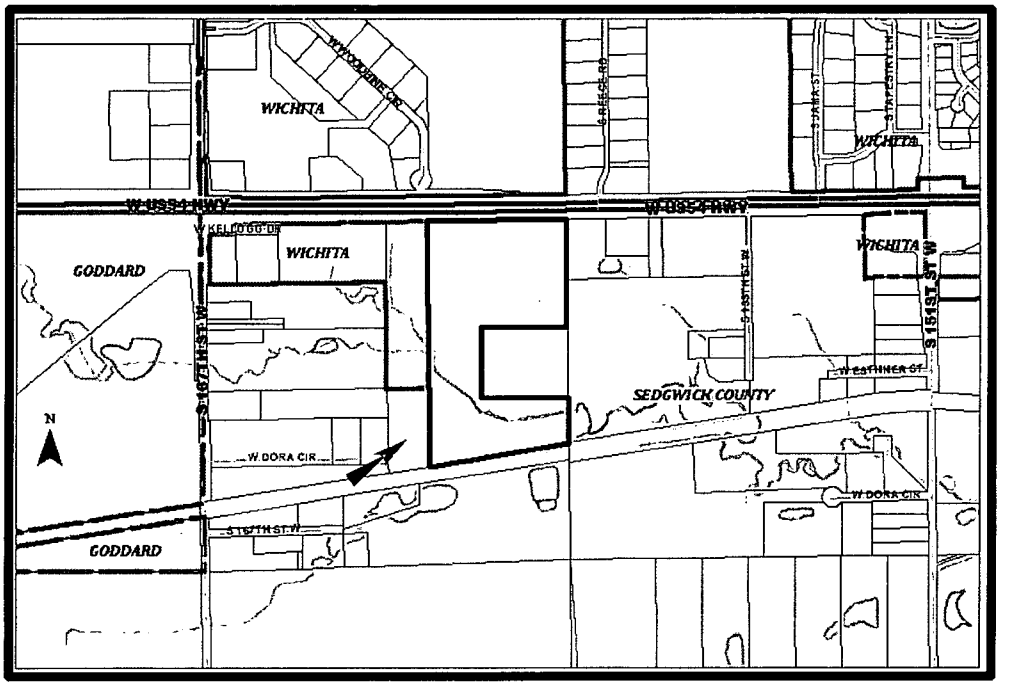
REQUEST: Conditional Use to create a Recreational Vehicle Park in portion of existing Manufactured Home Park

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: 32.51 acres

LOCATION: South side of West Kellogg east of South 167th Street West. (16171 West Highway 54)

PROPOSED USE: Recreational Vehicle Park



BACKGROUND: The applicant is requesting a Conditional Use to permit the use of numerous vacant spaces in the existing nonconforming Manufactured Home Park for placement/rental of Recreational Vehicles. The application area for this request is zoned SF-20 Single-Family Residential (SF-20), with a portion of the overall Manufactured Home Park zoned MH Manufactured Home Park (MH). There is also a small area of this Manufactured Home Park on the west side of the tract in this case which is zoned SF-5 Single-Family Residential (SF-5), AND is within the City of Wichita. According to the records, that property was annexed to the City on July 2, 1999.

The portion of the Regency Manufactured Home Park zoned MH occurred in 1999, under Case No. SCZ-0787. The Regency Manufactured Home Park attached to the West Sedgwick County Sewer District in late 1998 or early 1999; removed and reclaimed the area that previously served as the lagoon for the Manufactured Home Park and applied for zoning approval to expand the Manufactured Home Park into that area. A rezoning was the only method to achieve the expansion requested at that time.

The aerial from 1997 included with this staff report shows the location of the previous lagoon; which is now occupied by the expansion of the Manufactured Home Park, including a number of spaces being occupied with manufactured homes. Aerial photos from 1968 and 1974 are also attached for historical reference.

As can be seen from the aerials, including the most recent aerial, this Manufactured Home Park was essentially full until a few years ago. Regency Manufactured Home Park has seen the number of spaces occupied drastically reduce over the past several years. This may for numerous reasons, such as changes in the economy, prices of manufactured homes, changes in the manufactured home industry, of any other number of reasons.

Irrespective of the reason, some of the vacant spaces began to be rented to owners of Recreational Vehicles. The County Code officials were allowing this, subject to electrical permits to assure appropriate connections.

Within the past few months, the Code officials became aware that this activity is NOT allowed by all the Unified Zoning Regulations. The Unified Zoning Code, which allows Recreational Vehicles to be used for occupancy ONLY within approved Recreational Vehicle Campgrounds. Placing a Recreation Vehicle on an individual space within a Manufactured Home Park is not permitted; however, it is possible in some circumstances to obtain a Conditional Use Permit to allow this activity.

The distinctions in play with this issue can be found in the manner in which these structure types and land uses are defined within the Unified Zoning Code. The relative definitions are as follows:

> **Manufactured Home** means a Structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. 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. For purposes of these regulations, the term Manufactured Home, when used by itself, shall not include a Residential-Design Manufactured Home as defined in these regulations.
>
> **Manufactured Home Park** means a parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied Manufactured Homes not

placed on permanent foundations. The term Manufactured Home Park does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of storage, inspection or sale; nor does it include a tract of land on which a Manufactured Home as a second Dwelling Unit has been permitted on a temporary basis as a Conditional Use in accordance with these regulations.

Mobile Home means a movable detached Single-Family Dwelling Unit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a Dwelling Unit and be connected to utilities in conformance with all applicable regulations. The term Mobile Home does not include a Recreational Vehicle.

Recreational Vehicle See Vehicle, Recreational.

Recreational Vehicle Campground means the use of land designed for occupancy by Recreational Vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

Vehicle, Recreational means 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 units as determined by the Zoning Administrator. A Recreational Vehicle may or may not include individual toilet and bath.

Based on the above definitions, and applying all the provisions of the Unified Zoning Code, Manufactured Home Parks permit placement of Manufactured Homes ONLY. And since, by definition, a manufactured home, including a "mobile home", DOES NOT include a Recreational Vehicle, these structures are not permitted in a Manufactured Home Park. Further, a Recreational Vehicle Campground is the only place a Recreational Vehicle can be placed and used for occupancy.

Under the terms of the Unified Zoning Code, it is possible to obtain a Conditional Use Permit to allow the creation of a Recreational Vehicle Campground on property zoned SF-20 Single-Family Residential (SF-20). However, it is not possible to get a Conditional Use Permit to create a Recreational Vehicle Campground on property zoned MH Manufactured Home (MH). This is why this application only applies to the portion of the Regency Manufactured Home Park actually zoned SF-20.

If granted, the Conditional Use Permit would theoretically create a Recreational Vehicle Campground within the existing Manufactured Home Park; thereby allowing the use of a space within the Manufactured Home Park by a Recreational Vehicle. It is because of all of the factors outlined above that this case was filed.

If granted, the owners will simply make vacant spaces available for rent/lease of persons wishing to place a Recreational Vehicle in that space, rather than a Manufactured Home.

CHARACTER OF AREA: The character of the surrounding area is primarily large lot residential. Across US Highway 54 to the north is the land occupied by the Goddard Eisenhower High School, as well as some other Goddard schools. This includes the undeveloped land immediately north of US Highway 54, which is owned by the Goddard School District. All of the Goddard school property is within the Wichita city limits and is zoned SF-5 Single-Family Residential (SF-5). A portion of the property immediately to the west is a part of the Regency Manufactured Home Park and also is within the Wichita city limits. This land is zoned SF-5 Single-Family Residential (SF-5). Immediately west of that tract, and on the south side of US Highway 54, is a tract recently zoned GC General Commercial (GC) with Protective Overlay (PO-315). The property at the southeast corner of with a Conditional Use permitting vehicle sales and repair with limited outdoor storage. These properties tract are within the City of Wichita as well.

The property on the northeast corner of US Highway 54 and 167th Street West is zoned LC Limited Commercial (LC), and platted as the Neville West Addition. It is presently undeveloped, but is within the Wichita city limits.

The property to the east, on the south side of US Highway 54, was rezoned to RR Rural Residential (RR) and was granted a Conditional Use Permit in 2011 for the kennel operation known as Hiho Halo Kennels. The remaining properties to the east are zoned SF-20 Single-Family Residential (SF-20) and used residentially. The properties to the south are zoned RR Rural Residential (RR) and are used residentially, with some agricultural uses.

Approximately one fourth mile to the east, on the south side of US Highway 54, is another nonconforming manufactured home park, which is zoned SF-20 Single-Family Residential (SF-20).

CASE HISTORY: The subject property is unplatted and has only the rezoning for the conversion of the lagoon area to Manufactured Home Park as noted above. There is a small, narrow portion of the land in the southeast portion of the property in the designated FEMA 100-year flood plain.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	school
SOUTH:	RR	large lot residential/single family home
EAST:	SF-20 & RR	large lot residential/single family home
WEST:	SF-5 & SF-20	manufactured home park/residential

PUBLIC SERVICES: The property is connected to public sewers and also obtained water from the City of Wichita. Access to the property is from US Highway 54 approximately one-fourth mile east of 167th Street West.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "new employment" with a small portion of the land on the south end identified as "residential". The property is located within Wichita's 2035 urban growth area. The "new employment" designation states: *"**New Employment:** Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with*

extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed."

The overall spirt and intent of the Comprehensive Plan as it applies to this property supports the continued use of a Manufactured Home Park, given its location along US Highway 54. The allowing of Recreational Vehicles within the Park through the Conditional Use achieves an objective of allowing existing businesses to remain viable. As noted herein, the marketplace regarding occupancy of some Manufactured Home Park has drastically changed over the past few years and allowing this use is don't drastically different than what reality was fifty to sixty years ago when many of these facilities accommodated by types of structures.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The Regency Manufactured Home Park become registered with Sedgwick County officials as a "nonconforming Manufactured Home Park."

2. All placement of recreational vehicles within the Manufactured Home Park permitted by this Conditional Use be permitted and placed in conformance with all applicable building codes and ancillary codes applicable thereto.

3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning, uses and character of the neighborhood, as noted above, are established and, in most cases, came into being with the Manufactured Home Park already in existence. The modification of allowing placement of Recreational Vehicles in vacant spaces with the Manufactured Home Park is already existing to an extent and this change will have negligible impacts to the neighborhood uses.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned SF-20 which primarily permits single-family residential uses and a few public and civic uses, such as a church, school or public park, by right; however the uses is entirely as a Manufactured Home Park, which is becoming economically unviable because of changing market conditions. The complete destruction of the Manufactured Home Park for redevelopment as a single-family development is extremely unlikely.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested modification to allow Recreational Vehicles in vacant spaces should have minimal detrimental impact on nearby property.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would permit the existing business to remain economically viable. Denial would represent a loss of economic opportunity to the applicant and/or landowner and open this area to changes that may be deemed of lesser value.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "new employment," and is located within Wichita's 2035 urban growth area. The "new employment" envisions areas of land that will likely be developed or redeveloped by 2035 with uses consistent with the proposed use. Staff believes this project is in conformance with the adopted Plan.

6. Impact of the proposed development on community facilities: The modification of uses will have no impact on community facilities.

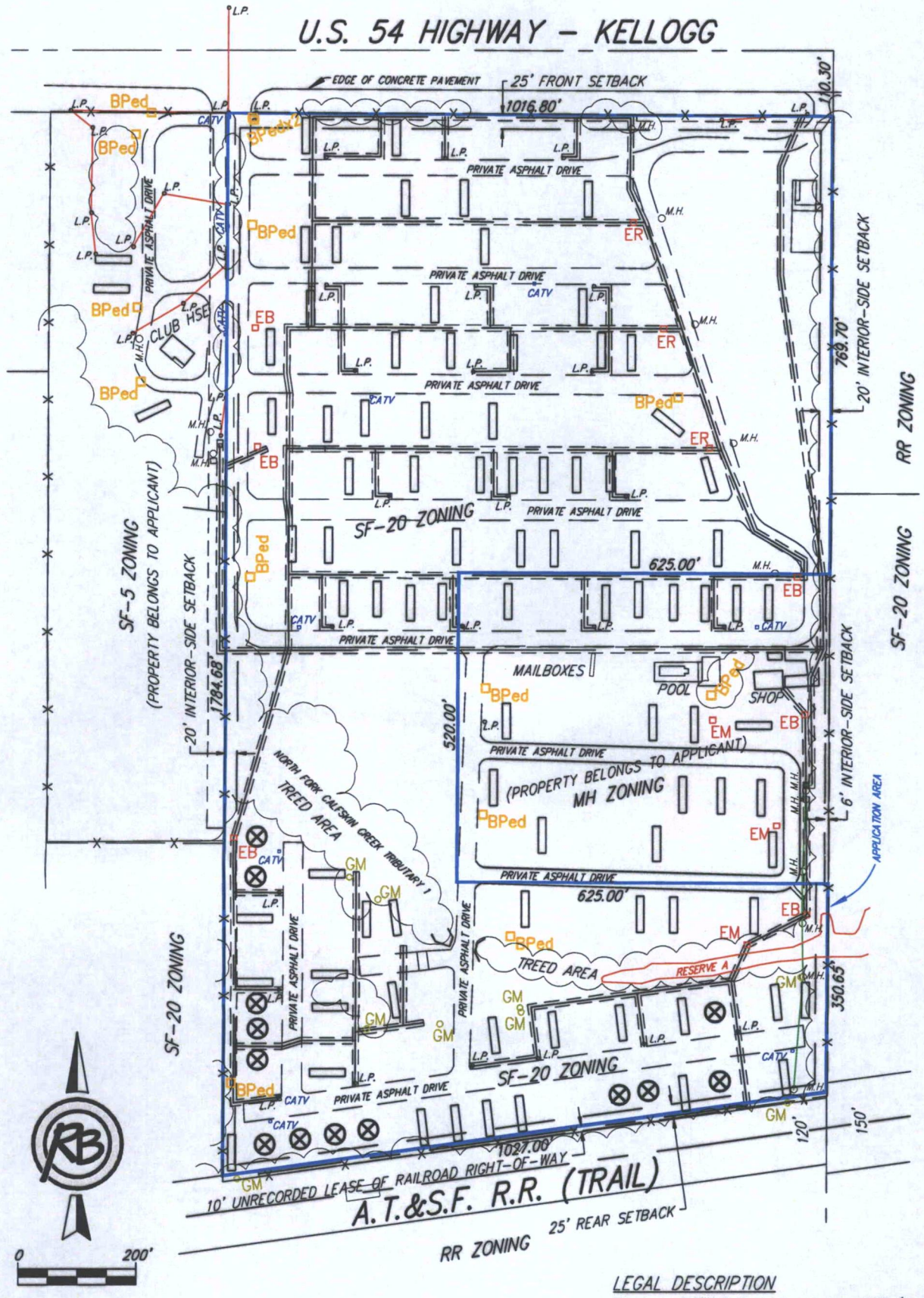
Staff Report Attachments:

1. Zoning Exhibit
2. Aerial Photos
3. Existing Site Plan

SITE PLAN

APPROVED 11/16/17 BY MAPC

SITE PLAN



CONDITIONAL USE REQUEST TO ALLOW THE USE OF RECREATIONAL VEHICLES IN A PORTION OF THE EXISTING MOBILE HOME PARK.

APPLICANT:
REGENCY OF KANSAS, INC.
ATTN: PETER BAKOS

AGENT:
RUGGLES & BOHM, P.A.
ATTN: WILL CLEVENGER
(316) 264-8008
will@rbkansas.com

LEGAL DESCRIPTION

The east 1016.8 feet of the NW1/4 of Sec. 34, T27S, R2W of the 6th P.M., Sedgwick County, Kansas, lying between the south right-of-way line of U.S. 54 Hwy. and the north right-of-way line of the Wichita Western, now ATS&F Railway, EXCEPT that part commencing at the northeast corner of said NW1/4; thence S00°W along the east line of said NW1/4, 880 feet for a point of beginning; thence continuing S00°E along said east line, 520 feet; thence S90°W, 625 feet; thence N00°E, parallel with said east line, 520 feet; thence S90°E, 625 feet to the point of beginning.

LEGEND

°GM	GAS METER
□BPed	TELEPHONE PEDESTAL
□CATV	CABLE TV PEDESTAL
□ER	ELECTRIC RISERS
□EB	ELECTRIC BOX
□EM	ELECTRIC METER
°L.P.	LIGHT POLE
° MH	MANHOLE
▭	EXISTING MOBILE HOME
⊗	EXISTING RECREATIONAL VEHICLE (APPEARS TO BE LIVED IN)

DWG FILE: SURVEY BASE
PROJECT NO. 4987P
OCTOBER 3, 2017

RUGGLES & BOHM

ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT

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