RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2001-00063 – Zone change from "SF" Single-Family Residential to "MH" Manufactured Housing, located south of 47th Street South and east and west of Broadview (extended).

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: March 7, 2001

COMMISSION DISTRICT #5

MAPC Recommendation: Approve, subject to staff recommendation (10-0).

Derby Recommendation: Approve, subject to staff recommendation, notification of McConnell AFB, and notarization of letter of commitment on restrictive covenants.

Staff Recommendation: Approve, subject to platting as a mobile home subdivision within 1 year.

Background/Discussion: The applicant requests a zone change from "SF-6" Single-Family Residential to "MH" Manufactured Housing on a 2.56 acre platted tract located south of 47th Street South and east and west of Broadview. The subject property is located within the Zoning Area of Influence for the City of Derby.

The applicant proposes to develop the site as a manufactured home subdivision. Manufactured home subdivisions differ from manufactured home parks in that manufactured home parks are a single large lot on which spaces are rented to owners of manufactured homes. Manufactured home subdivisions contain multiple platted lots with manufactured homes on individual lots. Lots within a manufactured home subdivision are typically owned by the owner of the manufactured home.

As shown on the attached site plan, the proposed manufactured home subdivision would have 12 lots, resulting in a density of 4.7 units per acre. The minimum lot size proposed is 6,130 square feet, with most lots proposed to be in the 6,500 to 7,000 square foot range. Except for two lots fronting an existing street (Jonquil), the lots would be served by Broadview Court, to be dedicated as a public street with 64 feet of right-of-way and a 100 foot diameter for the cul-de-sac right-of-way. The proposed utility easements would provide 20 foot easements for utilities. The proposed front setbacks are 10 feet for manufactured homes and 20 feet for garages or carports. As proposed,

the site plan conforms to the standards of the Unified Zoning Code and the Subdivision Regulations.

The surrounding area is a developed with a manufactured home subdivision, Deer Lakes Estates. The adjacent property is zoned "SF-6" Single-Family Residential. When the adjacent property was zoned and platted in the late 1970s, Sedgwick County zoning regulations permitted manufactured home subdivisions in single-family residential zoning districts.

With the exception of the subject property, the properties in the Deer Lake Estates Addition are regulated by restrictive covenants (see attached). The major provisions of these restrictive covenants are: restricting the age of manufactured homes to five years old or newer at the time of placement; requiring a carport or garage to be placed on each lot within six months of the placement of a manufactured home; and requiring design review by the home owner's association of all manufactured homes, carports, garages, storage buildings, fencing, and landscaping prior to placement/construction. The restrictive covenants also contain other, more minor, regulations regarding the maintenance and use of property. To ensure that the proposed manufactured home subdivision is compatible with development on adjacent properties, Planning staff has requested that the applicant agree to voluntarily place these same restrictive covenants on the subject property.

At the hearing on February 8, 2001, the only speaker, other than the applicant, represented the Deer Lake Estates Homeowner's Association and spoke in favor of the request due to the applicant's willingness to place the restrictive covenants on the subject property. The MAPC voted (10-0) to approve the request subject to platting as a manufactured home subdivision within on year.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject the condition of platting as a manufactured home subdivision within one year; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:
Tom Martin 132 Lochinvar Wichita KS 67207
Savoy, Ruggles & Bohm %Randy Johnson 924 N Main Wichita KS 67203

Protestors:
None

(15000#) Published in The Wichita Eagle on May 27, 2002.

RESOLUTION NO. 34-01

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 248-1999.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2000-00063

Zone change from "SF-5" Single-Family Residential to "MH" Manufactured Housing on property described as:

Deer Lake Estates 2nd Addition, Sedgwick County, Kansas. Generally located south of 47th Street South and east and west of Broadview.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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 paper.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

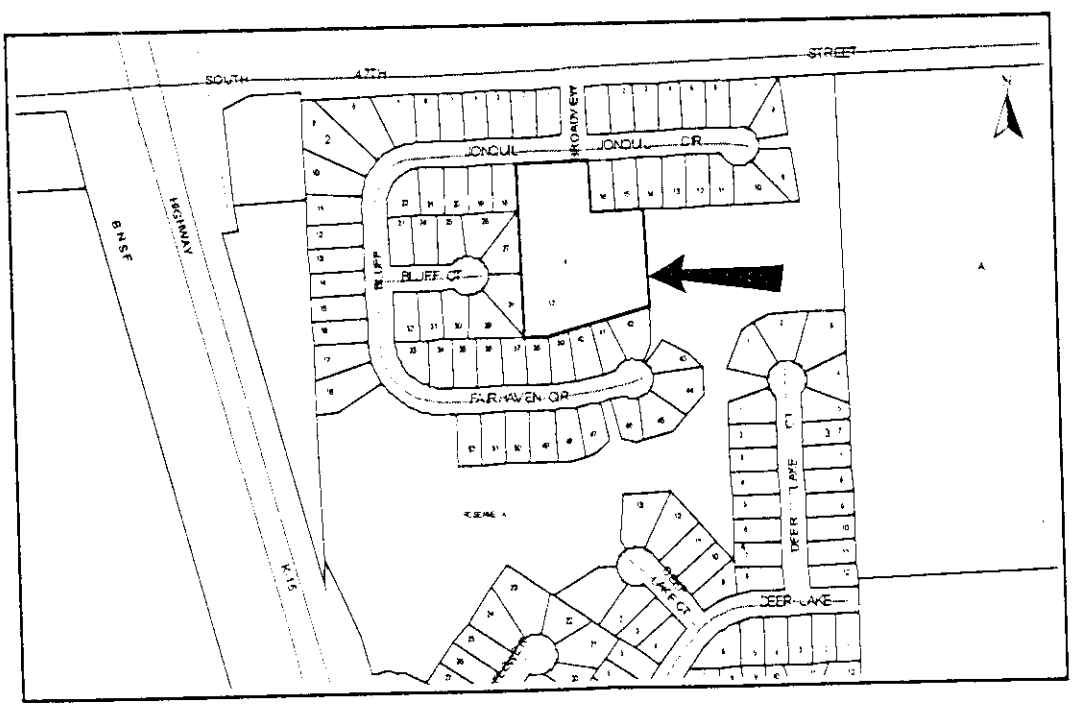
AGENDA ITEM NO. 9

STAFF REPORT

Derby January 18, 2001
MAPC February 8, 2001

FILE COPY

CASE NUMBER:	ZON2000-00063
APPLICANT/AGENT:	Tom Martin (Owner/Applicant); Savoy, Ruggles, and Bohm c/o Randy Johnson (Agent)
REQUEST:	"MH" Manufactured Housing
CURRENT ZONING:	"SF-6" Single-Family Residential
SITE SIZE:	2.56 acres
LOCATION:	South of 47th Street South and east and west of Broadview (extended)
PROPOSED USE:	Manufactured Home Subdivision



BACKGROUND: The applicant requests a zone change from "SF-6" Single-Family Residential to "MH" Manufactured Housing on a 2.56 acre platted tract located south of 47th Street South and east and west of Broadview. The subject property is located within the Zoning Area of Influence for the City of Derby.

The applicant proposes to develop the site as a manufactured home subdivision. Manufactured home subdivisions differ from manufactured home parks in that manufactured home parks are a single large lot on which spaces are rented to owners of manufactured homes. Manufactured home subdivisions contain multiple platted lots with manufactured homes on individual lots. Lots within a manufactured home subdivision are typically owned by the owner of the manufactured home.

As shown on the attached site plan, the proposed manufactured home subdivision would have 12 lots, resulting in a density of 4.7 units per acre. The minimum lot size proposed is 6,130 square feet, with most lots proposed to be in the 6,500 to 7,000 square foot range. Except for two lots fronting an existing street (Jonquil), the lots would be served by Broadview Court, to be dedicated as a public street with 64 feet of right-of-way and a 100 foot diameter for the cul-de-sac right-of-way. The proposed utility easements would provide 20 foot easements for utilities. The proposed front setbacks are 10 feet for manufactured homes and 20 feet for garages or carports. As proposed, the site plan conforms to the standards of the Unified Zoning Code and the Subdivision Regulations.

The surrounding area is a developed with a manufactured home subdivision, Deer Lakes Estates. The adjacent property is zoned "SF-6" Single-Family Residential. When the adjacent property was zoned and platted in the late 1970s, Sedgwick County zoning regulations permitted manufactured home subdivisions in single-family residential zoning districts.

With the exception of the subject property, the properties in the Deer Lake Estates Addition are regulated by restrictive covenants (see attached). The major provisions of these restrictive covenants are: restricting the age of manufactured homes to five years old or newer at the time of placement; requiring a carport or garage to be placed on each lot within six months of the placement of a manufactured home; and requiring design review by the home owner's association of all manufactured homes, carports, garages, storage buildings, fencing, and landscaping prior to placement/construction. The restrictive covenants also contain other, more minor, regulations regarding the maintenance and use of property. To ensure that the proposed manufactured home subdivision is compatible with development on adjacent properties, Planning staff has requested that the applicant agree to voluntarily place these same restrictive covenants on the subject property.

CASE HISTORY: A zone change request (SCZ-0417) on the subject property and the surrounding 60 acres from "E" Light Industrial to "AA" One-Family Dwelling was approved by the County Commission on May 2, 1979. The subject property is platted

as Lot 17, Block 1 of the Deer Lake Estates Addition, which was recorded on September 12, 1980. A Conditional Use request (CU-283) for a manufactured home park on the subject property was denied by the County Commission on August 21, 1985. The Conditional Use request was denied based on findings that the requested density of 7.7 unit per acre was too high in comparison to the surrounding uses; the proposed 34 foot by 75 foot rental spaces were too small to provide adequate setbacks between structures; and the proposed 30 foot private drive in combination with small rental spaces did not provide adequate parking. In addition, members of the Deer Lake Estates Homeowner's Association expressed concern at the public hearings regarding the property owner's unwillingness to develop the property as a manufactured home subdivision rather than a manufactured home park and to place the same restrictive covenants as the surrounding properties on the requested manufactured home park.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Manufactured home subdivision
SOUTH:	"SF-6"	Manufactured home subdivision
EAST:	"SF-6"	Manufactured home subdivision
WEST:	"SF-6"	Manufactured home subdivision

PUBLIC SERVICES: The subject property will have access to Jonquil and Broadview Court, both of which are local streets. Public water and sewer service are available and can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Medium Density Residential" development. The Medium Density Residential category provides for semi-detached dwelling units such as duplexes, townhomes, and mobile home parks, where appropriate. The Comprehensive Plan contains the following objective: encourage residential redevelopment, infill, and higher density residential development, that maximizes the public investment in existing and planned facilities and services. The objective is intended to be achieved through the following strategy: use Community Unit Plans, Planned Development Districts, and zoning as tools to promote mixed use development, higher density residential environments, and appropriate buffering.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to replatting as a manufactured home subdivision within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a developed with a manufactured home subdivision, Deer Lakes Estates. The adjacent property is zoned "SF-6" Single-Family Residential. When the adjacent

property was zoned and platted in the late 1970s, Sedgwick County zoning regulations permitted manufactured home subdivisions in single-family residential zoning districts. Using the subject property as an extension of the manufactured home subdivision seems to be the most logical use of the site.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-6" Single-Family Residential, which accommodates moderate-density single-family residential development and complementary land uses. Given the site's location in the middle of a manufactured home subdivision, it is unlikely that it would be suitable for a subdivision of single family residences.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use of the subject property as a manufactured home subdivision should not have detrimental affects on nearby property, which is also used as a manufactured home subdivision. To ensure that the proposed manufactured home subdivision is compatible with development on adjacent properties, Planning staff has requested that the applicant agree to voluntarily place the same restrictive covenants on the subject property as are currently in place for the surrounding property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for semi-detached dwelling units such as duplexes, townhomes, and mobile home parks, and a manufactured home subdivision is a land use that is consistent with the Guide. The Comprehensive Plan contains an objective to encourage residential infill development through zoning. The proposed rezoning to allow a manufactured home subdivision accomplishes this objective.

5. Impact of the proposed development on community facilities: The impact of increased traffic from the additional dwelling units should not exceed the capacity of the local streets. Other community facilities are also adequate to serve the proposed use.