

ORDINANCE NO. 50-116

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:

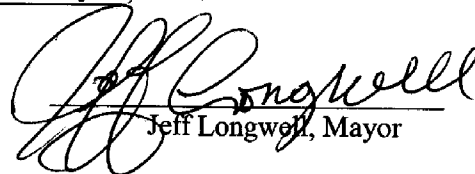
Case No. ZON2015-00041

Zone change request from LI Limited Industrial to CBD Central Business District on property described as Lots 21 and 22, Block 8, Junction Town Company Addition to Wichita, Sedgwick County, Kansas.

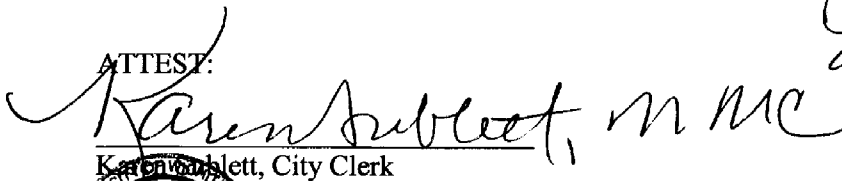
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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.

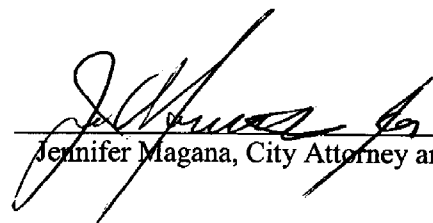

Jeff Longwell, Mayor

ATTEST:


Karen 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: ZON2015-00041 – Zone Change from Limited Industrial to Central Business District Subject to the Delano Overlay District on Property Generally Located West of Seneca Street, West of North Elizabeth Avenue on the North Side of West Douglas Avenue (1520 West Douglas Avenue) (District VI)

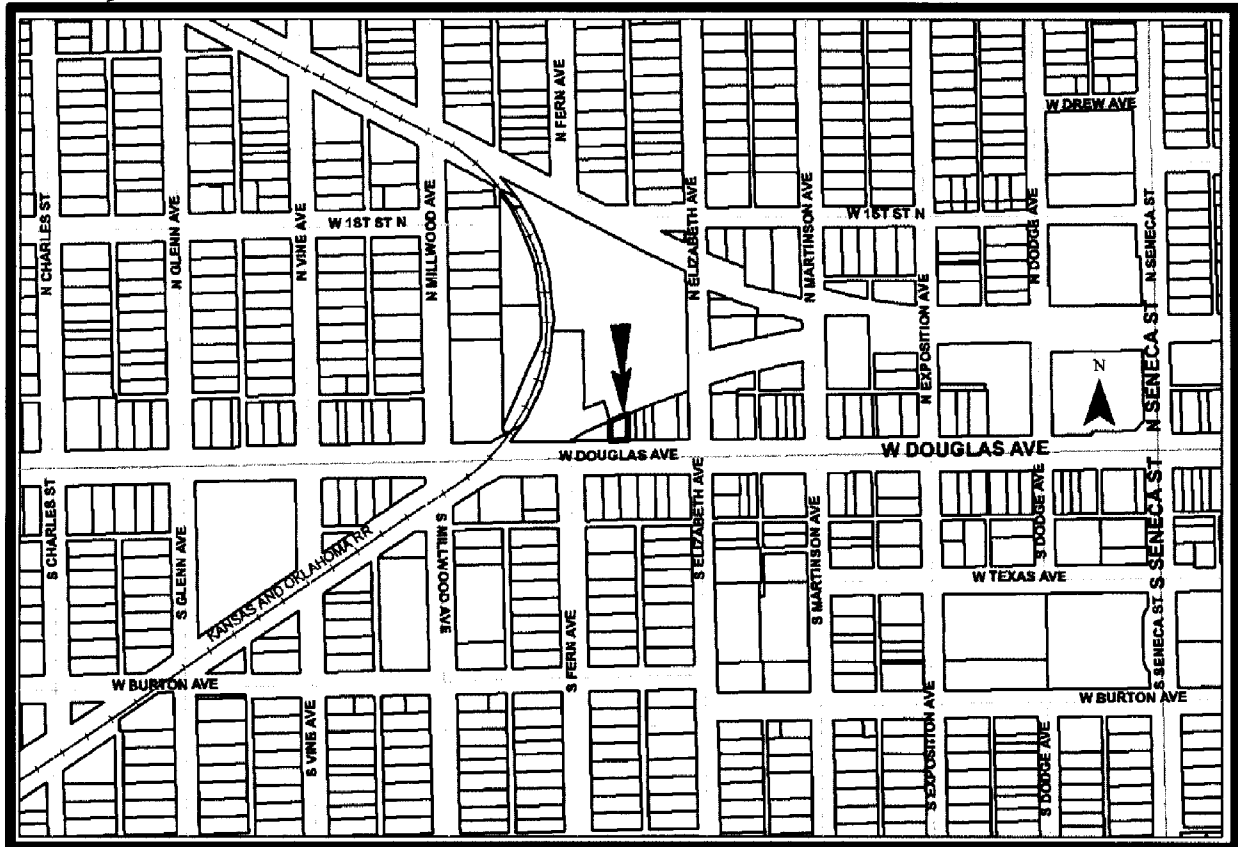
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

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 to rezone 1520 West Douglas Avenue from Limited Industrial (LI) to the Central Business District (DBD). The site contains 3,232.58 square feet, and is developed with a row commercial building. The subject site is platted as Lots 21 and 22, Block 8, Junction Town Company Addition. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to provide off-street parking. Central Business District zoning is the only zoning district that does not require off-street parking. There have been other requests for CBD zoning in the Delano District that have been approved or are pending a decision: ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034, ZON2015-00035, ZON2015-00039, ZON2015-00040 and ZON2015-00041.

Land located north of the application area is zoned General Commercial (GC) and LI, and is used for parking, office and outdoor storage. Land located east, south (across West Douglas Avenue) and west of the subject site is zoned Limited Commercial (LC), and is developed with either row commercial or single-family residential uses.

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. For example, even though a car wash or car sales are permitted by right in some zoning districts, the D-O district requires conditional use approval.

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 and reduced building 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 the request (12-1). One property owner objected to the request. The objection was based upon the circumstance that the property had off-street parking spaces that were being used by nearby businesses. The property owner was concerned that approval of the request could lead to more pressure on his off-street spaces.

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.