

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 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 changed as follows:

Case No. ZON2015-00023

Zone change from LC Limited Commercial ("LC") to CBD Central Business District ("CBD") on approximately 0.07-acre property described as:

Lot 20, Chicago now Douglas Avenue, West Wichita Addition, Wichita, Sedgwick County, Kansas generally located east of Seneca Avenue on the southwest corner of Douglas Avenue and Walnut Street

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
Jeff Longwell, Mayor

ATTEST:

Robert Sublett
Robert Sublett, City Clerk



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

City of Wichita
City Council Meeting
August 11, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00023 – City Zone Change from LC Limited Commercial to CBD Central Business District on Property Located East of Seneca Street on the Southwest Corner of Douglas Avenue and Walnut Street. (District IV)

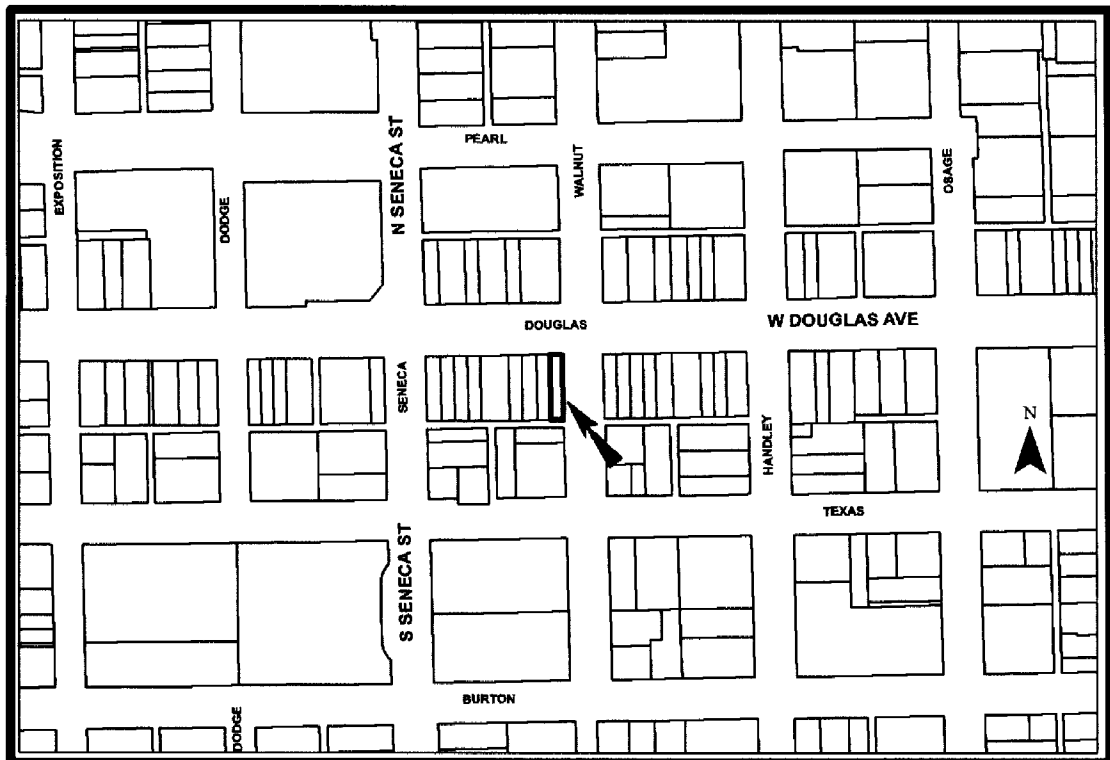
INITIATED BY: Metropolitan Area Planning Department *WDB DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (13-0).

DAB Recommendation: District Advisory Board IV recommended approval of the request (7-0).

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



Background: The applicant is requesting a zone change from Limited Commercial (LC) to Central Business District (CBD) on the subject site located on the southwest corner of Douglas Avenue and Walnut Street; Lot 20, Chicago now Douglas Avenue, West Wichita Addition. The site is located in (and subject to) the Delano Overlay Neighborhood District (D-O). The brick two-story downtown row store (built 1900) currently is occupied by a retail motorcycle parts sales store. The property owner is anticipating the retirement of the owner of the motorcycle parts store and a possible change in business. The CBD zoning district more effectively resolves such issues as parking and setbacks that could be triggered by a change in occupancy. This is the third application for CBD zoning in the D-O along Douglas Avenue. Previously ZON2014-00030 and ZON2013-00038 were approved by the MAPC. In the previous two zoning cases and the current request a lack of on-site parking was an issue.

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. Therefore, 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. Some of the business owners in the district have purchased additional property that provides on-site parking for their businesses; this does not appear to be an option for this site.

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.

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. All buildings along this section of Douglas Avenue were built up to the property lines, with no setbacks. LC and Limited Industrial (LI) zoned restaurants, a dance studio, retail, and offices abut and are adjacent to the west side of the subject site. A LI zoned parking lot abuts the south side of the subject site. LI zoned business adjacent to the southwest and southeast side of the site include a barber supply business, a single-family residence, an office and the Regional Historic site Engine House #4 (built 1885). East of the site, across Walnut Street, there are LI and LC zoned tattoo business, a pool hall, a restaurant, a bakery, a parking lot and offices. North of the site, across Douglas Avenue, are LI and LC zoned restaurants, vacant buildings, office, a bike shop, and a convenience store. A CBD zoned (ZON2004-00030) vacant building is also located north of the site, across Douglas Avenue. It is not uncommon to have apartments located in the second story of these buildings, with the commercial uses located on the ground floor.

Analysis: On July 6, 2015, District Advisory Board (DAB) IV considered the request. There were no protesters at the DAB meeting. DAB IV voted 7-0 to approve the request for CBD zoning.

On July 9, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. There were no protesters at the MAPC meeting. The MAPC voted 13-0 to approve the request for CBD zoning. Planning staff has received no valid protests.

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