

OCA 150004

ORDINANCE NO. 50.114

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. ZON2015-00039

Zone change from LC Limited Commercial ("LC") to CBD Central Business District ("CBD") on an approximately 0.70-acre property described as:

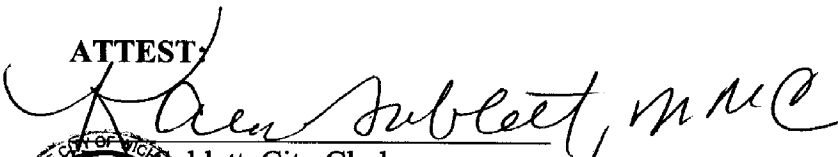
Lot 15, Douglas Avenue, Martinson's 3rd Addition, Wichita, Sedgwick County, Kansas, generally located west of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue.

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.

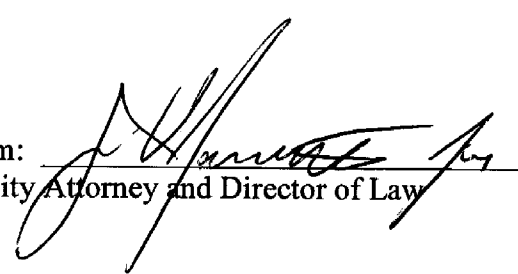
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, mnc
Sublett, City Clerk



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

**City of Wichita
City Council Meeting
November 17, 2015**

TO: Mayor and City Council

SUBJECT: ZON2015-00039 – City Zone Change from Limited Commercial to Central Business District on Property Generally Located West of Seneca Street, East of Dodge Avenue, on the South Side of Douglas Avenue (District IV)

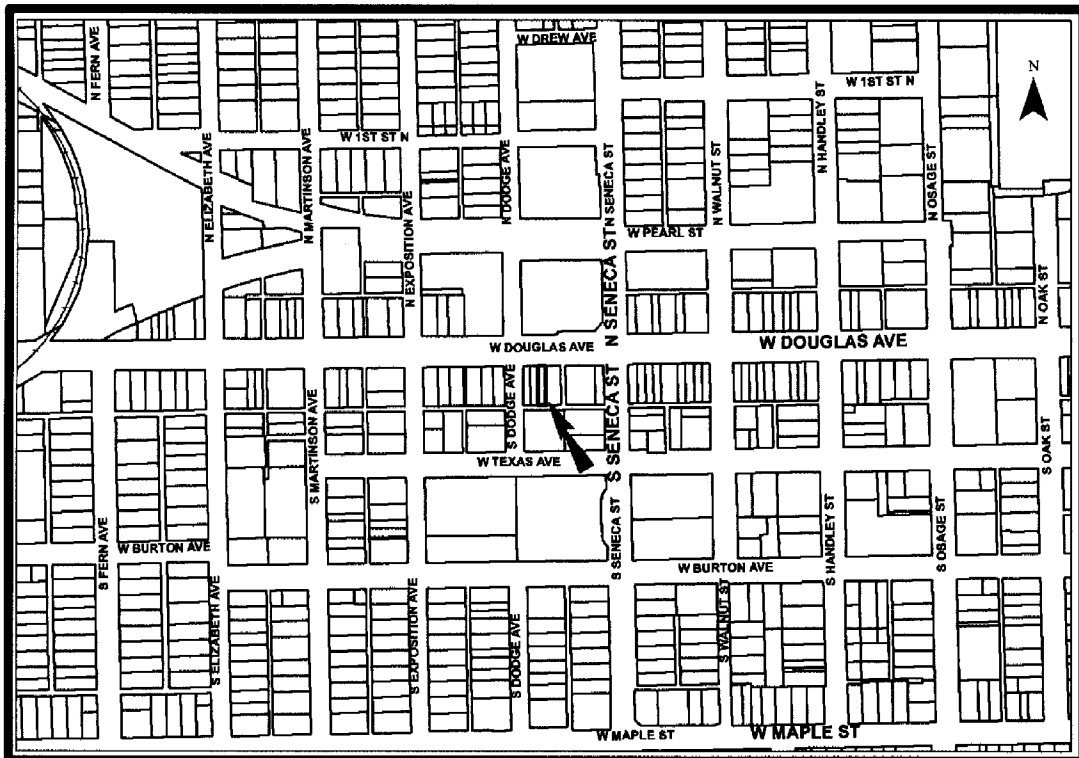
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (11-0).

DAB Recommendation: District Advisory Board IV did not have a quorum.

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting a zone change from LC Limited Commercial (LC) to CBD Central Business District (CBD) on the subject site located west of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue; Lot 15, Douglas Avenue, Martinson's 3rd Addition. The site is located in (and subject to) the D-O Delano Overlay Neighborhood District (D-O). If CBD zoning is approved the site will still be subject to the D-O. The site's brick and stucco one-story downtown row store (built 1920) is currently occupied by a dry cleaners pick-up and drop-off store. In anticipation of any change of use triggering the parking requirements, the applicant is applying for CBD zoning. The applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. The CBD zoning district more effectively resolves such issues as parking (no minimum parking standards) that could be triggered by a change in occupancy. There have been other applications for CBD zoning in the D-O along Douglas Avenue; ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034 and ZON2015-00035. In the previous zoning cases a lack of on-site parking was an issue. Prior to the current and recent past CBD zoning requests along this section of Douglas Avenue parking issues were addressed by applications for a variance.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for property owners to provide on-site parking. Many of the uses in the Delano District do not have on-site parking, but have relied on parking located on public street right-of-way to support their businesses. There is parallel parking on Douglas Avenue in front of the site. The successful 1908 mass production of the Ford Model T is a landmark to our current urban landscape with ownership of cars becoming common, triggering the always present need for parking space for them.

A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting this described portion of 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. Although the site is located one block west of Seneca Street, the development patterns are similar to the study's area.

This section of Douglas Avenue is characterized by the prevalence of brick one to two-story downtown row stores mostly built in the early 1900s. Most of the downtown row stores along this section of Douglas Avenue were built up to the property lines, with no setbacks. It is not uncommon to have apartments located in the second or third story of these buildings, with the commercial uses located on the ground floor. However, the development located west of Seneca Street along Douglas Avenue does begin to introduce more small commercial buildings built after the 1920s and the local commercial development begins to be interrupted by detached single-family residences.

As previously noted the LC zoned site is occupied by a dry cleaners pick-up and drop-off store. Also previously noted, the applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. A LC zoned one-story downtown row store (built 1900) occupied by a recording studio and tax service office is located west of the site's parking and drive-thru lot. A LC zoned one-story commercial building (currently a yoga studio) with an attached two-story residence (built 1940) and a vacant one-story commercial building (built 1960) are located further west of site, across Dodge Street. A LC zoned one-story downtown row store (built 1922) and (separated by a platted 15-foot alley) a small one-story commercial strip building (built 1982) are abutting and adjacent to the east side of the site. North of the site, across Douglas Avenue is a LC, LI Limited Industrial (LI) and GC General Commercial (GC) zoned QuikTrip convenience store (built 2008), a LC vacant one-story building (built 1985) with its parking lot and a LI zoned one-story commercial building (built 1999, currently a thrift store). A platted 15-foot wide alley separates the site from the south adjacent GC zoned one-story funeral home and mortuary (built 1956), its parking lot and a three-story apartment building (built 1925). A B Multi-Family Residential (B) zoned duplex (built 1945) and an undeveloped MF-18 Multi-Family Residential (MF-18) zoned property are located southwest of the site, across Dodge Avenue. A block southeast of the site is a SF-5 Single-Family Residential zoned USD-259 school site (built 1921, 1948, 2003 and 2012).

Analysis: On October 1, 2015, the Metropolitan Area Planning Commission (MAPC) considered and approved (11-0) the requested CBD zoning. There were no protesters at the MAPC meeting.

On October 5, 2015, District Advisory Board (DAB) IV considered the requested CBD zoning. The DAB IV members had no questions or concerns. Because there was no quorum DAB IV took no official action. There were no protesters at the DAB IV meeting. Planning staff has not received protests to the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning and place the ordinance on first reading (simple majority of four votes required).

Attachments:

- MAPC minutes
- DAB memo
- Ordinance