



Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2022

Regency of Kansas
Attn: Jon Pettit
40 North 47th Street
Carbondale, CO, 81623

Ferris Consulting
Attn: Greg Ferris
PO Box 573
Wichita, KS 67201

RE: ZON2022-00052: Zone change request in the City from SF-5 Single-Family Residential to MH Manufactured Housing District, generally located on the south side of U.S. Highway 54/400 and one-quarter mile east of South 167th Street West (16315 West US Hwy 54).

Dear Applicants;

At its regular meeting on **December 6, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to Protective Overlay #398

Protective Overlay #398

- The site shall be limited to a total of 19 manufactured homes.
- Any new manufactured homes placed on the site shall be constructed after 2015.
- The site shall be developed in conformance with all applicable regulations.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR, District IV
MABCD



Wichita-Sedgwick County Metropolitan Area Planning Department

October 21, 2022

Regency of Kansas
Attn: Jon Pettit
40 North 47th Street
Carbondale, CO, 81623

Ferris Consulting
Attn: Greg Ferris
PO Box 573
Wichita, KS 67201

RE: ZON2022-00052: Zone change request in the City from SF-5 Single-Family Residential to MH Manufactured Housing District, generally located on the south side of U.S. Highway 54/400 and one-quarter mile east of South 167th Street West (16315 West US Hwy 54).

Dear Applicants;

At its regular meeting on **October 20, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to Protective Overlay #398

Protective Overlay #398

- The site shall be limited to a total of 19 manufactured homes.
- Any new manufactured homes placed on the site shall be constructed after 2015.
- The site shall be developed in conformance with all applicable regulations.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on November 3, 2022.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **November 3, 2022, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, December 6, 2022** beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a large, stylized initial "P" and a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Jeff Blubaugh, Council Member District IV
 Rebecca Fields, CSR, District IV
 MABCD

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. ZON2022-00052

City zone change from SF-5 Single-Family Residential to MH Manufactured Housing zoning, subject to Protective Overlay #398, described as:

Beginning 1016.8 feet West of the Northeast Corner of the Northwest Quarter of Section 34, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, thence West 300 feet, thence South to a point 602.23 feet North of the Northerly right-of-way line of the Atchison & Topeka and Santa Fe Railway, thence East parallel to the South line of said Northwest Quarter 300 feet to a point 1016.8 feet West of the East line of said Northwest Quarter, thence North parallel to the East line of said Northwest Quarter to the place of beginning, except the portion condemned in District court Case A-38302 and B-17272.

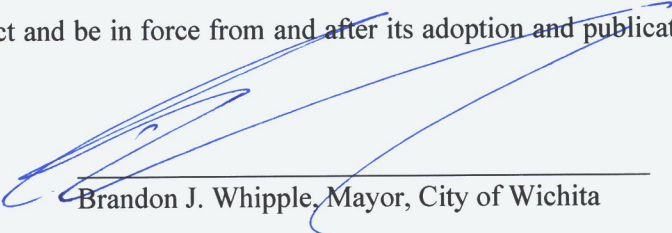
Protective Overlay #398

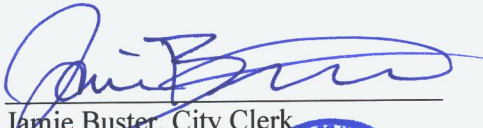
- The site shall be limited to a total of 19 manufactured homes.
- Any new manufactured homes placed on the site shall be constructed after 2015.
- The site shall be developed in conformance with all applicable regulations.

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.

ATTEST:

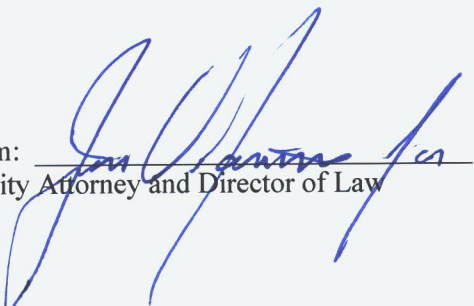

Brandon J. Whipple, Mayor, City of Wichita


Jamie Buster, City Clerk

(SEAL)



Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
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Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
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Sun Herald - Biloxi

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The News Tribune Tacoma
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San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	360789	Print Legal Ad-IPL01024960 - IPL0102496		\$70.45	1	84 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 180004
PUBLISHED IN THE WICHITA EAGLE
ON December 18, 2022
ORDINANCE NO. 52-004

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. ZON2022-00052
City zone change from SF-5 Single-Family Residential to M1 Manufactured Housing zoning, subject to Protective Overlay #398, described as: Beginning 1016.8 feet West of the Northeast Corner of the Northwest Quarter of Section 34, Township 27 South, Range 2 West of the 6th PM., Sedgwick County, Kansas, thence West 300 feet, thence South to a point 602.23 feet North of the North-right-of-way line of the Atchison & Topeka and Santa Fe Railway, thence East parallel to the South line of said Northwest Quarter 300 feet to a point 1016.8 feet West of the East line of said Northwest Quarter, thence North parallel to the East line of said Northwest Quarter to the place of beginning, except the portion condemned in District court Case A-38302 and B-17272.

Protective Overlay #398
• The site shall be limited to a total of 19 manufactured homes.
• Any new manufactured homes placed on the site shall be constructed after 2015.
• The site shall be developed in conformance with all applicable regulations.

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.

ATTEST:
Brandon J. Whipple, Mayor, City of Wichita
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0102496
Dec 18 2022

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:
12/18/22

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/18/2022 to 12/18/2022.

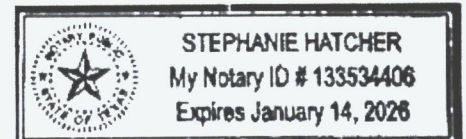
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 12/19/2022

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	323434	Print Legal Ad - IPL0091495		\$154.35	2	92 L

Attention: MANDY HEBERT

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

Published in The Wichita Eagle on September 29, 2022
(One Time Only)
MAFPC/BZA October 20, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 20, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually; public participation is available in multiple ways, those without technology options can participate by going to the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2022-00045: Variance request in the City to increase the height of an off-site sign to 55 feet; generally located on the south side of East 37th Street North, within one block west of North Hydraulic Avenue (1441 E 37th Street North).
CON2022-00037: Conditional Use in the City to allow Multi-Family on property zoned TF-3 Two-Family Residential District, generally located on the west side of North Fairview Avenue, within one block north of West 13th Street North (1419 North Fairview).

CON2022-00038: Conditional Use request in the City to permit Group Residence, General on property zoned TF-3 Two-Family Residential (with ZON2022-00053 for B Multi-Family Residential); generally located one block south of West 21st Street North and one block west of North Waco Avenue (2041 N Jackson).
ZON2022-00052: Zone change request in the City from SF-5 Single-Family Residential District to M4 Manufactured Housing District; generally located on the south side of U.S. Highway 54, within one-quarter mile east of South 167th Street West (16315 W US Hwy 54).

ZON2022-00053: Zone change request in the City from TF-3 Two-Family Residential to B Multi-Family (with CON2022-00038 for Group Residence, General); on property generally located one-block south of West 21st Street North and one-block west of North Waco Avenue (South of 2041 N Jackson).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or Inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141 @ 67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4454) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on September 29, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0091495

Sep 29 2022

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 09/29/2022

Ending Issue of: 09/29/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/29/2022 to 09/29/2022.

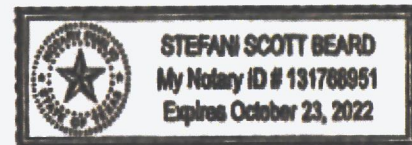
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 09/29/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in
Dallas County



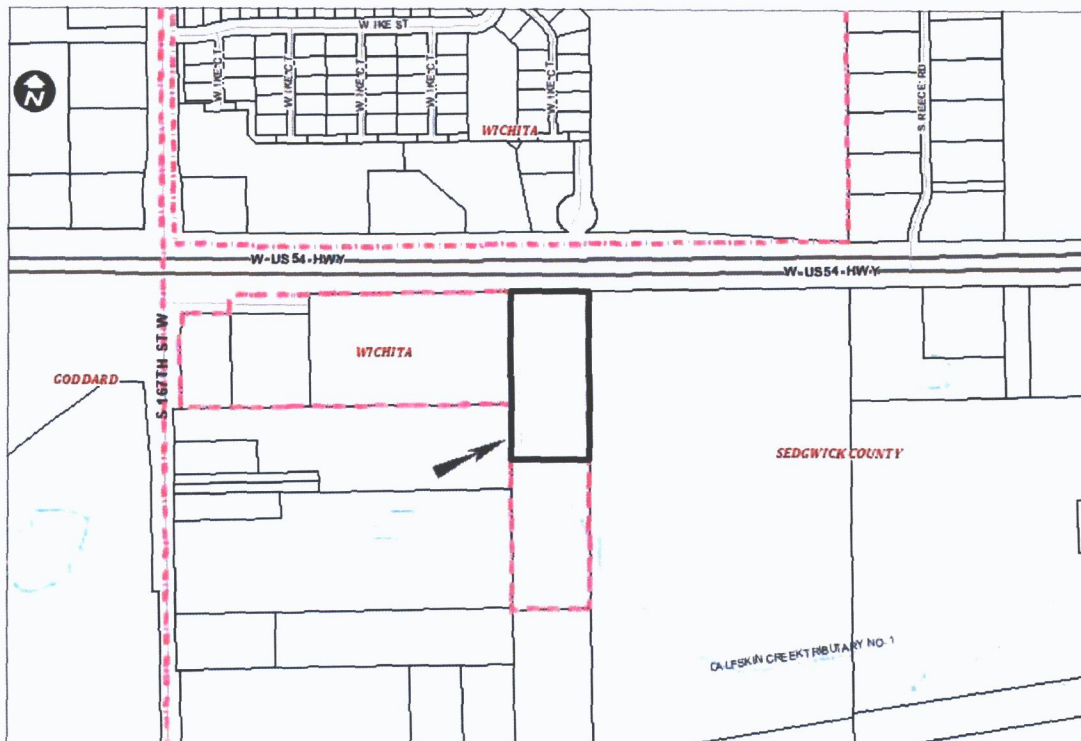
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



STAFF REPORT

MAPC October 20, 2022
DAB IV November 7, 2022

<u>CASE NUMBER:</u>	ZON2022-00052 (City)
<u>APPLICANT/AGENT:</u>	Regency of Kansas (applicants)
<u>REQUEST:</u>	MH Manufactured Housing with Protective Overlay #398
<u>CURRENT ZONING:</u>	SF-5 Single-Family Residential
<u>SITE SIZE:</u>	4.47 acre
<u>LOCATION:</u>	Generally located on the south side of West Kellogg Avenue (US 54/400) and within one-half mile east of South 167 th Street West (16315 West Kellogg Avenue)
<u>PROPOSED USE:</u>	Bring existing manufactured home park into compliance to allow placement of homes on existing pads.
<u>RECOMMENDATION:</u>	Approval subject to Protective Overlay #398



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to MH Manufactured Housing District with Protective Overlay #398 in order to bring an existing manufactured home park into compliance with the Unified Zoning Code. The applicant desires to place additional manufactured homes on existing, vacant pads and is required to bring the site into compliance in order to do so. The existing manufactured home park currently has three manufactured homes in addition to a community center building. The applicant's site plan shows there are 19 total pads for manufactured homes, which would allow for the placement of 16 additional homes.

This zone change request (ZON2022-00008) was heard previously in 2022. The original request was for the entire nine-acre parcel and did not include a Protective Overlay. On May 10, 2022, the Wichita City Council denied ZON2022-00008. Attached is a brief synopsis of the history of this request.

On July 7, 2022, the MAPC approved the request for the resubmittal of an application after six months of being denied by the governing body, determining that new application is more restrictive than the original because of the smaller rezoning area and the proposed Protective Overlay.

The Unified Zoning Code defines Manufactured Home Park as "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 on permanent foundations. The term does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of storage, inspection or sale..." Development standards of the MH Manufactured Housing district required the following:

- 25-foot setback from any public street right-of-way
- 20-foot setback from all other lot lines
- 5-foot setback from private roadways interior to the Manufactured Home Park,
- A minimum separation of 10 feet between units
- Maximum density of 8 dwelling units per acre
- Maximum height of 35 feet
- 1 off-street parking space per dwelling unit.

The entire parcel is nine acres, but the applicant is only requesting to rezone the north 4.47 acres, which encompasses the existing manufactured home park. The proposed Protective Overlay limits the site to a total of 19 manufactured homes and requires any manufactured home to be placed on the site to be constructed after 2015. Access to the site is from the West Kellogg onto a private drive providing circulation throughout the site.

Section IV of the Unified Zoning Code Requires screening between MH Manufactured Housing zoning and zoning districts TF-3 Two-Family Residential District or more restrictive. Screening can be accomplished at a minimum with a six-foot solid screening fence, but it also can be accomplished with landscaping. If the applicant chooses landscaping, a landscape plan shall be submitted to the Planning Department for review and approval. Existing landscaping can be used toward the screening requirement and should be indicated on the landscape plan. Additionally, the Wichita Landscape Ordinance requires a landscape street yard along West Kellogg and landscape buffers along the property lines abutting TF-3 or more restrictive zoning. Existing landscaping can be used toward meeting the landscaping requirement as well.

The property has the following existing landscaping that staff deems acceptable toward meeting the screening and landscaping requirements

- Existing evergreen trees planted in the median of the shared drive with the SF-20-zoned manufactured home park to the east.
- Existing evergreen and shade trees near the north property line. The existing fence along the north property line needs to be upgraded to a solid screening fence.
- Existing hedgerow along the west and south boundary of the manufactured home park, between it and the SF-20-zoned property to the west and south.

Property to the north, across West Kellogg, is zoned LC Limited Commercial District with CUP DP-241 and is undeveloped. Property to the east is zoned SF-20 Single-Family Residential District and is developed as a manufactured home park. Properties to the west are zoned GC General Commercial District and SF-20. The GC-zoned property is undeveloped. The SF-20-zoned property is developed with large-lot single-family dwellings with accessory structures. Property to the south is zone SF-20 and is undeveloped.

CASE HISTORY: The property is unplatted, but it qualifies for a platting exemption under Section 3-104 (B) of the Subdivision Regulations. See the attached discussion for the case history in 2022.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, DP-241	Undeveloped
SOUTH:	SF-20	Undeveloped
EAST:	SF-20	Manufactured Home Park
WEST:	GC & SF-20	Undeveloped and Single-family residences

PUBLIC SERVICES: West Kellogg Avenue (US 54/400) is a paved, four-lane divided highway. Access to the property is via a shared driveway with the manufactured home park to the east. The site is served by municipal sewer. Water is provided by Sedgwick County Rural Water District 4. Wichita Transit does not provide regular bus service near this location.

CONFORMANCE TO PLANS/POLICIES: The requested zoning is in conformance with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “New Employment.” This category encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of a wide variety of commercial uses. However, in areas near existing residential uses, higher density housing will likely be developed. A manufactured home park is a form of higher density housing.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request subject to Protective Overlay #398.

Protective Overlay #398

- The site shall be limited to a total of 19 manufactured homes.
- Any new manufactured homes placed on the site shall be constructed after 2015.
- The site shall be developed in conformance with all applicable regulations.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north, across West Kellogg, is zoned LC Limited Commercial District with CUP DP-241 and is undeveloped. Property to the east is zoned SF-20 Single-Family Residential District and is developed as a manufactured home park. Properties to the west are zoned GC General Commercial District and SF-20. The GC-zoned property is undeveloped. The SF-20-zoned property is developed with large-lot single-family dwellings with accessory structures. Property to the south is zone SF-20 and is undeveloped.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned SF-5 Single-Family Residential District. The site could be platted and redeveloped with single-family dwellings.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The manufactured home park is a legal, non-conforming use and is significantly smaller in scale than the

manufactured home park abutting to the east. Rezoning the property with the Protective Overlay will permit the applicant to place manufactured homes on existing pads. This type of development will likely not have any negative impacts on surrounding properties. The Protective Overlay is designed to minimize the future impact of a manufactured home park in the City of Wichita by not permitting the placement of manufactured homes on the south half of the entire parcel.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning is in conformance the goals of the *Community Investment Plan* as discussed in the staff report.
5. **Impact of the proposed development on community facilities:** The manufactured home park has been in existence for some time. Expansion is not anticipated to have any negative impacts on community facilities.

Attachments:

- ZON2022-00008 Case History
- ZON2022-00008 Applicant Response to March 7, 2022, DAB IV Concerns
- Site Plan submitted by Applicant
- Aerial Map
- Zoning Map
- Land Use
- Photos

ZON2022-00008 Case History

- On March 3, 2022, the Metropolitan Area Planning Commission (MAPC) approved the application (12-0) subject to staff recommendation. No members of the public spoke at this public hearing.
- On March 7, 2022, District Advisory Board (DAB) IV reviewed the request and recommended denial (10-0). The discussion of the DAB included the following topics. No members of the public spoke in opposition at this public hearing.
 - Concern about future difficulty of acquiring right-of-way for the future continuation of the Kellogg Drive frontage road between Wichita and Goddard if this use is permitted to expand and manufactured homes are placed near the Kellogg freeway.
 - Notification of the renters within the existing manufactured home park to the east. The property owner is notified, and it is their responsibility to notify their renters.
 - The legalities of non-conforming uses and why a zone change is needed to expand the use.
 - Past maintenance and up-keep of the property.
- After the DAB hearing, the applicant contacted Planning Staff and raised an objection over the procedure of the DAB hearing, citing that he was not given an opportunity to speak. Their request to have the case reheard by DAB IV was initially declined. However, the DAB reconsidered and schedule an additional hearing.
- On April 4, 2022, the DAB IV reheard the application per the request of the applicant. The DAB reviewed the request and recommended denial (6-2). The discussion of the DAB included the following:
 - The recent upgrades and maintenance of the property by the owners in response the perception of neglect.
 - The board is concerned that the property will continue to be in disrepair.
- No protest petitions were received for the requested zoning change.

Applicant Response to March 7, 2022, DAB IV Concerns

This letter was drafted after the first DAB IV meeting on March 7, 2022 to address concerns brought up by the DAB as reasons to recommend denial of the initial zone change application.



Edward L. Robinson
218 N. Mosley
Wichita, KS 67202
erobinson@robinsonlawks.com
Direct dial: 316.531.6392

March 21, 2022

Phillip Zevenbergen
Senior Planner
Metro Area Planning Department
pzevenbergen@wichita.gov

Re: Rezoning Application No. 2022.0008

Dear Mr. Zevenbergen:

This firm represents Regency of Kansas, Inc., the applicant in the above-referenced Rezoning Application. On March 7, 2022, the District 4 Advisory Board reviewed the Staff Report of the Metropolitan Area Planning Commission, which had unanimously recommended that Regency's application be approved. The Advisory Board rejected the recommendation in the Staff Report and recommended that the zoning change be denied. As a result of that decision, Regency has involved my firm to contact you and request that the Advisory Board re-hear the application.

Regency has several concerns regarding what occurred during the Advisory Board's consideration of the Zoning Application. They are:

1. *Regency was not allowed to be heard on the application.* Regency and I were given a Zoom link to log in to the Advisory Board hearing. That Zoom link did not work. I was able to find a working link to the meeting on the Advisory Board's Facebook page, and through that Jon Pettit, the representative of Regency, and I were able to log in. When the Rezoning Application was addressed, Mr. Pettit repeatedly requested via the Zoom chat function that he be allowed to address the application. His presence, and his request, were not acknowledged. As a result, Regency was not allowed to say anything in favor of the Zoning Application or address the concerns of the Advisory Board.

2. *The Zoning Board misunderstood the ownership of neighboring parcels.* It appeared from the Zoning Board's discussion that it believed the parcel in the Zoning Application was the only parcel that Regency owned. That belief was incorrect. Although the parcel in the Zoning Application consists of 19 mobile-home pads, that parcel is contiguous with a parcel directly to the west, which Regency also owns, and which has 225 mobile-home pads. The parcel in the Zoning Application is part of the larger mobile-home park, but because of issues that predate Regency's ownership, the smaller parcel was not properly zoned. The Zoning Application would not change any actual or intended use of either parcel; it only cleans up the zoning records.

3. *The Zoning Board misunderstood the safety and management of the property.* At the hearing, one member of the Zoning Board stated that a murder may have occurred on the property that Regency owns and manages. That statement was incorrect. Regency's property is

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located at 16171 W. Highway 54. The murder occurred at a mobile-home park at 15301 W. Highway 54. Regency does not own or manage that mobile-home park. In addition, Regency has invested significant time and money to improve the management and appearance of its mobile-home park, and takes pride in that property.

4. *The Zoning Board misunderstood the timeline for frontage improvements of Highway 54.* At the hearing, the Zoning Board referenced that the frontage road for West Highway 54 may be continued to the west, which may affect whether the zoning change is appropriate. However, Regency has confirmed there is no funding in place at this time to continue the frontage road past 151st Street. As a result, the mobile-home park would not be affected.

5. *The Zoning Board misunderstood the effect of the application on affordable housing.* At the hearing, the Zoning Board referenced the need for affordable housing, which Regency agrees is an important issue. Regency submits the Zoning Application would increase affordable housing by making an additional 14 mobile-home pads available to the community.

Regency respects the role of the Zoning Board in the zoning process and believes the best way the Zoning Board can reach its conclusions is with complete, accurate information. Regency was not given an opportunity to speak to the Zoning Board at the hearing. Had it been given that opportunity, it could have clarified the various misunderstandings that appear to have motivated the Zoning Board's decision to reject the Staff Report's unanimous recommendation that the zoning application be approved. Regency does not consider its request in the Zoning Application to be a contentious one: at the many levels of review so far, there have been no objections to its request. Therefore, if given the opportunity to speak to the Zoning Board, Regency is confident any concerns will be fully addressed.

I look forward to hearing from you on this matter and thank you for your consideration.

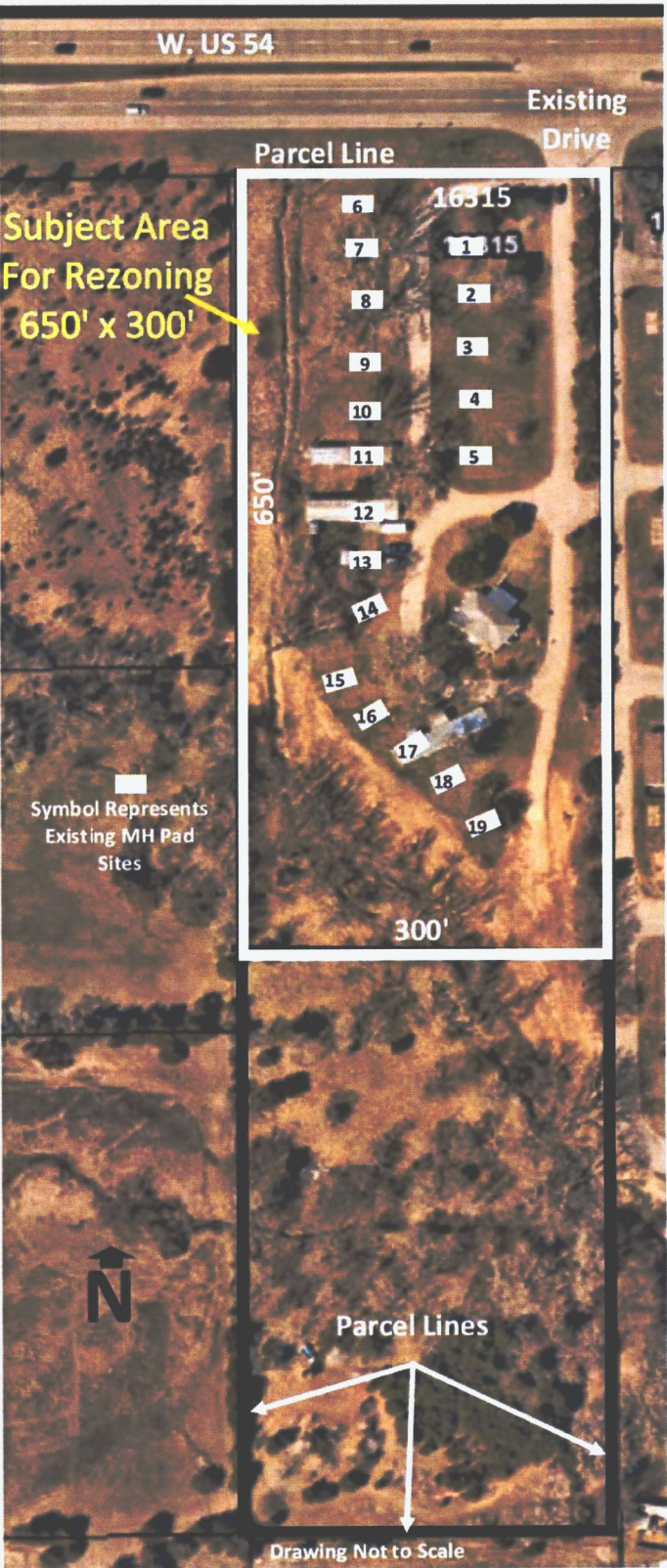
Sincerely,



Edward L. Robinson

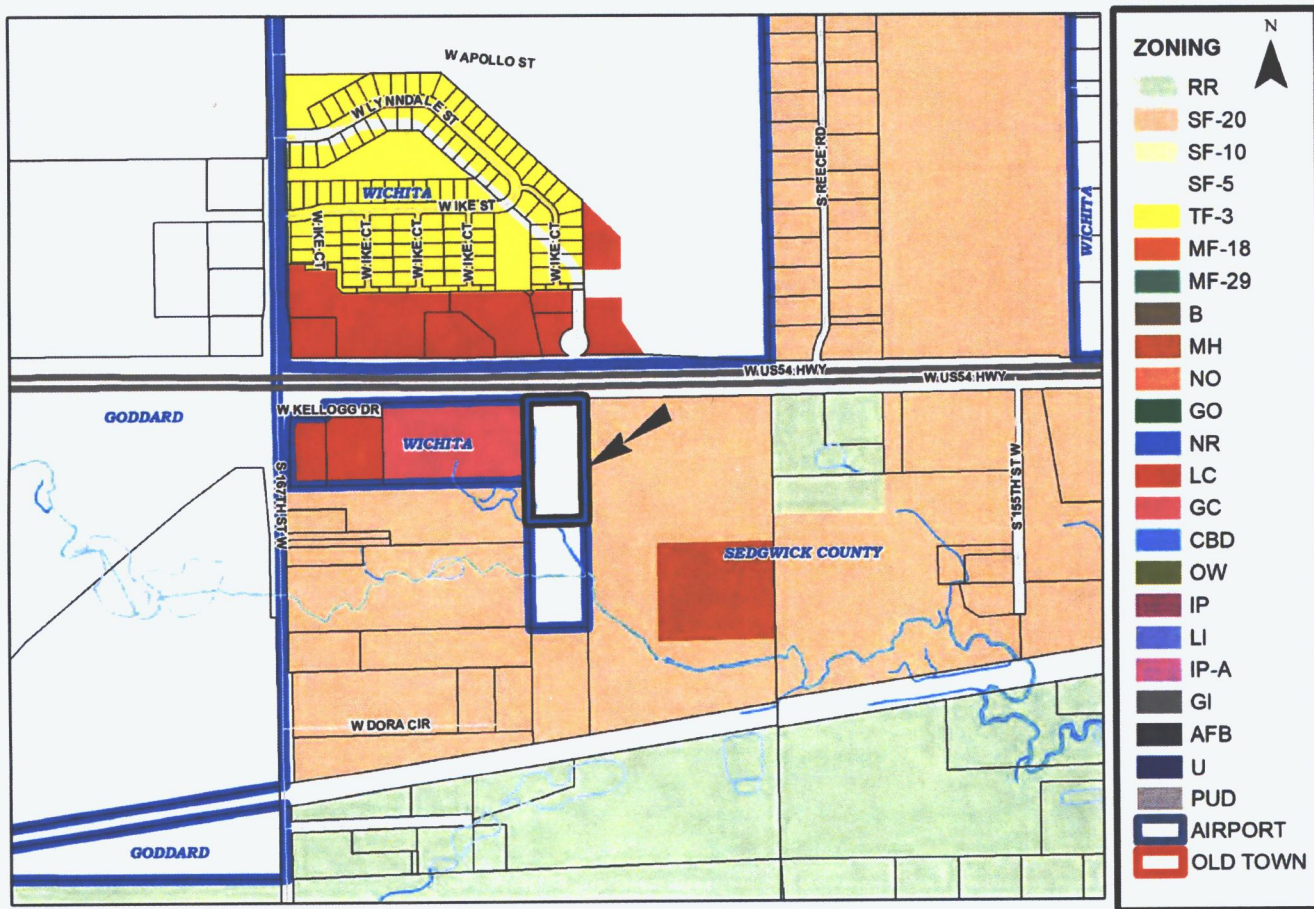
Site Plan

Rezoning from
SF5 to MH on
Parcel 650' x 300'
16315 W. Hwy 54



Ferris Consulting rv 10-11-22





2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

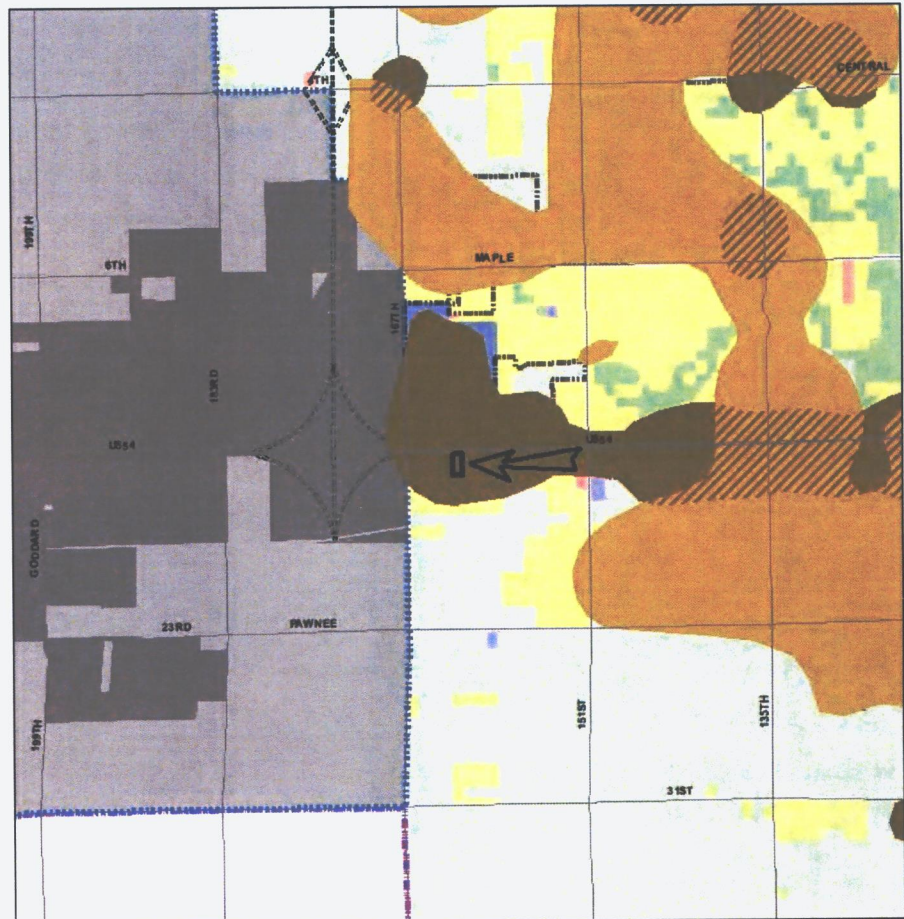
-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Wichita, Kansas
Metropolitan Area Planning Commission
2022-2035 Future Growth Concept Map



Looking southwest at entrance



Looking north away from site



Looking south at west side of property



On site looking north along entrance drive



On site looking south



On site looking east away from site



On site looking west behind community center

