

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

July 25, 1994

Jeff Lange
4911 S. Meridian
Wichita, KS 67217

RE: SCZ-0670 - Zone change from "R" Rural Residential to "R-1" Suburban Residential, generally located 1/3 mile south of 87th Street South on the east side of Broadway (US-81); AND

CU-372 - Conditional Use permit for a manufactured home subdivision, generally located 1/3 mile south of 87th Street South on the east side of Broadway (US-81).

On July 20, 1994, the Board of County Commissioners considered the above-captioned requests. The action of the County Commission was as follows:

1. APPROVE the zone change from "R" Rural Residential to "R-1" Suburban Residential, subject to platting within 1-year. At the time of platting, adequate right-of-way, access controls, and building setbacks shall be established as necessary along US-81 (Broadway).
2. DENY the request for a Conditional Use permit for a manufactured home subdivision.

The resolution authorizing the request will not be published until the plat has been recorded with the Register of Deeds. You will have until July 20, 1995 to record a plat of this property. This will be our only letter advising you of your platting deadline. If you have not recorded the plat by July 20, 1995, the case file will be marked denied and closed.

STAFF REPORT

June 16, 1994

CASE NUMBER: SCZ-0670 & CU-372

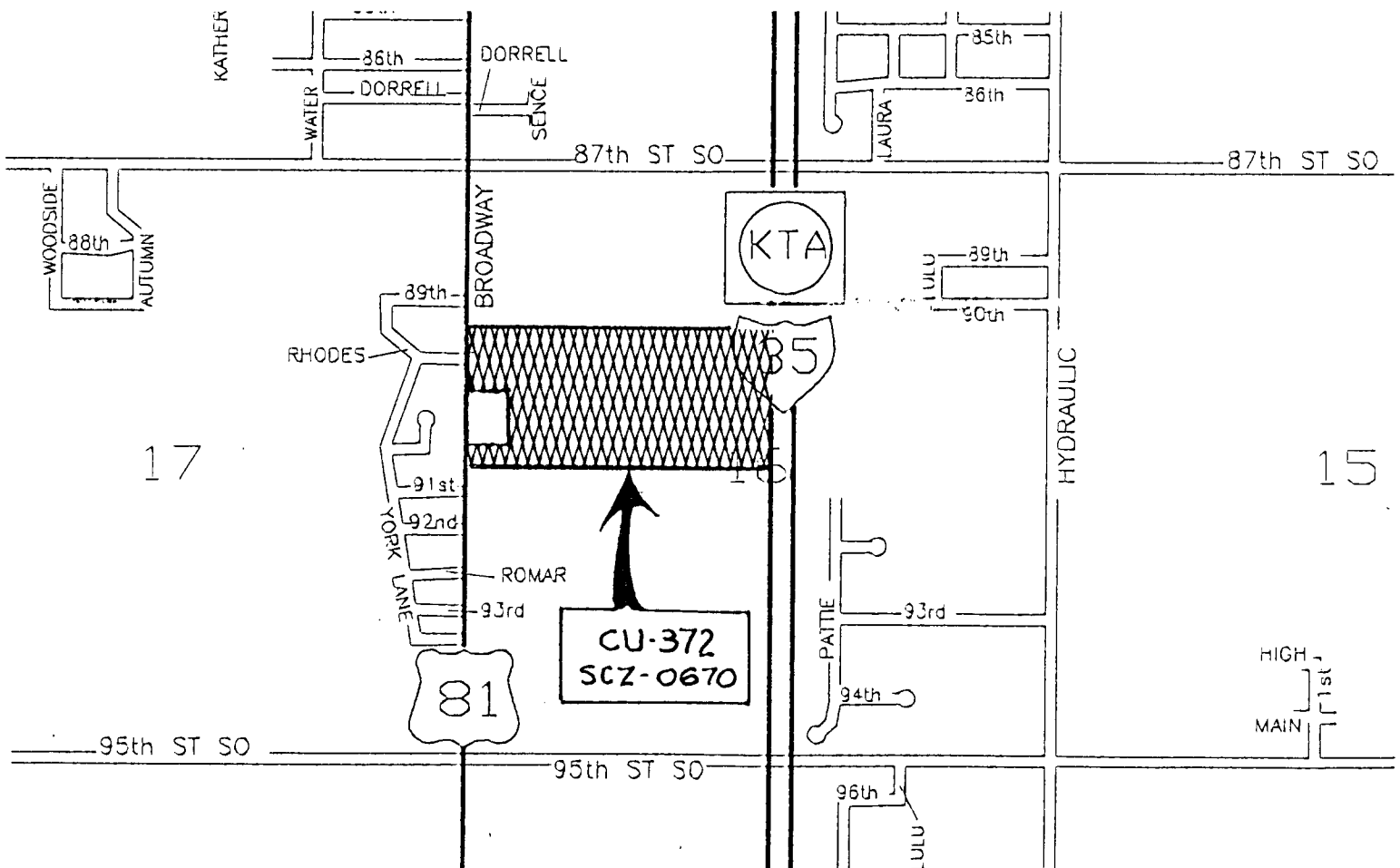
APPLICANT/AGENT: Donald E. & Delbert Roskam / Jeff M. Lange

REQUEST: Zone change to "R-1" Suburban Residential and Conditional Use permit to allow manufactured homes on individual lots to be rezoned "R-1" Suburban Residential.

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 70 acres

LOCATION: 1/3 mile south of 87th Street South on the east side of Broadway (US-81)



BACKGROUND: The applicant requests a zone change from "R" Rural Residential to "R-1" Suburban Residential for a 70 acre unplatted site located 1/3 mile south of 87th Street South on the east side of Broadway (US-81). The applicant also requests an associated Conditional Use permit for the same site to allow a manufactured home subdivision on lots of 40,000 square feet.

A manufactured home is defined by the County Zoning Code as 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. (Note: a mobile home is defined as a movable detached single-family dwelling unit ~~that~~ was manufactured prior to 1976 or is not in conformance with the HUD Code as is now required for a manufactured home.) A manufactured home subdivision is defined as two or more lots, created at the same time by division from a larger tract, which are intended to be individually owned and developed with manufactured homes and which have sanitary facilities, water, electricity and other similar utilities available to permit residential occupancy of the homes.

In Sedgwick County, a Conditional Use permit is required for manufactured home subdivisions. However, a conditional use permit is not required for residential-design manufactured homes, which are considered one-family dwellings by the Zoning Code. Residential-design manufactured homes are manufactured homes on a permanent foundation which have minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which comply with architectural and aesthetic standards specified in Section 1.E of the County Zoning Code. These standards primarily describe the minimum building materials required to qualify as a residential-design manufactured home.

The application area is currently undeveloped and used for agricultural purposes. The general area is characterized by a mixture of agricultural, suburban residential, and light commercial uses. The proposed development area is bordered by a dairy cow / feeder cow operation on the north, the Kansas Turnpike on the east, a single family residence and agricultural uses to the south, and suburban residential homes to the west. In 1956, the Oella Addition was platted on the west side of US-81 (Broadway) with residential lots of approximately 20,000 square feet in size. However, under the current Sedgwick County Sanitation Code, residential development with individual sewage disposal systems will no longer be permitted at the density as platted and developed west of the application area. Other platted subdivisions in the area have lots of approximately 1 1/2 - 2 acres in size.

According to the Hydrogeologic Map of Sedgwick County and the Environmental Constraints map of the Wichita-Sedgwick County Comprehensive Plan (Fig.3, pg.

14), the application area is characterized by shallow ground water at depths of 6 feet or less below the surface. A small area in the southwest portion of the site along Broadway is located in the 100-year floodplain according to FEMA maps.

The most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County indicates that an area in the eastern portion of the site along the drainage canal includes Lesho loam soil, which is commonly associated with wetlands. However, the Army Corps of Engineers Office in Marquette, KS has completed a preliminary site review and determined that the site does not include any wetland areas. Therefore, the applicant will not be required to acquire any wetland permits for this site.

CASE HISTORY: This area was zoned "R" Rural Residential as part of countywide zoning in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Dairy & cattle operation / agricultural uses
SOUTH:	"R"	Single family home, agricultural uses
EAST:	"R"	Kansas Turnpike (KTA)
WEST:	"R-1"	Suburban single family development

PUBLIC SERVICES: No municipal water and sewer services are available to serve this site. The proposal would require on-site sewage disposal. The Sedgwick County Sanitation Code requires a minimum 40,000 square feet per lot for properties using an individual sewage disposal system (septic tank) and a private water supply. If lagoons are used for sewage disposal, a minimum 5 acres per lot would be required. Any on-site sewage disposal will require approval by the Wichita-Sedgwick County Department of Community Health. The Health Department has completed the first round of soil tests required for this site. The tests consist of 3 new bore hole(s) and 14 percolation test(s). This information will be used to determine soil characteristics, percolation and geohydrology of the site for establishment of sewage facility requirements when issuing sewage facility permits. At this time, the Health Department has not determined if on-site sewage disposal will be permitted in this location.

The application area has access to Broadway (US-81), a 2-lane paved highway with 30 feet of existing half street right-of-way. Average daily traffic volumes (ADT) on US-81 range from approximately 8,500 ADT in Haysville to approximately 4,000 ADT near the application area. Traffic is projected to be 4,400 ADT by the year 2020. However, this portion of US-81 has a capacity of up to 5,900 ADT according to the Kansas Department of Transportation Bureau of Transportation Planning. The KTA borders the site on the east; however, access would not be permitted from that interstate highway.

CONFORMANCE TO PLANS/POLICIES: The Haysville Land Use Guide identifies a majority of the area south of Haysville within its Zoning Area of Influence (including the application area) for residential uses. The Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this area for agricultural uses. The Plan identifies Haysville's future growth area extending south from the existing city limits to 79th Street South by the year 2010, which is approximately 1 ½ miles north of the application area. Haysville officials indicate that the City has no plans to extend municipal water or sewer service to this area in the near future.

The Wichita-Sedgwick County Comprehensive Plan recommends that rural cluster development in agricultural areas of the county be promoted to allow residential uses and still preserve the rural landscape. The Plan also recommends that mobile home and manufactured home subdivisions should be located on larger tracts, buffered by physical barriers (e.g. freeways, drainageways, other land uses) from traditional single-family neighborhoods.

RECOMMENDATION: On June 9, 1994, the Haysville Planning Commission (HPC) met to consider these requests and recommended that the zone change request (SCZ-0670) be APPROVED (6-0-2), subject to platting within 1-year and subject to staff comments. The HPC also recommended that the request for a Conditional Use permit for a manufactured home subdivision (CU-372) be APPROVED (4-2-2), subject to conditions which include landscaping and screening requirements and limitations on the placement of single-wide manufactured homes. We plan to have a more complete listing of the HPC's recommendations and findings for these cases at the June 16, 1994 MAPC meeting.

Metropolitan Area Planning Department staff recommends the following:

1. APPROVE the zone change from "R" Rural Residential to "R-1" Suburban Residential, subject to platting within 1-year. At the time of platting, adequate right-of-way, access controls, and building setbacks shall be established as necessary along US-81 (Broadway). Although the Sedgwick County Development Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this area for agricultural uses, the character of this area of the County south of Haysville is a mix of agricultural, suburban residential, and commercial. Therefore, if this zoning request is approved, staff recommends that the Comprehensive Plan be amended to illustrate this general area for future Suburban Residential growth.
2. DENY the request for a Conditional Use permit for a manufactured home subdivision.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area contains a mixture of agricultural, suburban residential, and commercial uses. The site is bordered on the west by single family development which is zoned "R-1" Suburban Residential and developed with 20,000 square foot lots. However, since the development west of the application area was platted, the County's sanitation codes have been revised and residential development is no longer permitted on lots less than 40,000 square feet when using individual sewage disposal systems (septic tanks) and a private water supply.

The proposed development would surround an existing single family residence which fronts onto US-81 (Broadway) and would border single family homes and agricultural uses on the south. Suburban residential homes on the east side of KTA would be somewhat buffered from the proposed development by the interstate highway, and the properties to the south could be buffered by an existing belt of trees (if they were to be retained). However, no physical features exist to buffer the properties to the west or north of this site. Given the character of the single family residential development nearby, manufactured homes that do not meet the criteria for residential-design manufactured homes would be out of character and could create a significant visual impact upon adjacent residential properties.

2. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Assuming the Health Department will permit on-site sewage disposal, this site could be developed as a suburban single family subdivision which would also permit residential-design manufactured homes under "R-1" Suburban Residential zoning. The development of suburban single family homes (or residential-design manufactured homes) on this site would be consistent with the character of the suburban homes on the west side of Broadway. Therefore, approval of the zoning request for "R-1" Suburban Residential and denial of the conditional use permit should not impose a significant hardship upon the applicant.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan recommends that mobile home and manufactured home subdivisions should be located on larger tracts, buffered by physical barriers (e.g. freeways, drainageways, other land uses) from traditional single-family neighborhoods. The general area south of Haysville includes a mixture of suburban single family homes, residential designed manufactured homes, as well as manufacture homes and mobile homes. Due to the existing suburban development in the area, this site would be appropriate for suburban single family development (and residential-design manufactured homes), if the Health Department will permit on-site sewage disposal. However, given the character of the single family homes in the area and the lack of significant physical barriers to buffer adjacent residential properties, this site would not be appropriate for a manufactured home subdivision.

4. Impact of the proposed development on community facilities: Municipal water and sewer services are not available to serve this site and the city of Haysville has no plans to extend municipal services to this area in the near future. Therefore, any on-site sewage disposal will require approval by the Wichita-Sedgwick County Department of Community Health.

Although residential development on this site will increase traffic on Broadway (US-81), the roadway has available capacity at this time to serve development at suburban densities, and also should have capacity in the future.