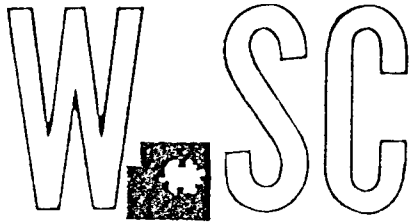


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1588
(316) 268-4421
FAX (316) 268-4390

June 9, 1999

Parallax Program Inc.
%Milt Fowler
3410 East Funston
Wichita, KS 67218

RE: CU-517 — Conditional Use request to allow a Correctional Placement Residence on property generally located at the northeast corner of Funston and George Washington Blvd.

Dear Ladies and Gentlemen:

On June 8, 1999, the Wichita City Council considered the above-captioned request. The action of the Council was to APPROVE the request, subject to the following conditions:

- A. The applicant shall obtain all applicable permits, including but not limited to: building, health, zoning, and applicable federal, state, and local licensure requirements for operation of a correctional placement residence.
- B. The "Conditional Use" permit shall be reviewed for compliance and renewal at the end of five (5) years, by re-application with proper notice and hearing. The "Conditional Use" permit may be extended if it is deemed appropriate to do so at that time.
- C. No more than 10 individuals or offenders who fit within the criteria of a correctional placement resident, as defined in the "Correctional Residential Placement, Limited" classification of the Unified Zoning Code Article 11-b(3) (q) shall be allowed to be housed at the facility at any given time. Such individuals and offender shall be restricted to those individuals or offenders who are under court jurisdiction for traffic or misdemeanor offenses.



- D. The site shall maintain and/or install a fence along the east edge of the parking lot to screen the parking and building from the adjoining residence to the east, and along the north where adjacent to residential zoning. Street yard landscaping and parking lot screening shall be added to and maintained along the south and west sides of the parcel in accordance with the requirements of the Landscape Ordinance. The improvements shall be installed within 90 days of the date of Council action on the Conditional Use.
- E. Any violation of these conditions shall render this "Conditional Use" permit null and void.

If you have any further questions concerning this matter, please contact the Planning Department office at 268-4421

Sincerely,



Donna Goltry
Senior Planner

DG/rs

Cc: Wichita Enterprises, %Norman Durmaskin, 6690 Maybrook, Boynton Beach, FL 33437
Glaves, Irby and Rhoads, %Curtis Irby, 600 Board of Trade Center, 120 South Market, Wichita, KS 67202
Kurt Schroder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

WATER LINE
TO PROPERTY

373.93'

FOUNDER LIGHT POLE

POWER & LIGHT POLE 12,000 V 3 PHASE

8" GAS LINE

8" SANITARY SEWER

ALLEY

SEWER FLOW LINE ELEV. 92.25

PROPERTY LINE

ELECTRIC SERVICE

PROPERTY LINE

EXISTING GRADE ELEV. 97.50'

BUILDING FIN. FLOOR ELEV. 100.00'

6" GAS MAIN

6" SEWER FROM BUILDING

ALLEY

132'

PARKING
14 CARS

SEWER FLOW LINE ELEV. 92.2

EXISTING GRADE ELEV. 97.80'

2" WATER MAIN

FINSTON STREET
(CURRED, GUTTER & PAVED)

PLOT PLAN
SCALE: 1" = 20'-0"

PROPERTY LINE

E.M. ELEV. 93.00' TOP OF CURB

GEORGE WASHINGTON DRIVE

PARKING
9 CARS

N

E

0



AGENDA ITEM NO. _____

STAFF REPORT

CPO(3) April 8, 1999

MAPC April 15, 1999

CASE NUMBER: CU-517

APPLICANT/AGENT: Wichita Enterprises, a Kansas partnership by Norman Durmaskin, its general partner (owner); Parallax Program, Inc., c/o Milton Fowler, (lessee and program operator)

REQUEST: Conditional Use to allow a Correctional Placement Residence

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 22,401 square feet (approximately 0.5 acre)

LOCATION: Northeast corner of Funston and George Washington Blvd.

PROPOSED USE: To continue operation of drug and alcohol rehabilitation program



BACKGROUND: The applicant is requesting a Conditional Use for a "Correctional Placement Residence" to operate a chemical dependency residential treatment facility, including the treating of individuals or offenders who fit within the criteria of a correctional placement resident. The facility is located at the northeast corner of Funston and George Washington Drive, along George Washington Boulevard, and has 64 beds. The property is currently zoned "LC" Limited Commercial. Correctional placement residences are allowed as a permitted use of "right" in areas zoned LC, as well as other commercial and industrial districts, except when the property is located within 750 feet from a residential zone (unless it is separated by a major barrier). In this case a correctional placement residence requires a Conditional Use permit. In this request, the facility is located adjacent to "TF-3" Two Family property on the north, east, and south.

The facility is located on a site of approximately ½ acre and was used previously as a nursing home. Parallax has been operating as a chemical dependency program for 30 years and has been located at this site since April 1994. According to the applicant, the majority of its clientele has been referred by hospitals, SRS, and families for treatment. A small proportion of the clientele also fit within the criteria of a correctional placement resident due to previous offenses such as DUI. The operator stated that he only has had clients with less serious offenses such as DUI.

The operator is willing to restrict the clientele to having no more than 20% of the total population fall in the category of individuals or offenders who fit within the criteria of a correctional placement resident, which would be no more than 13 individuals at any given time. This would be within the limits of the Unified Zoning Code definition of "Correctional Placement Residence, Limited" which allows between 3 and 15 individuals at any given time.

The applicant also is seeking a variance for reduction in parking spaces required. This case will be heard by the Board of Zoning Appeals on April 23, 1999.

Adjoining land uses near the facility include single-family residences located to the north, east and south. They are zoned "TF-3", Two-family Residence. Self-storage units, zoned "GC", General Commercial, and part of C.U.P. 212 are located to the west of George Washington Blvd. A retail strip center, zoned "LC", Limited Commercial, is located to the north, west of the single-family homes.

CASE HISTORY: The property was platted as Reserve A to Krack's Addition in 1950.

ADJACENT ZONING AND LAND USE:

NORTH "TF-3," Two-family Residential and "LC", Limited Commercial; single-family residences and small retail strip center
SOUTH "TF-3", Two-family Residential; single-family residence
EAST "TF-3", Two-family Residential; single-family residence
WEST "GC", General Commercial (C.U.P. 212); self-storage warehouse

PUBLIC SERVICES: George Washington Boulevard is an arterial. Access to the site is from the frontage road, George Washington Drive, and Funston, a local residential street. Sewer and water service are available.

CONFORMANCE TO PLANS/POLICIES: The "Area Treatment Classification" of the Comprehensive Plan identifies this area as "Conservation". The Adopted Land Use Guide of the Comprehensive Plan identifies the area as appropriate for commercial use, along with the property across George Washington Boulevard to the west. The property to the east, northeast and southeast is shown for low density urban residential use.

RECOMMENDATION: Staff is concerned about any uses which would de-stabilize the attractive single family neighborhood in this area. Since the requirements for correctional placement residences were tightened in the zoning regulations, we have not had many Conditional Use requests, and none so close to a neighborhood like this. Staff has received complaints from neighbors about this facility, but many of the complaints are about the general nature of the use that is allowed "by right" and not about the fact that some of the residents may be individuals or offenders who fit within the criteria of a correctional placement resident. The operator has indicated a willingness to limit the number and type of correctional placement residents, and to meet with the neighbors about their complaints. We feel that adding landscaping and screening will be a good first step in that effort. Therefore, based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED for "Correctional Residential Placement, Limited" with the following conditions:

- A. The applicant shall obtain all applicable permits, including but not limited to: building, health, zoning, and applicable federal, state, and local licensure requirements for operation of a correctional placement residence.
- B. No more than 13 individuals or offenders who fit within the criteria of a correctional placement resident shall be allowed to be housed at the facility at any given time, in accordance with limitations of the Correctional Residential Placement, Limited classification.

- C. The site shall maintain and/or install a fence along the east edge of the parking lot to screen the parking and building from the adjoining residence to the east, and along the north where adjacent to residential zoning. Street yard landscaping and parking lot screening shall be added to and maintained along the south and west sides of the parcel; in accordance with the requirements of the Landscape Ordinance.
- D. Any violation of these conditions shall render this "Conditional Use" permit null and void.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: The area surrounding the application area is characterized by single family dwellings zoned "TF-3" Two Family on the northeast, east and southeast. Commercial uses are located to the northwest and west. The commercial property adjacent to the northwest corner is zoned "LC" Limited Commercial, and the property to the west is "GC" General Commercial (C.U.P. 212) used for self-storage units. The application area has been used as a nursing home for many years, and as a chemical dependency treatment facility for five years.
2. Suitability of the subject property for the uses to which it has been restricted: The property could continue be used in its current use as a chemical dependency treatment program without the Conditional Use, however, the program would be restricted to having no more than two individuals or offenders who fit within the criteria of a correctional placement resident at any given time.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request would allow operation of a chemical treatment program essentially the same in character as that being currently operated without a Conditional Use.
4. Length of time the subject property has remained vacant as zoned: The application area is already occupied by a chemical dependency treatment program.
4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends the application area for commercial use. The proposed use conforms with this designation.
5. Impact of the proposed development on community facilities: None.

4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends the application area for commercial use. The proposed use conforms with this designation.
- 5 Impact of the proposed development on community facilities: None.