

CONDITIONAL USE RESOLUTION NO. CON2017-00039

WHEREAS, Sedgwick County (Tania Cole); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a "correctional facility" on approximately 3.39 acres zoned LI Limited Industrial, described as:

Lot 2 exc beg SE cor th alg sly li Lot 2 461.28 ft to sw cor Lot 2 nely 39.77 ft to pt of intersect wly li nely 174.42 ft sely 186.63 ft to cur th alg cur 83.35 ft nely 59.07 ft ne 19 ft sely 45.6 ft nely 22.96 ft sely 58.91 ft to pt ely li swly 294.67 ft to beg Central Maintenance Facility Addition.

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 December 7, 2017, 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 an "accessory apartment" on property zoned, RR Rural Residential (RR) described as:

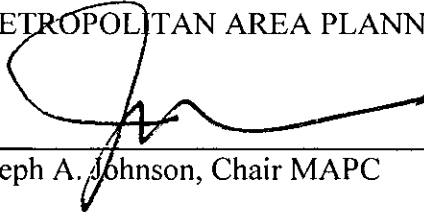
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Approved subject to the following conditions:

1. The Conditional Use approval permits a "correctional facility" 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 the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

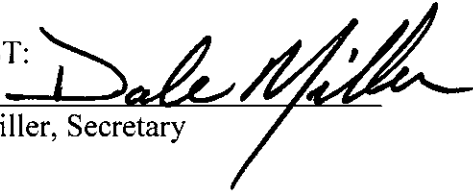
Adopted this 22nd day of DECEMBER 2017.

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary

BACKGROUND: The applicant is seeking “conditional use” approval for a “correctional facility” on 3.39 acres located at the southwest corner of West Harry Street and South McLean Boulevard (701 West Harry Street) that are zoned LI Limited Industrial (LI). The property is developed with an approximately 22,164 square-foot building built in 1960 that is currently being used as an adult work release facility. Sedgwick County’s main correctional facility (141 West Elm Street) is experiencing more demand for its cells than it can accommodate. Overcrowding at its central facility has forced the sheriff to send inmates to out of town facilities, which is often more expensive and/or inconvenient than housing inmates locally. To relieve central jail overcrowding, the County wishes to convert the 701 West Harry Street facility from an adult work release center to an adult detention or a “correctional facility.” The adult work release facility is a nonconforming use with respect the property’s zoning and its location relative to residential zoning.

The proposed facility would have 150 to 197 inmates, all of which would be classified as lower level medium to minimum security. The facility would be manned 24-hours per day, 365-days per year, with 19 employees (16 deputies, two sergeants and one lieutenant).

The Wichita-Sedgwick County Unified Zoning Code (Article II, Section II-B.8.a) defines a “correctional facility” as “a facility providing housing and care for individuals confined for violations of law.” “Correctional facilities” are permitted by right in the LI zoning district provided it is located more than 750 feet away, measured property line to property line, from a residential zoning district. If the “correctional facilities” is not located 750 feet or more from a residential zoning district or the correctional facility is not separated from residential zoning by a major barrier (Arkansas River or limited access highway or “big ditch”), the use requires “conditional use” approval (Article III, Section III-D.6.h). TF-3 Two-Family Residential (TF-3) zoning is located 480 feet southwest of the subject property. Presently, the existing facility is a nonconforming use. The requested action would resolve the site’s nonconforming situation and allow the proposed use.

The applicant has submitted an aerial as its site plan. No new construction is shown on the site plan. Currently the existing corrections building is located at its closest 41 feet, and at its farthest 230 feet, from the site’s property lines. The portion of the facility housing inmates is fenced with chain-link and barbed wire. The site has 40 parking spaces plus two handicapped parking spaces. The site has two points of access, one driveway from McLean Boulevard and one from West Harry Street. The City’s Central Maintenance Facility (CMF) buffers the application on the south and east, and provides significant screening to privately owned property located farther west and southwest of the CMF. The CMF is where the City stores, parks, repairs and maintains most of its heavy vehicles and equipment and has multiple warehouse buildings. A CMF building is located immediately west of the subject property, and is over 400 feet long and provides significant screening.

All property immediately abutting (south and west) or across the street (north and east) from the subject property is zoned LI, except for that part of Arkansas River bank located on the northeast corner of the intersection of West Harry Street and South McLean Boulevard, which is un-zoned. Land located to the north across West Harry Street is an aircraft manufacturer. Land located to the east across South McLean Boulevard is Arkansas River bank. Property to the south and west contains the City of Wichita’s CMF. The closest residential zoning and residences, zoned SF-5 Single-Family Residential (SF-5), are located 594 feet to the northeast on the east side of the Arkansas River. By definition, the Arkansas River is a “major barrier” (Article II, Section II-B.3.q). Residential zoning separated from a “correctional facility” by a “major barrier” do not count towards triggering “conditional use” approval. The closest residential zoning and residences not separated by a “major barrier” are located 623 feet to the southwest on South Seneca Court. West High School is located approximately one-half mile to the west.

The site has been used for some form of community corrections facility for decades, including its P-Farm days. The zoning code was amended in 1992 to require conditional approval for a jail or "correctional facility" located within 750 feet of residential zoning.

CASE HISTORY: The Central Maintenance Facility Addition was recorded in 1976. The site was part of the July 17, 1958, Field Study S-96 that reviewed the appropriateness of industrial zoning adjacent to railroad tracks. The MAPC received and noted the study. The railroad tracks have since been removed.

ADJACENT ZONING AND LAND USE:

North: LI; aircraft manufacturer
South: LI; city's central maintenance facility
East: LI; un-zoned (Arkansas River)
West: LI; city's central maintenance facility

PUBLIC SERVICES: The site is currently served by the usual public and private utilities and services. The site has access to four-lane (five lanes at the intersection) West Harry Street and four-lane (five lanes at the intersection) South McLean Boulevard.

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 Community Investments Plan contains a "major institutional" category that includes institutional facilities of a significant size and scale of operation and could include a range of uses as government facilities, libraries, high schools, colleges, cemeteries and hospitals. The Public Safety element of the comprehensive plan note that "having a safe community is specifically referenced in the 2035 Plan Vision Statement. From a public infrastructure perspective, appropriately maintaining and expanding our fire, police and EMS facilities is a high priority investment need for our community over the long term." While the foregoing statement does not specifically mention community corrections or jails, it was probably on oversight that the statement does not include correction facilities, and it would be difficult to contend that correction facilities are not a critical part of having a safe community.

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 facility" 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: All property immediately abutting or across the street from the subject property is zoned LI, except for that part of Arkansas River located on the northeast corner of the intersection of West Harry Street and South McLean Boulevard, which is un-zoned. The land located to the north across West Harry Street is an aircraft manufacturer. Land located to the east across South McLean Boulevard is the Arkansas River. Property to the

south and west contains the City of Wichita's CMF. The closest residences are located 594 feet to the northeast on the east side of the Arkansas River. By definition, the Arkansas River is a major barrier (Article II, Section II-B.3.q). Residences separated from a "correctional facility" by a major building do not count towards triggering "conditional use" approval. The closest residences not separated by a major barrier are located 623 feet to the southwest on South Seneca Court. The site has been used for community corrections for decades, including its P-Farm days. The character of the immediate larger area west of South McLean Boulevard is industrial.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI which permits 82 public/civic, commercial, industrial and agricultural uses by right, some of which are subject to specific development standards to considered a use by right. As currently zoned the site provides a wide range of uses that should provide economic return. The site is developed with a specialized building. Interior renovations necessary to convert the building from its current specialized use to a non-corrections use would add to the difficulty of repurposing the existing building. The site could continue to be used as a nonconforming work release facility; but that restriction does not address the community's overcrowding situation.
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 work release use. The site is located approximately 600 feet away from residential uses.
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 community's ability to locally house inmates. Denial of the request would require the applicant to look for another site or continue to house a larger number of inmates out of town at a higher cost or increased inconvenience than housing them locally.
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 Community Investments Plan contains a "major institutional" category that includes institutional facilities of a significant size and scale of operation and could include a range of uses as government facilities, libraries, high schools, colleges, cemeteries and hospitals. The Public Safety element of the comprehensive plan note that "having a safe community is specifically referenced in the 2035 Plan Vision Statement. From a public infrastructure perspective, appropriately maintaining and expanding our fire, police and EMS facilities is a high priority investment need for our community over the long term." While the foregoing statement does not specifically mention community corrections or jails, it was probably on oversight that the statement does not include correction facilities, and it would be difficult to contend that correction facilities are not a critical part of having a safe community.
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.

SITE PLAN

APPROVED 12-22-17 BY DM

CON2017-00039 Aerial

