



Wichita-Sedgwick County Metropolitan Area Planning Department

February 23, 2016

Poe & Associates
Attn: Bill Fox
544 W. Douglas
Wichita KS 67203

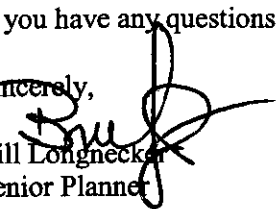
REFERENCE: ZON2015-00046 & CON2015-00034 – City zone change request for LC Limited Commercial zoning on MH Manufactured Home zoned property and an associated Conditional Use request for manufactured home sales on property generally located midway between 47th and 55th Streets South on the west side of Meridian Avenue

Dear Applicant:

At its regular meeting on February 16, 2016, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the conditions on the attached Resolution.

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

Sincerely,


Bill Longnecker
Senior Planner

BL: mc
Attachment

Copies to: J.R. Cox, MABCD, Mail Stop 1-71
Paul Hays, MABCD, Mail Stop 1-71
Welcome Home, LLC, 5111 S. Meridian Ave., Wichita, KS, 67217
Jeff Blubaugh, WCC IV, Mail Stop 1-13
Laura Rainwater, CL, Mail Stop 1-135

RESOLUTION No. 16-037

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES, SPECIFICALLY THE SALE OF NEW MANUFACTURED HOMES, ON APPROXIMATELY 1.72-ACRES ZONED LC LIMITED COMMERCIAL ("LC"), GENERALLY LOCATED MIDWAY BETWEEN 47TH & 55TH STREETS SOUTH, ON THE WEST SIDE OF MERIDIAN AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") legally described below:

Case No. CON2015-00034

A Conditional Use, associated with zone case ZON2015-00046, to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") described as:

A tract of land in Lot 1, Block 1, Southborough Estates, An Addition to Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W along the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less; generally located midway between 47th and 55th Streets on the west side of Meridian Avenue.

SUBJECT TO 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 new residential designed manufactured homes, as defined by the Unified Zoning Code. 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 manufactured home 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

February 16, 2016.

Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



Approved as to form:

Jennifer Magana
Jennifer Magana, City Attorney and Director of Law

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 sale of vehicle and equipment/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 1.72-acre site is partially developed with a relatively 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-acres of 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 separate 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. Unified School District (USD) 261's 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. 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,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. 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.

Analysis: On November 15, 2015, Metropolitan Area Planning Commission (MAPC) considered and approved (13-0) the requested LC zoning and the conditional use, subject to 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 manufactured home 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.
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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.

There were no protesters at the MAPC meeting.

On December 7, 2015, District Advisory Board (DAB) IV considered the request and voted 6-0 to have the applicant return to the DAB with more information about the site plan and 'mobile home park' zoning. There were no protesters at the DAB IV meeting.

On January 4, 2016, DAB IV re-considered the request and voted 9-0 to approve the LC zoning and the conditional use, with the following language added to condition #2: "Only new manufactured homes" are to be sold on the subject site."

This was not required by the MAPC. It will require a two-thirds majority of five votes to change the MAPC's recommendation. There were no protesters at the DAB IV meeting. Planning staff has not received protests to the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance and resolution as to form. The Law Department concurs that the approval of the ordinance and resolution is in accordance with City policy.

Recommendation/Actions: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning, subject to platting within a year of approval by the governing body and the DAB's recommendation on the conditional use; instruct the Planning Department to forward the resolution for adoption and ordinance for first reading when the plat is forwarded to the City Council (requires a two-thirds majority of five votes to change the MAPC's recommendation).

BY [Signature]

Future Manufactured Home Sales Sign on Building to meet Kansas Dealer License Requirements

MERIDIAN AVENUE
(Arterial Street)

Office Area
Lot 1
0.72 Ac.

MH Zoned Property — Undeveloped
(Owned by Applicant)

Vicinity Map

S West St

W 47th St S

Wabene Home

SOUTH BOROUGHS

SITE

Meridian Ave

SOUTH BOROUGHS INDUSTRIAL PARK

W 55th St S

Ruth Clark Elementary School

Campus High School

SOUTH BOROUGHS PARKWAY

north

3' height wood fence
(20' length)

MH Zoned Property — Undeveloped
(Owned by Applicant)

BM #2 SD CUT ON HDWL

EL. 1270.52 FL 24° 12'