WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

August 1, 1997

Edmond Brown
1001 E 9th
Wichita, KS 67214

RE: CU-446 - Conditional use to allow a correctional placement facility, general on property zoned "LI" Limited Industrial and generally located on the southeast corner of Washington & 9th Street

Dear Mr. Brown:

At its regular meeting on July 17, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated July 21, 1997.

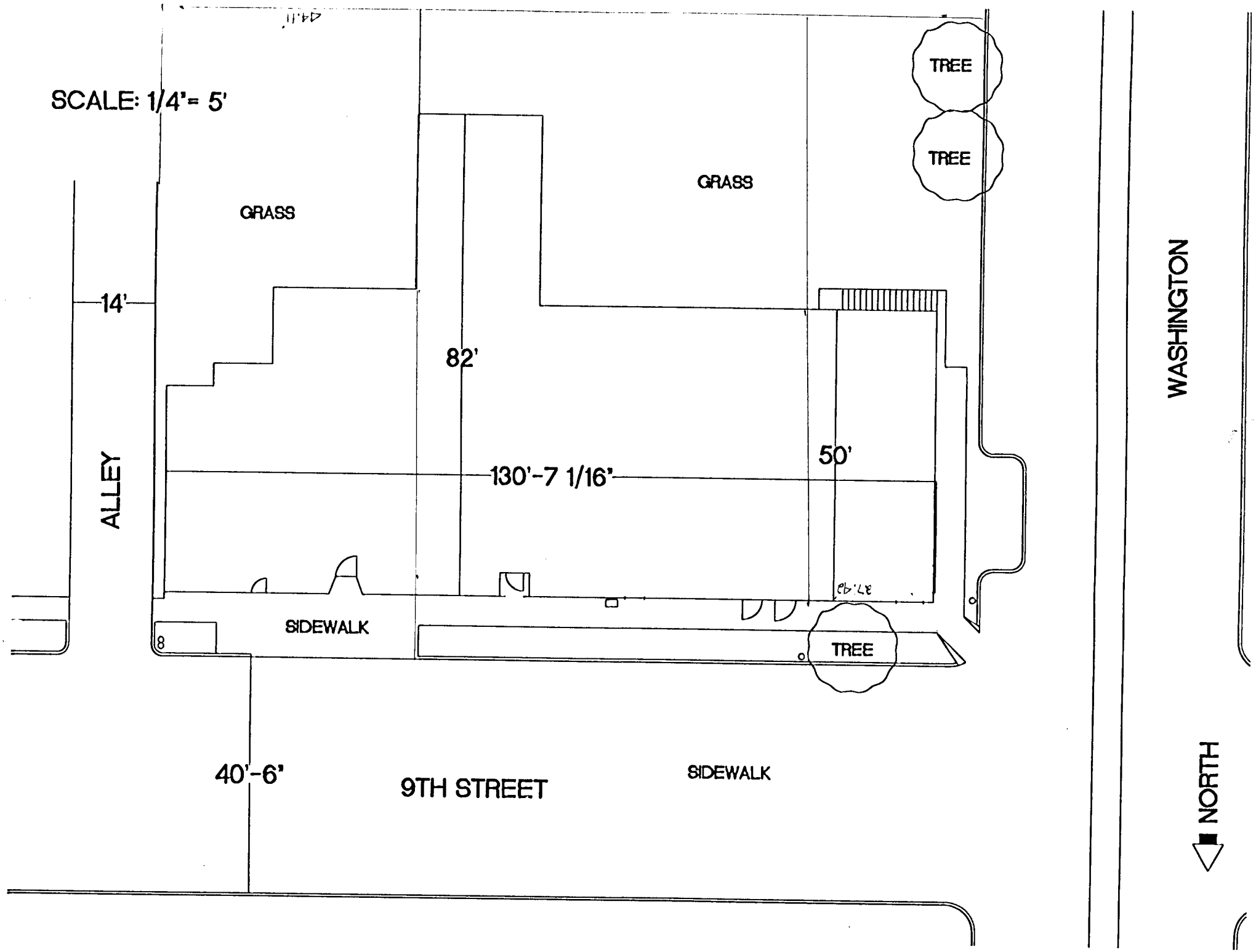
This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lawrence P. Mitchell
Senior Planner

LPM/sh

cc: Peggy Franklin-El, 1015 E. 9th, Wichita, KS 67214
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection


SCALE: 1/4"= 5'
TREE
TREE
GRASS
GRASS
14'
82'
50'
130'-7 1/16"
ALLEY
WASHINGTON
SIDEWALK
TREE
40'-6"
9TH STREET
SIDEWALK
NORTH

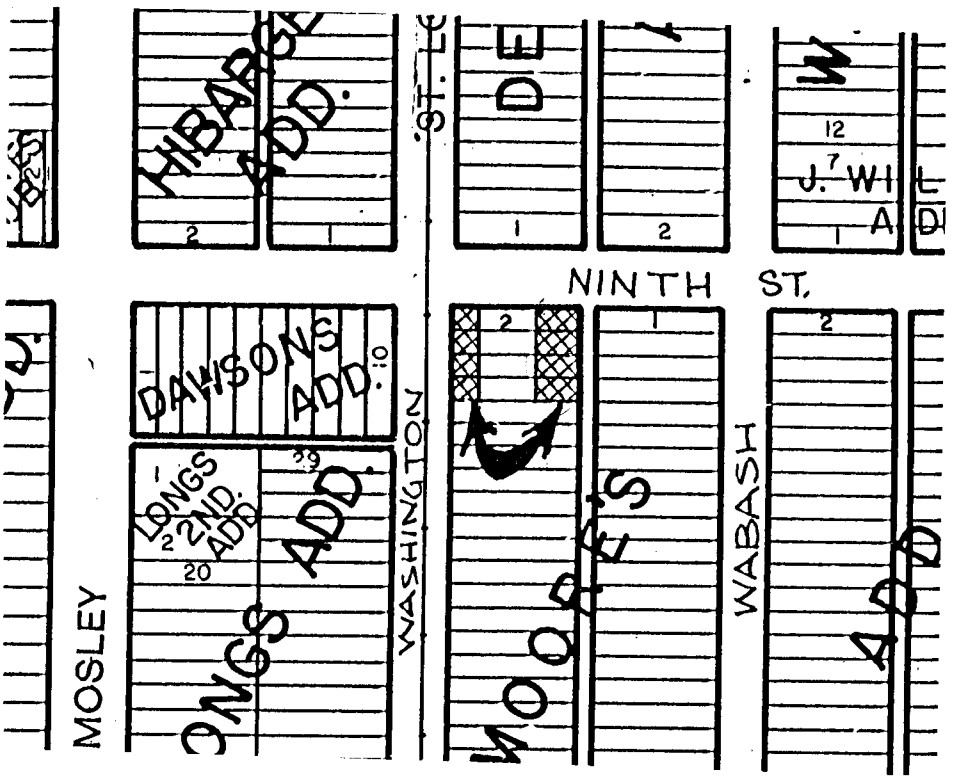
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

CPO July 14, 1997
MAPC July 17, 1997

CASE NUMBER:	CU-446
APPLICANT/AGENT:	Edmond Brown (applicant); Peggy Franklin-el (agent)
REQUEST:	Correctional Placement Facility, General
CURRENT ZONING:	"LI" Limited Industrial
SITE SIZE:	28' x 100'
LOCATION:	Southeast corner of Washington and 9th Street
PROPOSED USE:	Correctional Placement Facility



BACKGROUND: The applicant, Edmond Brown, requests a conditional use to allow a Correctional Placement Residence, General use on a 2800 square-foot site, zoned "LI" Limited Industrial. The residential component of correctional placement residence is located within a structure located on the southeast corner of Washington and 9th Street (1001 E. 9th). The building will have a maximum capacity of 20 clients and two staff members at any given time.

The executive director, Peggy Franklin-el, has indicated that the program being operated at this site by "Success Re-Integration" is a State of Kansas licensed outpatient/counseling/diagnostic/referral/continuing care program as well as being a licensed re-integration half-way facility.

The Unified Zoning Code defines a correctional placement residence as: 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 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 program, or a privately owned 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 which further specify minimum service standards. Although listed as a permitted use in certain districts, correctional placement residences are always to be considered conditional uses when located within 750 feet of a residential zoning district, unless separated by a major barrier. In this case "B" Multiple Family zoning is located approximately 150 feet southeast of the application area.

The Success Re-Integration is being required to obtain licensing by the City of Wichita, which is being coordinated by the Office of Central Inspection. There are a number of City and County Departments involved with the licensing process including Police, Fire, Health Department and Central Inspection. Only upon passing inspection by all of these agencies will Success Re-Integration be allowed to continue to operate on this site.

It is also noted that the applicant does not have any off-street parking on his site. The applicant will be required to provide off-street parking per the zoning code or request and receive a variance in the parking requirements from the Board of Zoning Appeals.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Manufacturing (sheet metal)
SOUTH:	"LI"	Outdoor Storage (dumpsters)
EAST:	"LI"	Store Fronts (vacant)
WEST:	"LI"	Building Supplies (Kamen Supplies)

PUBLIC SERVICES: Municipal water and sewer service is available to this site. The property is located on the southeast corner of Washington and 9th Street but currently does not have a curb cut to either of the streets.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as low density residential.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The use of this site is limited to the existing building as depicted on the site plan submitted by the applicant.

2. Upon a finding by the Office of Central Inspection that this facility at any time does not pass all requirements for licensing this conditional use shall be declared null and void.

3. The applicant shall provide off-street parking spaces per the zoning code or request and receive a variance from those requirement by the Board of Zoning Appeals.

4. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding properties are all zoned "LI" Limited Industrial and are developed with a variety of more intensive uses. The use and character of the site as proposed should be less intensive than the uses on adjoining properties.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The use of this site as described should not have a detrimental impact on the area. The single-family homes which are developed in the "B" Multi-Family District are located southeast of the application area and front onto Wabash Street.

3. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low density residential uses. Although the area is not currently developed with residential use the proposed use will not have a negative impact on uses in the area.

4. Impact of the proposed development on community facilities: The proposed use should not have a negative impact on community facilities in the area.