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**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

**Thursday, August 6, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, August 6, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

*Meeting Date: No Minutes*

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**Items may be taken in one motion unless there are questions or comments.**

3. **PUBLIC HEARING – VACATION ITEMS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**Items may be taken in one motion unless there are questions or comments.**

*Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

- 3-1. **VAC2015-00028: City request to vacate a portion of a platted setback and an easement dedicated by separate instrument on property**, located on the northeast corner 21st Street North and Maize Road.

*Committee Action: APPROVED 4-0*

- 3-2. **VAC2015-00029: City request to vacate a drainage easement dedicated by separate instrument on property**, generally located on Hoover Court, west of Hoover Avenue (1831 S. Hoover Ct.).

*Committee Action: APPROVED 4-0*

- 3-3. **VAC2015-00030: City request to vacate a portion of platted complete access control on property**, generally located south of 21st Street North, on the west side of Rock Road and south of North Rock Road Court (1821 N. Rock Rd.).

*Committee Action: APPROVED 3-1 (L.Richardson NO)*

**PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

4. Case No.: CON2015-00024  
Request: City Conditional Use request for a group residence, limited, on MF-29 Multi-Family Residential zoned property.  
General Location: North of 14th Street North on the east side of Hillside Avenue.  
Presenting Planner: Bill Longnecker

**NON-PUBLIC HEARING ITEMS**

5. Other Matters/Adjournment

**W. David Barber, Interim Secretary  
Wichita-Sedgwick County Metropolitan Area Planning Commission**

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00028 - Request to vacate portions of a platted setback and a utility easement dedicated by separate instrument

**OWNER/AGENT:** Paul & Eleanor Sade Trust (owner) Dillon Stores Inc. (applicant) PEC, c/o Charlie Brown (agent)

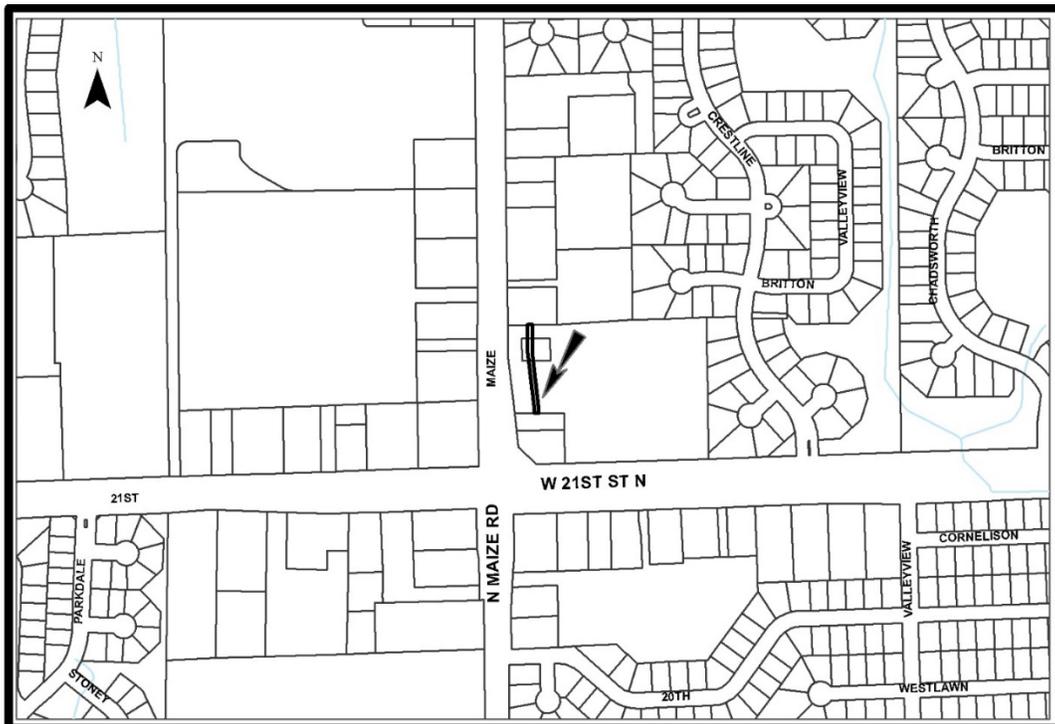
**LEGAL DESCRIPTION:** Generally described as the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition and a portion of the utility easement dedicated by separate instrument (Film 2881, Page 4832; see attached legal and exhibits) located in Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the northeast corner 21st Street North and Maize Road (WCC #V)

**REASON FOR REQUEST:** Canopy for drive through lane of pharmacy

**CURRENT ZONING:** The site (CUP DP-204) and the abutting north and adjacent south properties are zoned LC Limited Commercial. The abutting east properties are zoned SF-5 Single-Family Residential. The adjacent west properties are zoned LC and GC General Commercial.

**VICINITY MAP:**



The applicant proposes to build a canopy for the drive through pharmacy, which encroaches into a platted setback and a utility easement dedicated by separate instrument. The applicant is requesting the vacation of the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. The Limited Commercial (LC) zoned subject is part of Community Unit Plan CUP DP-204 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet; the applicant's request leaves 80 feet of setback.

The applicant is also requesting the vacation of the east 5.52-ft (x) 23.84-dt – 31.11 long section of a 20-foot wide utility easement dedicated by separate instrument (Film 2881, Page 4832) as shown and described on the attached exhibit and legal description. There is a sewer line located within the described portion of the subject easement, which is located in Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. The applicant's exhibit shows a proposed replacement easement. The Westar Construction Services Representative for the NW area can be contacted at 261-6734 . The Chadsworth Commercial 2<sup>nd</sup> Addition was recorded with the Register of Deeds August 14, 1995.

Note: Previously VAC2011-00019 vacated a south portion of the utility easement dedicated by separate instrument located in Lot 5, Chadsworth Commercial 2<sup>nd</sup> Addition. The sewer line located in that portion of the easement was reverted into a private sewer line.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the platted setback and the utility easement dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted setback and the utility easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.
- (2) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.

- (3) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.
- (2) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.
- (3) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00029 - City request to vacate a drainage easement dedicated by separate instrument

**OWNER/AGENT:** Conrail Development LLC (owner) K.E. Miller Engineering P.A., c/o Kirk Miller (agent)

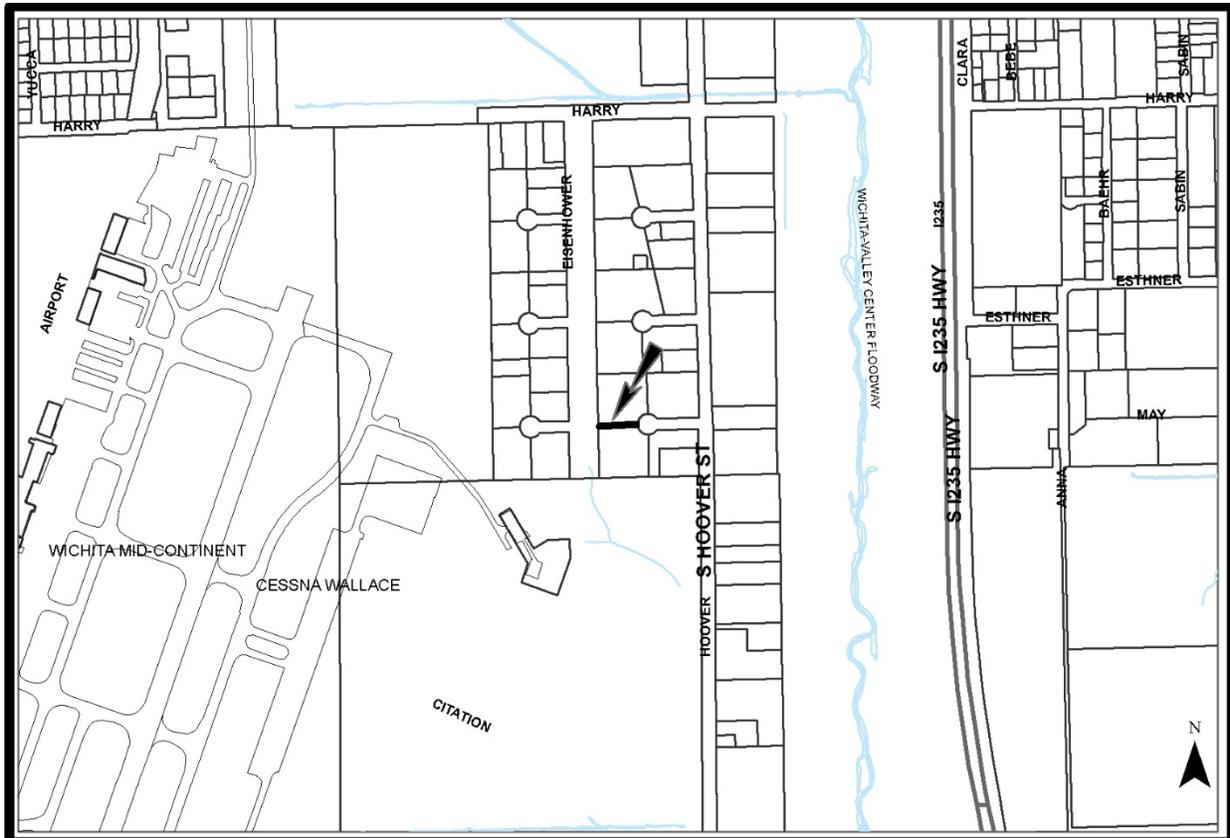
**LEGAL DESCRIPTION:** Generally described as vacating an east-west 20-foot drainage easement dedicated by separate instrument (Film 2093, Page 185) located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located south of Harry Street, west of Hoover Road, on the west side of Hoover Court (WCC #IV)

**REASON FOR REQUEST:** Expansion

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial

**VICINITY MAP:**



The applicant propose to vacate the east-west 20-foot drainage easement dedicated by separate instrument located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition; Film 2093, Page 185. There is stormwater conduit and equipment located in the easement. The applicant proposes to re-locate the stormwater conduit and equipment located in the easement. The Westar Construction Services Representative for the SW Area is the contact for this item and can be contacted at 261-6734. The Airport Industrial Park Addition was recorded December 18, 1964.

Note: Previously VAC2007-00028 vacated a portion of platted street side yard setback on Lots 8 and 9 (and other lots), Block 2, Airport Industrial Park Addition, as well as a platted 40-foot half-street ROW, running parallel to the south lot line of Lots 9 Block 2, Airport Industrial Park Addition (as well as other lots).

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described drainage easement dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the drainage easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including Stormwater, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds. Provided to the Planning Department prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE’S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including Stormwater, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds. Provided to the Planning Department prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00030 - City request to vacate a portion of a platted access control

**APPLICANT/AGENT:** Rock Road Court LLC, Amy Liebau (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)

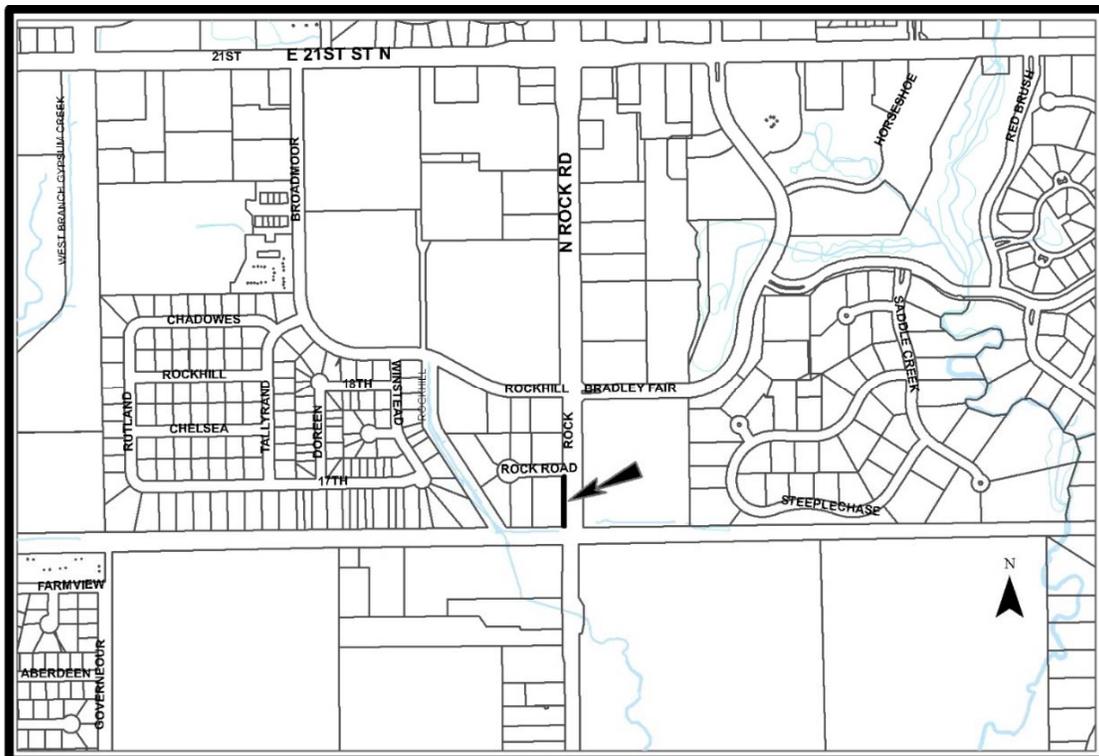
**LEGAL DESCRIPTION:** Generally described as vacating the south 40 feet of the platted complete access control located on the east property line of Lot 13, Brad Boone Addition, to allow a drive/access onto Rock Road, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located south of 21st Street North, on the west side of Rock Road and south of North Rock Road Court (WCC #II)

**REASON FOR REQUEST:** To allow a drive

**CURRENT ZONING:** The site and the adjacent east and south properties are zoned LC Limited Commercial. The abutting north and west properties are zoned GO General Office.

**VICINITY MAP:**



The applicant proposes to vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. As platted, Lot 13 is not permitted a drive/access onto the arterial street, Rock Road. Lot 13's access is off of the north abutting cul-de-sac Rock Road Court, which intersects with Rock Road and is 239 feet north of the proposed drive. Rock Road has four-lanes at this location. There are no drives located east, across Rock Road from the site. The property located east of the site, across Rock Road, is not permitted access onto Rock Road along its 697.42 feet of Rock Road frontage; Lot 1, Block 1, Bradley Fair 4th Addition. The 99.01-foot wide rails to trails pedestrian – bike path abuts the site's south side and its width contributes to the 220 feet of separation from the proposed drive and the closest drive located south. The closest drive north of the site is located approximately 580 feet away, separated from the subject area by Rock Road Court. The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. The proposed drive would be located within a platted 100-foot wide KG & E easement and Westar has power poles and lines located within the easement; the easement will remain. This is a private easement and the applicant would need to get approval from the utility for the proposed drive. A parking lot is currently located within this easement. There is water line and stormwater conduit and equipment in the area of the vacation. Kansas Gas Service has an 8" steel pipeline and gas valve located within the proposed vacation limits. The installation of a drive may require the relocation of our facilities at the applicant's expense. The Brad Boone Addition was recorded with the Register of Deeds April 1, 1981.

Note: Previously VAC2007-00045 vacated 40-feet of the platted 70-foot street side setback along the subject site's Rock Road frontage.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Per the approval of the Traffic Engineer, vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

## **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.

- (3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

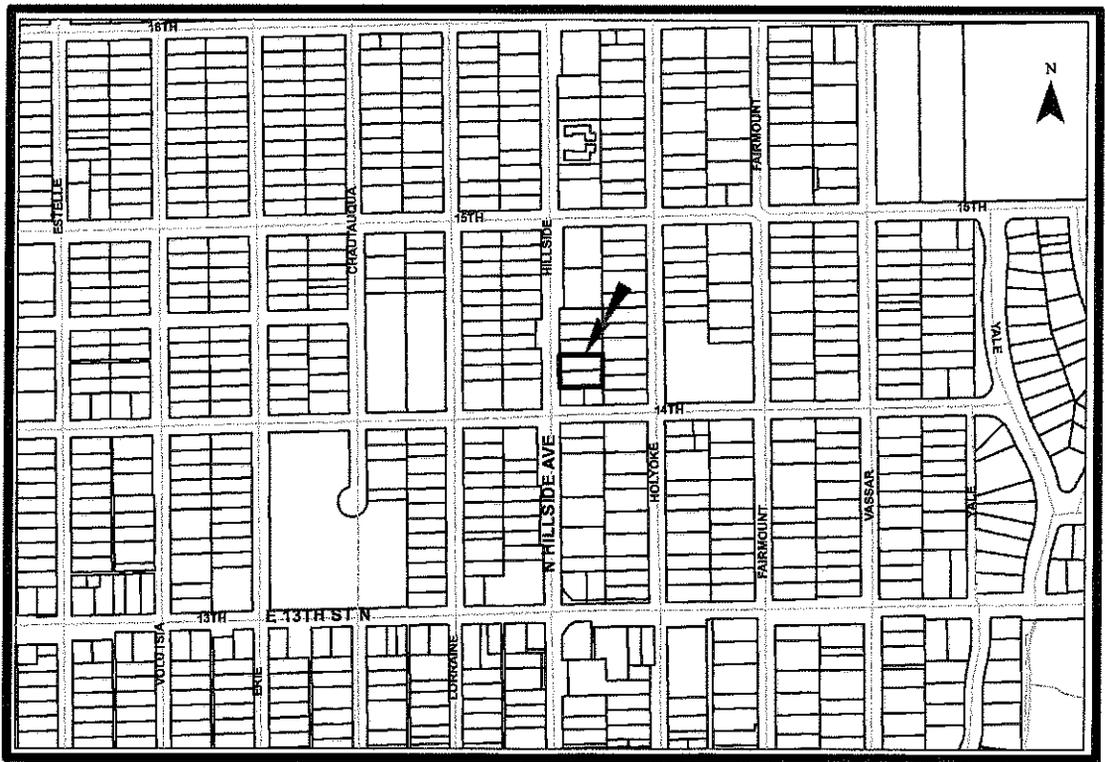


# STAFF REPORT

MAPC August 6, 2015

DAB I August 3, 2015

- CASE NUMBER:** CON2015-00024
- APPLICANT/OWNER:** Narvella S. McElrath & Billie Fae Cole (applicants/owners)
- REQUEST:** Conditional Use to allow a group residence, limited
- CURRENT ZONING:** MF-29 Multi-Family Residential (MF-29)
- SITE SIZE:** Approximately 0.36-acres
- LOCATION:** Generally located north of 14<sup>th</sup> Street North on the east side of Hillside Avenue (1508-1514 N. Hillside) WCC #I
- PROPOSED USE:** Youth group residence for 12-14 youth



**BACKGROUND:** The applicants request a conditional use to operate a group residence, limited, on the MF-29 Multi-Family Residential (MF-29) zoned site located approximately 62 feet north of 14<sup>th</sup> Street North on the east side of Hillside Avenue; Unified Zoning Code (UZC), Sec.III-B.8.c.1. A group residence, limited, is a residential facility occupied by six to 15 persons 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; UZC, Sec.II-B.5.i and Sec.II-B.5.k. The applicants' non-restrictive facility is for juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. A non-restrictive facility does not prohibit the facilities occupants from comings and goings

The MF-29 zoned site currently has a vacant single-family residence (built 1950) located on the south half, with the north half being undeveloped. If approved the applicants propose to tear down the vacant single-family residence (which Code Enforcement has a vacant/neglected building case) and redevelop the site with a 1,698-square foot residence and a 1,200-square foot recreational/common building.

The site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14<sup>th</sup> Street North) to the south side of the site. MF-29 zoned quad-plexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925, 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1820, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.

**CASE HISTORY:** The site is located on the south 19 feet of Lot 130, all of Lots 132, 134 and 136 along with the north 12 feet of Lot 138, Hillside Avenue, Fairmount Addition, which was recorded with the Register of Deeds on February 15, 1887.

**ADJACENT ZONING AND LAND USE:**

NORTH:	MF-29, LC	Single-family residences, church, vacant commercial building
SOUTH:	MF-29, B	Single-family residences, quad-plexes, cemeteries
EAST:	TF-3	Single-family residences, duplexes, church

WEST: MF-29, TF-3 Single-family residences, duplexes, vacant properties, church with attached medical and dental clinic

**PUBLIC SERVICES:** The site has access onto Hillside Avenue, a paved, four-lane, arterial street, with 60 feet of right-of-way at this location. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide Map” shows the site as “urban residential.” The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the “urban residential” or “urban development mix” designations of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

**RECOMMENDATION:** The proposed maximum occupancy of 12-14 in a proposed 1,698-square foot residence is high and will have to be approved by the Fire Department and the Metropolitan Area Building and Construction Department. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use be **APPROVED**, with the following conditions:

- (1) The group residence, limited, for juvenile males (less than 18 years old) shall be limited to a maximum occupancy as approved by the Wichita Fire Department, the Metropolitan Area Building and Construction Department and any other applicable federal, state and local standards. The maximum occupancy shall not exceed 14 residence, including staff members. A staff member shall be in the residence 24 hours a day, seven days a week.
- (2) The site will be developed with an approved revised site plan. The site plan shall include, but not be limited to, an on-site paved parking area that conforms to the UZC’s parking standards for one parking space per resident. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (3) The applicant shall obtain all required federal, state, local and other applicable permits and inspections.
- (4) The site shall be developed as shown on the approved site plan, within one year of approval by the appropriate governing body or the conditional use shall be declared null and void.
- (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 site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14<sup>th</sup> Street North) to the south side of the site. MF-29 zoned quad-plexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925, 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1920, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned MF-29, which is meant to accommodate high-density, multi-family residential development and complementary land uses within the City of Wichita. The MF-29 zoned site could be developed as single-family residential, duplex and multi-family residential by right. Having frontage on the arterial road Hillside Avenue makes the site less desirable for single-family residential development. However, with Wichita State University being located four blocks north of the site, a multi-family residential development would be appropriate for providing student housing.

**Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of a conditional use would permit the site to become group residence, limited, specifically (as proposed by the applicants) a non-restrictive facility for up to 12-14 juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. As proposed the site would be redeveloped with two new buildings, a plus for this older, established neighborhood.

The request does not introduce a new use to the area, as there were two approved group residences, limited, located one block east and another located two-blocks northeast of the site. CON2010-00037 is a group residence, limited, for up to six pregnant women located one-block east of the site on the north side of 14<sup>th</sup> Street North, between Fairmount and Holyoke Avenues. CON2004-00008, with CON2009-00045 (located on the northeast corner of Fairmount Avenue and 15<sup>th</sup> Street North) later amending it to

allow a maximum of 10 residents, to have an on-site, live-in manager occupying the facility when any of the rooms have been rented or leased and to have paved parking to meet the UZC's on-site parking requirements. Staff does not know if these sites are currently active.

- (3) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide Map" shows the site as "urban residential." The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the "urban residential" or "urban development mix" designations of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

- (4) **Impact of the proposed development on community facilities:** Approval of this request will have a minimal impact on community facilities.



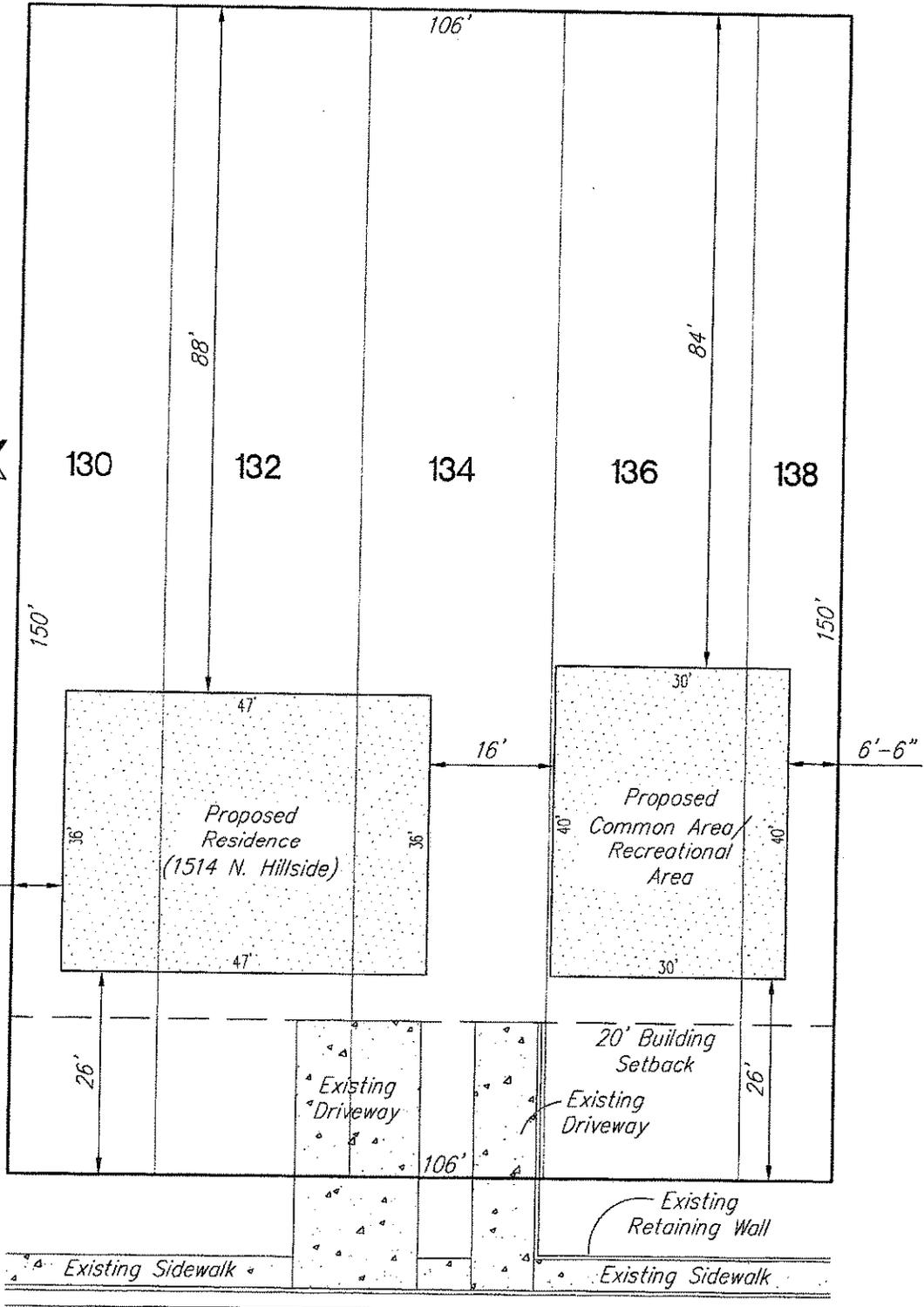
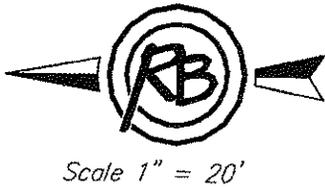
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4578F  
June 29, 2015

The South 19 feet of Lot 130 plus Lots 132, 134 & 136 plus the North 12 feet of Lot 138 Hillside Avenue, Fairmount, An Addition to Wichita, Kansas

Com 2015-24



### NOTES:

Existing Driveways will be modified as necessary for proposed structures.

Existing structure at 1508 N. Hillside will be removed prior to construction.

Retaining Walls will be removed/replaced as necessary for building construction.

## 1514 - 1508 North Hillside