

Agenda Item # _____

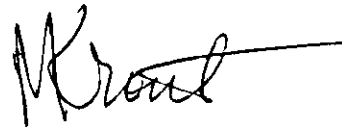
City of Wichita
City Council Meeting
June 6, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-0009 - ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "B" MULTI-FAMILY DISTRICT, LOCATED AT ST. FRANCIS AND ELM (609 NORTH ST. FRANCIS) (District #VI)**

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve (9-0).

Staff Recommendation: Approve.

DAB Recommendation: Approve (9-0-1).

Background: The applicant is requesting a *zone change* to the "B" Multi-Family District on a platted one half-acre tract of land. This property is zoned "LI" Limited Industrial. The applicant wants to operate a *limited group residence* for adolescent girls (age 14-17) on the site. The application area is a rectangular shaped parcel and is located south of *Pine*, north of *Elm*, on the west side of *North St. Francis*.

Today this structure is an older two-story house; it is currently vacant. The building has had a number of residential (owner/rental) uses throughout the years. Most recently, the house was used as a rental unit. The house has been vacant for less than one year. The house is an "American Four Square" design. Although the exterior has been altered, it appears that at one time it might have had an *Italianate* style but currently no remnants remain. The house has a hipped and gabled roof. The house likely once had a full front porch but it is now gone. The door and window openings appear to have been modified. The exterior now has ten-inch particleboard siding. The applicant has no plans to alter the exterior with the possible exception of storm windows. Landscaping may added to the grounds at a later date. Any changes to the exterior would have to be approved either by MAPD staff or by the *Historic Preservation Board*. A *Certificate of Appropriateness* will need to be secured by the applicant in advance of any proposed building modifications.

Access to the site is from a driveway via *St. Francis Street* and from an alley to the west. There are three parking spaces in the driveway. Since the clients will not have vehicles, and since there will only be one staff per a 12-hour shift, this driveway will meet all off-street parking requirements (per the OCI Superintendent). There is a parking lot north of the application area (farther to the north is a rental residential unit) and it is zoned "GC" General Commercial; the property south is a vacant lot and is zoned "GC" General Commercial; to the east is the "Small

Business Resource and Assistance Center" (attorneys' offices) that is zoned "*LI*" *Limited Commercial*; to the west is an alley (farther to the west are vacant four-plexes) that are zoned "*LI*" *Limited Commercial*.

The proposed group residence (to be called *Trinity House*) will be funded by a variety of public/private sources plus fees for service. There will be a maximum of eight children on site. The children will be referred from families, various social service agencies or the Juvenile Court. The children will be screened and assessed prior to their placement. Violent offenders will not be accepted or permitted on site. Children may stay as little as 30-days for emergency placements or for a maximum of six months. The children will be required to attend either public or vocational schools, which are located nearby, or work towards securing a GED, while staying in the group residence. The children will have access to mental health professionals as well. Staff will be on-site 24 hours per day. An emphasis will be placed upon security and safety, while providing a caring environment for the children. The building will be required to comply with all City Code building requirements.

The applicant will be required to secure a State license to operate the facility, as well. The applicant met with *CORE* (a neighborhood coalition group) prior to filing. The *CORE* members took no official action but were supportive of the proposal. The applicant also met with the *Historic Midtown Neighborhood Association* and appeared before the *Historic Preservation Board (HPB)* since the property in question is within 500 feet of the *Judge Wall House*, 622 North St. Frances, a nationally designated historic property. The *District Advisory Board (DAB)* met on May 1st, prior to MAPC hearing, and was supportive of the request. Additionally, the applicant met with MAPD Land Use staff regarding the "neighborhood plan" for this area recently adopted by the MAPC and governing bodies. The "*LI*" *Limited Industrial District* does not permit residential uses, so the previous residential use was non-conforming. If the building were to remain vacant for two years, re-use of the building for residential purposes would be illegal. Since the application area is zoned "*LI*" *Limited Industrial*, the "*B*" *Multi-Family District* is the first residential zoning category that would permit a "group residence, limited."

At the MAPC meeting held on May 11, 2000, the Commissioners voted (9-0) to recommend *approval* subject to MAPD staff comments. The applicant was in agreement of conditions of the MAPD staff comments. The MAPC Members suggested that the proposed residential use would be an improvement to the area.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change to "*B*" *Multi-Family* and place the ordinance establishing the zone change on first reading; or
2. Return the application to the DAB or MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing

1-101

n The Daily Reporter on JUN 16 2000

ORDINANCE NO. 44-1664

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2000-00009

Request for zone change from "LI" Limited Industrial to "B" Multi-Family District, on property described as:

The North 20 feet of Lot 16 and all of Lot 18, on Fourth Avenue now St. Francis, J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas: Generally located at St. Francis & Elm Streets (609 North St. Francis).

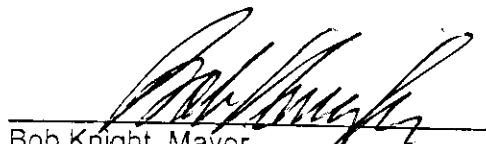
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, JUN 13 2000

ATTEST:


Pat Burnett, City Clerk


Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



FILE COPY



AGENDA ITEM NO. #11

STAFF REPORT

DAB – May 1, 2000

HPB – May 8, 2000

MAPC – May 11, 2000

CASE NUMBER: ZON2000-00009

APPLICANT/AGENT: Donna Bryant (Owner/Applicant) *in Attendance*

REQUEST: Zone Change from "LI" Limited Industrial
to "B" Multi-Family District

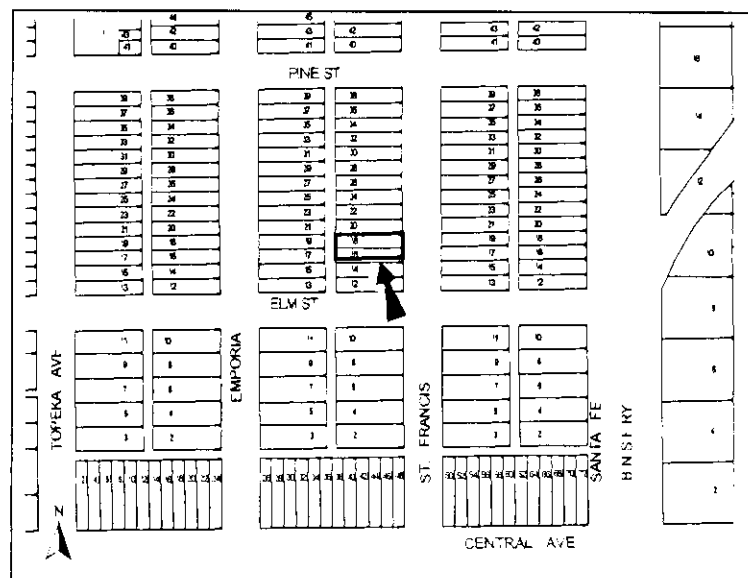
CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: .5-acre

LOCATION: St. Francis & Elm
(609 N. St. Francis)

PROPOSED USES: Limited Group Residence
for Adolescent Girls

5/11
9-0
to
approve
(Signature)



BACKGROUND: The applicant is requesting a *zone change* to the “B” Multi-Family District on a platted one half-acre tract of land. This property is zoned “LI” Limited Industrial. The applicant wants to operate a *limited group residence* for adolescent girls (age 14-17) on the site. The application area is a rectangular shaped parcel and is located south of *Pine*, north of *Elm*, on the west side of *North St. Francis*.

Today this structure is an older two-story house; it is currently vacant. The building has had a number of residential (owner/rental) uses throughout the years. Most recently, the house was used as a rental unit. The house has been vacant for less than one year. The house is an “American Four Square” design. Although the exterior has been altered, it appears that at one time it might have had an *Italianate* style but currently no remnants remain. The house has a hipped and gabled roof. The house likely once had a full front porch but it is now gone. The door and window openings appear to have been modified. The exterior now has ten-inch particleboard siding. The applicant has no plans to alter the exterior with the possible exception of storm windows. Landscaping may added to the grounds at a later date. Any changes to the exterior would have to be approved either by MAPD staff or by the *Historic Preservation Board*. A *Certificate of Appropriateness* will need to be secured by the applicant in advance of any proposed building modifications.

Access to the site is from a driveway via *St. Francis Street* and from an alley to the west. There are three parking spaces in the driveway. Since the clients will not have vehicles, and since there will only be one staff per a 12-hour shift, this driveway will meet all off-street parking requirements (per the OCI Superintendent). There is a parking lot north of the application area (farther to the north is a rental residential unit) and it is zoned “GC” General Commercial; the property south is a vacant lot and is zoned “GC” General Commercial; to the east is the “Small Business Resource and Assistance Center” (attorneys’ offices) that is zoned “LI” Limited Commercial; to the west is an alley (farther to the west are vacant four-plexes) that are zoned “LI” Limited Commercial.

The proposed group residence (to be called *Trinity House*) will be funded by a variety of public/private sources plus fees for service. There will be a maximum of eight children on site. The children will be referred from families, various social service agencies or the Juvenile Court. The children will be screened and assessed prior to their placement. Violent offenders will not be accepted or permitted on site. Children may stay as little as 30-days for emergency placements or for a maximum of six months. The children will be required to attend either public or vocational schools, which are located nearby, or work towards securing a GED, while staying in the group residence. The children will have access to mental health professionals as well. Staff will be on-site 24 hours per day. An emphasis will be placed upon security and safety, while providing a caring environment for the children. The building will be required to comply with all City Code building requirements.

DAB - MEMOS } for re view
PB - MEMOS }

The applicant will be required to secure a State license to operate the facility, as well. The applicant met with *CORE* (a neighborhood coalition group) prior to filing. The *CORE* members took no official action but were supportive of the proposal. The applicant will also meet with the *Historic Midtown Neighborhood Association*. The applicant will also appear before the *Historic Preservation Board (HPB)* since the property in question is within 500 feet of the *Judge Wall House*, 622 North St. Frances, a nationally designated historic property. The *District Advisory Board (DAB)* will officially consider this request on May 1st prior to MAPC hearing. Additionally, the applicant has met with MAPD Land Use staff regarding the "neighborhood plan" for this area recently adopted by the MAPC and governing bodies. The "*LI*" *Limited Industrial District* does not permit residential uses, so the previous residential use was non-conforming. If the building were to remain vacant for two years, re-use of the building for residential purposes would be illegal. Since the application area is zoned "*LI*" *Limited Industrial*, the "*B*" *Multi-Family District* is the first residential zoning category that would permit a "group residence, limited."

CASE HISTORY: The current site was platted as the *Hilton Addition* in the late 1800's.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC" <i>General Commercial</i>	Parking lot/house
EAST:	"LI" <i>Limited Industrial</i>	Business/Offices
SOUTH:	"GC" <i>General Commercial</i>	Vacant Lot
WEST:	"LI" <i>Limited Industrial</i>	Alley & vacant four-plex

PUBLIC SERVICES: *North St. Francis* is a two-lane residential street with estimated traffic volumes of 1,188 trips per day. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "commercial/office." The *Plan* contains a strategy that calls for the redevelopment of new housing in and around Wichita's downtown area. It is also clear that many of the adjoining properties are "over zoned" given their current use, and the *Plan* supports rezoning of properties which are inappropriately zoned when compared to recommended uses. Since 1996, the general area has been discussed and studied by the *Center City Organized Revitalization Effort (CORE)*. In November 1999, a *Development Plan for the Center City Neighborhood* was completed. According to the *Plan*, the mission is "fostering community in the Center City through planned residential projects that would be inclusive, diverse and cosmopolitan." Additionally, an objective states that "Incentives are needed to encourage people to consider alternative housing choices."

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the area is zoned "*GC*" *General Commercial* and the adjacent neighborhood to the north is also zoned "*LI*" *Limited Commercial*. The character of the neighborhood is one of mixed residential, business and medical office/hospital uses. The *St. Francis Regional Medical Center* is located north of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "*LI*" *Limited Industrial*, which does not permit residential, uses. The site is developed with a residential structure, which is non-conforming to the current code. Therefore, the current zoning is not suitable for the site's current zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. The adjacent properties to the north and south are zoned for "*GC*" *General Commercial*; east and west are zoned "*LI*" *Limited Commercial*. A variety of uses, which are more intensive, are already permitted on those properties than would be allowed by this request. Therefore, minimal detrimental effects are anticipated from the proposed *zone change* recommended for this request.
4. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The plan contains strategies that call for the redevelopment of new housing in and around Wichita's downtown area. It is also clear that many of the adjoining properties are "over zoned" given their current use, and the *Plan* supports rezoning of properties which are inappropriately zoned when compared to recommended uses.
5. Impact of the proposed development on community facilities: With approval of this project, the projected impact on community facilities will be minimal.