

CONDITIONAL USE RESOLUTION NO. CU- 9

WHEREAS, Lloyd Kang (Applicant/Property Owner) and City of Wichita, Municipal Court (Dennis Morgan, Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a "General Correctional Placement Residence" Within 750 Feet of "SF-6" Single-Family Residential described as:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located west of Bonnie Brae Street, North of Kellogg Drive.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of March 16, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use to allow a "General Correctional Placement Residence" within 750 Feet of "SF-6" Single Family Residential described as:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located west of Bonnie Brae Street, North of Kellogg Drive.

subject to the following conditions:

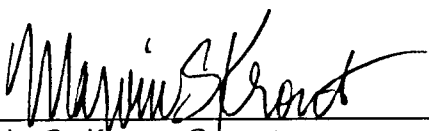
1. The applicant shall obtain all federal, state and local permits.
2. The use of this site for a "correctional placement residence" shall be restricted to first-time DUI offenders, in which clients are in residence for no longer than three days; the maximum number of clients at any one time is 40; two security guards are to be present when the clients are in residence, and the program must be operated by either a City or County agency. The Conditional Use will have a three-year time limit. At the end of this three-year time period, the program will be reviewed by Office of Central Inspection staff. The lease may be either be terminated or extended if there is no problems.
3. Any violation of the conditions approved, as a part of this request, shall render the Conditional use null and void.

Adopted this 16th day of March, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

RUTH ADDITION

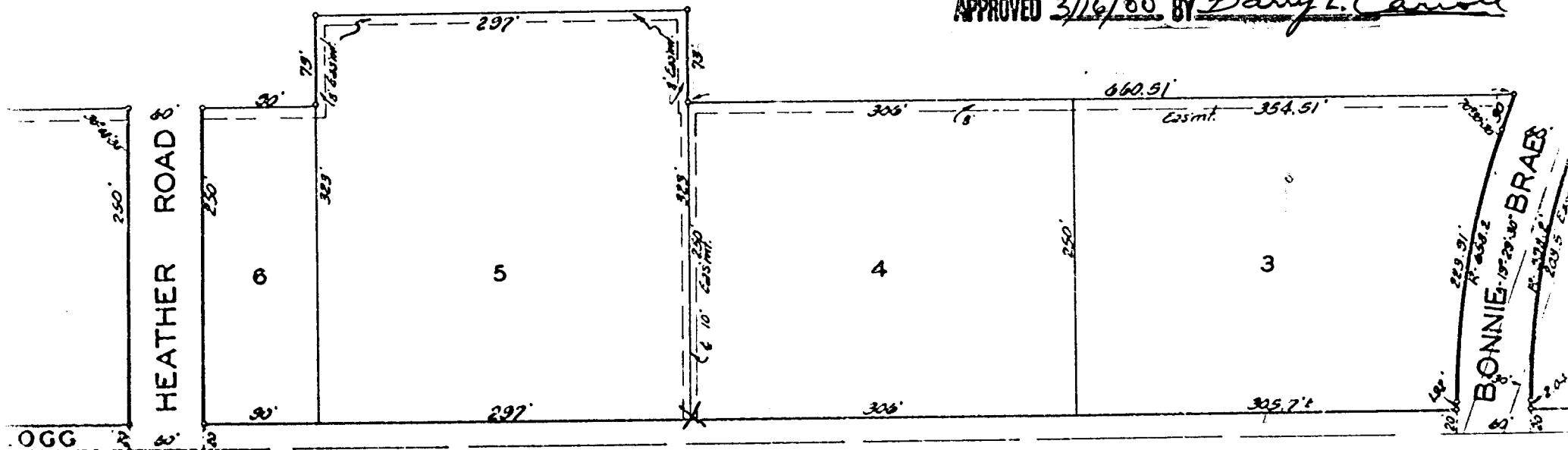
TO WICHITA, KANSAS.

SITE PLAN

- 1727-17

- 1727-18

APPROVED 3/16/00 BY Barry L. Carroll



(U. S. 54)

Surveyor in 1727 we Hannah B. Ruth, a widow, and Otis L. Sims and

Kansas has been

STAFF REPORT
MAPC – March 16, 2000

CASE NUMBER: CU-569

APPLICANT/AGENT: Lloyd Kang (Applicant/Property Owner)
City of Wichita, Municipal Court (Dennis Morgan, Agent)

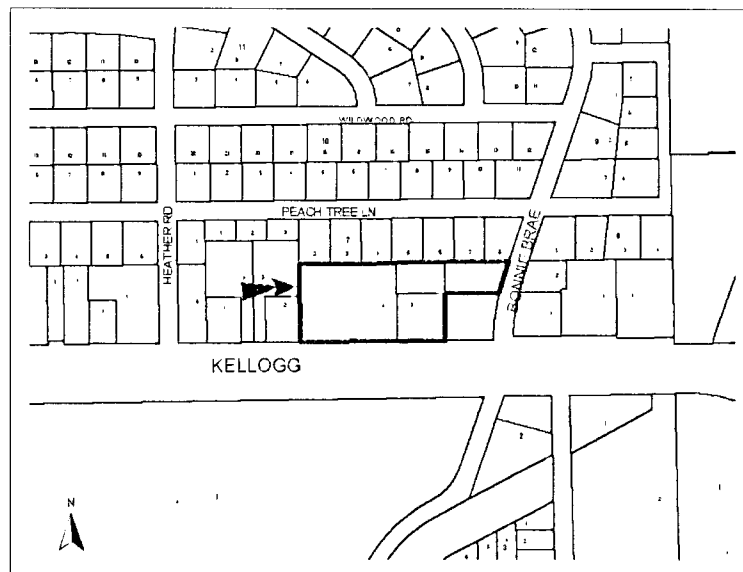
REQUEST: *Conditional Use to Allow a "General Correctional Placement Residence" Within 750 Feet of "SF-6" Single-Family Residential*

CURRENT ZONING: *"LC" Limited Commercial*

SITE SIZE: Six (6) acres

LOCATION: West of Bonnie Brae Street, North of Kellogg Drive

PROPOSED USES: Short-Term Incarceration and Education for First Time Driving Under the Influence (DUI) Offenders



BACKGROUND: The Municipal Court, City of Wichita, is requesting approval of a *Conditional Use Permit* in order to allow the continued operation of the *Wichita Intervention Program (WIP)* on property zoned “LC” *Limited Commercial*. The *Williamsburg Inn*, located at 8300 East Kellogg, was recently chosen as the facility to provide services for the *WIP*. The six-acre application area is located west of *Bonnie Brae Street* and north of *Kellogg Drive* (see map). The application area is currently developed and is the site of *The Williamsburg Inn*.

The *Wichita Intervention Program (WIP)* has been in operation since 1984. This innovative program was designed by the *Municipal Court* to provide short-term incarceration and education for first time Driving Under the Influence (DUI) offenders. The *WIP* is held on weekends from 5 p.m. on Fridays until 5 p.m. on Sundays. During the weekend, the participants receive 20 hours of education related to drinking and driving. A group facilitator and four to five guest speakers provide education. Two security guards are on duty during the weekend. There are 20-40 participants on each scheduled weekend. The program is held 40 to 45 weekends per year. The designated facility provides meals, lodging and a meeting room for participants during the weekend. The participants pay for their attendance at the program and are not permitted to leave the facility once the session has begun.

The *WIP* satisfies the minimum requirements for incarceration and education for first time DUI offenders. The program benefits the community by relieving jail overcrowding and reducing repeat DUI offenders. Since 1984, the program has been held in six different facilities. [The first facility was at Newman University, the next three in area hospitals and the last two were in hotels that subsequently closed.] Residents from the various neighborhoods near these facilities have made no complaints (that staff is aware of). Municipal Court staff is requesting a *Conditional Use Permit* so that the *WIP* may continue at this current location. The *WIP* began operation in *The Williamsburg Inn* during November 1999. There were five weekend programs before it was determined that a *Conditional Use Permit* was needed. Currently, there are no weekend sessions taking place. There have been no neighborhood complaints.

Lighting for the facilities is currently reflected away from any adjoining residential uses per zoning ordinance. *WIP* participants will park in the paved parking lot provided by *The Williamsburg Inn*.

Finally, under the existing Unified Zoning Code, a “*General Correctional Placement Residence*” requires a *Conditional Use* when in a “LC” *Limited Commercial District* that has single-family zoning located with 750 feet of the application area.

CASE HISTORY: The property was officially platted as the *Higgins-Andeel 2nd Addition* on April 25, 1974. Adjacent land uses are commercial in nature, except for property located to the north that is residential. Adjacent land is zoned “LC” *Limited Commercial* or “SF-6” *Single-Family Residential*. A gas station is located to the east, another motel is located to the west, a shopping center is located south of Kellogg and single-family residences are located to the north.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-6” Single-Family Residential	Single-Family Residential
EAST:	“LC” Limited Commercial	Business (Gas Station)
SOUTH:	“LC” Limited Commercial	Business (Eastgate Mall)
WEST:	“LC” Limited Commercial	Business (Motel)

PUBLIC SERVICES: The site has access from *Kellogg Drive*. Traffic volumes generated by this use are projected to be inconsequential when compared to the traffic volumes on East Kellogg (US 54). The average attendance per weekend is estimated to be 20-40 persons who are not allowed to leave the facility until the sessions are over. Water and sewer services are currently available to this site.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as “commercial.” *The plan contains strategies concerning “public safety services which states that the City is to coordinate and consolidate the planning, design and implementation of new/existing facilities to maximize cost efficiency and public safety” and ... “to closely monitor all current detention facilities in order to meet future space needs in the county.”* The *WIP* will help eliminate overcrowding of the jail plus it is not cost effective for the City to construct a facility for weekend use only. The *WIP* is an example of a “public and private partnership” that ultimately reduces costs to the taxpayers while promoting public safety.

RECOMMENDATION: Since 1984, *The Wichita Intervention Program (WIP)* has been held in six different facilities. Residents from the various neighborhoods near these facilities have made no complaints about the *WIP* over the years. The *WIP* satisfies the minimum requirements for incarceration and education for first time DUI offenders. The program benefits the community by relieving jail overcrowding and reducing repeat DUI offenders

Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The applicant shall obtain all federal, state and local permits.
2. The use of this site for a "*correctional placement residence*" shall be restricted to first-time DUI offenders, in which clients are in residence for no longer than three days; the maximum number of clients at any one time is 40; two security guards are to be present when the clients are in residence, and the program must be operated by either a City or County agency. The *Conditional Use* will have a three-year time limit. At the end of this three-year time period, the program will be reviewed by Office of Central Inspection staff. The lease may be either be terminated or extended if there are no problems.
3. Any violation of the conditions approved, as a 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: Most of the area is zoned "*LC*" *Limited Commercial* and the adjacent neighborhood to the north is zoned "*SF-6*" *Single-Family Residential*. The character of the neighborhood is one of mixed uses with commercial uses on the east, south and west and single-family homes to the north.
2. The suitability of the subject property for the uses to which it has been restricted: The purpose of the "*LC*" *Limited Commercial District* is to accommodate retail, commercial, office and other complementary land uses. The site is currently operating as a motel and could operate as a motel without *The Wichita Intervention Program (WIP)*.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. The adjacent properties to the north, that are zoned "*SF-6*," permit single-family uses. A variety of uses are already permitted on the property that is currently zoned "*LC*" *Limited Commercial*. Minimal detrimental effects are anticipated from the proposed *Conditional Use* recommended for this request. The conditions placed on the request mitigate the prospect of a detrimental impact on adjacent properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The plan contains strategies concerning "public safety services" which states that the City is to "coordinate and consolidate the planning, design and implementation of new/existing facilities to maximize cost efficiency and public safety" and "to closely monitor all current detention facilities in order to meet future space needs in the county."
5. Impact of the proposed development on community facilities: With approval of this project, the projected impact on community facilities is minimal. Unless this project is approved, another location will have to be found. The *WIP* might have to be suspended, placing an increased burden on the jail. This proposed use would generate little additional traffic.