

ORDINANCE NO. 50-605

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:

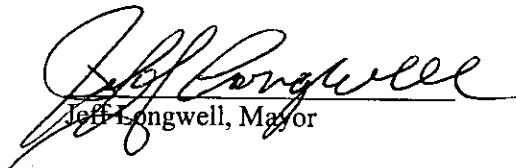
Case No. ZON2017-00038

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

Lots 12, 14, 16, 18 and 20, on Oak Street, and Lots 92, 94, 96, 98 and 100, on Pearl Street, now Pacific Street, all in West Wichita Addition, Sedgwick County, Kansas, together with the South half of vacated Pearl Street, now Pacific Street, adjoining said Lots on the North, except the north 6 feet of the south half of said 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.

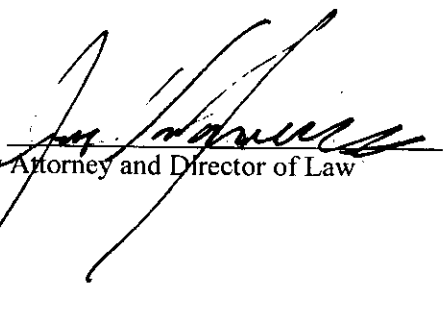
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



STAFF REPORT
MAPC September 21, 2017
DAB VI September 20, 2017

CASE NUMBER: ZON2017-00038

APPLICANT/AGENT: Hutton Construction, Josh Herrman/ Baughman Company P.A. Russ Ewy

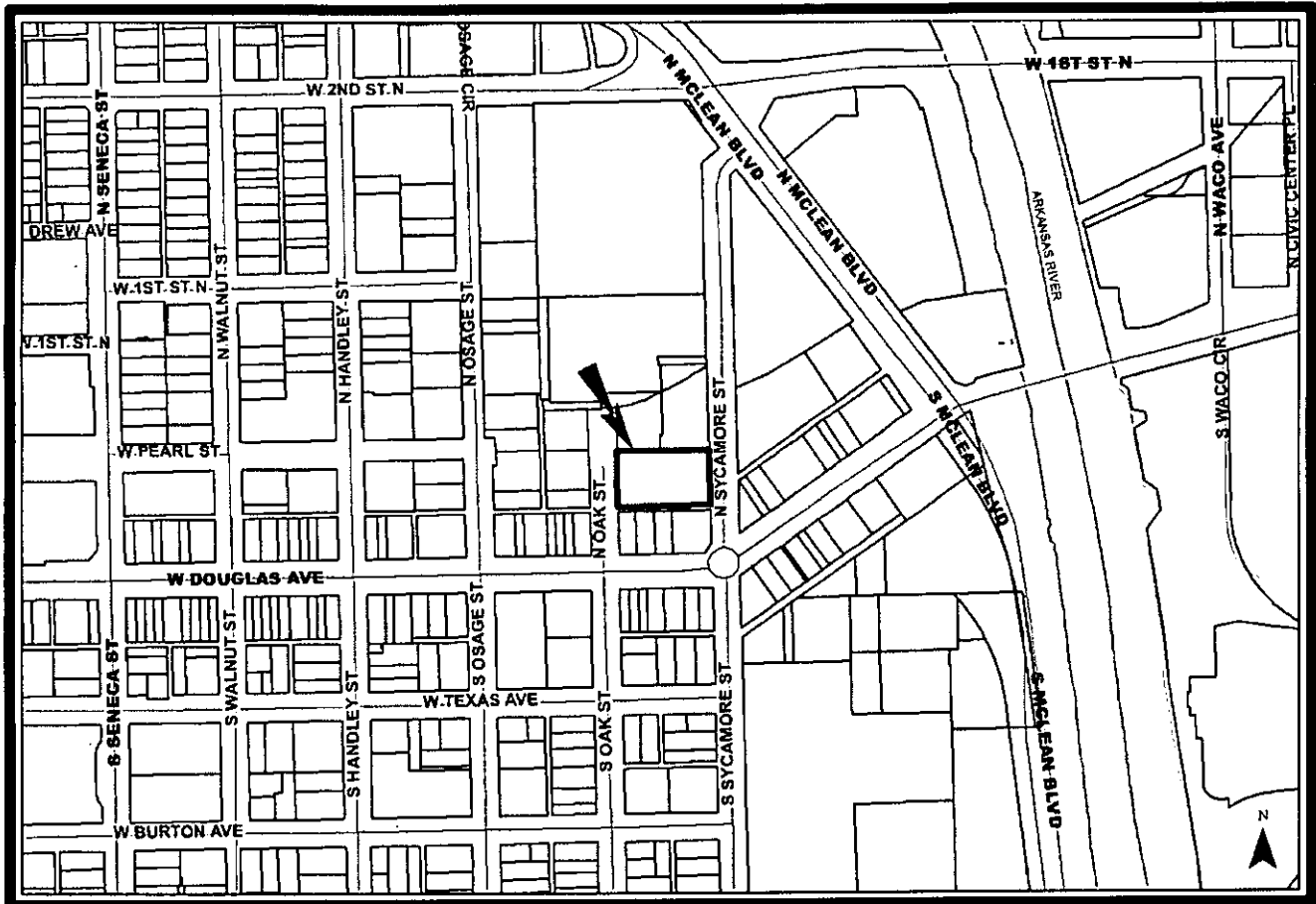
REQUEST: CBD Central Business District

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.9 acre

LOCATION: East of Oak Street on north side of West Douglas Avenue

PROPOSED USE: Commercial Development



BACKGROUND: The applicants request Central Business District (CBD) zoning on 0.9 platted acre located east of North Oak Street on the north side of West Douglas Avenue. The subject site is currently zoned LI Limited Industrial (LI), and is developed with a one-story concrete block warehouse structure originally built in 1920 with an addition constructed in 1952. The CBD zoning would give the applicants maximum flexibility with code required parking and building setback standards. The applicant proposes to demolish the existing structure and build a new 30,000 square feet office building with a two-level parking garage.

The site is located adjacent to the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's.

Property north of the site is zoned CBD and is the location of the new Wichita Public Library Advanced Learning Center. Properties south of the site front onto West Douglas Avenue, they are a combination of LC Limited Commercial (LC) and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site is zoned LI and used for retail commercial uses.

CASE HISTORY: The property is platted in 1872 as the West Wichita Addition. The property was not included in the Delano Neighborhood Revitalization Plan, 2001.

ADJACENT ZONING AND LAND USE:

| | |
|----------------|---|
| North: CBD | Wichita Public Library Advanced Learning Center |
| South: LC, CBD | Retail and office commercial uses |
| East: LI | Immigration offices |
| West: LI | Warehouse uses |

PUBLIC SERVICES: The site has access to North Oak Street and North Sycamore Street, both local paved streets with 80-foot rights-of-way. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: 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.

The Unified Zoning Code (UZC) 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. The application area shares similar patterns of development and uses as the original core CBD area.

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 properties surrounding the subject site are zoned LC and GC and permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property south of the site are subject to the D-O district, which limits land uses and has design guidelines.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI which permits a wide range of commercial uses, but requires the provision of off-street parking per the UZC. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking and modify building setback requirements and make the site attractive to a wider range of uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners. The site is currently developed and has some off-street parking.
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.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: 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, entertainment, cultural, 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.
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.