

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. ZON2016-00010

Zone change request from LI Limited Industrial (LI) to CBD Central Business District (CBD) on property located north of West Douglas Avenue on the west side of N. Handley (117 N. Handley); described as:

Lots 31, 33, 35, 37 and 39 together with half of the vacated alley adjacent on the West, on Handley Street, West Wichita Addition, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning change 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 17 day of May, 2016.

Jerry Longwell  
Jerry Longwell, Mayor

ATTEST:  
Karen Sublett  
Karen Sublett, City Clerk

(SEAL)

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

City of Wichita  
City Council Meeting  
May 10, 2016

**TO:** Mayor and City Council

**SUBJECT:** ZON2016-00010 – Zone Change from LI Limited Industrial to CBD Central Business District, Generally Located North of West Douglas, at the Southwest Corner of West Pearl Street and North Handley Street (117 N. Handley) (District VI)

**INITIATED BY:** Metropolitan Area Planning Department *DM*

**AGENDA:** Planning (Consent)

---

**MAPC Recommendation:** The MAPC recommended approval of the request (13-0) subject to staff recommended conditions.

**DAB Recommendation:** District Advisory Board VI recommended approval of the request (8-0) subject to staff recommended conditions.

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request subject to the property owner obtaining a minor street privilege for the paved eight parking spaces along the site's north boundary.



**Background:** The applicants request Central Business District (CBD) zoning on 0.41 platted acres located at the southwest corner of West Pearl Street and North Handley Street. The subject site is currently zoned Limited Industrial (LI), and is developed with a warehouse/office building. The 1960 building on the site has zero lot-line setbacks to the north, south and west sides. The east side of the building, facing Handley Street, is set back approximately 44 feet from the east property line; this side of the site is planned for 12 off-street parking spaces (see the applicant's site plan). The proposed use for the site is a micro-brewery with a tasting room, which is permitted under the current LI zoning. 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, but is not within the Delano Overlay Neighborhood District (D-O). The D-O exists immediately south of this site and one block to the west.

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 LI district vary from zero to 20 feet). The proposed micro-brewery on this site would require 24 parking spaces in the existing LI zoning. The applicant demonstrates 12 off-street parking spaces on their site plan. Public on-street parking is available throughout the Delano area. A paved, eight-space parking area was improved by a previous property owner within the unpaved Pearl Street right-of-way along the north property line. The previous property owner paid for an annual minor street privilege and insurance required by City Engineering. The current property owners and applicants can use the same minor street privilege by meeting City Engineering requirements. A letter from City Engineering to a previous property owner, dated December 1<sup>st</sup>, 2015, states that the minor street privilege can be cancelled by removing the pavement and a sign that was put in the right-of-way.

Properties north and west of the site are zoned LI and used for warehousing and offices. Properties south of the site front onto Douglas. They are a combination of General Commercial (GC), Limited Commercial (LC) and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site, across South Handley, is zoned CBD and used for warehousing and retail commercial uses. Within the past two years, eight zone changes to CBD have been approved in Delano.

**Analysis:** On April 7, 2016, the Metropolitan Area Planning Commission (MAPC) approved the request (13-0) subject to staff recommended conditions. No members of the public spoke at the MAPC hearing.

On April 4, 2016, District Advisory Board (DAB) VI reviewed the application and approved it 8-0 subject to staff recommended conditions. No members of the public spoke at the DAB hearing.

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 subject to staff recommended conditions and withhold publication of the ordinance until conditions are met (simple majority vote).

**Attachments:** Ordinance, MAPC minutes, DAB VI report.