

CONDITIONAL USE RESOLUTION NO. CON2004-00008

WHEREAS, Eden's Promise Inc., c/o Gayle Page, President (Owner/Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow a Group Residence, Limited on 0.46 acre zoned "TF-3" Two-family Residential described as:

Lots 86, 88, 90, 92, & 94 on Fairmount and the west 15 feet of Lots 85, 87, & 89 on Vassar, Fairmount Addition. Generally located at the northeast corner of 15th Street North and Fairmount.

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 March 25, 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 to allow a Group Residence, Limited on 0.46 acre zoned "TF-3" Two-family Residential described as:

Lots 86, 88, 90, 92, & 94 on Fairmount and the west 15 feet of Lots 85, 87, & 89 on Vassar, Fairmount Addition. Generally located at the northeast corner of 15th Street North and Fairmount.

subject to the following conditions:

1. The group residence shall be limited to a home for young women and shall be limited to a maximum 10 residents plus one resident staff member, and other ancillary office staff.
2. Residents shall not be permitted to drive a vehicle to or park a vehicle at the group residence except for the resident staff member.
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 to 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 25th DAY of MARCH, 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

A handwritten signature in black ink, appearing to read "Ronald L. Marnell", written over a horizontal line.

Ronald L. Marnell, Chair MAPC

ATTEST:

A handwritten signature in black ink, appearing to read "John L. Schlegel", written over a horizontal line.

John L. Schlegel, Secretary

APPROVED 4-20-04 BY J. Julez



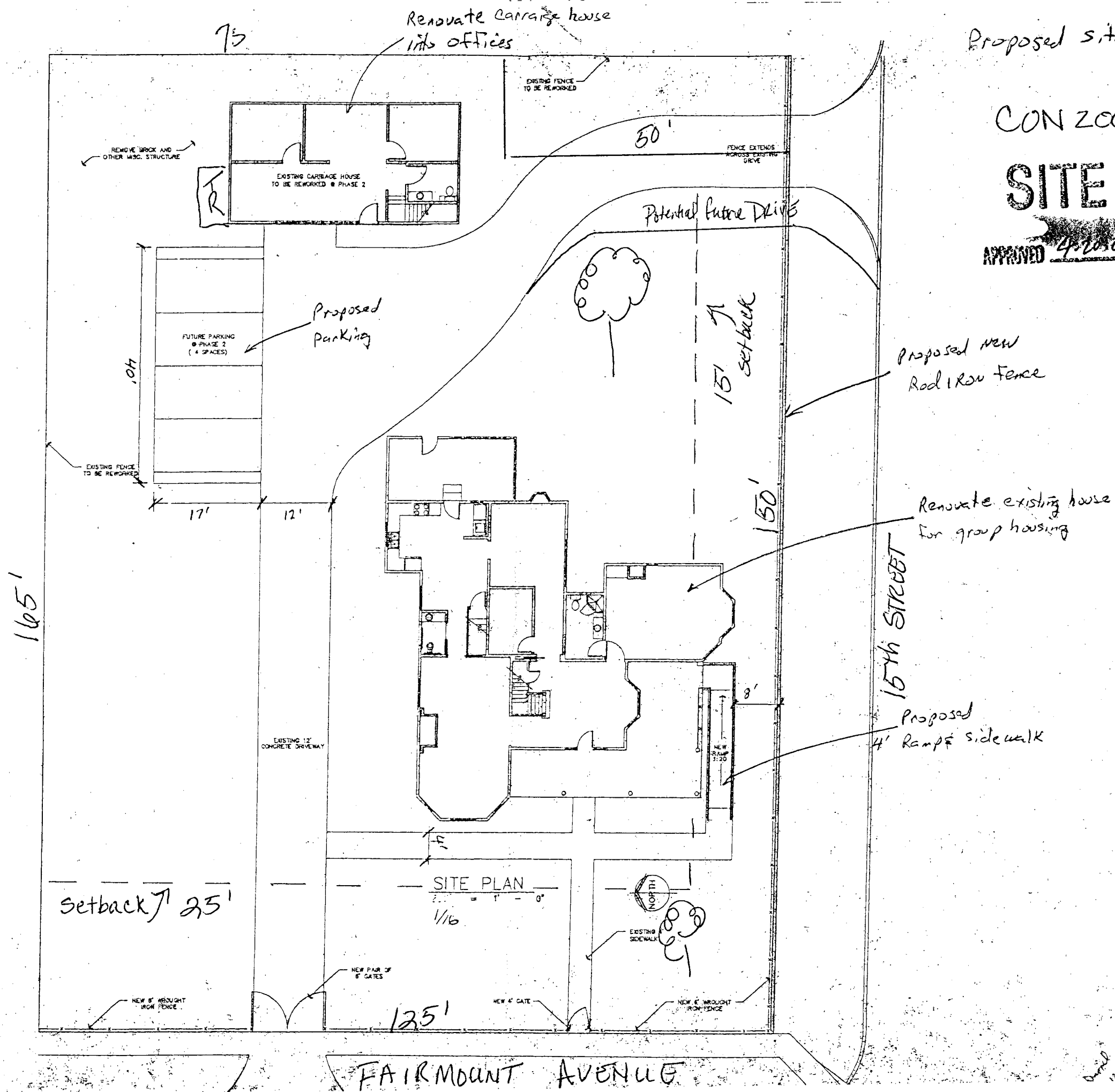
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AGENDA ITEM NO. 7

STAFF REPORT

MAPC March 25, 2004

DAB I April 2, 2004

CASE NUMBER: CON2004-00008

APPLICANT/AGENT: Eden's Promise Inc. c/o Gayle Page, President (Owner)

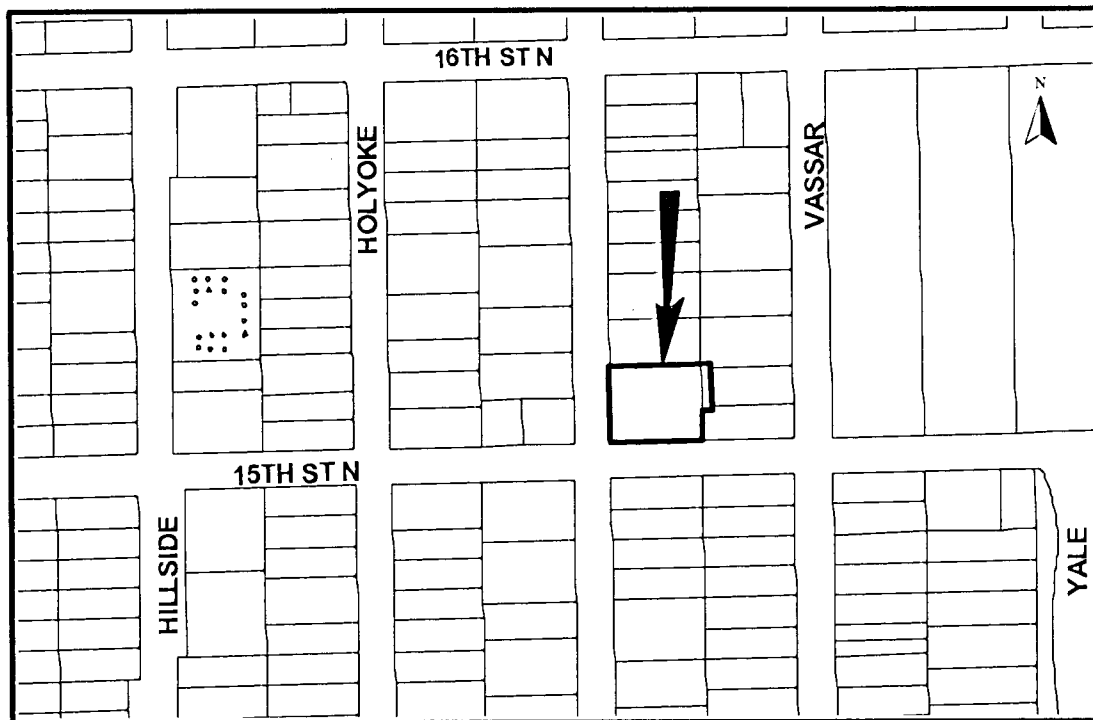
REQUEST: Conditional Use to allow a Group Residence, Limited

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: 0.46 acre

LOCATION: Northeast corner of 15th Street North and Fairmount

PROPOSED USE: Group residence, limited, for transitional home for young women



BACKGROUND: The applicant is requesting a Conditional Use to allow a group residence, limited, on a 0.46-acre platted lot located on the northeast corner of 15th Street North and Fairmount. The subject property is zoned "TF-3" Two Family Residential. The house is currently vacant and has been donated to Eden's Promise by the previous owner, Joe Walsh. Also, it had been a fraternity house in the past. The earliest residents were Nathan J. Morrison and his family. Mr. Morrison was the first president of Fairmount College.

A group residence for between six and 15 residents, including staff, may be permitted in the "TF-3" Two Family zoning district with approval of the requested Conditional Use. The applicant proposes to use the existing residential structure as a transitional home for up to 10 young women ages 13 to 18 and a house mom. The carriage house on the rear of the property is shown as offices in Phase 2. A statement from the applicant more fully describing the use of the facility is attached.

The properties near the application area are mostly single-family and duplex units, but the surrounding area includes a mix of single-family, duplex, multi-family, group residences and institutional uses, including three churches within a block of the proposed use. Many of the houses appear to be rental units. Wichita State University is located two blocks to the north.

The applicant is not proposing any external changes to the subject property except converting the carriage house to office use and adding a 6-foot wrought iron fence on the south and west property line. A future parking area to replace the carriage house is shown on the plans. Section IV-A.4 of the Unified Zoning Code (UZY) requires one parking space for each staff member and one parking space for each resident that is permitted to drive, and this is met by the site plan. The proposed residential use does not trigger any of the UZY screening or compatibility requirements.

CASE HISTORY: The subject property is platted as part of Fairmount Addition, recorded February 15, 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Mixed residential, church
SOUTH:	"TF-3"	Mixed residential, church
EAST:	"TF-3"	Single family, duplex
WEST:	"TF-3"	Single family, duplex

PUBLIC SERVICES: The subject property is located along a paved residential street. The property is served with sanitary sewer and municipal water.

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 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 young women and shall be limited to a maximum 10 residents plus one resident staff member, and other ancillary office staff.
2. Residents shall not be permitted to drive a vehicle to or park a vehicle at the group residence except for the resident staff member.
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 to 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 mixed-density residential development. All of the adjacent properties are zoned "TF-3" Two Family and are either developed with single-family residences, duplexes, some multi-family uses, group residences and churches.
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 is not significantly more intense than use of the property 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: The proposed group residence represents a reinvestment in a neighborhood specifically identified as needing such improvements. Other group residences are found within a two-block radius, and other properties on the same block face are in use as duplexes or a triplex and may have as many or more occupants as the proposed group residence. The appearance of the dwelling will remain residential in character.
4. Length of time subject property has remained vacant as zoned: The property has been vacant since its use as a fraternity, approximately 10 years ago. During this time, the previous owner did extensive rehabilitation to the exterior but never occupied the dwelling.
5. 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 represents a reinvestment in the neighborhood. The residents will be receiving counseling and other life skills training, which could be seen as creating a social organization to prevent deterioration of the neighborhood and community.
6. Impact of the proposed development on community facilities: No impact on community facilities is anticipated.