WICHITA – SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT
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(316) 268-4421
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August 17, 1999

FILE COPY

Halfway House for Adults, Inc.
1137 N. Broadway
Wichita KS 67214

RE: CU-526 – Conditional Use to permit a correction placement residence, general. On property generally located north of Central and west of Chautauqua.

Dear Ladies and Gentlemen:

On August 17, 1999, the City Council considered the above-referenced request. The action of the Council was to DENY the request.

If you have any further questions concerning this matter, please contact the Planning Department office at 268-4421.

Sincerely,

Keith Gooch

Keith Gooch
Senior Planner

KG/rs

cc: MMK, Inc., 551 N. Hillside, Ste. 410, Wichita, KS 67214
Property Owners/Protest Petitioners
Elizabeth Bishop, 8518 Longlake, Wichita, KS 67207
Melinda S. Foley, 207 N. Ridgewood, Wichita, KS 67208
Heather Fagen, 428 N. Chautauqua, Wichita, KS 67214
Karin Rieger, 3107 E. Central, Wichita, KS 67214
Rev. Clyde Samilton, 516 N. Erie, Wichita, KS 67214
Seunghi Chang, 3002 E. Central, Wichita, KS 67214
Georgia Martinez, 825 N. Erie, Wichita, KS 67214
Patrice Dolenz, 405 N. Chautanqua, Wichita, KS 67214
Lori Lawrence, 251 N. Erie, Wichita, KS 67214
Pat Thompson, 623 N. Volutisa, Wichita, KS 67214

EXISTING PARKING

MATCH LINE

6" ASPHALT Curb

℄ OF ALLEY

6' FENCE

134.20 E.

131.90 E.

132.50

19'-0"

DRAINAGE

NEW PARKING

29'-0"

8'-6" TYPICAL

19'-0"

EXISTING ASPHALT

134.20

135.60 E.

CENTRAL AVE.

EXISTING BUILDING

OFF-STREET PARKING AND LOADING

ADDRESS 2916 E. CENTRAL

PROJECT PARKING LOT / MARK INC.

SCALE 1" = 10'-0" NORTH

BZA 5C-80

SITE PLAN

SCALE 1" = 10'-0"

45'-0"

DRAINAGE

136.50 E.

5' FENCE

EXISTING BUILDING

25'-0"

6' FENCE HT.

SLOPE OF FENCE

3' FENCE HT.

137.06 E.

DRIVE

NEW 24' DRIVE

EXISTING DRIVE

6/81

CU-526

CHAUTAUQUA

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

CPO 1 July 12, 1999
MAPC July 15, 1999

CASE NUMBER: CU-526

APPLICANT/AGENT: Halfway House for Adults, Inc. c/o Alan McGregor

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

CURRENT ZONING: "TF-3" Two-family and "LC" Limited Commercial

SITE SIZE: .72 acre

LOCATION: North of Central and west of Chautauqua



BACKGROUND: The applicant is requesting a Conditional Use permit to allow a correctional placement residence on property zoned "LC" Limited Commercial located north of Central and west of Chautauqua. A portion of the property is zoned "TF-3" Two-family but would be limited to a parking lot through a BZA use exception approved in 1980 for ancillary parking.

Correctional placement residences are permitted "by-right" in areas zoned "LC", as well as other commercial and industrial districts, except when the property is located within 750 feet from a residential zone (unless it is separated by a major barrier). In this case, a correctional placement residence requires a Conditional Use permit.

The existing facility is located in a City-owned building at 1137 North Broadway and has to be relocated because they lost their lease. The applicant has stated that there will be a total of 33 (24 men and nine females) persons at this location, with all individuals being federal pretrial or pre release inmates. The applicant has stated that as a rule, "no individuals at this location would be convicted of violent crimes." All individuals would be required to be in the building by 9 p.m. unless at work. The only place for individuals to be outside of the building is a small smoking area north of the main building, which has a camera on it at all times. No persons would be permitted to loiter in the neighborhood.

There is currently a vacant 6,992 square foot building located along Central with 16 parking spaces to the west of this building. The site would have one opening to Central and would be connected to four lots along Chautauqua. These four lots along Chautauqua consist of an existing home and 22 parking spaces. A six foot tall fence is located along west and north property lines on these four lots. The applicant's site plan shows two openings to Chautauqua, one of these will be constructed if approved.

The Unified Zoning Code requires correctional placement residences, general to provide one parking space per occupant plus one parking space. Therefore, the applicant would be required to provide 34 parking spaces. The site plan shows a total of 37 parking spaces. Therefore, the applicant would meet the Unified Zoning Code parking requirement.

There are commercial properties to the east, south and west of the application area zoned "LC" Limited Commercial. North of the property are single family homes zoned "SF-6." There is a child care center located northwest of this property on Erie.

CASE HISTORY: BZA 50-80 approved a parking lot on the "TF-3" Two-family zoned property along Chautauqua, as an associated use with the building along Central.

ADJACENT ZONING AND LAND USE:

NORTH: "TF-3" Single-family homes

SOUTH:	"LC"	Health food store
EAST:	"LC"	Hair salon and restaurant
WEST:	"LC"	Clothing store

PUBLIC SERVICES: This site has access to Central, a four-lane arterial and Chautauqua, a local residential street. The current traffic volumes along Central are 18,084. The 2020 Transportation Plan estimates these volumes will increase to 28,283. The City of Wichita "Capital Improvement Program" does not plan any improvements to this section of Central in the next seven years.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the Comprehensive Plan identifies this area as appropriate for commercial uses.

The Area Treatment Classification Map identifies this area as a revitalization area: "Areas in this category are experiencing some decline, but good market and development opportunities still exist. The objective of this treatment strategy would be to stabilize the area and increase its attractiveness for private investment. Advantageous factors for successful revitalization efforts are good location, access to major employment concentrations, and neighborhood leadership. High priority actions would include improvement of community services, encouragement of well designed infill housing, improvements in amenities such as lighting, sidewalks, parks and other traditional neighborhood elements, and correction of housing deterioration. Rehabilitation and new construction efforts would be encouraged by substantial public investment in capital improvements, development incentives to emphasize innovative housing types and mixed use development, and low interest mortgages and other such risk-sharing devices. Physical improvements and flexible regulations (e.g. varying parking standards and setback requirements, waiving or reducing permit fees) designed for the environment of inner parts of the community would be applied to create innovative and economically feasible projects."

RECOMMENDATION: Staff has spoken to the Wichita Police Department and also the president of Historic Midtown Neighborhood Association about the current location for the Halfway House for Adults. Neither of these people had any negative comments about this Halfway House, nor did they believe that it was detrimental to the neighborhood. The Police Department provided a list of incidents at the existing location and also 1100 block of North Broadway. This list is attached.

The area which they are requesting to move into is a revitalization area as defined by the Comprehensive Plan, which means the area needs special consideration when determining appropriate land uses. This area along Central has several small businesses which are strong assets for the residential neighborhoods to the north and south. The introduction of the proposed halfway house could detract from the positive image of this business area, and make it more difficult to retain and attract quality businesses. Planning Staff believes that due to the neighborhood opposition,

surrounding residential and commercial properties, and the de-stabilizing impact this use could possibly have on these surrounding land uses, this use is not appropriate at this location.

Planning staff recognizes that this particular halfway house operator has had an excellent record, especially in comparison to other operators in the city. However, this application should be evaluated as to its land use impact. Since the implementation of new zoning and licensing provisions in recent years, staff has encouraged these facilities to locate away from residential neighborhoods. The only Conditional Use requests to come before the MAPC were 1) a facility in a transitional neighborhood near (Murdock/9th Street) and the inclusion of a limited number of correctional residents in an already established alcohol/drug rehab facility at George Washington and Funston. Although the operator has made numerous inquiries about other available properties, some of those properties were in similarly questionable locations, and there seems to be other available areas, such as east of I-135, which have not been researched.

However, if the Planning Commission believes this is an appropriate use at this location, staff recommends the following conditions be placed on this request:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health, zoning, and applicable federal, state, and local licensure requirements for operation of a correctional placement residence.

B. The Conditional Use permit shall be reviewed for compliance and renewal at the end of five (5) years, by reapplication with property notice and hearing. The Conditional Use may be extended if it is deemed appropriate to do so at that time.

C. This site shall serve no more than 33 individuals or offenders who fit within the criteria of a correctional placement resident, as defined in the "Correctional Residential Placement, General" classification of the Unified Zoning Code Article II-b (3) (q). Such individuals and offenders shall be limited to those individuals convicted of nonviolent federal crimes or awaiting trial for nonviolent federal crimes.

D. The site shall be developed in general conformance with the approved site plan, except that the two parking spaces located along the south portion of the parking lot closest to Central shall be removed.

E. Any violation of these conditions shall render this "Conditional Use" permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are businesses located to the east, west and south of the building on the application area. These properties are zoned "LC" Limited Commercial. To the north, east and west of the parking lot and single-family home on-site are single-family homes on property zoned "TF-3." A day care facility also exists northwest of the application area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "LC" and "TF-3." The applicant or the current owner has not provided any information on why this property could not be developed with a permitted use in these districts.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: If the Conditional Use, is granted then the stigma of 33 criminal offenders living in this neighborhood could detrimentally affect the image and marketability of the surrounding properties and businesses. The neighbors and businesses have already voiced concern about the possibility of this relocation and about the impact on businesses and residential property not wanting to be located adjacent or across the street from this type of business.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan identifies this area as appropriate for commercial uses.

   The Area Treatment Classification Map identifies this area as a revitalization area. Areas in this category are experiencing some decline, but good market and development opportunities still exist. The homes and businesses, which surround the application area, are occupied and seem to be well maintained. Staff believes if this request is approved it could possibly be detrimental to the surrounding properties and the revitalization effort ongoing in this area therefore the request would work against the revitalization efforts ongoing in this area.

5. Neighborhood opposition: The applicant did attend two neighborhood meetings (Elm and Uptown). Staff understands that there were several neighbors at both of these meetings who voiced opposition to this request. There also have been three protest petitions filed prior to the meeting.

6. Impact of the proposed development on community facilities: None identified.