AGENDA ITEM NO. 9

STAFF REPORT
MAPC October 20, 2022
DAB VI November 7, 2022

CASE NUMBER:	CON2022-00038 and ZON2022-00053 (City)
APPLICANT/AGENT:	Bibleway Baptist Church (owner)
REQUEST:	Request to rezone a portion of the subject property to B Multi-Family Residential with a Conditional Use request for Group Residence, General
CURRENT ZONING:	TF-3 Two-Family Residential
SITE SIZE:	0.24 acres
LOCATION:	Generally located one-block south of West 21st Street North and one-block west of North Waco Avenue (South of 2041 North Jackson Avenue).
PROPOSED USE:	Group Residence, General
RECOMMENDATION:	Approval with conditions

BACKGROUND: The applicant is requesting:

1. a zone change from TF-3 Two-Family Residential District to B Multi-Family Residential District, and

2. a Conditional Use to permit a Group Residence, General on the subject site.

The subject property is a 0.24-acre parcel zoned TF-3 Two-Family Residential, generally located one-block south of West 21st Street North and one block west of North Waco Avenue (South of 2041 North Jackson Avenue). Currently, the subject site and the two properties abutting it to the north are surfaced and used as an ancillary parking lot for the Bibleway Baptist Church, located across from the subject site on the north side of West 20th Street North. The requested zone change and Conditional Use would only apply to the southmost parcel of the parking lot.

The subject area is a residential neighborhood generally developed with bungalow-style single-family residences constructed before 1930. Like the subject site, the two properties developed as the north portion of the ancillary parking lot are zoned TF-3 Two-Family Residential District. All other abutting properties are also zoned TF-3 Two-Family Residential District and are developed with Single-Family Residences.

Should the requested zone change and Conditional Use be approved, the Bibleway Baptist Church plans to expand its ministry by developing a shelter to house fifteen individuals plus staff, consistent with the Unified Zoning Code (U.Z.C.) definition of Group Residence, General. A Group Residence is defined by the U.Z.C. 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." The B Multi-Family Residential District permits Group Residence, General as a Conditional Use, if approved per the procedures and standards of Article V-D of the U.Z.C.

A Group Residence, General is permitted to house more than fifteen individuals. However, the applicant has stated they plan to have eight to ten bedrooms for their clients and will have no more than fifteen residents at any time. The Group Residence, General is required because more than fifteen persons could be residing at the facility when staff is included, whereas a Group Residence, Limited would only permit fifteen persons including staff.

The applicant has provided a conceptual layout and an exhibit showing the front façade of a similar facility (See attachments #6 Conceptual Layout and #7 Applicant's Exhibit). If approved, the Residence will generally serve single, adult women with an average stay of one to six months. Staff will be on-site 24/7, and security will be provided for the facility.

Currently, the site is accessible via two drives on the west side of North Jackson Avenue and one on the south side of West 20th Street North. Off-street parking is required at a rate of one stall per bedroom in the Group Residence per the Off-street Parking Schedule in Article IV-A of the U.Z.C. While the two parcels abutting the subject site to its north are not included in the request for Conditional Use, a portion of the remaining parking lot will be designated for the Group Residence. This area will be improved with new surfacing and striping with stalls facing south toward the proposed facility. Should the MAPC approve these requests, staff recommends documentation dedicating the required parking for the Conditional Use be recorded by the applicant with the Sedgwick County Register of Deeds prior to the issuance of building permits. This prevents the property on which the facility is on from being sold separate from the parking lot and no longer having the parking spaces required.

The subject site and surrounding neighborhood are located within the Established Central Area (E.C.A.) on the edge of the North Arkansas Avenue and West 21st Street North Neighborhood Hub. This area is situated between those covered by the *21st Street North Corridor Revitalization Plan* and the *Historic Midtown Neighborhood Plan*, though it is not included in either.

CASE HISTORY: In 1887, the subject site was platted as Lots 17 and 15 of Forest Home Addition to the City of Wichita, Kansas. In 1961, the Board of Zoning Appeal approved a variance to the front yard setback requirement for the properties north of the subject site to allow the parking lot to end fifteen feet from the east property line. There have been no other zoning actions on this sit

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Ancillary Parking
SOUTH:	TF-3	Single-family residence
EAST:	TF-3	Single-family residence
WEST:	TF-3	Single-family residences

PUBLIC SERVICES: West 20th Street North and North Jackson Avenue are paved local streets with sidewalks on all sides. Wichita Transit serves the site, with multiple bus stops near West 21st Street North and North Arkansas Avenue. City water is located east of the property in the North Jackson Avenue right-of-way. Stormwater is located in West 20th Street North right-of-way. Sanitary sewer is to the rear of the property, in the abutting alley to the west.

CONFORMANCE TO PLANS/POLICIES: The requested zone change and Conditional Use are found to be in conformance with the following adopted plans:

The Community Investments Plan: The requested zone change and Conditional Use conform to the *Community Investments Plan* (The Wichita-Sedgwick County Comprehensive Plan).

The *Plan* includes the 2035 Wichita Future Growth Concept Map, which illustrates the preferred growth concepts for the *Plan* area. The subject site is labeled as appropriate for "Commercial" land use, a category encompassing various locations that "reflect the full diversity of commercial development intensities and types." These include retail, restaurants, small offices, and personal uses "located in close proximity to, and potentially mixed with, Residential Uses."

Locational guidelines outlined in the *Plan* serve as a framework for future land use decisions in the City and unincorporated Sedgwick County. These are provided generally and for specific geographic areas and address development patterns, land use compatibility, and design. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.”

The development pattern recommended in the Established Central Area should “encourage infill development that maximizes public investment in existing and planned infrastructure and services.” Regarding land use compatibility, the *Plan* states that "high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures" if design features are in place to mitigate potential adverse impacts and "the scale of development is appropriate for its context."

Wichita: Places for People Plan: *The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike, and through transit - in balance with automobiles.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is key to realizing this vision.

The subject site is located on the edge of the Neighborhood Hub centered at the intersection of North Arkansas Avenue and West 21st Street North as designated by the *Places for People Plan*. The center of the node is characterized by concentrations of amenities and services that can “satisfy the daily needs of the surrounding neighborhoods.” Moving away from the center of the node, uses should transition in scale and intensity. A Group

Residence at this site would provide services to meet the daily needs of the community, at a scale appropriate for the edge of the Neighborhood Hub.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the following conditions.

1. The site shall be developed in compliance with the approved site plan.

2. The applicant shall record a document with the Register of Deeds that dedicates the required number of parking spaces from their abutting property to the north. The applicant shall provide a copy of the recorded document to the Planning Department prior to the issuance of building permits.

3. The architecture of the structure shall have residential character in exterior appearance similar to the surrounding residential structures. Elevations shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

4. The Conditional Use approval is limited to a maximum of 15 persons excluding staff.

5. No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.

6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

7. 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 Article VIII of 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 subject area is a residential neighborhood generally developed with bungalow-style single-family residences constructed before 1930. Like the subject site, the two properties developed as the north portion of the ancillary parking lot are zoned TF-3 Two-Family Residential District. All other abutting properties are also zoned TF-3 Two-Family Residential District and are developed with Single-Family Residences. The subject site and surrounding neighborhood are located within the Established Central Area (ECA).

2. The suitability of the subject property for the uses to which it has been restricted:
The subject property is zoned TF-3 Two-Family Residential District, which accommodates single-family and duplex development as well as various public and civic uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change of zoning to B Multi-Family Residential District would allow all uses permitted in the B District on this site. Approval of this request should not detrimentally impact nearby property owners.

4. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this request could provide shelter and supportive services to individuals in need, which is generally considered a gain to the public welfare. However, any gain must be considered in light of the possible negative impacts to the public welfare, including the effects of future

development on neighboring properties. Denial could be regarded as a loss of supportive services to the community.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in conformance with adopted plans and policies as discussed in the staff report.

6. Impact of the proposed development on community facilities: It is not anticipated that approval of this request should generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use.

Attachments:
1. Applicant Letter
2. Aerial Map
3. Zoning Map
4. 2035 Future Growth Concept Map
5. Conceptual Site Plan
6. Conceptual Layout
7. Exhibit
8. Site Photos

Attachment 1. Applicant Letter

Office of Bishop
J. L. Enlow Sr.

BIBLEWAY COMMUNITY OF FAITH

To : City of Wichita,

The proposed building structure will serve as an extension of our 29-year ministry to the Community of Wichita. "Hope Center" will serve as an incubator for women in need of temporary habitation as they seek to rebuild their lives and restore relationships that will assist in propelling their future. Collaborating with Federal, State, and City agencies along with the public and private sector; undergirded by the church community, will create and provide ongoing emotional, physical, and spiritual support. Currently there are several systems of support for men and women in crises (domestic abuse) in Sedgwick County, however, there is no facility designated for homeless/hurting women. Our program will be facilitated by professionals who can identify, support, and enable women to live wholesome healthy lives.

It is not our goal to create conflicts or commotion in our community or to its residents. This secured and monitored facility will assist women who are employable and ready for recovery.

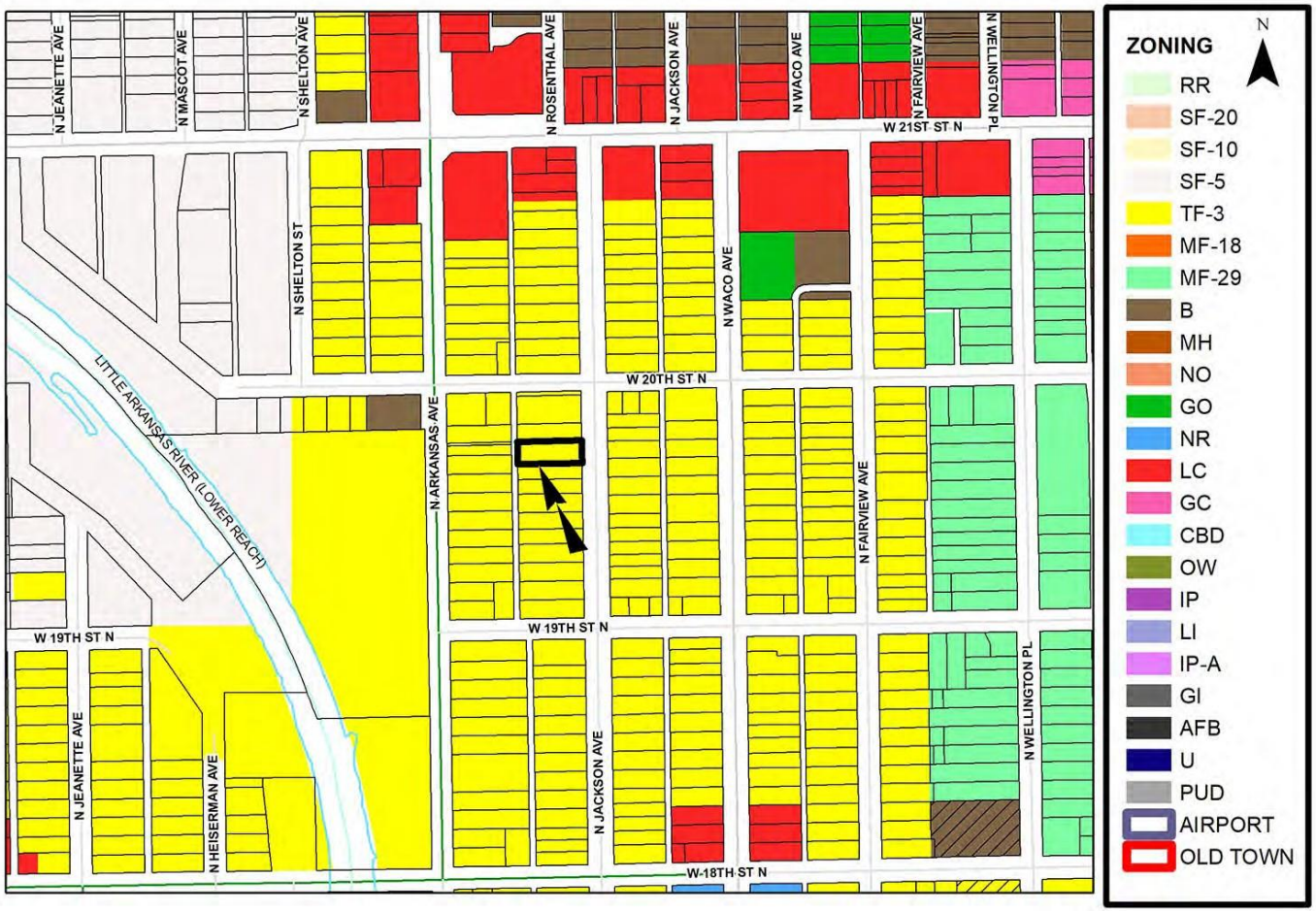
It is our prayer that this committee will agree with our vision and mission and grant approval for this community facility.

Existing to Serve,

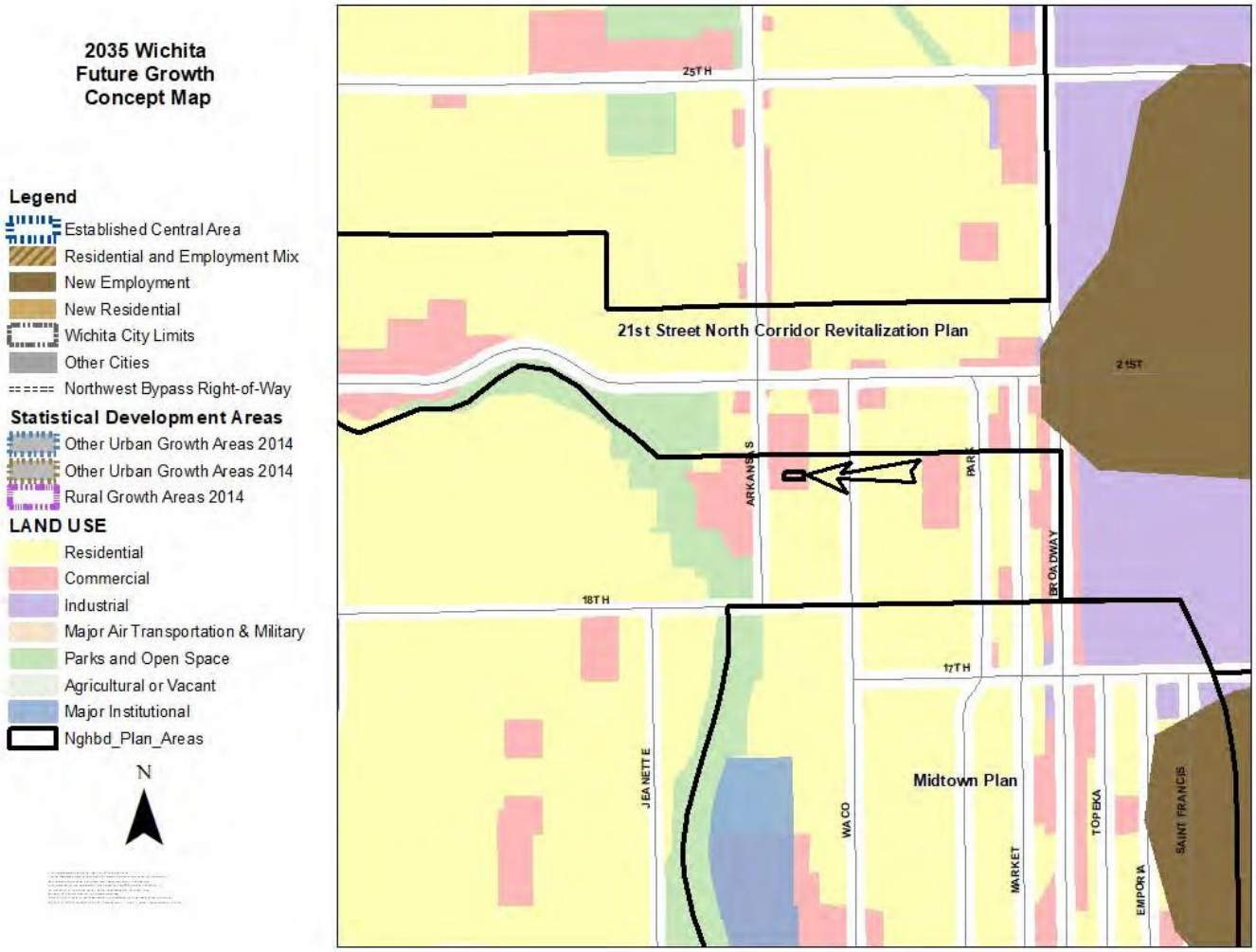
Bishop Jeffrey Enlow, Sr.

Attachment 2. Aerial map

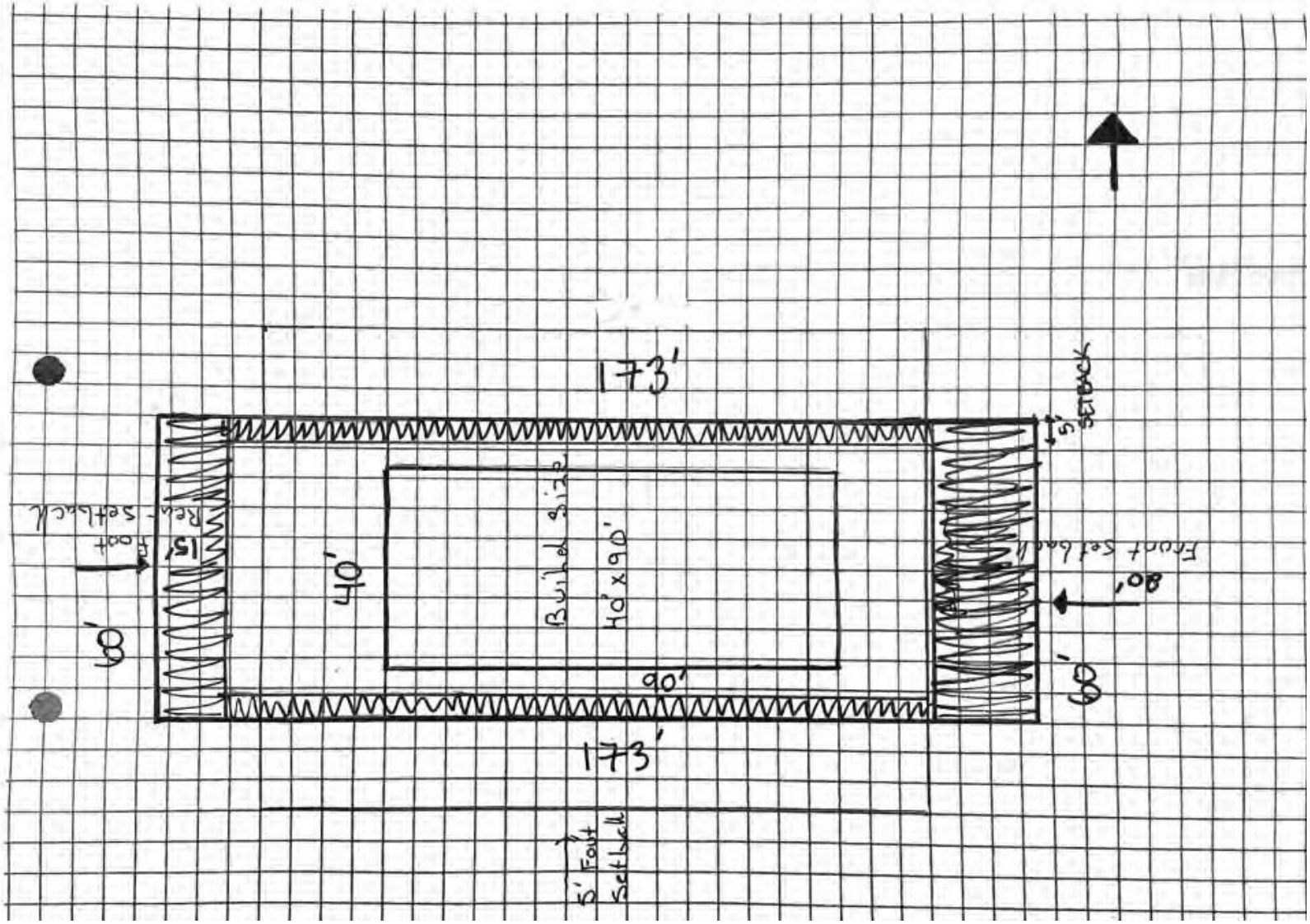
Attachment 3. Zoning map



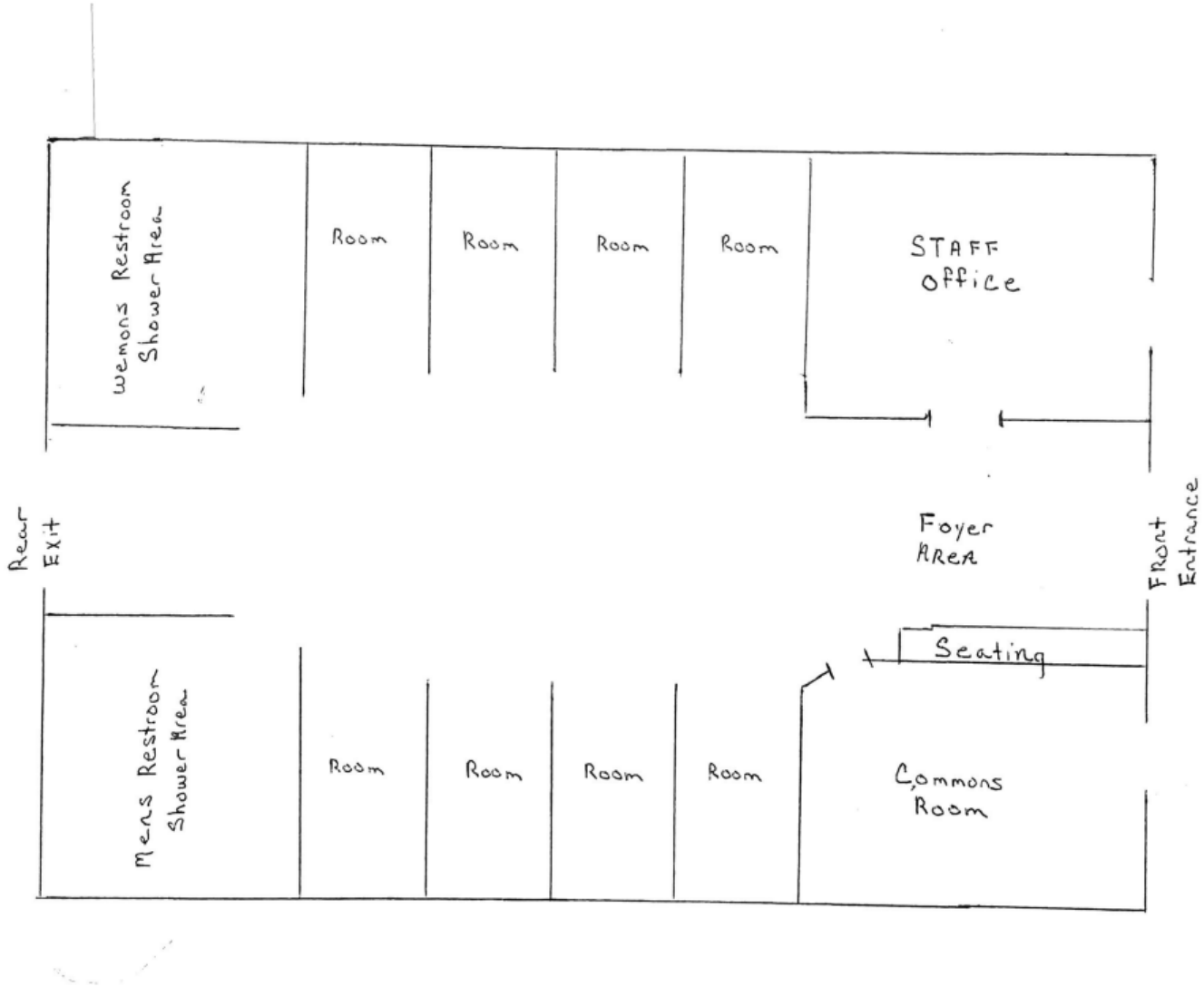
Attachment 4. Future Growth Concept Map



Attachment 5. Conceptual Site Plan



Attachment 6. Conceptual Layout



Attachment 7. Applicant's Exhibit

Attachment 8. Site photos

The subject site and abutting properties.

The subject site and residence to the south

Bibleway Baptist Church, north of the subject site

Northeast of the subject site

Residence at the northeast corner of West 20th Street North and North Jackson

Residences northeast of the site on the east site of North Jackson

East of the subject site

Residences east of the subject site.

Residences east of the subject site (facing southeast)

West of the subject site