

OCA 150004

ORDINANCE NO. 49-924

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:

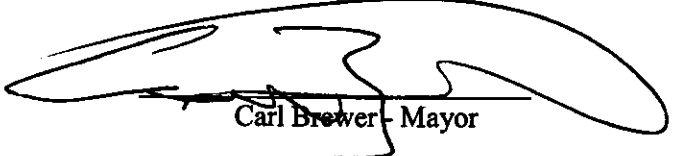
Case No. ZON2014-00030

Zone change request from LC Limited Commercial (LC) to CBD Central Business District (CBD) on property located on the north side of West Douglas Avenue, approximately 75 feet east of North Walnut Street (914 and 924 West Douglas Avenue) described as Lots 25 and 27 together with Lot 29 and the 17-inch part wall adjacent to said lot, all on Chicago now Douglas Avenue, West Wichita 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 13 day of Jan, 2015.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Sharon Dickgraft, Interim City Attorney

Background: The application area is approximately 9,500 square feet of Limited Commercial (LC) zoned land subject to the Delano Overlay Neighborhood District (D-O) located approximately 75 feet east of North Walnut Street, north of West Douglas Avenue. The application area is comprised of three 25-foot wide, platted lots and seventeen inches of a party wall. The site is developed with zero-lot line brick one- and two-story buildings, addressed as 914 and 924 West Douglas. The buildings cover the entire site except for an approximately 16-foot by 50-foot area whose access is provided by an alley located at the rear of the buildings. The applicant is seeking to re-develop the site with residential uses upstairs and retail uses located on the ground floor; however, the site cannot provide the minimum required number of off-street parking spaces. Therefore, the applicant is requesting Central Business District (CBD) zoning since the CBD district does not require the owner to provide off-street parking spaces.

The application area is part of the Delano District that was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have off-street parking, and have been supported by on-street public parking. Some of the business owners in the district have purchased additional property, and have provided off-street parking for their businesses. Rezoning the site to CBD would eliminate the code's off-street parking requirement, and would add a broader range of permitted uses to the application area.

In general terms, the LC district permits a wide range of uses – single-family, multi-family, office and retail sales uses that do not require substantial areas of outside storage and display. The CBD district permits a broader range of commercial uses than the LC district; however, the D-O district prohibits a significant range of the more intense LC and CBD by-right uses, such as: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district requires a substantial number of more intense uses to obtain “conditional use” approval even though the use may be a permitted use by the base zoning district, such as: car wash, manufacturing, warehousing or wholesale or business services.

Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse that is reported to be part of Friends University's art center. The property located to the east is zoned LC. Lots located to the south, across West Douglas Avenue, are zoned LC and LI. Property located to the west is zoned LC. All surrounding property is developed with a wide range of retail sales, office, restaurant and personal service uses.

Per Article IV of the Unified Zoning Code, multi-family uses are required to provide 1.25 (one-bedroom dwelling units) to 1.75 (two bedroom dwelling units) off-street parking spaces. The number of parking spaces required for commercial uses varies with the use; however, in general, retail uses require one space per 333 square feet of building floor area.

A Metropolitan Area Planning Department parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting West Douglas Avenue, between Sycamore Street and Seneca Street, do not provide the current code required number of off-street parking spaces. The planning department analysis estimates that 5,373 off-street spaces are required; an estimated 3,989 spaces have been provided.

A similar request for CBD zoning was approved for property located one block east at the northeast corner of West Douglas Avenue and Handley Street.

Analysis: On December 1, 2014, District Advisory Board (DAB) VI voted (6-0) to recommend approval. There was not anyone from the public present to speak to the request.

On December 4, 2014, the Metropolitan Area Planning Commission (MAPC) approved the application (8-0). There was not anyone but the applicant present to speak to the request.

No official 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.

Attachments: MAPC minutes, DAB memo and ordinance.