

CONDITIONAL USE RESOLUTION NO. CON200400003

WHEREAS, Stephanie Brinkley (Owner/Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Group Residence, Limited on 0.15 acres zoned "TF-3" Two-family Residential described as:

Lot 4, Gentry 3rd Addition, Wichita, Sedgwick County, Kansas. Generally located north of 11th Street North and east of Madison (1212 N. Madison).

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 February 19, 2004, 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 for Group Residence, Limited on 0.15 acres zoned "TF-3" Two-family Residential described as:

Lot 4, Gentry 3rd Addition, Wichita, Sedgwick County, Kansas. Generally located north of 11th Street North and east of Madison (1212 N. Madison).

subject to the following conditions:

1. The group residence shall be limited to a home for pregnant teenagers and shall be limited to a maximum five residents plus one resident staff member.
2. Residents shall not be permitted to drive a vehicle to or park a vehicle at the group residence. Only the resident staff member shall be permitted to drive a vehicle to or park a vehicle at the group residence.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. The site shall be developed in general conformance with the approved site plan.
5. 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.

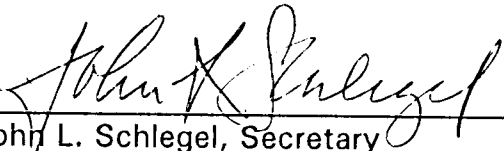
Adopted this 19th DAY of FEBRUARY, 2004. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

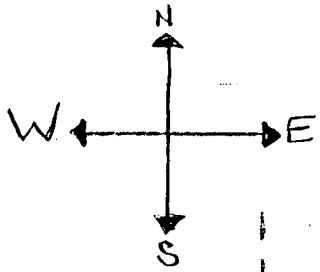


Ronald L. Marnell, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

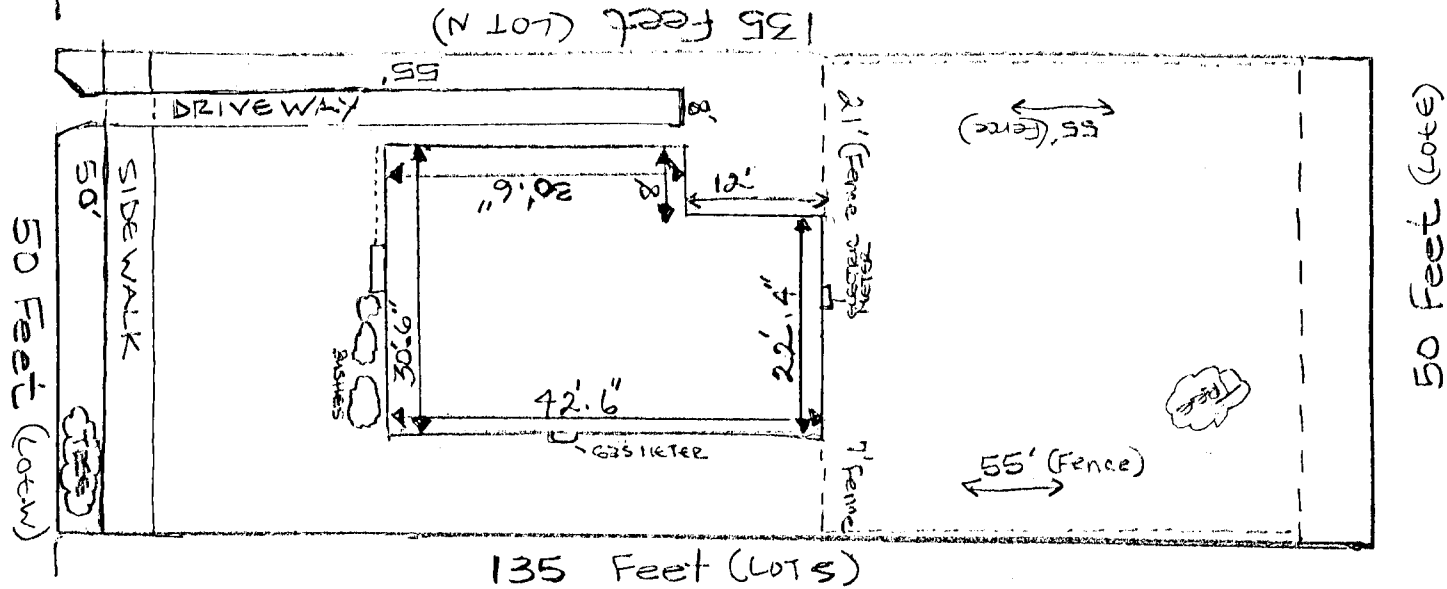


Scale: 1" = 20'

Title: Residential Home for pregnant Teens

Applicant NAME: STEPHANIE Brinkley
Drawing Preparer: STEPHANIE Brinkley

Legal Description: LOT 4, CENTRY 3rd ADD.
ADDRESS: 1212 N. MADISON, 67214



MADISON STREET

CON2004-00003
SITE PLAN

APPROVED 2-11-04 BY MAPC



AGENDA ITEM NO. 9

STAFF REPORT

MAPC February 19, 2004

CASE NUMBER: CON2004-00003

APPLICANT/AGENT: Stephanie Brinkley (Owner/Applicant)

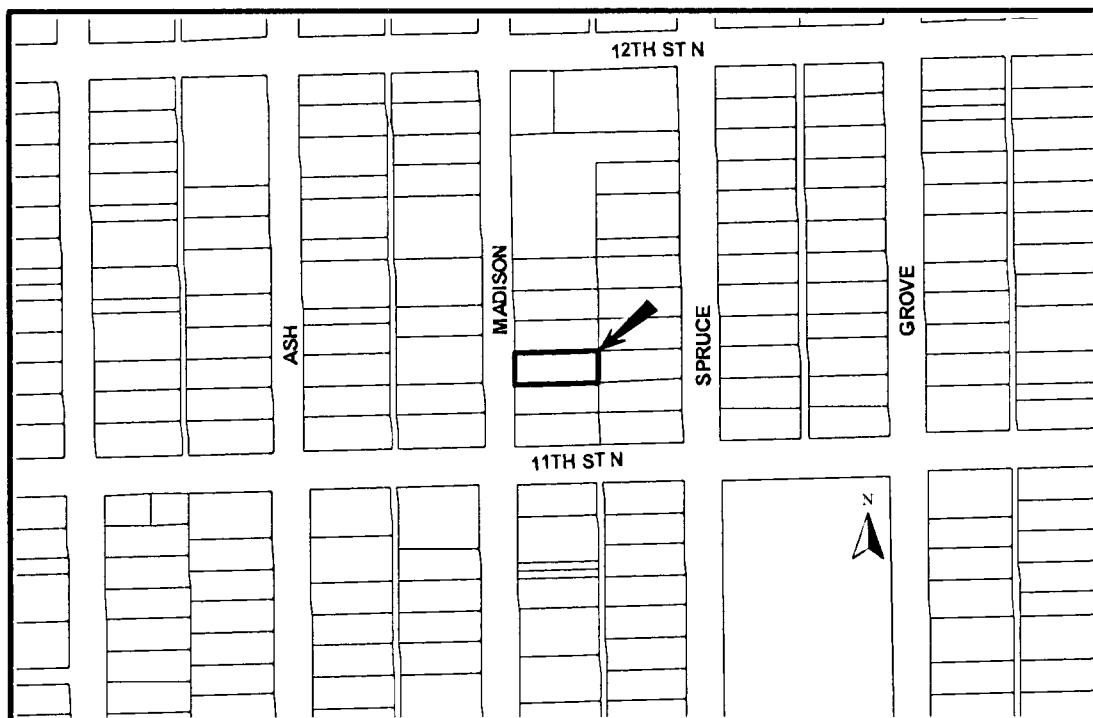
REQUEST: Conditional Use to allow a Group Residence, Limited

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: 0.15 acre

LOCATION: North of 11th Street North and east of Madison (1212 N. Madison)

PROPOSED USE: Group residence for pregnant teenagers



BACKGROUND: The applicant is requesting a Conditional Use to allow a Group Residence, Limited, on a 0.15-acre platted lot located north of 11th Street North and east of Madison at 1212 N. Madison. The subject property is zoned "TF-3" Two Family Residential, and is developed with a single-family residence. The applicant proposes to use the existing residential structure as a group residence for pregnant teenagers. The applicant proposes for the group residence to house five pregnant teenagers and one staff member. A group residence for between 6 and 15 residents, including staff, may be permitted in the "TF-3" Two Family zoning 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" Two Family and are either developed with single-family residences or are vacant.

The applicant submitted the attached site plan illustrating the current development of the subject property. The applicant is not proposing any changes to the subject property. Section IV-A.4. of the Unified Zoning Code (UZO) requires one parking space for each staff member and one parking space for each resident that is permitted to drive. Since the residents will not be permitted to drive, the one parking space provided for the one staff member meets the UZO parking requirements. The proposed residential use does not trigger any of the UZO screening or compatibility requirements.

CASE HISTORY: The subject property is platted as Lot 4, Gentry 3rd Addition, which was recorded October 22, 1954.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single family
SOUTH:	"TF-3"	Single family
EAST:	"TF-3"	Single family
WEST:	"TF-3"	Vacant

PUBLIC SERVICES: The subject property is located along a paved residential street. The property is served with sanitary sewer and municipal water. No impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. 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, while not typically found in a single family neighborhood, 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 teenagers and shall be limited to a maximum five residents plus one resident staff member.
2. Residents shall not be permitted to drive a vehicle to or park a vehicle at the group residence. Only the resident staff member shall be permitted to drive a vehicle to or park a vehicle at the group residence.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. The site shall be developed in general conformance with the approved site plan.
5. 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.

This 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" Two Family and are either developed with single-family residences 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 five pregnant teenagers 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 affects on nearby properties are anticipated as the intensity of the group residence will be limited to five residents and will be similar in impact as a single family residence.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Low Density Residential” development. 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, while not typically found in a single family neighborhood, 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: No impact on community facilities is anticipated.