

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:

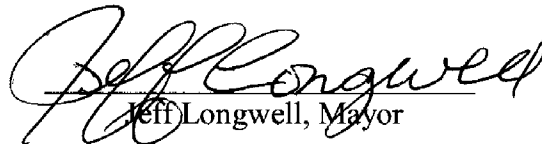
Case No. ZON2015-00034

Zone change from LC Limited Commercial ("LC") to CBD Central Business District ("CBD") on an approximately 0.32-acre property described as:

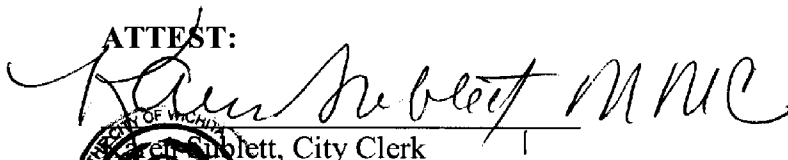
Lots 84, 86, 92 and 94, Chicago now Douglas Avenue; West Wichita Addition, Wichita, Sedgwick County, Kansas, generally located west of McLean Boulevard, east of Oak Street on the south side of Douglas Avenue.

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.

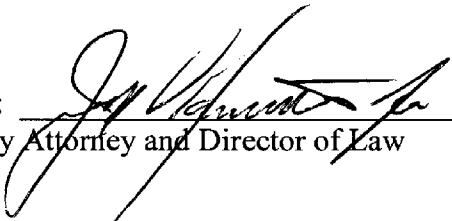
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Robert M. M. C., City Clerk



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

City of Wichita
City Council Meeting
October 20, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00034 – City Zone Change from Limited Commercial to Central Business District on Property Generally Located West of McLean Boulevard, East of Oak Street, on the South Side of Douglas Avenue. (District IV)

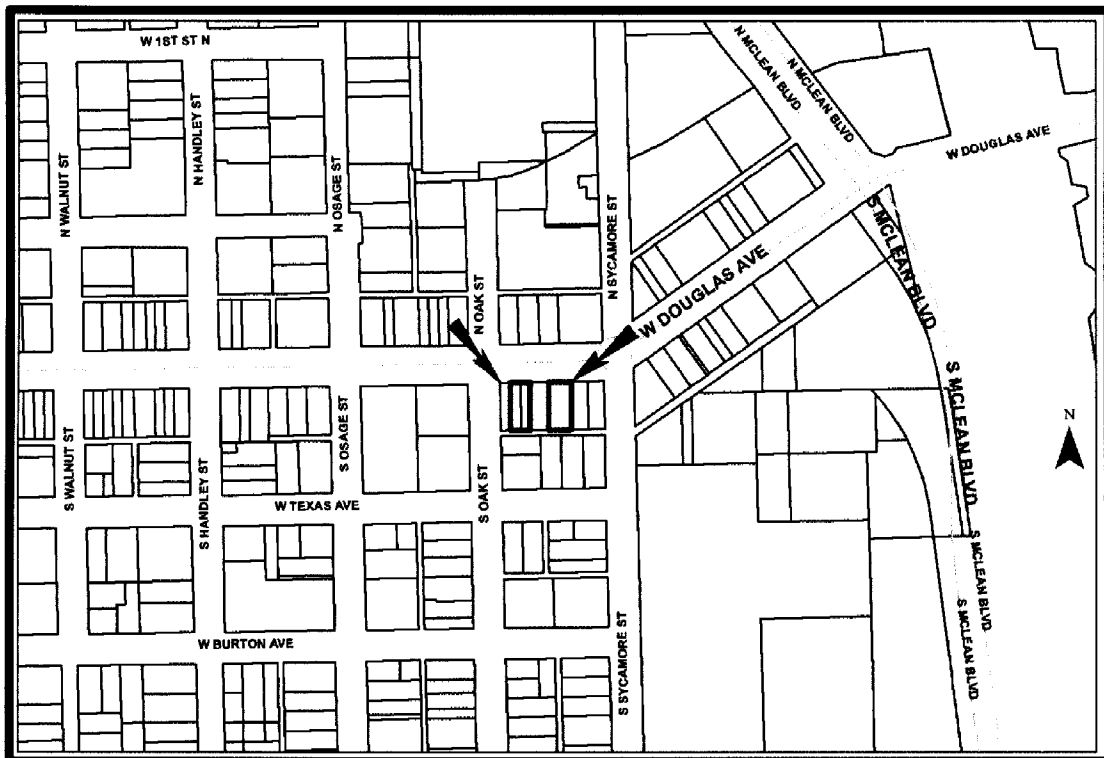
INITIATED BY: Metropolitan Area Planning Department *WOB DM*

AGENDA: Planning (Consent)

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

DAB Recommendation: District Advisory Board IV recommended denial 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 LC Limited Commercial (LC) to CBD Central Business District (CBD) on the subject site located west of McLean Boulevard, east of Oak Street on the south side of Douglas Avenue; Lots 84, 86, 92 and 94, Chicago now Douglas Avenue, West Wichita Addition. The site is located in (and subject to) the D-O Delano Overlay Neighborhood District (D-O). The site's brick or fake stucco one and two-story downtown row buildings (built 1928, 1930 and 1950) are currently occupied by several restaurants and retail. An expansion of the site's pizza restaurant triggered conformance to parking standards for the restaurant. The CBD zoning district more effectively resolves such issues as parking (no minimum parking standards) and setbacks that could be triggered by a change in occupancy. This is the latest application for CBD zoning in the D-O along Douglas Avenue and in the future there will be more applications for CBD zoning along Douglas Avenue within the D-O for the MAPC to consider. In the previous zoning cases a lack of on-site parking was the 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. The applicant does own undeveloped property located south of the site across a platted alley that, with improvements, could provide on-site parking for their properties.

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. It is not uncommon to have apartments located in the second story of these buildings, with the commercial uses located on the ground floor.

As previously noted the LC zoned site is occupied by a several restaurants and assorted retail. More LC zoned retail, offices, restaurants and a bar abut and are adjacent to the east side of the site. Development located north of the site, across Douglas Avenue, include LC zoned coffee shop/bar, luggage sales, office furniture sales, offices, restaurants and retail. Development abutting the west side of the site is a LC zoned design studio. West across Oak Street is a GC General Commercial (GC) zoned savings and loans. Properties located south of the site, across a paved 15-foot wide platted alley, include undeveloped GC zoned land, a car parts store, a plumbing contractor's business and a LI Limited Industrial zoned vacant building that appears to be undergoing renovation. GC and LC zoned Lawrence-Dumont baseball stadium and a church (with relatively large parking lots for this part of the D-O) are located southeast of the site and the Douglas Avenue round-about, across Sycamore Street.

Analysis: On September 14, 2015, District Advisory Board (DAB) IV considered the requested CBD zoning. There were no protesters at the DAB IV meeting. DAB IV voted 7-0 to approve the request.

On September 17, 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 requested CBD zoning. 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 resolution 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).