Case No.: ZON2008-28 - Mobile Home Living Inc., (owner), Ruggles & Bohm c/o Tom Ruggles (agent)
Request City zone request on a parcel with no zoning to MH Manufactured Housing on property described as:

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the South Section line, North 89 degrees 40' East, 2523.94 feet from the Southwest Corner of said Section 22; thence continuing along said line, 327 feet to a point on the West Right of Way of the Wichita and Valley Center Riverside Levee; thence along said West Right of Way, North 24 degrees 28' West, 328.73 feet; thence South 89 degrees 40' West, 192.59 feet; thence South 00 degrees 20' East, 300 feet to the point of beginning. Generally located 1/2 mile east of Hydraulic Avenue at 55th Street South and abutting the Arkansas River.

BACKGROUND: The application area is an unzoned parcel along the Arkansas River. The property is under the same ownership as the mobile home park to the north and west of the site. The applicant wishes to develop the site with storage for the mobile home park and therefore requested a rezoning to MH Manufactured Housing (“MH”). The property is currently unplatted; however, the applicant has initiated the platting process.

Property north and west of the site is zoned MH and is developed with manufactured home pad sites. Property south of the site is zoned SF-5 Single-family Residential and utilized as a municipal sewage treatment site. Property east of the site is the unzoned Arkansas River.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

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PUBLIC SERVICES: The site has access from Spruce Ave., a two-lane paved private street internal to the larger mobile home park. City water and sewer are available at the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property north and west of the site is zoned MH and is developed with manufactured home pad sites. Property south of the site is zoned SF-5 Single-family Residential and utilized as a municipal sewage treatment site. Property east of the site is the unzoned Arkansas River.

2. The suitability of the subject property for the uses to which it has been restricted: The site cannot be developed if unzoned, therefore the property is not suitable for the uses to which it has been restricted.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will allow the site to be used for manufactured housing, or in support of a manufactured housing development. There should be no detrimental effect on nearby property.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality.

5. **Impact of the proposed development on community facilities:** The proposed zone change should have no impact on community facilities.

**DONNA GOLTRY (FOR JESS MCNEELY),** Planning staff presented the staff report.

**FOSTER** asked specifically what type of storage will be allowed.

**GOLTRY** said the types of items that people would store in sheds and garages. She said the applicant also wants to use the building as a maintenance facility for the manufactured home park.

**FOSTER** asked about storage of vehicles.

**GOLTRY** responded no.

**MITCHELL** asked about the east line of the property and the levee right-of-way.

Staff couldn’t respond to that question.

**TOM RUGGLES, RUGGLES & BOHM, AGENT FOR THE APPLICANT,** gave a brief history of the property explaining that this back corner was an exception of the original plat of the mobile home park, which was platted in 1988. He said the mobile home park was sold in 2005 and the current owner’s intent is to use the building as a storage and maintenance facility and storage facility for the mobile home park tenants. He said this Commission had previously approved the plat and conditions in May, 2008. He said the owner was willing to sign a covenant and in addition, there is language on the face of the plat that limits use of this property to a maintenance and storage facility.

**HILLMAN** asked about screening.

**RUGGLES** responded he believed the zoning regulations required a screening fence, similar to what already exists around the mobile home park.

**HILLMAN** said control of access to the materials such as gasoline and mowers might be of interest to the owner.

Responding to **MITCHELL’s** earlier question concerning the levee right-of-way, **RUGGLES** said the east line of the tract is in alignment with the west high bank line as it continues north, as it was platted in the addition to the north.

**MOTION:** To approve subject to staff recommendation.

**MARNELL** moved, **ANDERSON** seconded the motion, and it carried (10-0).