

## CONDITIONAL USE RESOLUTION NO. CO. 2001-00056

WHEREAS, Webb Road Development (Johnny Steven); Community Solutions (Bridgette Franklin), 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 permit a Day Reporting Center on 43,200 square feet zoned "GI" General Industrial described as:

BEG. at a point 50 ft. South and 1,531 ft. east of the northwest corner of the Northwest 1/4 of Section 9, Township 27, Range 1 East, of the 6th P.M.; Southeasterly 295 ft., East 110 ft., North 270 ft. to a point that is 126 ft. West of the Union Pacific R/R ROW, Thence West 210 feet to the point of beginning, Wichita, Sedgwick County, Kansas. Generally located south of 21<sup>st</sup> Street, east of Broadway 3/8 mile.

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 November 15, 2001, 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 permit a Day Report Center on 43,200 square feet zoned "GI" General Industrial described as:

BEG. at a point 50 ft. South and 1,531 ft. east of the northwest corner of the Northwest 1/4 of Section 9, Township 27, Range 1 East, of the 6th P.M.; Southeasterly 295 ft., East 110 ft., North 270 ft. to a point that is 126 ft. West of the Union Pacific R/R ROW, Thence West 210 feet to the point of beginning, Wichita, Sedgwick County, Kansas. Generally located south of 21<sup>st</sup> Street, east of Broadway 3/8 mile.

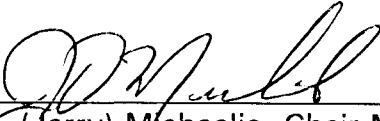
subject to platting within one year and subject to the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. All applicable federal, state and local permits shall be obtained prior to commencing operations.
3. This Conditional Use permit shall be rendered null and void if the site is not operated or maintained in conformance with adopted conditions of approval.

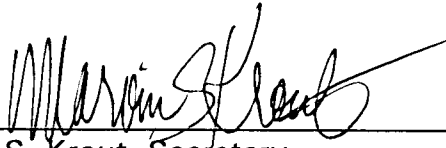
4. This Conditional Use permit shall be rendered null and void if operations have not begun within one year of approval.

Adopted this 15th day of November, 2001. 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

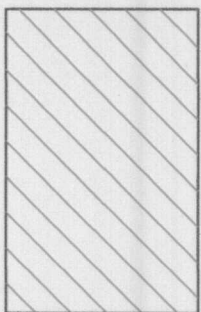
  
\_\_\_\_\_  
J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

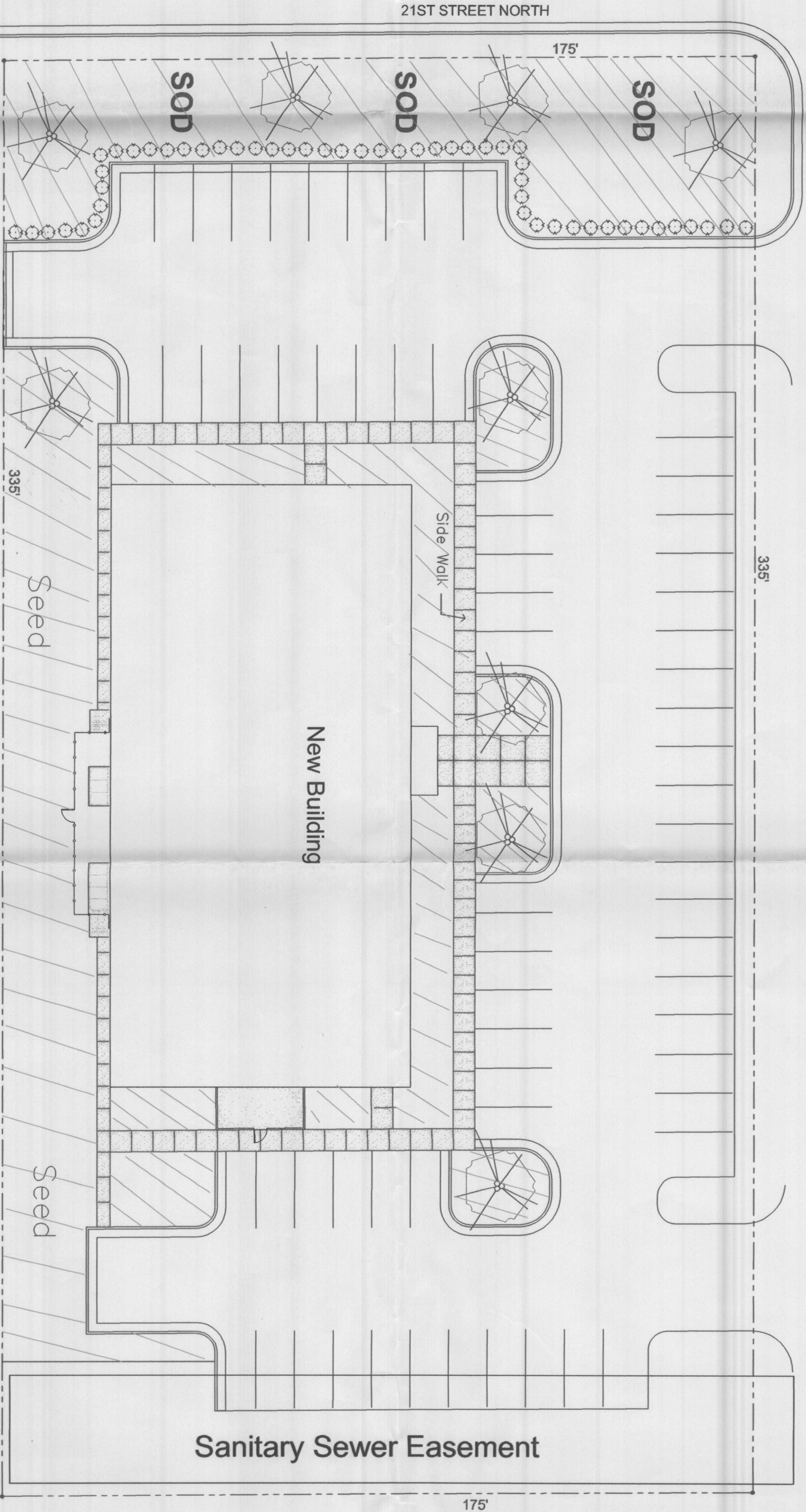
  
\_\_\_\_\_  
Marvin S. Krout, Secretary

Manhattan Euonymus Shrub

Green Ash Shade Tree



Irrigated areas



Plant Materials

| Quantity | Botanical Name           | Common Name        | Size            |
|----------|--------------------------|--------------------|-----------------|
| 9        | Fraxinus Pennsylvanica   | Green Ash          | 2" Caliper      |
| 51       | Euonymus patens 'Paulii' | Manhattan Euonymus | 2 Gal / 24" Ht. |

A SITE ARCHITECTURAL PLAN  
Scale: 1-20  
Day Reporting Center  
703 E 21st Street North



Landscape Calculations

Landscaped Street Yard Required: 2,625 SF  
Landscaped Street Yard Provided: 7,800 SF  
Street Trees Required: 6 Shade Trees  
Street Trees Provided: 6 Shade Trees  
Parking Spaces: 68

Parking Lot Landscaping & Screening

Trees Required: 4 Shade Trees - 3 provided by Landscaped Street Yard = 1 additional  
Trees Provided: 3 Additional Shade Trees

LEGAL DESCRIPTION:  
LOT 2 AND LOT 3 OF THE WICHITA  
STOCKYARD ADDITION, AN ADDITION  
TO WICHITA, SEDGWICK COUNTY,  
KANSAS.



## STAFF REPORT

MAPC 11-15-01  
DAB 11-5-01

Item No. \_\_\_\_\_

---

**CASE NUMBER:** CON2001-00056

**APPLICANT/AGENT:** Webb Road Development (Johnny Steven); Community Solutions (Bridgette Franklin)

**OWNER:** Webb Road Development (Johnny Steven)

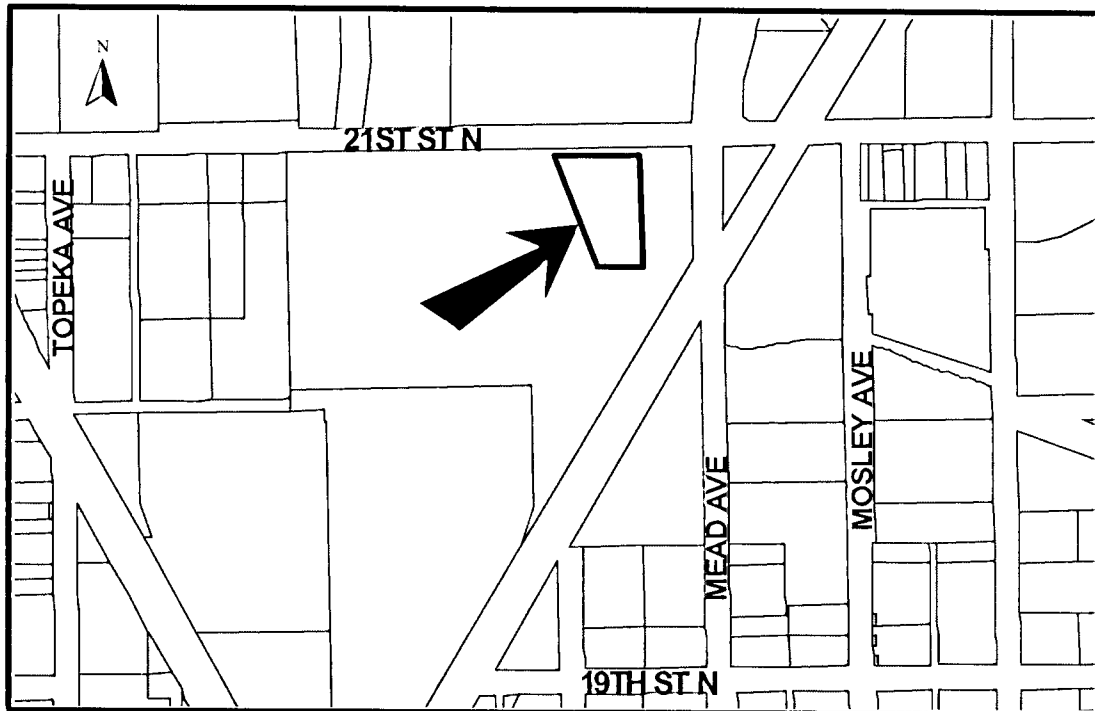
**REQUEST:** Conditional Use to permit a Day Reporting Center

**CURRENT ZONING:** "GI" General Industrial

**SITE SIZE:** 43,200 square feet

**LOCATION:** South of 21<sup>st</sup> Street, east of Broadway 3/8 mile

**PROPOSED USE:** Day Reporting Center



**BACKGROUND:** The applicant is seeking a Conditional Use to permit a "day reporting center" (DRC). "Day reporting centers" are defined by the Unified Zoning Code as "a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for or more days per week six or more hours per day." The applicant indicates that clients who are to report to this facility will be provided supervision, counseling and life-skill training in a highly structured and supervised setting.

The application area is located approximately 3/8 of a mile east of Broadway, south of 21<sup>st</sup> Street. The site is un-platted, is approximately one acre in size and is zoned "GI" General Industrial. The existing office building located on the site is to be removed, and a 9,940 square foot building is to be placed near the front of the application area. Parking spaces are to be provided in front of the new building and in the rear. The DRC is designed to process 120 clients.

The need for this facility is a result of the approval of 2000 Senate Bill 323 that requires Topeka, Kansas City, Kansas, and Wichita to provide community supervision services in lieu of the state building additional prison beds. These services are funded 90% by a federal grant. Community Solutions, Inc. has a five-year contract, renewable annually, to provide these required services in Wichita. Community Solutions, Inc. has previously attempted to locate a similar facility in the Twin Lakes Shopping Center and at another industrial tract located northeast of Ohio and 33<sup>rd</sup> Street. Twin Lakes is a traditional urban shopping center located at the intersection of two arterials with residential uses located nearby. That application was withdrawn due to community opposition. The 33<sup>rd</sup> and Ohio site was recently heard by the City Council and placed on deferral, due in part to neighborhood opposition. The applicant has evaluated at least 50 sites in an attempt to find one that would be acceptable to a larger segment of the community and meets site location standards. (Some of the location standards are listed below.) If the City actively works with the Secretary of Corrections to identify a suitable location, the Secretary is required to consider the views of the City and local residents before making the final site selection. Otherwise, the Secretary potentially has the authority to pick a location and order a "day reporting center" in without regard to local zoning (2001 Senate Bill 57, sec. 148). The Department of Corrections is attempting to work with the community to find an acceptable location.

The application area is part of a much larger area that is zoned "GI" General Industrial. Uses located near the site include: warehousing, car salvage, car sales and animal processing. In comparison to other sites evaluated, this location is not located near residences, schools, taverns, correctional placement facilities / day reporting centers, group homes or businesses which attract children.

The "GI" zoning district permits the most intensive land uses, and is the least restrictive zoning district, in the city's zoning code. "Day Reporting Centers" require a Conditional Use in either the "LI" Limited Industrial or "GI" General Industrial districts. "DRC's" are not permitted in any other zoning districts. The use is listed in the zoning code under the general land use heading of "Public and Civic." Day reporting centers must also be in compliance with all federal, state and local regulatory requirements and if such facilities are not operated directly by a unit of government, they shall meet licensure requirements that further specify minimum service standards. Local licensing standards include a requirement to be located 1,200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers.

**CASE HISTORY:** None

#### **ADJACENT ZONING AND LAND USE:**

NORTH: "GI" General Industrial; warehouse, vehicle salvage and car sales  
SOUTH: "GI" General Industrial; railroad tracks  
EAST: "GI" General Industrial; railroad tracks, warehouse  
WEST: "GI" General Industrial; railroad tracks, car sales

**PUBLIC SERVICES:** Municipal water and sewer services are available. 21<sup>st</sup> Street is a 4-lane arterial street carrying between 14,000 and 15,000 average daily traffic.

**CONFORMANCE TO PLANS/POLICIES:** This area is covered by the Central Industrial Corridor Activity Area I Plan and is part of General Urban Renewal Plan adopted in 1972. The *Urban Renewal General Land Use Plan* depicts this site as appropriate for "heavy manufacturing." *Urban Renewal Plan* language addressing this site is contained in the more specific Central Industrial Corridor – Activity Area I Disposition Supplement No. 3 which states that [l]and use shall be as indicated on the Land Use Plan Map. The land use shall be restricted to controlled industry and related uses. Residential uses are specifically excluded from the Project Area. The *Wichita Land Use Guide* depicts this site as appropriate for "industrial" uses.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. All applicable federal, state and local permits shall be obtained prior to commencing operations.
3. This Conditional Use permit shall be rendered null and void if the site is not operated or maintained in conformance with adopted conditions of approval.
4. This Conditional Use permit shall be rendered null and void if operations have not begun within one year of approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property surrounding the application area is covered by the *Central Industrial Corridor -Activity Area I Urban Renewal Plan*. In character, this area is clearly industrial with numerous railroad tracks serving area uses. All of the land in this vicinity is zoned "GI" General Industrial and is used for warehousing, vehicle salvage, vehicle sales, animal processing, shipping, recycling or similar industrial activity.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "GI" General Industrial which permits a wide variety of uses. The site is suitable for uses that are permitted "by-right" and could be so developed. However, since the Unified Zoning Code only permits DRC's in the "LI" or "GI" districts with a Conditional Use permit, most "LI" or "GI" zoned properties are potentially suitable for this type of request.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: All properties in the immediate area are zoned "GI" General Industrial. This district permits the most intensive uses, and is the least restrictive zoning district, found in the code. Existing land uses and those potential uses allowed "by-right" on property

located near the application area have the potential to generate greater detrimental impacts with respect to noise, odor, vibration, smoke, heavy truck traffic and extended hours of operation than the requested use. The application is for a use that is essentially an office that is frequented by individuals needing community supervision, and therefore not easily located in most traditional office or commercial settings. The clients are highly supervised and the services provided are highly structured. When the requested use is compared to existing and permitted uses there should be few if any detrimental affects on nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: With the passage of 2000 Senate Bill 323 DRC's have become a public necessity. Under current state law, these facilities have to be placed somewhere in the community. If this request is denied, the public will lose in terms of: failure to comply with state law, the potential to lose control over the process if the Secretary of Corrections selects a site and in efficiency and effectiveness of providing local citizens with these required services. Presumably, Community Services, Inc. provides a needed public service that is not being met otherwise. The applicant has previously attempted to locate this facility in a commercial setting, and in another industrial setting and has failed so far due to community opposition. At least 50 possible locations have been evaluated since the initial site was abandoned. This location has now been selected as meeting minimum standards. Community Services, Inc. will experience a significant financial hardship if this request is not successful in that it has a contract with the State to provide these state mandated services by April 2001. That date has already passed and they have already spent a significant amount of money in abandoning the original site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Unified Zoning Code* considers Day Reporting Centers to be a "public and institutional" use. The current zoning code highly restricts the number of properties that can be considered for this use since it takes a Conditional Use in either "LI" or "GI" zoning. Potential sites are further limited by local licensing requirements which require these facilities to be located 1200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers. The Central Industrial Corridor – Activity Area I area generally meets these location criteria. The Central Industrial Corridor – Activity Area I is part of General Urban Renewal Plan adopted in 1972. The *Urban Renewal General Land Use Plan* depicts this site as appropriate for "heavy manufacturing." *Urban Renewal Plan* language addressing this site contains language stating that "[l]and use shall be as indicated on the Land Use Plan Map. The land use shall be restricted to controlled industry and related uses. Residential uses are specifically excluded from the Project Area.

In this case, this use is only permitted in the "LI" or "GI" districts with a Conditional Use permit much like transfer stations, wrecking/salvage yard or asphalt/concrete plants; day reporting centers are classified by the Unified Zoning Code as a "public and institutional use;" the City and the State have licensing requirements that require separation from other similar uses, uses that cater to children, schools, etc. There are very few locations outside of the Bridgeport area that meet these location criteria. It has become more common to see office and institutional uses operating in industrial areas as "related uses." Finally, it is conceivable that clients of this facility could provide a convenient labor supply for nearby industrial uses. This proposal is consistent with adopted plans and policies.

6. Impact of the proposed development on community facilities: All necessary community facilities are in-place or can be conveniently extended. Traffic to this use could be somewhat higher than a typical heavy industrial area. 21<sup>st</sup> Street provides a direct link to I-135, and connects with Broadway that provides 4-lane arterial access to the center of the city where other support services exist or to I-235.