CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 22 2010

Dolly Coker
1501 Fairmount
Wichita, KS 67208

Lady Bugg House, Inc.
Attn: Michelle R. Pittman
6505 E. Central, #138
Wichita, KS 67206

RE: **CON2010-00037** - City Conditional Use for a Group Residence, Limited, on property zoned TF-3 Two-Family Residential, generally located east of Hillside Avenue, on the northwest corner of 14th Street North and Fairmount Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **October 21, 2010**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: Fairmount, James Van Milligan, 1717 Fairmount Avenue, Wichita, KS 67208
Ken-Mar, Eric Williams, 1610 N. Floberta, Wichita, KS 67208

CONDITIONAL USE RESOLUTION NO. CON2010-00037

WHEREAS, Dolly Coker, (Owner) and Michelle Pitman (Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Group Residence, Limited on 1.63 acres zoned TF-3 Two-family Residential ("TF-3") described as:

> Lots 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 and 142, on Holyoke Avenue and Lots 127, 129, 131, 133, 135, 137, 139, and 141, on Fairmount Avenue, all in Fairmount Addition to the City of Wichita, Sedgwick County, Kansas; generally located southeast of 17th Street North and North Hillside Avenue. (1501 Fairmount Avenue)

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 October 21, 2010, 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 allow a Conditional Use for a Group Residence, Limited on 1.63 acres zoned TF-3 Two-family Residential ("TF-3") described as:

> Lots 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 and 142, on Holyoke Avenue and Lots 127, 129, 131, 133, 135, 137, 139, and 141, on Fairmount Avenue, all in Fairmount Addition to the City of Wichita, Sedgwick County, Kansas; generally located southeast of 17th Street North and North Hillside Avenue. (1501 Fairmount Avenue)

Approved subject to the following conditions:

1. The group residence shall be limited to a home for pregnant and parenting mothers and shall be limited to a maximum six residents plus one resident staff member.

2. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

3. The site shall be developed in general conformance with the approved site plan.

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.

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC: October 21, 2010
DAB I: November 1, 2010
Tentative City Council Date: December 07, 2010
(If protests are received)

CASE NUMBER: CON2010-00037

APPLICANT/OWNER: Dolly Coker (Owner)
Lady Bugg House, Inc. c/o Michelle Pitman (Applicant)

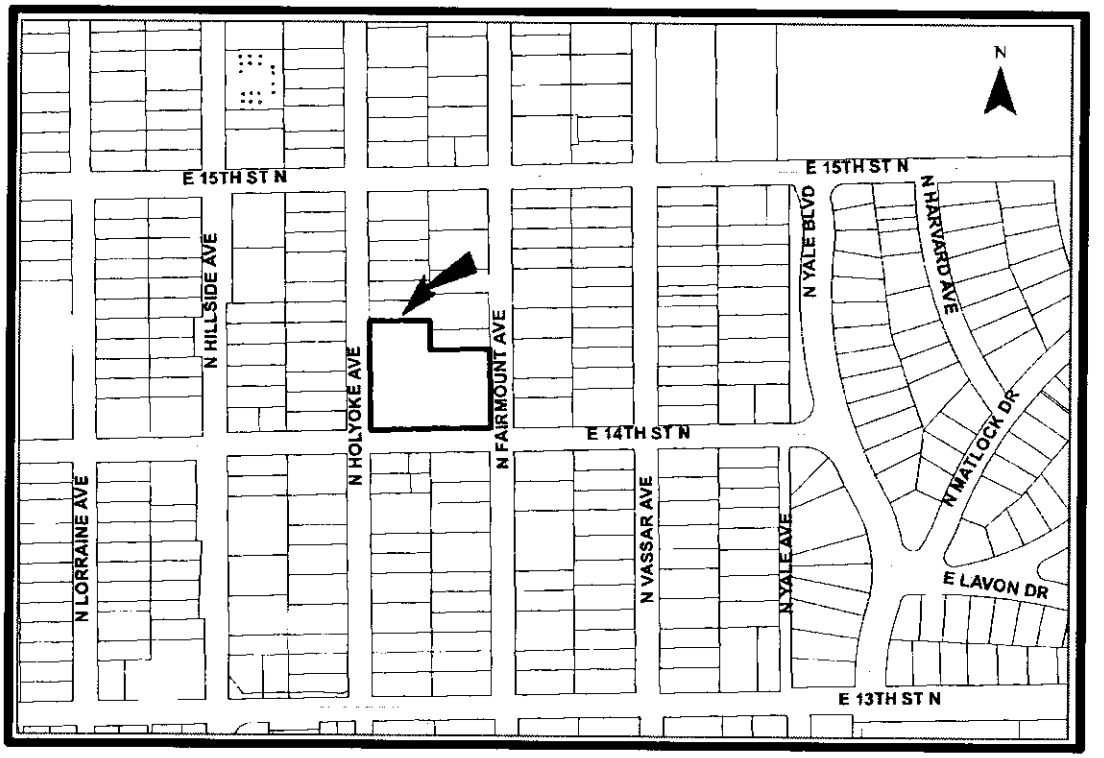
REQUEST: Conditional Use for Group Residence, Limited

CURRENT ZONING: TF-3 Two-family Residential ("TF-3")

SITE SIZE: 1.63 acres

LOCATION: Generally located southeast of 17th Street North and North Hillside Avenue. (1501 Fairmount Avenue)

PROPOSED USE: Group Residence



BACKGROUND: The applicant is requesting a Conditional Use to allow a Group Residence, Limited, on a 1.63-acre platted lot located east of North Hillside Avenue, at the northwest corner of North Fairmount Avenue and 14th Street North, at 1501 North Fairmount Avenue. The subject property is zoned TF-3 Two Family Residential ("TF-3"), and is developed with a large residential structure classified as a single-family residence. The applicant proposes to use the existing residential structure as a group residence for pregnant and parenting mothers age 16 - 23. The applicant proposes for the group residence to house up to six teen mothers and their child(ren) who will live full-time on-site in a monitored family environment. As stated in the group's mission statement, "the residents will participate in an 18-month program specifically designed to meet their needs. Residents will be monitored by a Resident Case Manager who will oversee their success in the program." A group residence for between for up to six residents, including staff, may be permitted in the TF-3 zone district with approval of the requested Conditional Use.

The surrounding area is characterized by low-density residential development. All of the adjacent properties are zoned TF-3 and are either developed with single-family residences, duplexes or are vacant.

The applicant submitted the attached site plan illustrating the current development of the subject property. The applicant is not proposing any major changes to the subject property other than some fencing. Section IV-A.4 of the Unified Zoning Code (UZC) requires one parking space for each staff member and one parking space for each resident that is permitted to drive. The proposed residential use does not trigger any of the UZC screening or compatibility requirements.

CASE HISTORY: The property was platted as Lots 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 and 142, on Holyoke Avenue and Lots 127, 129, 131, 133, 135, 137, 139, and 141, on Fairmount Avenue, all in Fairmount Addition to the City of Wichita, Sedgwick County, Kansas in February 15, 1887. There were two Board of Zoning Appeals cases on this site in 1969 and 1972 (BZA28-69 and BZA12-72), both regarding reduction of parking requirements. Both requests were approved.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family Residence, Duplex
SOUTH:	TF-3	Single-family Residences
EAST:	TF-3	Single-family Residences
WEST:	TF-3	Single-family Residences, Duplex

PUBLIC SERVICES: The subject property, currently, has one access drive off of North Fairmount Avenue and two access drives off of East 14th Street North. Fairmount Avenue and 14th Street North are both paved local roads with 60-foot right-of-ways. The subject property is connected to public water and sewer. No negative impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. The

one dwelling unit on the application area and the residential development surrounding the subject site would be considered "urban residential." The Wichita Residential Area Enhancement Strategy of the Comprehensive Plan identifies this area as a "Re-establishment Area." A "Re-establishment Area" contains neighborhoods that exhibit deteriorating social organizations and a lack of private reinvestment. The Comprehensive Plan indicates that neighborhoods within a "Re-establishment Area" need some level of special enhancement or improvement in order to ensure future viability of the neighborhood. The proposed group residence represents an improvement of deteriorating social organizations and private reinvestment, and approval of the Conditional Use request would be a special enhancement to help ensure future viability of the neighborhood.

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

1. The group residence shall be limited to a home for pregnant and parenting mothers and shall be limited to a maximum six residents plus one resident staff member.

2. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

3. The site shall be developed in general conformance with the approved site plan.

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.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is characterized by low-density residential development. All of the adjacent properties are zoned TF-3 and are either developed with single-family residences, duplexes or are vacant. The proposed group residence, while not typically found in a single family neighborhood, represents an improvement of deteriorating social organizations and private reinvestment in a neighborhood specifically identified as needing such improvements.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property could continue to be used for a single-family residence. However, the proposed use as a group residence for pregnant and parenting mothers is not significantly more intense than use of the property as a single family residence or for other uses permitted in the TF-3 district, and therefore is a suitable use of the property.

3. **Extent to which removal of the restrictions will detrimentally affect nearby**

property: No detrimental effects on nearby properties are anticipated as the intensity of the group residence will be limited to six residents and will be similar in impact as a single family residence.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. The one dwelling unit on the application area and the residential development surrounding the subject site would be considered "urban residential." The Wichita Residential Area Enhancement Strategy of the Comprehensive Plan identifies this area as a "Re-establishment Area." A "Re-establishment Area" contains neighborhoods that exhibit deteriorating social organizations and a lack of private reinvestment. The Comprehensive Plan indicates that neighborhoods within a "Re-establishment Area" need some level of special enhancement or improvement in order to ensure future viability of the neighborhood. The proposed group residence represents an improvement of deteriorating social organizations and private reinvestment, and approval of the Conditional Use request would be a special enhancement to help ensure future viability of the neighborhood.

5. **Impact of the proposed development on community facilities:** The request should have a minimal impact on community facilities.