

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Aug. 23, 2019

ORDINANCE NO. 51-099

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. ZON2019-00023

City zone change from LC Limited Commercial to GC General Commercial and described as follows:

Lots 122 & 124 on Douglas, West Wichita Addition, Sedgwick County, Kansas. (Generally located on the South side of West Douglas Avenue and West of South Sycamore 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.

ADOPTED this 20th day of Aug, 2019.

Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett

Karen Sublett, City Clerk



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

STAFF REPORT

MAPC July 11, 2019

DAB IV August 5, 2019

CASE NUMBER: ZON2019-00023

APPLICANT/AGENT: Rhandalee Hinman (owner/applicant) – Kim Ho (co-applicant/tenant)

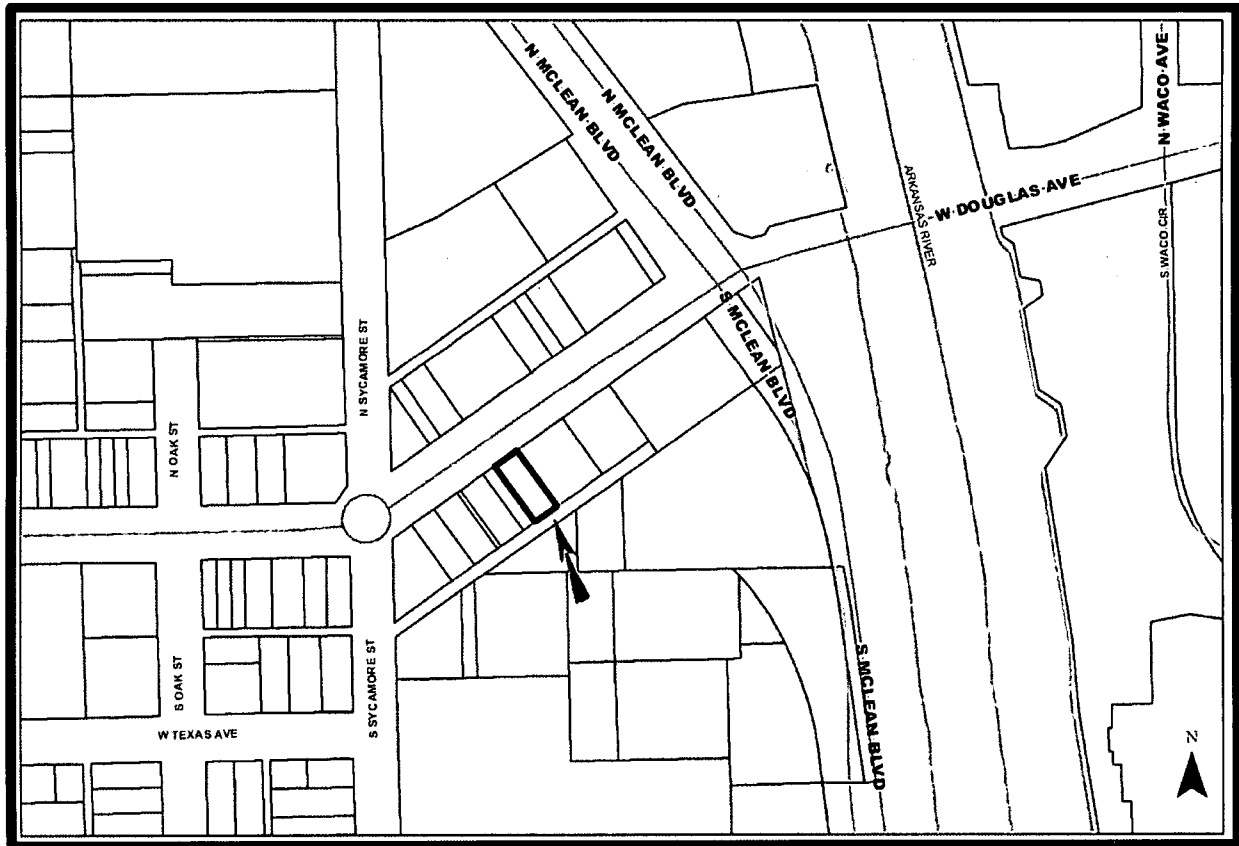
REQUEST: Zone change to GC General Commercial

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.15 acres

LOCATION: South of West Douglas Avenue and East of South Sycamore Street (551-555 West Douglas Avenue)

PROPOSED USE: Allow more commercial uses



BACKGROUND: The applicant is seeking to change the zoning classification in order to accommodate a tenant engaged in the business of tattoo and body piercing, which is not permitted within the LC Limited Commercial District; but is permitted in the GC General Commercial District. If the building was located on the north side of the block of West Douglas, the property would be properly zoned for the use. The same would be true if the building was located across the alley to the south. Therefore, staff finds the proposed uses are not out of character with the intent to provide a wider variety of commercial uses consistent with the existing commercial properties along this major commercial corridor.

The property along Douglas Avenue is a mixture of properties zoned LC Limited Commercial (LC), GC General Commercial (GC), CBD Central Business District (CBD) and LI Limited Industrial (LI). The area is intensively developed for commercial uses. The closest residential property is over a block to the southwest. This neighborhood is an active, urban commercial area and is adjacent to the new development activity that will become part of the ballpark village area.

CASE HISTORY: There has been no recent activity on this property. It has been zoned LC Limited Commercial District for many years. The platting of the property creating the present lots was by the West Wichita Addition to the City of Wichita, Kansas, which was recorded with the Register of Deeds of Sedgwick County, Kansas, on August 5, 1872.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Commercial uses
SOUTH:	GC	Parking Lot
EAST:	CBD	Commercial uses
WEST:	LC	Commercial uses

PUBLIC SERVICES: The subject property currently has access to all utilities and paved local streets. It also fronts Douglas Avenue, which is a four-lane, major arterial.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “residential/employment mix.” That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends **APPROVAL** of the application.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property along Douglas Avenue is a mixture of properties zoned LC Limited Commercial (LC), GC General Commercial (GC), CBD Central Business District (CBD) and LI Limited Industrial (LI). The area is intensively developed for commercial uses. The closest residential property is over a block to the southwest. This neighborhood is an active, urban commercial area and is adjacent to the new development activity that will become part of the ballpark village area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC Limited Commercial District and can be developed for many commercial uses. The proposed changes expand the development opportunities.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change will not detrimentally affect nearby properties. The entire area is already commercially developed and there will be no changes by reason of this change.
4. **Length of time the property has been vacant as currently zoned:** The subject property has previously been used commercially and has recently been remodeled for new uses.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “*residential/employment mix.*” That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.
6. **Relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner:** The proposed changes will create no issues to the public health, safety or welfare.
7. **Impact of the proposed development on community facilities:** There will be no impact on community facilities.