

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Sept. 7, 2018

ORDINANCE NO. 50-841

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:

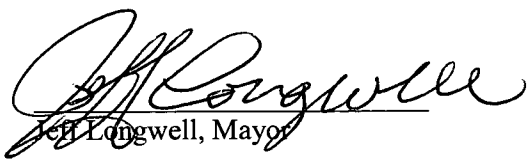
Case No. ZON2018-00023

City zone change from GC General Commercial to CBD Central Business District; described as:

Lots 51, 53, 55, 57, and 59, on Chicago now Douglas Avenue, in West Wichita Addition, Sedgwick County, Kansas, together with the vacated West 10 feet of Osage Avenue adjoining said Lot 59 on the East.

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.

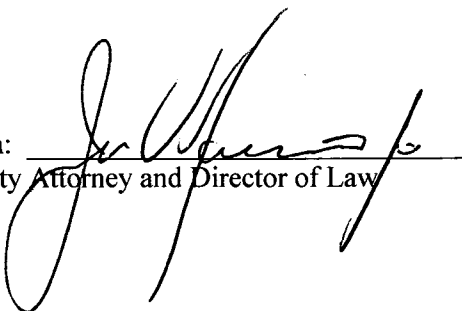
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

STAFF REPORT
MAPC July 26, 2018
DAB VI August 6, 2018

CASE NUMBER: ZON2018-00023

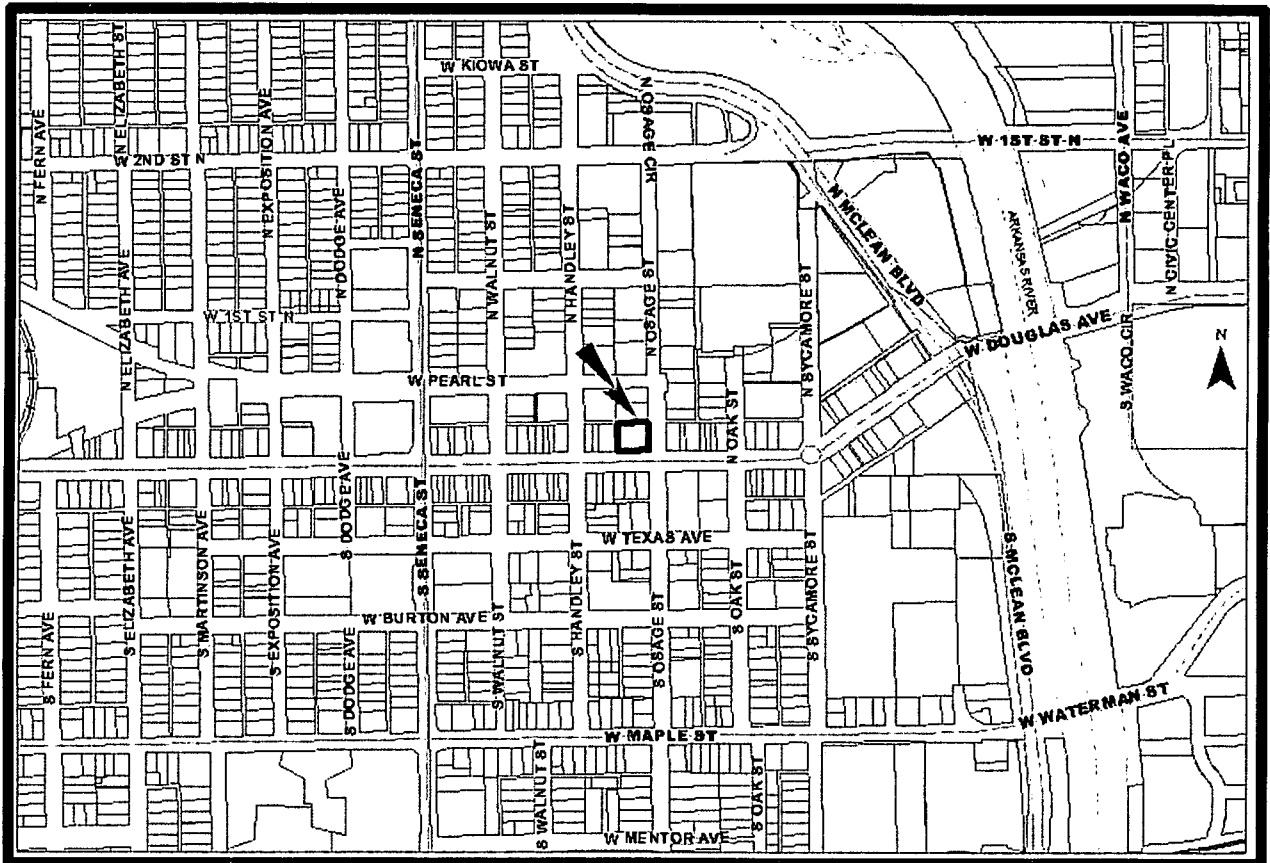
APPLICANT/AGENT: R&M Investments I, LLC (applicant) InSite Real Estate (agent)

REQUEST: CBD Central Business District

CURRENT ZONING: GC General Commercial

SITE SIZE: 0.39 acres

LOCATION: Northwest corner of West Douglas Avenue and North Osage Street



BACKGROUND: The applicants request CBD Central Business District (CBD) zoning on 0.39 platted acres located at the northwest corner of West Douglas Avenue and North Osage Street. The subject site is currently zoned GC General Commercial, and is developed as a commercial building. The building on the site has zero lot-line setbacks on the north, south, and west sides. The requested CBD zoning would provide maximum flexibility with code required parking and building setback standards. The site is located within the Delano District, a commercial district serving west downtown Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is within the Delano Neighborhood Plan area, and the Delano Overlay Neighborhood District (D-O).

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 GC district vary from zero to 20 feet). Public on-street parking is available throughout the Delano area.

There is currently a project under way by the Metropolitan Area Planning Department (MAPD) to develop an updated area plan for the Delano district. The Metropolitan Area Planning Commission (MAPC) voted to approve this plan on March 8, 2018. At this time the plan is awaiting final City Council approval. One strategy in the plan is to rezone all of Douglas Avenue between Seneca Street and the river to CBD; to allow for continued development of this type, accommodate existing uses, and preserve the character of this important piece of the neighborhood. This rezoning case would support that effort.

An MAPD parking study of West Douglas Avenue between Sycamore Street and Seneca Street revealed that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

North of the site is zoned CBD Central Business District and used as a warehouse. East of the site is zoned LC Limited Commercial and has a variety of commercial and retail uses. South of the site is zoned LI Limited Industrial and has a commercial businesses in operation there. West of the site is zoned CBD Central Business District and is developed as a commercial businesses.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001, and is a part of the 2018 Delano Neighborhood Plan update.

ADJACENT ZONING AND LAND USE:

North: CBD	Industrial
South: LI	Commercial
East: LC	Commercial
West: CBD	Commercial

PUBLIC SERVICES: The site has access to West Douglas Avenue and North Osage Street, both paved Streets with sidewalks on this block. The site is served by all typical municipal services. There are stops nearby for both bus and Q-Line routes.

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 likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor. At this time, the preliminary update to the Delano Neighborhood Plan includes a strategic recommendation to rezone this and other properties along Douglas to CBD.

The Unified Zoning Code (UZO) 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.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is zoned CBD Central Business District and used as a warehouse. East of the site is zoned LC Limited Commercial and has a variety of commercial and retail uses. South of the site is zoned LI Limited Industrial and has a commercial businesses in operation there. West of the site is zoned CBD Central Business District and is developed as a commercial businesses.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC which permits a wide range of uses, but requires the provision of off-street parking per the UZO. Approval of CBD zoning would eliminate the requirement for off-street parking, modify/eliminate building setback requirements, and make the site attractive to a wider range of uses. Further, the already existing structure and many of the surrounding structures along Douglas were built in a manner that is more evocative of development in CBD style zoning districts, rather than in General Commercial style zoning districts.
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 been for some time. Removal of the restrictions will allow for uses more in line with those the site would have been originally developed for.
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, 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 likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor. At this time, the preliminary update to the Delano Neighborhood Plan includes a strategic recommendation to rezone this and other properties along Douglas to CBD.

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.