



Wichita-Sedgwick County Metropolitan Area Planning Department

May 20, 2019

Via Christi Regional Medical Center
929 North St. Francis
Attn: Elyssa Carter
Wichita, KS 67214

DCCCA, Inc.
Attn: Diane Born
1319 West May Street
Wichita, KS 67213

RE: CON2019-00004 - City request to approve a Conditional Use Permit to permit a Correctional Placement Residence, General, on property zoned GO located south of Orme Street and west of the Kansas Turnpike Interchange at Kellogg (8901 East Orme Street).

Dear Applicants:

At its regular meeting on **May 7, 2019**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the recommendation of the Metropolitan Area Planning Commission and approve the Conditional Use Permit as outlined in the attached Resolution. The vote of the City Council was 7 to 0.

At the same Council meeting, the Resolution waiving the 1,200 foot spacing required for placement of a Correctional Placement Residence according to Title 20.08.120.(a) was approved by a vote of 7 to 0. A copy of that Resolution is also attached.

This concludes this case and the zoning action is considered closed.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: WCC II, Becky Tuttle, Mail Stop 1-13
Cory Buchta, CSR II, Mail Stop 1-135
Paul Hays, MACBD, Mailstop 1-72
J.R. Cox, Zoning Enforcement
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71

RESOLUTION No. 19-161

A RESOLUTION APROVING CON2019-00004 AUTHORIZING A CORRECTIONAL PLACEMENT RESIDENCE, GENERAL ON APPROXIMATELY 7.59 ACRES ZONED GO GENERAL OFFICE (GO) LOCATED SOUTH OF EAST ORME AND WEST OF THE EAST WICHITA INTERCHANGE AT THE KANSAS TURNPIKE, 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 to allow a Correctional Placement Residence, General, on property zoned GO General Office (GO) generally locate on the south side of East Orme Street and west of the East Wichita Interchange to the Kansas Turnpike and legally described below:

Case No. CON2019-00004

A Conditional Use Permit to allow a Correctional Placement Residence, General, on approximately 7.59-acres zoned GO General Office (GO), and described as:

Lot 3, East Turnpike Entrance 2nd Addition to Wichita, Sedgwick County, Kansas, except the East 143. 00 feet thereof; and also except a portion of said Lot 3 described as commencing at the northwest corner of Lot 3, East Turnpike Entrance 2nd Addition, Wichita, Sedgwick County, Kansas, thence following a curve to the right along the north line of said Lot 3 southeasterly 168. 87 feet, thence following a curve to the left along the north line of said Lot 3 easterly 218.30 feet, thence southeast along the north line of said Lot 3 a distance of 244.00 feet, thence southeast a distance of 361. 80 feet, thence southeast a distance of 154.00 feet, thence northeast a distance of 100.00 feet, thence northwest a distance of 90.00 feet, thence northeast a distance of 283. 00 feet to the point of beginning, generally located south of East Orme Street and west of the East Wichita Turnpike Interchange at 8901 East Orme Street.

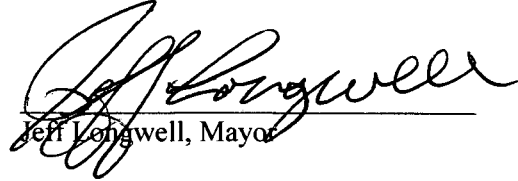
SUBJECT TO THE FOLLOWING CONDITIONS:

1. This Conditional Use approval permits a “correctional placement residence, general” only as defined by the Wichita-Sedgwick County Unified Zoning Code.
2. The occupancy of the correctional placement residence, general, shall be limited to 80 person maximum.
3. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

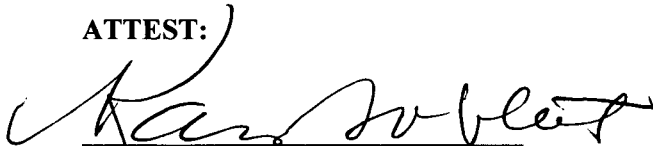
SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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 ^{7th}~~5th~~ day of May, 2019.

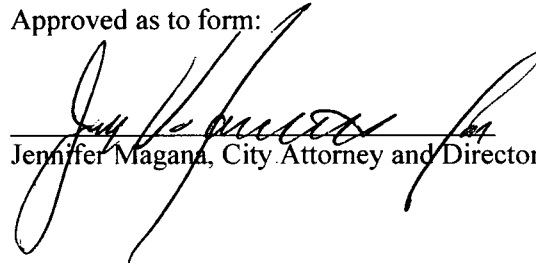

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk
(SEAL)



Approved as to form:


Jennifer Magana, City Attorney and Director of Law

RESOLUTION NO. 19-162

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA
WAIVING THE 1,200 FEET SPACING REQUIRED UNDER TITLE 20.08.120.(a) OF THE
CITY CODE FOR A CORRECTIONAL PLACEMENT RESIDENCE.

WHEREAS, The Wichita City Council has adopted the Wichita-Sedgwick County Unified Zoning Code, which defines Correctional Placement Residences, and regulates the placement thereof; and

WHEREAS, The Wichita City Council has adopted Title 20.08 of the City Code which further regulates the placement and the operations of Correctional Placement Residences; and

WHEREAS, Title 20.08.120.(a) of the City Code requires a 1,200 feet separation for Correctional Placement Residences from certain uses including day care centers or facilities, private businesses that primarily serve children and/or youth under the age of eighteen (18), and residential zoning districts; and

WHEREAS, DCCCA, Inc. has purchased the property located at 8901 E. Orme Street, and desires to utilize the site for both residential and outpatient drug and alcohol treatment services; and

WHEREAS, in the normal course of the operation of the facility there may at times be more than two (2) persons under court supervision residing at the property, thereby requiring the use be classified a Correctional Placement Residence; and

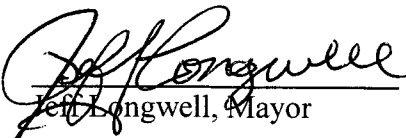
WHEREAS, there are day care centers or facilities, private businesses that primarily serve children and/or youth under the age of eighteen (18), and residential zoning districts within 1,200 feet of the subject property; and

WHEREAS, as allowed under Title 20.08.120.(d) of the City Code, DCCCA, Inc. requests a waiver of the 1,200 feet spacing for a Correctional Placement Residence required under Title 20.08.120.(a) of the City Code.

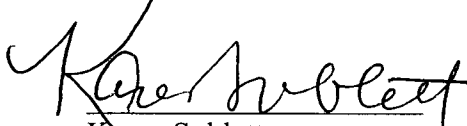
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wichita that:

1. The application of the 1,200 feet spacing requirement for a Correctional Placement Residence located at 8901 East Orme Street, as required under Title 20.08.120.(a) of the City Code, is hereby waived.
2. The Correctional Placement Residence License may be issued even though the subject property does not meet the 1,200 feet spacing requirement, but only if in compliance with all other applicable regulations.

Adopted by the City Council of the City of Wichita this 7th day of May, 2019.

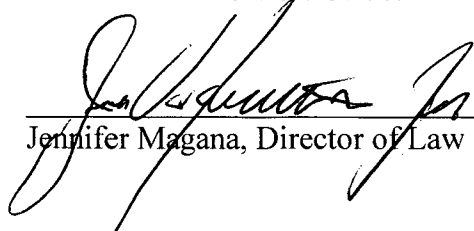

Jeff Longwell, Mayor

ATTEST:


Karen Sublett
City Clerk



APPROVED AS TO FORM:


Jennifer Magana, Director of Law

CASE NUMBER: CON2019-00004

APPLICANT/AGENT: Via Christi Regional Medical Center, Inc. – Elyssa Carter (Owner) /
DCCCA, Inc. – Diane Born (Contract Buyer/Agent)

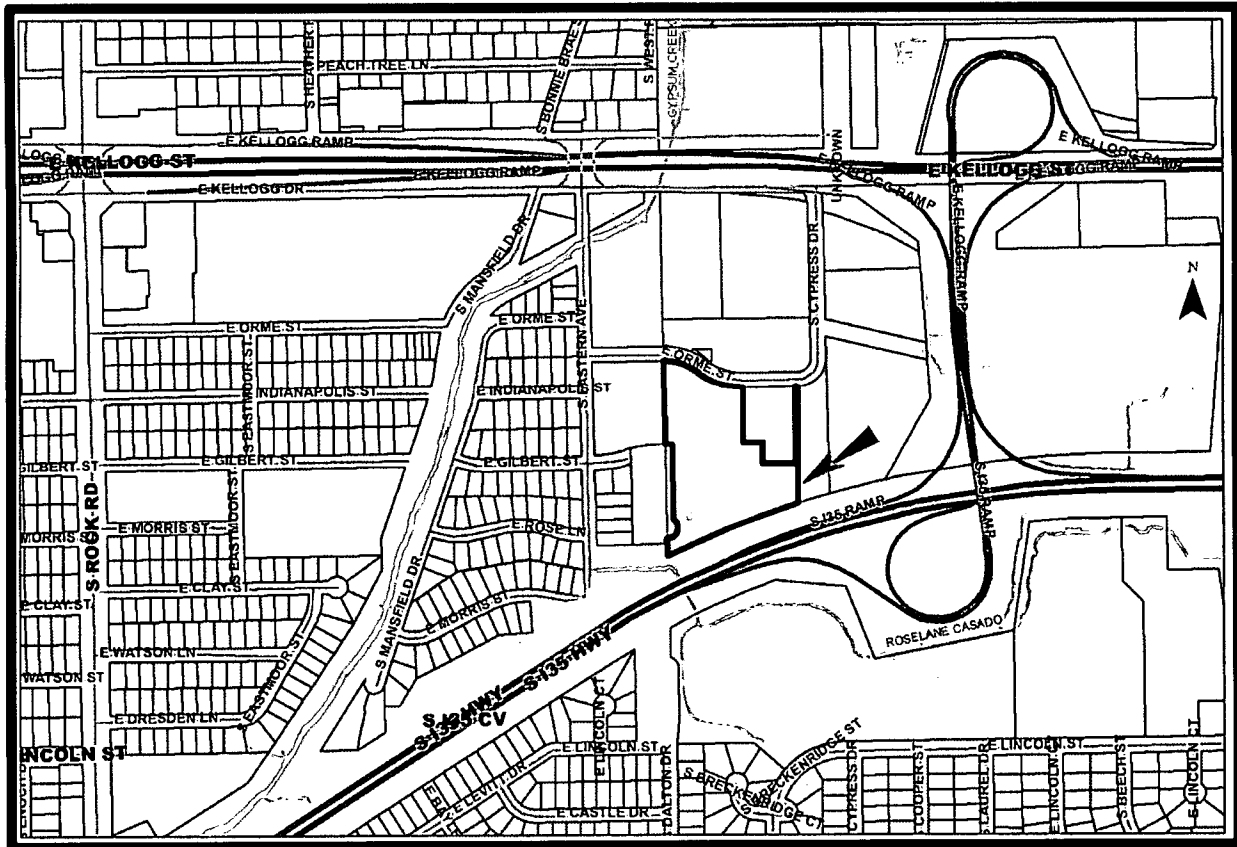
REQUEST: Conditional Use to permit a “correctional placement residence, general:

CURRENT ZONING: GO General Office

SITE SIZE: 7.59 acres

LOCATION: South of East Kellogg and east of the Kansas Turnpike exchange on the
south side of East Orme Street (8901 East Orme Street)

PROPOSED USE: Correctional Placement Residence, General



BACKGROUND: The applicant is seeking “conditional use” approval for a “correctional placement residence, general” on 7.59 acres located south of Kellogg and west of the Turnpike Interchange on the south side of East Orme Street (8901 East Orme Street) that are zoned GO General Office (GO). The property is developed with an approximately 58,523 square-foot building built in 1986 that is currently being used as a facility for housing of psychiatric and mental health services by Via Christi Behavioral Health Center. The Sedgwick County Appraiser’s Office also shows a use of a skilled nursing use. The applicant, DCCCA, Inc., presently operates a facility that is classified as a Correctional Placement facility at 122 North Millwood in Wichita and intends to move its operation to the subject property. The move to this location will provide more space and outdoor area for its clients and operations.

According to the application information, the applicant provides many programs, including substance use disorder treatment programs, some of which are connected to referrals from Community Corrections, which is why the use is classified as a “correctional placement residence, general” under the Wichita-Sedgwick County Unified Zoning Code (UZY). The applicant has stated this is not a “lock-down” facility”, but does operate with strict management of the freedom of clients to come and go to the facility while housed there.

The Wichita-Sedgwick County Unified Zoning Code defines a “correctional placement residence” as:

Correctional Placement Residence means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees; (5) received a deferred sentence and placed in facilities operated by community corrections; or (6) require court ordered guidance services for alcohol or chemical dependence. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

The UZY then defines a “correctional placement residence, general” as:

Correctional Placement Residence, General means a facility occupied by more than 15 individuals, including staff members who may reside there.

The UZY permits a “correctional placement residence, general” as a use by right in the GO General Office district; however, under the provisions of the Supplementary Use Regulations in Section III-D(6)(h):

h. Correctional Facility and Correctional Placement Residence. Although listed as permitted uses in certain Districts, Correctional Facilities and Correctional Placement Residences, Limited and General, shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 750 feet (measured from property line to property line) of a residential zoning District, unless separated by a Major Barrier. Correctional Placement Residences shall comply with all applicable federal, state and local regulatory requirements, and if such facilities are not directly operated by a unit of government they shall meet licensure requirements that further specify minimum service standards.

The subject property adjoins property zoned SF-5 Single-Family Residential (SF-5) and B Multiple-Family Residential (B) to the west, which requires the Conditional Use based on the above requirement.

The applicant has submitted an aerial of the existing facility as its site plan. No new construction is shown on the site plan. The only modifications will be made to the interior of the existing buildings.

The property north of the subject property is zoned GC General Commercial (GC) and mostly occupied with a car dealership. Property east of the site is zoned GO General Office and developed with a medical office building. Property west of the site is zoned B Multiple-Family Residential (B) and SF-5 Single-Family Residential. The Multiple-Family Residential property is developed with an apartment complex, and the Single-Family Residential property is developed with single family homes. To the south of the subject property is the Kansas Turnpike.

CASE HISTORY: The East Turnpike Entrance 2nd Addition to the City of Wichita was recorded with the Sedgwick County Register of Deeds on January 20, 1975. In May of 1986, the Charter Hospital was granted a variance for a sign on this property. There are no other zoning cases shown as occurring at this location.

ADJACENT ZONING AND LAND USE:

North:	GC	car dealership, commercial
South:		Kansas Turnpike
East:	GO	Medical Offices
West:	B and SF-5	Apartment Complex, single family residential

PUBLIC SERVICES: The site is currently served by the usual public and private utilities and services. The site has direct access to Orme Street, which is a paved, two-lane improved street and connects to Kellogg Drive to the north by way of Cypress Drive on the east and Eastern Avenue on the west.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map depicts this location as appropriate for “commercial” uses. The “commercial” category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The conversion of this building to the correctional placement residence, general, use is within the spirit and intent of the Comprehensive Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED** subject to the following conditions:

1. This Conditional Use approval permits a “correctional placement residence, general” as defined by the Wichita-Sedgwick County Unified Zoning Code.
2. The site shall be built, maintained and operated in conformance with the approved site plan (aerial) and in compliance with all applicable local, state and federal regulations, codes or laws.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property north of the subject property is zoned GC General Commercial (GC) and mostly occupied with a car dealership. Property east of the site is zoned GO General Office and developed with a medical office building.

Property west of the site is zoned B Multiple-Family Residential (B) and SF-5 Single-Family Residential. The Multiple-Family Residential property is developed with an apartment complex, and the Single-Family Residential property is developed with single family homes. To the south of the subject property is the Kansas Turnpike.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GO and has been used as a medical facility for years. This use is consistent with the uses that have occurred at this location and will essentially result in no change of activity.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties to any greater extent than the present behavioral health center operated by Via Christi.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would contribute to the public's safety by increasing the operation of this business which supports the overall justice system of the community. Denial of the request would require the applicant to look for another site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map depicts this location as appropriate for "commercial" uses. The "commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The conversion of this building to the correctional placement residence, general, use is within the spirit and intent of the Comprehensive Plan.
6. Impact of the proposed development on community facilities: None identified. The site is currently developed and served by all usual public and private services. Approval of the request will not increase demand on community services or facilities.



8901 East Orme



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

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