CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 3, 2014

Gary L. and Debra S. Lofland
6645 Bedford Circle
Derby, KS, 67037

REFERENCE: CON2014-00029 – City request for an Administrative Adjustment to CON2013-00015, to reduce parking by 25% on property generally located north of Pawnee Avenue on the southeast corner of Oliver Avenue and Blake Street (2304 S. Oliver).

Legal Description: The North 130.54 feet of the West 140 feet of Block H, McAdam Acres Addition to Wichita, Sedgwick County Kansas. AND Beginning 140 feet East of the Northwest corner of Block H; thence East 107.44 feet; thence South 95 feet; thence West 52.45 feet; thence South 35.49 feet; thence West 55 feet; thence North130.58 feet to the beginning, McAdam Acres Addition to Wichita, Sedgwick County, Kansas. AND Beginning 105 feet West of the Northeast corner of Block H; thence West 15 feet; thence South 95 feet; thence East 15 feet; thence North 95 feet to the beginning, McAdam Acres Addition to Wichita, Sedgwick County, Kansas.

Dear Applicant:

We reviewed your Zoning Adjustment request to reduce the parking requirement on the above-referenced property. We understand that you propose re-modeling the interior on the subject site and are requesting to reduce the on-site parking requirement from 26 spaces to 21 spaces, a 25% reduction of the Unified Zoning Code (UZC) requirement for the site.

The site has a Conditional Use, CON2013-00015, for a Nightclub in the City on the LC Limited Commercial zoned property as approved by the Wichita City Council September 10, 2013. Conditions of approval include:

(2) Parking must be per code for a Night Club in the City. Relief can be sought through Administrative Adjustment. If a variance is required, approval of the Conditional Use is contingent on approval of the variance.

(3) Paving of the east portion of the site must be completed within one-year of approval of the Conditional Use by the appropriate governing body. All permits and inspections,

including a drainage plan for the required paved parking, must be submitted and approved.

(4) No parking on the unimproved parking area located along the east side of the site. Prior to the paving of the parking area the applicant must provide an off-site parking agreement with an adjacent property owner.

A Nightclub requires one parking space per two occupants. The current occupancy rate, as posted by the Fire Marshall, is 101 persons, which requires 51 parking spaces. Your site plan also shows 21 parking spaces located on the paved portion of the site. The site plan shows another 26 parking spaces to be added in two phases on the unimproved east portion of the property when it is paved. Phase I will provide 13 additional parking spaces. Phase II will provide another 13 additional parking spaces. After the completion of Phases I & II there will be a total of 47 parking spaces, enough parking for 94 persons.

Your adjustment letter states that your current financial circumstances does not allow you to pave the areas for Phases I & II parking, thus leaving your parking at the current 21 parking spaces. You have stated that the remodeling of the building would reduce the current 101 occupancy to 52 occupants, which would require 26 parking spaces. A 25% reduction of the required 26 parking spaces would result in 20 parking spaces; the site's current 21 paved parking spaces is within that reduction. You have requested that the Fire Marshall post your occupancy at 52 until such time that Phase I & II of the improved parking plan is completed. Upon the completion of Phase I's & Phase II's paved parking for an additional 26 parking spaces the occupancy will be re-posted to reflect the increase in parking for a Nightclub in the City. Drainage, access control and landscaping and all other applicable standards shall be per City standards for Phase I's & Phase II's paved parking.

Sec. V-I.2.i of the Unified Zoning Code allows an adjustment to reduce the parking requirement for renovation projects by up to 25% when the conditions required by Sec. V-I.6 of the Code are met. We find that the parking requirement reduction as proposed meets the four conditions required by Sec. V-I.6 of the Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed reduction in parking requirement should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area. Sufficient parking should be available for the anticipated need, and the parking does not interfere with public right-of-way.
2) Impact on existing uses in surrounding areas: The proposed reduction in parking should not impact existing uses in surrounding areas, as all parking for this project should be adequately provided on the site.
3) Compatibility with existing or permitted uses on abutting sites: A 25% parking reduction should not compromise existing or permitted uses on abutting sites, as all parking for this

project should be adequately provided on the site.

4) Effect on public health, safety or welfare: There will be no encroachment into public right of way or utility easements; the public's safety, health and welfare should not be impacted.

Our signatures below indicate that an Administrative Adjustment to reduce parking by 25%, from 26 to 21 spaces is hereby granted for the aforementioned property subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.
2) All parking on the site shall be paved and marked in accordance with City standards.
3) The Fire Marshall shall post the occupancy of the night club at 52, until such time as the completion of Phase I's & Phase II's paved parking for an additional 26 parking spaces.
4) Upon the completion of Phase I's & Phase II's paved parking for an additional 26 parking spaces the occupancy will be re-posted to reflect the increase in parking for a night club in the city; occupancy may be increased at the time of completion of Phase I and thereafter upon the completion of Phase II. Drainage, access control and landscaping and all other applicable standards shall be per City standards for Phase I's & Phase II's paved parking.
5) All other conditions of Conditional Use CON2013-00015, night club in the city, shall remain in effect.
6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

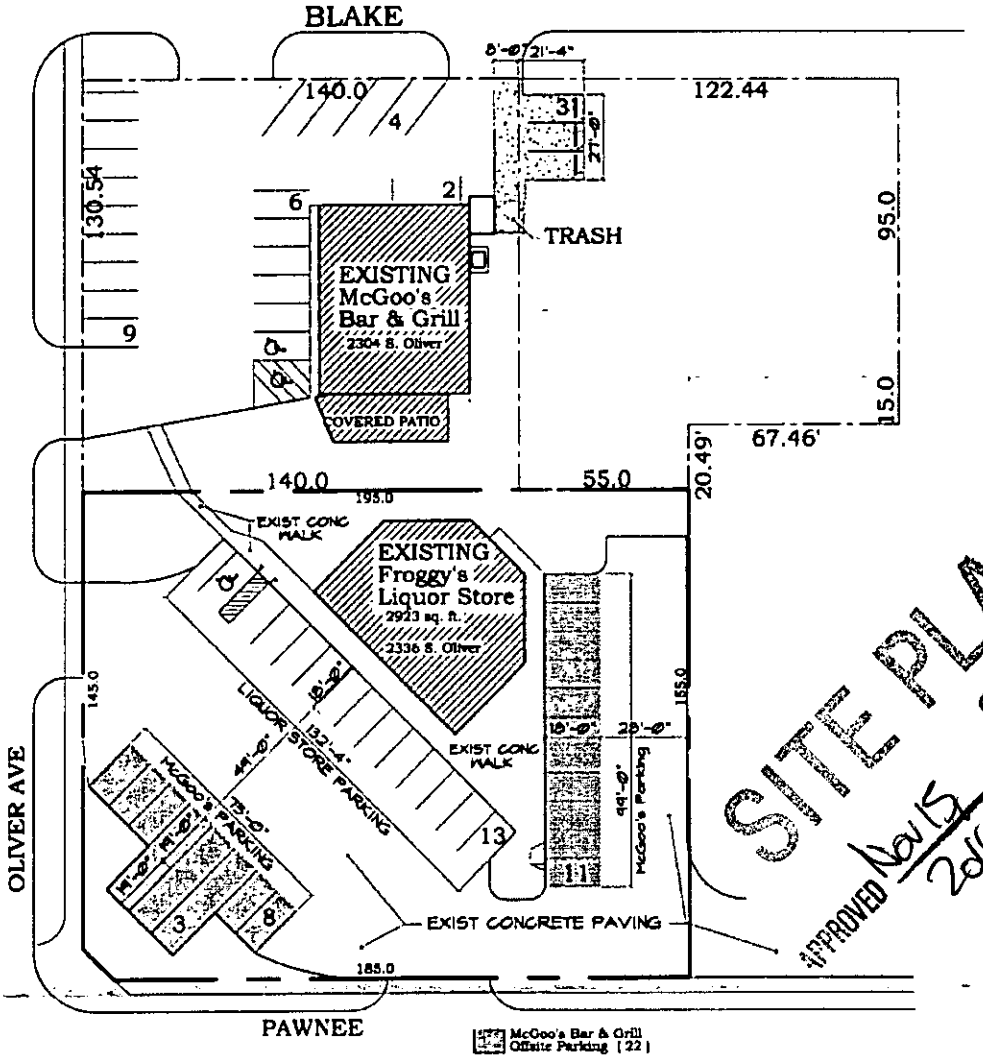
John L. Schlegel, Director
Wichita-Sedgwick County
Metropolitan Area Planning Dept.

Thomas J. Stolz, Director
Wichita-Sedgwick County
Metropolitan Area Building & Construction Dept.

cc: Stuart Bevis, Wichita Fire Department
J.R. Cox, MABCD
Paul Hays, MABCD
James Clendenin, CM District III
Case Bell, NA District III

29518155

EXHIBIT - A



SITE PLAN N
N.T.S.

McGoo's Bar & Grill
Offsite Parking [22]

ON SITE PARKING	EXISTING	21
	NEW	3
		24
OFF SITE PARKING	NEW	22
	TOTAL	46

SHEET NO. S1.1 12-20-2016

ALBERTSON ASSOCIATES LLC
9225 PEPPERTREE WICHITA, KS 67226 316 636-9472

McGoo's Bar & Grill
2304 S. OLIVER, WICHITA, KS.