

OCA 150004

ORDINANCE NO. 50-115

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:

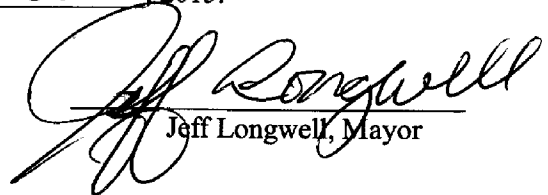
Case No. ZON2015-00040

Zone change request from LI Limited Industrial to CBD Central Business District on property described as Lots 76, 78 & 80, Chicago now Douglas Avenue, Supplemental Plat to Martinson's 1st Addition to Wichita, Sedgwick County, Kansas.

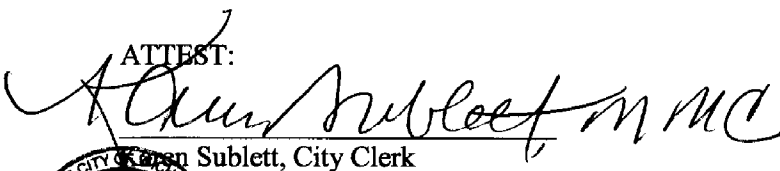
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

ADOPTED this 24 day of Nov, 2015.

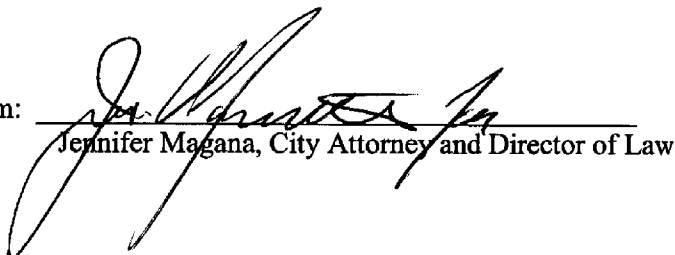

Jeff Longwell, Mayor

ATTEST:


Susan 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: ZON2015-00040 – Zone Change from Limited Industrial to Central Business District Subject to the Delano Overlay District on Property Generally Located West of Seneca Street, on the northeast corner of North Elizabeth Avenue and West Douglas Avenue (District VI)

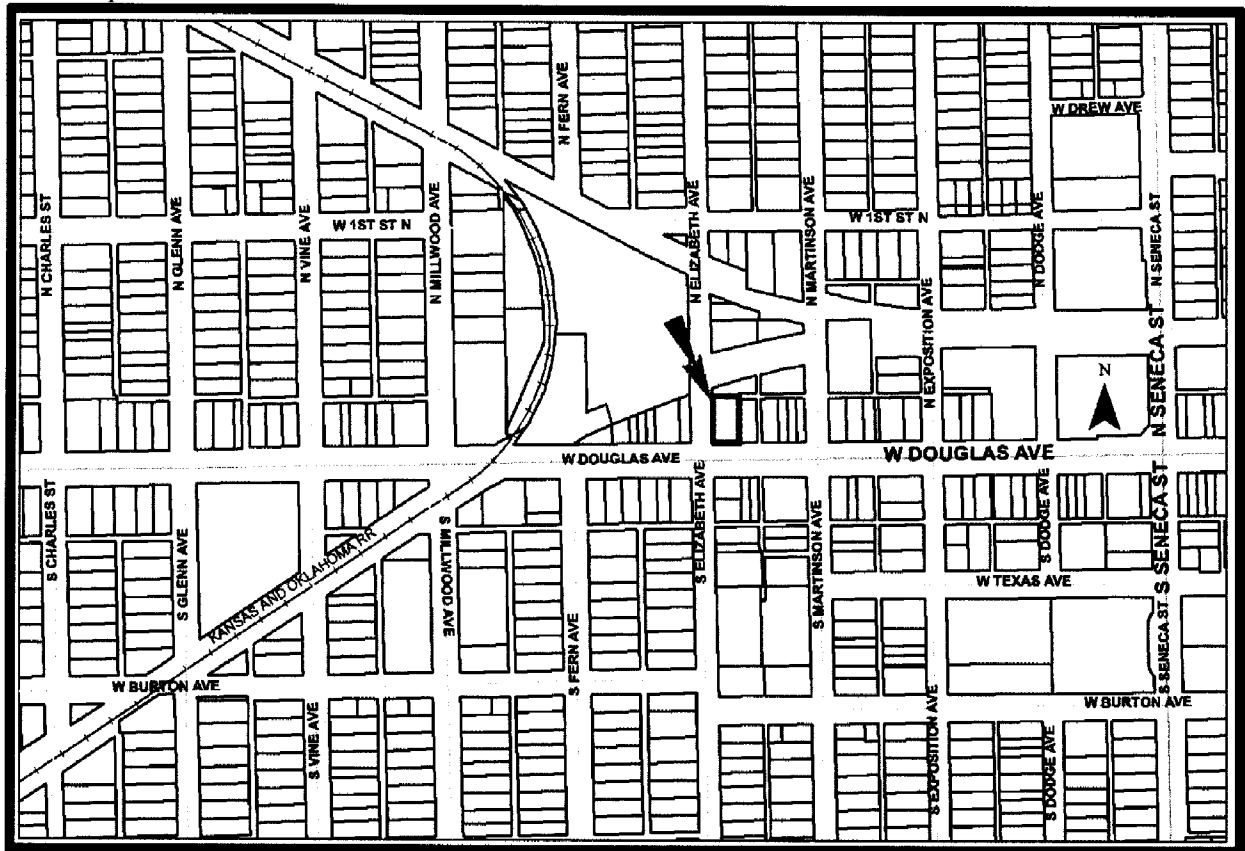
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (11-1).

DAB Recommendation: District Advisory Board VI recommended approval (5-0).

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



Background: The applicant is seeking a zone change from Limited Industrial (LI), subject to the Delano Overlay (D-O) district to the Central Business District for property located at the northeast corner of West Douglas Avenue and North Elizabeth Avenue (1420 and 1440 West Douglas Avenue). The property is developed with a commercial building used for warehouse distribution and storage with associated parking. The property is platted as Lots 76, 78 and 80 Supplemental Plat to Martinson's 1st Addition, recorded in 1912. The property contains approximately 10,026.64 square feet. A 15-foot east-west alley was originally platted along the north line of Lots 76-80; however, that segment of the alley was vacated by Ordinance 11-471, and is owned by the applicant. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to have to provide off-street parking.

Property located north of the site is developed with warehouse distribution/storage, and is zoned LI. Lots located to the east are zoned Limited Commercial (LC) and LI, and are developed with a fast food restaurant. South, across West Douglas Avenue, the land is zoned LC, and is developed with retail and commercial uses. Land located to the southwest is zoned LC, and is an auto repair establishment. West of the site, across Elizabeth Avenue are row commercial, retail and office uses zoned LC and LI.

The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that established land use and site development policies specific to the district.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for off-street parking. 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. Central Business District 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 of CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LI district vary from zero to 20-feet).

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 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.

Analysis: On October 15, 2015, the Metropolitan Area Planning Commission (MAPC) considered the application and approved (11-1). Other than the applicant there was not anyone present to speak to the request.

District Advisory Board (DAB) VI reviewed the request on October 21, 2015, and recommended approval (5-0). No neighbors were present to speak about the request.

No protest petitions have been received. The request can be approved with a simple majority vote.

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 adopt the findings of the MAPC, approve the requested zone change and place the ordinance on first reading (simple majority vote).

Attachments: MAPC minutes, DAB IV minutes and ordinance.