

(Published in The Wichita Eagle, Feb. 23, 2018)

OCA 150004

ORDINANCE NO. 50-675

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:

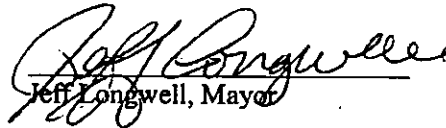
Case No. ZON2017-00057

City zone change from LI Limited Industrial to CBD Central Business District; described as:

Lots 2 and 4, on Chicago Avenue, West Wichita Addition to the City of 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.

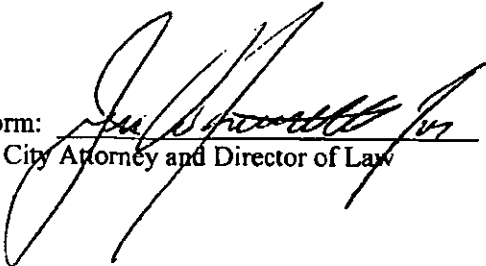
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

STAFF REPORT
MAPC January 18, 2018
DAB IV February 5, 2018

CASE NUMBER: ZON2017-00057

APPLICANT/AGENT: Tony Abdayem (owner/applicant)

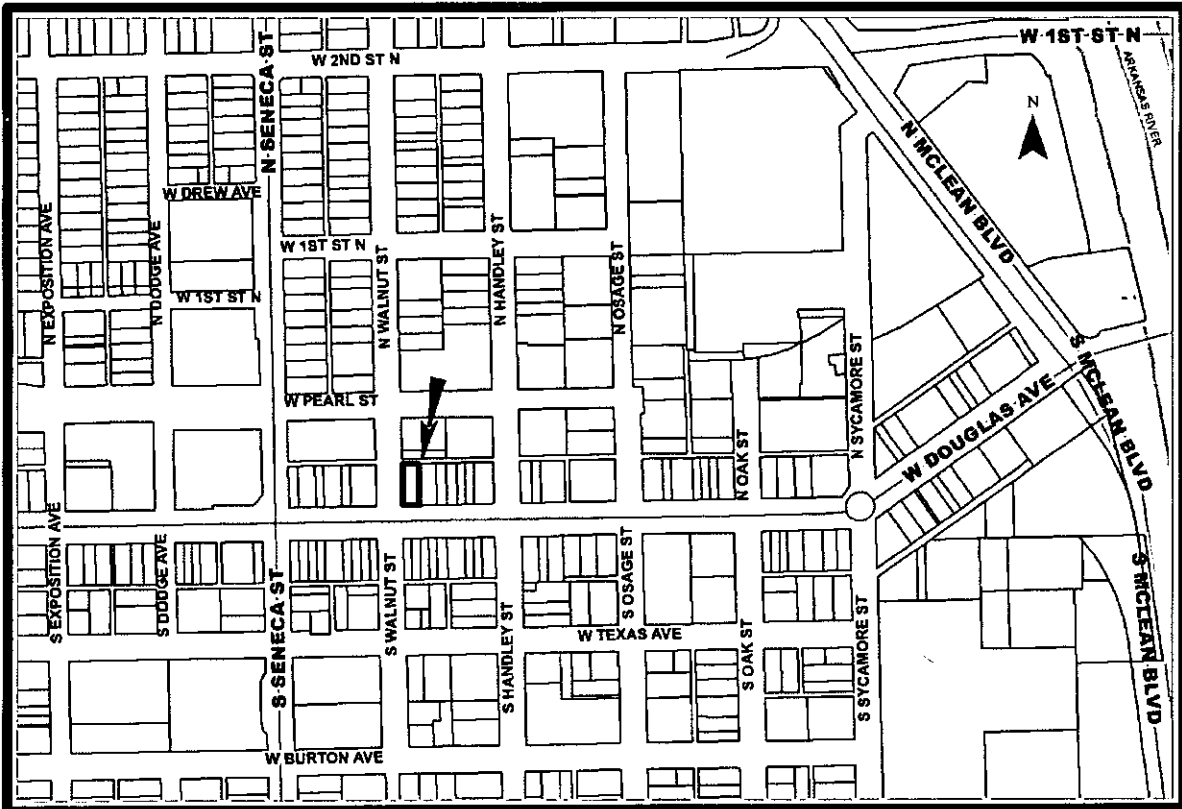
REQUEST: CBD Central Business District

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 0.15 acres

LOCATION: Southeast corner of Douglas Avenue and South Seneca Street

PROPOSED USE: Mixed Use Development



BACKGROUND: The applicants request CBD Central Business District (CBD) zoning on 0.15 platted acres located at the southeast corner of South Seneca Street and West Douglas Avenue. The subject site is currently zoned LI Limited Industrial (LI), and is developed with two-story masonry commercial building. The building on the site has zero lot-line setbacks on all sides, and the east side of the building shares a common party wall with the structure to the east. The requested CBD zoning would give the applicants maximum flexibility with code required parking and building setback standards. The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is within the Delano Neighborhood Plan area, and the Delano Overlay Neighborhood District (D-O).

The applicant is currently exploring the possibility of listing this portion of the block-long building (as well as perhaps the remainder of the building extending to South Walnut Street) on the Historic Registry. In order to accomplish this the applicant intends to remove the concrete paneling on the north and west sides of the building, and restore the façade to its original look as much as possible.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when off-street parking requirements did not exist. 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. CBD 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 on CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LC district vary from zero to 20 feet). Public on-street parking is available throughout the Delano area.

In addition to parking and setback issues, the applicant is seeking to re purpose this building as a mixed use structure that would contain both commercial/retail and residential uses. This mix of uses would not be permitted in the LI zoning district it is currently zoned as. In order to accommodate the restoration and usefulness of this existing building, the best choice for this parcel is CBD zoning.

There is currently a project under way by the Metropolitan Area Planning Department (MAPD) to develop an updated area plan for the Delano district. At this time the project is still under way, though there are several preliminary strategies that have been identified for the area. One such strategy is to rezone all of Douglas Avenue between Seneca Street and the river to CBD; to allow for continued development of this type, accommodate existing uses, and preserve the character of this important piece of the neighborhood. This rezoning case would support that effort.

An MAPD parking study of West Douglas Avenue between Sycamore Street and Seneca Street revealed 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.

North of the site is zoned LI and used as a restaurant (Taco Rio). East of the site is zoned LC Limited Commercial and has a variety of commercial and retail uses, including a restaurant (La Galette). South of the site is zoned CG General Commercial and has two commercial businesses in operation there. West of the site is zoned LC Limited Commercial and is developed as a strip commercial building.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001, and is a part of the 2017 Delano Area Plan.

ADJACENT ZONING AND LAND USE:

North: LI	Commercial, Restaurant
South: GC	Commercial
East: GC	Commercial, Restaurant
West: LC	Commercial

PUBLIC SERVICES: The site has access to West Douglas Avenue and South Seneca Street, both paved Arterial Street with sidewalks. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” 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. At this time, the preliminary update to the Delano Neighborhood Plan includes a strategic recommendation to rezone this and other properties along Douglas to CBD.

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..

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:** North of the site is zoned LI and used as a restaurant (Taco Rio). East of the site is zoned LC Limited Commercial and has a variety of commercial and retail uses, including a restaurant (La Galette). South of the site is zoned CG General Commercial and has two commercial businesses in operation there. West of the site is zoned LC Limited Commercial and is developed as a strip commercial building.
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 uses, but requires the provision of off-street parking per the UZC. The site has some economic value as currently zoned, though the nature of the surrounding area in not necessarily compatible with Industrial development. 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. Further, the already existing structure and many of the surrounding structures along Douglas were built in a manner that is

more evocative of CBD style zoning, rather than Industrial style zoning.

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 been for some time. Removal of the restrictions will allow for uses more in line with those the site would have been originally developed for.
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 Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” 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. At this time, the preliminary update to the Delano Neighborhood Plan includes a strategic recommendation to rezone this and other properties along Douglas to CBD.
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.