

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Oct. 5, 2018

ORDINANCE NO. 50-865

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. ZON2018-00032

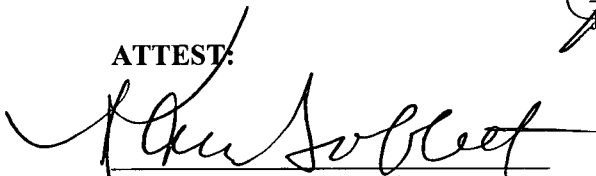
City zone change from LC Limited Commercial to CBD Central Business District; described as:

Lots 126, 128, 130, 132, 134, 136, 138, 140 and the west 5 feet of Lot 142, on West Douglas Avenue,
in West Wichita, Sedgwick County, Kansas.

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.

ATTEST:

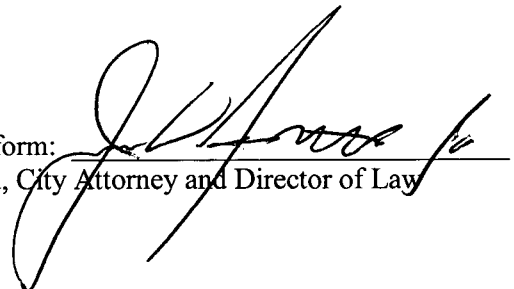

Karen Sublett, City Clerk


Jeff Longwell, Mayor

(SEAL)



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



STAFF REPORT
MAPC August 23, 2018
DAB IV September 10, 2018

CASE NUMBER: ZON2018-00032

AGENT: Kaw Valley Engineering
APPLICANT: Douglas, LLC

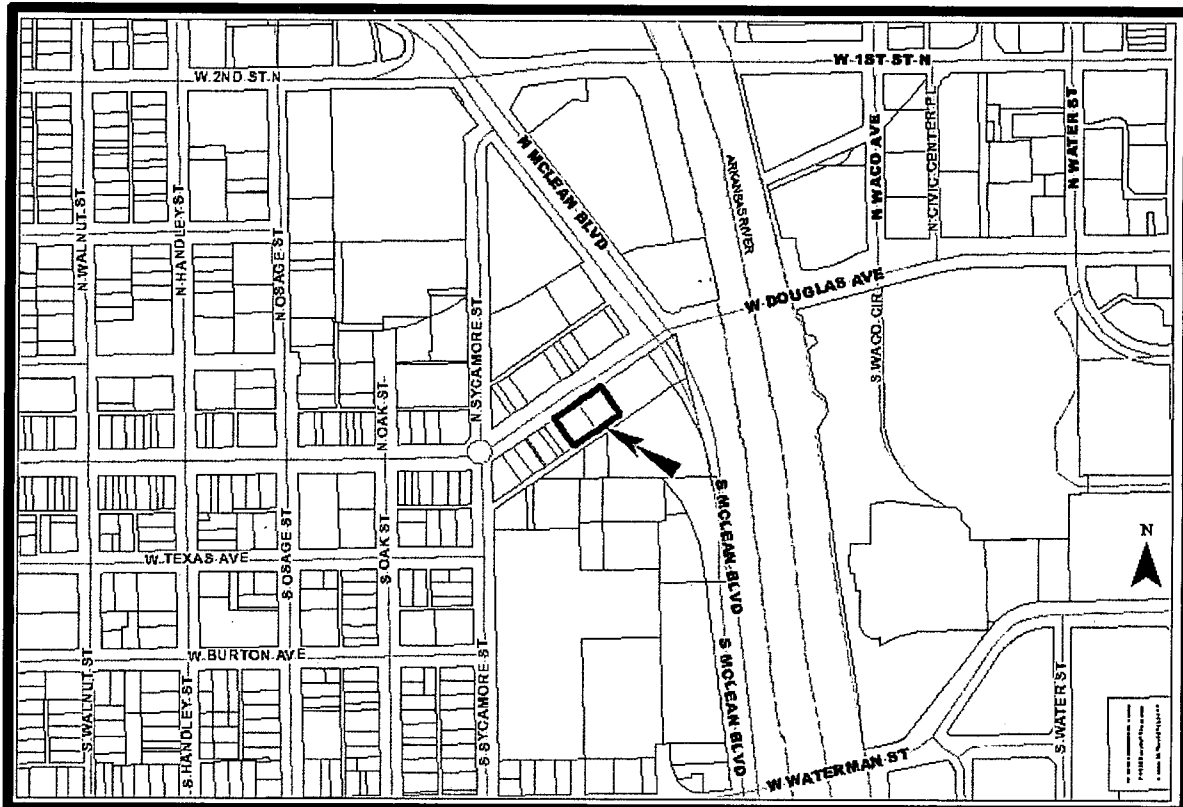
REQUEST: CBD Central Business District

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.6 acres

LOCATION: On the south side of West Douglas Avenue and west of McLean Boulevard
(535, 549, 551 West Douglas Avenue)

PROPOSED USE: Mixed Use Development



BACKGROUND: The applicants request CBD Central Business District (CBD) zoning on 0.6 platted acres located on the south side of West Douglas Avenue between South McLean Blvd and South Sycamore Street. The subject site is currently zoned LC Limited Commercial (LC), and is developed as a single story multi-tenant storefront. The building on the site has zero lot-line setbacks on all 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, along with parking agreements between adjoining or nearby property owners. 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). Public on-street parking is available throughout the Delano area.

The applicant has recently been approved for a Nightclub in the City via Conditional Use on this property. The applicant also has an existing parking agreement in place with the nearby church to provide off street parking behind the building. However, the parking agreement does not meet the requirements of the LC zoning code when the parking requirements for all the tenants in the building are added together. In order for the business to go into this site as is, the owner would need either a Variance to reduce parking requirements or the change of zoning that they have decided to pursue. Staff recommended the change of zoning over the Variance.

The type of development present on this site is the kind of compact, mixed-use, walkable development that characterizes strong downtown neighborhoods. The buildings present on site are not only well established, but are of a style that should be preserved and incentivized in general. The current zoning of the site, Limited Commercial, facilitates development of a more suburban nature. Staff feels it would be unwise to restrict this site to development standards that it has never been in conformance with, and would limit/inhibit healthy downtown development.

There is currently a project under way by the Metropolitan Area Planning Department (MAPD) to develop an updated area plan for the Delano district. At this time the project is still awaiting approval, though there are several preliminary strategies that have been identified for the area. One such strategy 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.

The property to the north, across Douglas, is zoned GC General Commercial and has surface parking and a shared office building. East of the site along West Douglas Avenue is zoned LC Limited Commercial and is currently the site of Metropolitan Baptist Church. West of the site along West Douglas Avenue is zoned LC Limited Commercial and CBD Central Business District is developed as downtown row storefronts. South of the property is zoned LC Limited Commercial and GC General Commercial and primarily features surface parking.

CASE HISTORY: The property was platted in the West Wichita Addition, Wichita, Sedgwick County, Kansas on August 5, 1872. The property was included in the Delano Neighborhood Revitalization Plan

in 2001, and is a part of the 2018 Delano Neighborhood Plan update. CON2018-00022, a Conditional Use for Nightclub in the City, was approved by the MAPC on July 21, 2018.

ADJACENT ZONING AND LAND USE:

NORTH:	GC;	surface parking, shared office space
SOUTH:	LC, GC;	surface parking, Lawrence Dumont Stadium
EAST:	LC, GC;	Metropolitan Baptist Church
WEST:	LC, CBD;	downtown row storefronts

PUBLIC SERVICES: The site has access to West Douglas Avenue, a paved Arterial Street with sidewalks. 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 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.

This site is within the area covered by Project Downtown, the Master Plan for the downtown area of Wichita. The plan shows this site existing between two Key Gateways (Douglas and Sycamore, Douglas Avenue Bridge), is amongst the most walkable areas of the downtown, and is an existing retail concentration. The Key Themes for the Douglas Corridor at Arkansas River/Delano area are: Create continuous walkability with appropriate development and infrastructure, Mix housing with other uses, increase retail as market allow and supplement it with other active ground floor uses, focus transit services along the corridor to allow easy access and interchange. The CBD is the best zoning district to allow for this site to meet or benefit from the guidelines of Project Downtown.

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:** The property to the north, across Douglas, is zoned GC General Commercial and has surface parking and a shared office building. East of

the site along West Douglas Avenue is zoned LC Limited Commercial and is currently the site of Metropolitan Baptist Church. West of the site along West Douglas Avenue is zoned LC Limited Commercial and CBD Central Business District is developed as downtown row storefronts. South of the property is zoned LC and GC and primarily features surface parking.

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 uses, but requires the provision of off-street parking per the UZC. 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 typical contemporary development patterns for LC zoned districts which features a more suburban/low density style that features setbacks and large parking lots. The requested CBD zoning will accommodate the usefulness of this existing building with a mixture of uses, which again is the type of flexible usage this style of development is designed to accommodate.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have minimal 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 (and that is currently features), and a parking plan is already in place with the church for the parking lot behind the building.
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. Furthermore, denial will restrict the applicant to parking standards that would be very difficult for any tenant or property owner to meet given the development pattern of the building and surrounding area.
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.