

FILE COPY



**Wichita-Sedgwick County Metropolitan Area Planning Department**  
September 21, 2001

Ronald L. Doty  
1103 Pearce  
Wichita, KS 67203

**RE: CON2001-00048- Conditional Use to allow a Group Residence, Limited on property zoned "TF-3" Two-Family Residential. Generally located at east 2<sup>nd</sup> Street between Hillside and Rutan (3242 E. Second).**

Dear Mr. Doty:

At its regular meeting on Thursday, September 6, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **DENY** the request. This action was not appealed by September 20, 2001, therefore the action of the MAPC will be considered final.

If you have any questions concerning this case, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jess McNeely'.

Jess McNeely  
Associate Planner

JMC/rs

Cc: Alma Johnson, 3242 E. 2<sup>nd</sup> Street, Wichita, KS 67208  
Alma Johnson, 2053 S. Lori Lane, Wichita, KS 67207  
Alvin Gregg, 244 N. Rutan, Wichita, KS 67208  
Beth King, 4222 E. English, Wichita, KS 67218  
Joe Pisciotte, City Council Member, District II, Mail Stop 1-13  
Donte Martin, District II, Mail Stop 1-13  
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72  
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72  
Paul Hays, Office of Central Inspection, Mail Stop 1-72  
J.R. Cox, Office of Central Inspection, Mail Stop 1-72  
Kathy Morgan, MAPD, Historic Preservation





# STAFF REPORT

MAPC 9-06-01  
DAB 9-10-01

CASE NUMBER: CON2001-00048

APPLICANT/AGENT: Ron Doty (owner); Alma Johnson (agent, tenant)

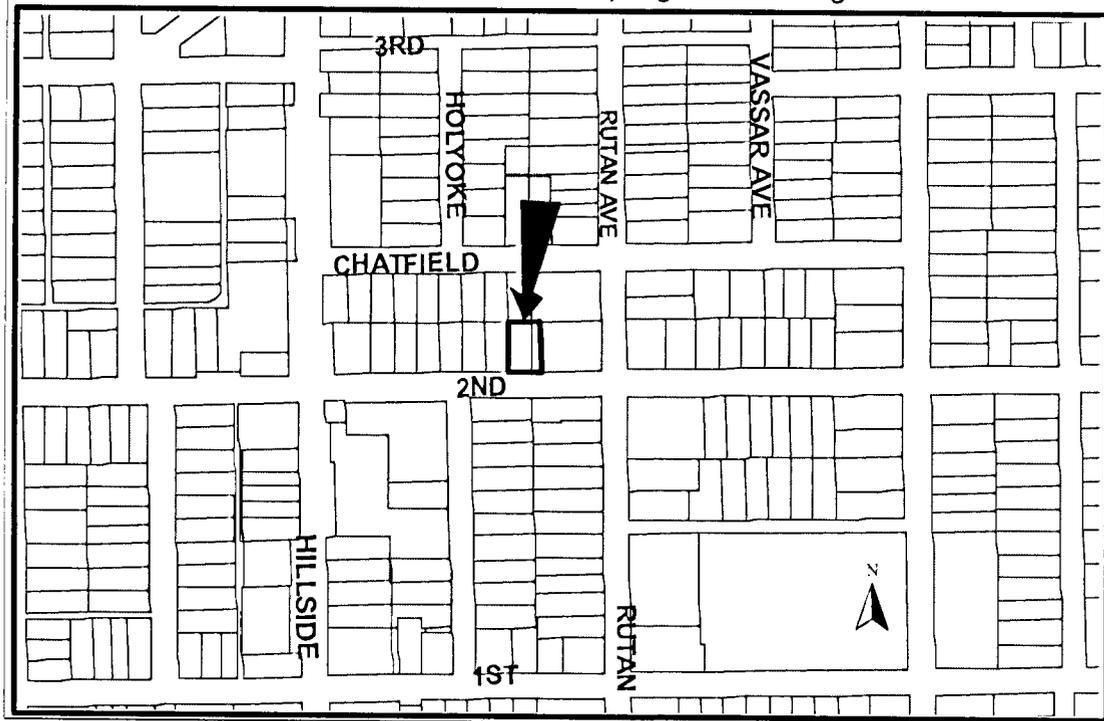
REQUEST: Conditional Use to allow a Group Residence, Limited

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: .13 acre

LOCATION: East 2<sup>nd</sup> Street between Hillside and Rutan (3242 East Second)

PROPOSED USE: Residential Group Boarding Facility for children ages 12 – 17, to include pregnant teenagers



**BACKGROUND:** The applicant is requesting a Conditional Use to allow a Group Residence, Limited, on a .13-acre platted lot located along the north side of East 2<sup>nd</sup> Street, between Rutan and Hillside. The property is currently zoned "TF-3" Two-Family Residential, and is developed with a single-family residence. The owner currently rents the property to the agent in this case. The agent/tenant wishes to use the existing residential structure as a Residential Group Boarding Facility for children ages 12 to 17, including pregnant teenagers. The Wichita-Sedgwick County Department of Community Health – Office of Child Care Licensure states that the application area can accommodate nine residents. The agent/tenant intends to have a certified house parent supervise the foster home facility.

The application area is located on the west side of the College Hill neighborhood, less than one block east of Hillside. The application area and the immediately surrounding residential properties are zoned "TF-3;" however, "GO" General Office zoning exists less than 150 feet from the application area. Property southwest of the application area was rezoned from residential to office, and the formerly residential area south of 2<sup>nd</sup> Street between Hillside and Holyoke is now completely redeveloped with medical offices.

Because the application area is within the environs (a 500 foot radius) of the Senator Long House, a registered historic property located at 3403 East Second, the Historic Preservation Board heard the Conditional Use request at its regularly scheduled meeting on August 13, 2001. The Historic Preservation Board voted 6-0 to recommend denial of the Conditional Use request to the MAPC. The Historic Preservation Board's discussion focused on the change in use and therefore the change in character of the single-family residential environs. The applicant's agent spoke in support of the Conditional Use request, stating a desire for a safe, pleasant neighborhood for foster children.

Several neighbors, including officers of the College Hill Neighborhood Association, spoke against the Conditional Use request at the Historic Preservation Board hearing. The neighborhood opposition was based on a change in single-family use and therefore a change in single-family neighborhood character, and further encroachment of atypical residential uses into the College Hill neighborhood, especially at this location near other non-residential encroachment. The Neighborhood Association also stated that they currently are working to place a Protective Overlay on the College Hill residential neighborhood. This proposed overlay would restrict non-residential uses, and downzone some or all "TF-3" zoned property to "SF-5." The Neighborhood Association therefore asked that no changes in use be permitted in College Hill until the Association has the opportunity to complete their protective overlay process.

**CASE HISTORY:** None.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"TF-3"	single-family residences
SOUTH:	"TF-3," "GO"	single-family residences, office
EAST:	"TF-3"	single-family residences
WEST:	"SF-5," "GO"	single-family residences, office

**PUBLIC SERVICES:** The property is located along East 2<sup>nd</sup> Street, a one way, two-lane street. The traffic count as of March 2001 was 4,618 cars per day (ADTs) on this section of East 2<sup>nd</sup> Street. The projected traffic volume for 2030 is 4,612 cars per day. No street projects are included in the C.I.P. The property has one drive entrance onto East 2<sup>nd</sup> Street.

The property is served with sanitary sewer and municipal water.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "medium density residential," reflecting the zoning pattern. The new draft revisions to the Guide propose "low density residential" to better reflect the predominant existing land use pattern.

The "Wichita Residential Area Enhancement Strategy" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area, and the surrounding area along Hillside, as a Revitalization Area. Classification criteria for the Revitalization Area includes "Residential neighborhoods that are experiencing structural and market decline, but market and development opportunities still exist ... Neighborhoods that need to be stabilized (correction of housing deterioration), rehabilitated and made more attractive for private investment ... Areas that need improvement of community services and infrastructure ..." A set of Enhancement Strategies is then prescribed by the Comprehensive Plan to promote stability and renovation in the area.

The *Wichita and Sedgwick County Unified Zoning Code* lists Group Residence, Limited as a residential use, and as a Conditional Use in the "TF-3" and "SF-5" zones. The Zoning Code does not list specific conditions for Group Residence, Limited. Group Residence is defined in the Zoning Code as:

"...a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect. The term 'group residence' does not include 'group homes' or 'correctional placement residences.'"

Group Residence, Limited is defined in the Zoning Code as "...a group residence that is occupied by six to fifteen persons, including staff members who reside in the facility." The Zoning Code defines five or fewer unrelated persons, living together, as a family, and would not require a Conditional Use.

**RECOMMENDATION:** Single-family residential uses border this site in all directions. This west side of the College Hill residential neighborhood, near Hillside, has been encroached upon by non-residential uses in the past. Approval of a Group Residence, Limited Conditional Use is likely to encourage more applications in the neighborhood for a wide range of other uses. The stability of the western edge of the College Hill neighborhood is under intense pressure. Over the years, land use along Hillside has changed from residential uses to office and commercial uses. These non-residential uses have lessened the desirability of the remaining homes for single-family occupancy. With the pending redevelopment of the southeast corner of Hillside and Central, the expansion of the medical facility at Hillside and 2<sup>nd</sup>, and the sale of the State Office Building to private interests, there is a real need for the western edge of single-family residential uses in College Hill to be stabilized and well defined. Otherwise, the stability of single-family residential uses along the western edge of College Hill will remain in question and further erode the desirability of residential uses in this area.

The requested Conditional Use, Group Residence, Limited, is in this application referred to as a Residential Group Boarding Facility by the State and County Health Departments, and by Social Rehabilitative Services. Both of these organizations at the state and local level confirm that the proposed facility would require visitations by medical, educational, and other professionals. These visitations, combined with the need for caretaker staff, a transportation means for the residents of the facility, and visitation by family and friends, would exceed the parking capacity of this lot. The existing garage and graveled parking area is adequate for a typical family, but the proposed use will generate more traffic and parked cars, and these cars will need to back out onto 2<sup>nd</sup> Street to leave. Minimum staffing requirements for the proposed facility would be one per seven children during the day, and one per ten children at night. The applicant/agent in this case also indicates a desire to house pregnant teens in this facility, making it a Maternity Care facility as well; state and local professionals indicate that providing Maternity Care intensifies the need for medical and other visits. The proposed Conditional Use would be of a significantly greater intensity than that of the present uses in the immediate area.

State and local Health Departments and Social Rehabilitative Services representatives also indicate that foster parent homes and existing non-profit facilities appear to be meeting the current demand for Maternity Care facilities. Likewise, professionals at the state and local level agree that the preferred method of housing foster children, and pregnant foster children, is within a family foster home, rather than a Residential

Group Boarding Facility.

For these reasons and based on information available prior to the public hearings, Staff recommends that the Conditional Use request be DENIED.

**This recommendation is based on the following findings:**

1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned "TF-3", but developed and used as single-family. The application area is part of a larger area that is single-family residential in character. The requested Conditional Use is a greater intensity use, and would alter that character.

2. The suitability of the subject property for the uses to which it has been restricted: The application area could continue to be used for a single-family residence; there is no indication that the application area has had difficulty in renting or otherwise being used as a single family residence.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: To allow the requested Conditional Use at this location in the College Hill neighborhood would establish a more intensive use of the property for the immediate neighbors, and would encourage further requests that would destabilize this western portion of the College Hill neighborhood.

4. Length of time property has remained vacant as zoned: It is staff's understanding that this property has been continuously occupied for single family use prior to this tenancy.

5. Relative gain to Public welfare as compared to hardship imposed on the applicant: There does not appear to be a pressing demand for these services in the community that is not being met. The applicant could locate in a more suitable location, and the owner should be able to lease or sell the property as currently zoned.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Because this request and others it would invite will have a destabilizing effect on a fragile part of the neighborhood, this request is not consistent with adopted goals in the Comprehensive Plan.

7. Impact of the proposed development on community facilities: Traffic to and from the requested Conditional Use at this location will conflict with through traffic on 2<sup>nd</sup> Street.

8. Neighborhood opposition: The College Hill Neighborhood Association indicated its opposition to this request at the Historic Preservation Board meeting on August 13, 2001.

However, if the MAPC is favorably disposed toward this request, staff recommends that it be subject to a time limit of 3 years, limit of 8 occupants, including a caretaker, after which the applicant would need to file for renewal.