

OCA 150004

ORDINANCE NO. 50-559

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2017-00023

City zone change from LC Limited Commercial to CBD Central Business zoning; described as:

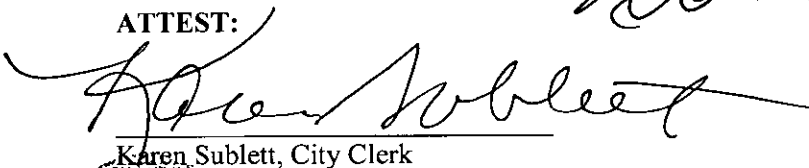
The East 8 feet 2 inches of Lot 110, TOGETHER WITH Lots 112 – 118, even inclusive on Chicago now Douglas Avenue, Map of West Wichita, Sedgwick County, Kansas; generally located east of South Sycamore Street on the south side of West Douglas Avenue at 559 West Douglas Avenue.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

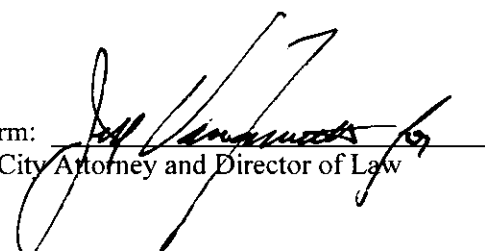
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT
MAPC June 8, 2017
DAB VI June 5, 2017

CASE NUMBER: ZON2017-00023

APPLICANT/AGENT: 559 Partners LLC, William D. Hayes/ Baughman Company P.A. Russ Ewy

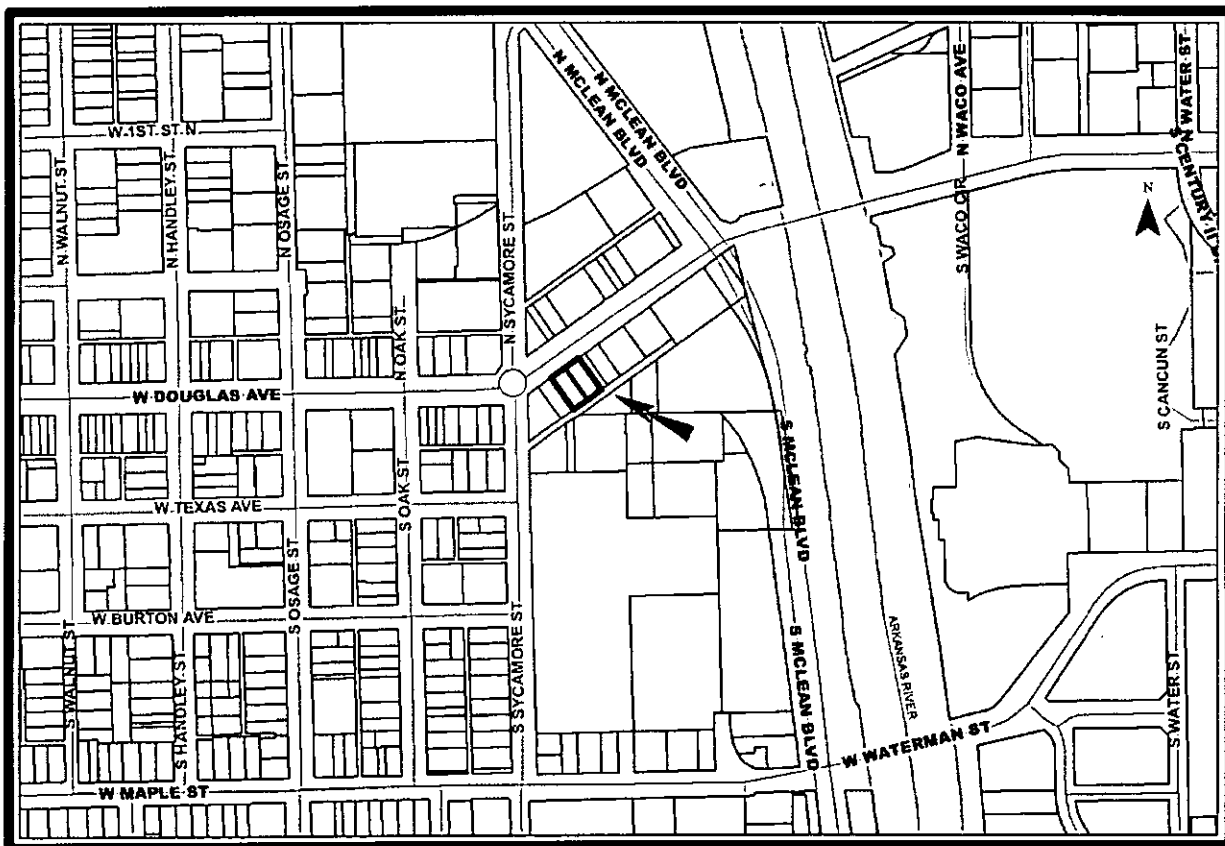
REQUEST: CBD Central Business District

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.16 acres

LOCATION: East of Sycamore on south side of West Douglas Avenue

PROPOSED USE: Commercial Development



BACKGROUND: The applicants request Central Business District (CBD) zoning on 0.16 platted acre located east of South Sycamore Street on the south side of West Douglas Avenue. The subject site is currently zoned LC Limited Commercial, and is developed with a one-story metal structure built in 1970. The building is set back approximately 50 feet from the front property line. The CBD zoning would give the applicants maximum flexibility with code required parking and building setback standards. The applicant proposes to demolish the existing metal building and construct a new commercial storefront building to compliment the buildings on either side of the site. Approximately six on-site parking spaces will be provided for tenants on the south side of the building along the north side of the alley.

The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is located within the Delano Neighborhood Plan area, and the Delano Overlay Neighborhood District (D-O). The Delano Overlay Zoning District contains development standards specific to the Delano Neighborhood Plan, including architectural review.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when off-street parking requirements did not exist. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. CBD zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required on CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LC district vary from zero to 20 feet). Public on-street parking is available throughout the Delano area.

Properties north and west of the site are zoned LI and used for restaurants and warehousing. Properties south of the site front onto Douglas, they are a combination of LI, LC and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site is zoned CBD and used for retail commercial uses.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001.

ADJACENT ZONING AND LAND USE:

North: GC	Strip Office Center
South: GC	Parking lot for Lawrence Dumont Stadium
East: LC	Retail commercial uses
West: LC	Retail commercial uses

PUBLIC SERVICES: The site has access to West Douglas Avenue, a paved arterial street with sidewalks a 100-foot right-of-way. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use." The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area are more likely to be higher density. Employment uses

The Unified Zoning Code (UZC) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the property owner obtaining a minor street privilege for the paved eight parking spaces along the site's north boundary.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the subject site are zoned LC and GC and permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property surrounding the site are subject to the D-O district, which limits land uses and has design guidelines.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC which permits a wide range of commercial uses, but requires the provision of off-street parking per the UZC. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking and modify building setback requirements and make the site attractive to a wider range of uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners. The site is currently developed and has some off-street parking.
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 will make the property more marketable with a wider range of possible uses. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use." The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, entertainment, cultural, civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.
6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed CBD zoning.