CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 17, 2017

Open Road Brands, LLC
13029 E Pinehurst Dr.
Wichita, KS 67230

RE: CON2016-00053 – Conditional Use request to permit an event center for "life events" that serves alcohol on property zoned CBD Central Business District and generally located south of Douglas Avenue and west of Hydraulic Street

Dear Sir:

At its regular meeting on December 1, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE**, the request, subject to the conditions on the attached resolution.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Scott Knebel, AICP

Attachments
Resolution
Site Plan

SK: mc
cc: Lavonta Williams, WCC I, Mail Stop 1-13
Kameelah Alexaner, CSR I, Mail Stop 1-135
MABCD Staff

CONDITIONAL USE RESOLUTION NO. CON2016-53

WHEREAS, Open Road Brands, LLC, c/o Robert Hayes and Catherine Hayes (owners); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a "Event center that may serve alcohol and have live entertainment or dancing," on approximately 0.25-acres zoned CBD Central Business District ("CBD"), described as:

A tract in the Southeast Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; Commencing 136 1/2 feet south of the Southwest corner of Douglas Avenue and Ellis Street in Hyde's Addition to the City of Wichita, thence south 75 feet; thence west 140 feet; thence north 75 feet; thence east 140 feet to the place if beginning. Said property further described as follows, to-wit: All of Lots 1, 3 and 5, on Ellis Avenue, in Hyde's Addition to the City of Wichita, and a tract of real estate described as follows: Commencing 136 1/2 feet south of the Southwest corner of Douglas and Ellis Avenue, in Hyde's Addition to Wichita; thence west 130 feet; thence south 75 feet; thence east 130 feet; thence north 75 feet to the place of beginning, in Wichita, Sedgwick County, Kansas; generally located south of East Douglas Avenue and west of North Hydraulic Avenue on the west side of South Ellis Avenue.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of December 1, 2016, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the MAPC that this application be approved to allow a Conditional Use for a "Event center that may serve alcohol and have live entertainment or dancing," on Approximately 0.25-acres zoned CBD Central Business District ("CBD"), described as:

A tract in the Southeast Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; Commencing 136 1/2 feet south of the Southwest corner of Douglas Avenue and Ellis Street in Hyde's Addition to the City of Wichita, thence south 75 feet; thence west 140 feet; thence north 75 feet; thence east 140 feet to the place if beginning. Said property further described as follows, to-wit: All of Lots 1, 3 and 5, on Ellis Avenue, in Hyde's Addition to the City of Wichita, and a tract of real estate described as follows: Commencing 136 1/2 feet south of the Southwest corner of Douglas and Ellis Avenue, in Hyde's Addition to Wichita; thence west 130 feet; thence south 75 feet; thence east 130 feet; thence north 75 feet to the place of beginning, in Wichita, Sedgwick County, Kansas; generally located south of East Douglas Avenue and west of North Hydraulic Avenue on the west side of South Ellis Avenue.

Approved subject to the following conditions:

1. The permitted occupancy for the indoor events center is limited to 200 persons or what the occupancy is posted by the Fire Department.
2. The facility will be operated similar to an event center where the building or facility is rented out for private activities where the patrons are present by invitation only to attend a scheduled event, where events or activities are not repeated on a weekly basis and where the facility in not open on a daily basis at times other than when an event is scheduled. The purpose of the facility is the hosting of a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.

3. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an "entertainment establishment" or "nightclub in the city", approval of this "conditional use" shall not be deemed to create or allow a facility which is open to the general public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a "drinking establishment," "tavern," "class A club," or "class B club" as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed.
4. Trash receptacles shall have solid screening around them and a gate made of similar material as the screening and shall not be located within a 100 feet of the eastern and southern sides of the site.
5. All Sexually-Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are prohibited.
6. The facility shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities.
7. The event center may be open and operated 6:00 a.m. to 2:00 a.m.
8. All live music or music provided by a DJ is an option for events and shall be located within a building.
9. Access shall be as indicated on the Plan.
10. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
11. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended thorough the public hearing process. Amendments, adjustments or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
12. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 1ST day of December 2016.

METROPOLITAN AREA PLANNING COMMISSION

David W. Foster, Chair MAPC

ATTEST:

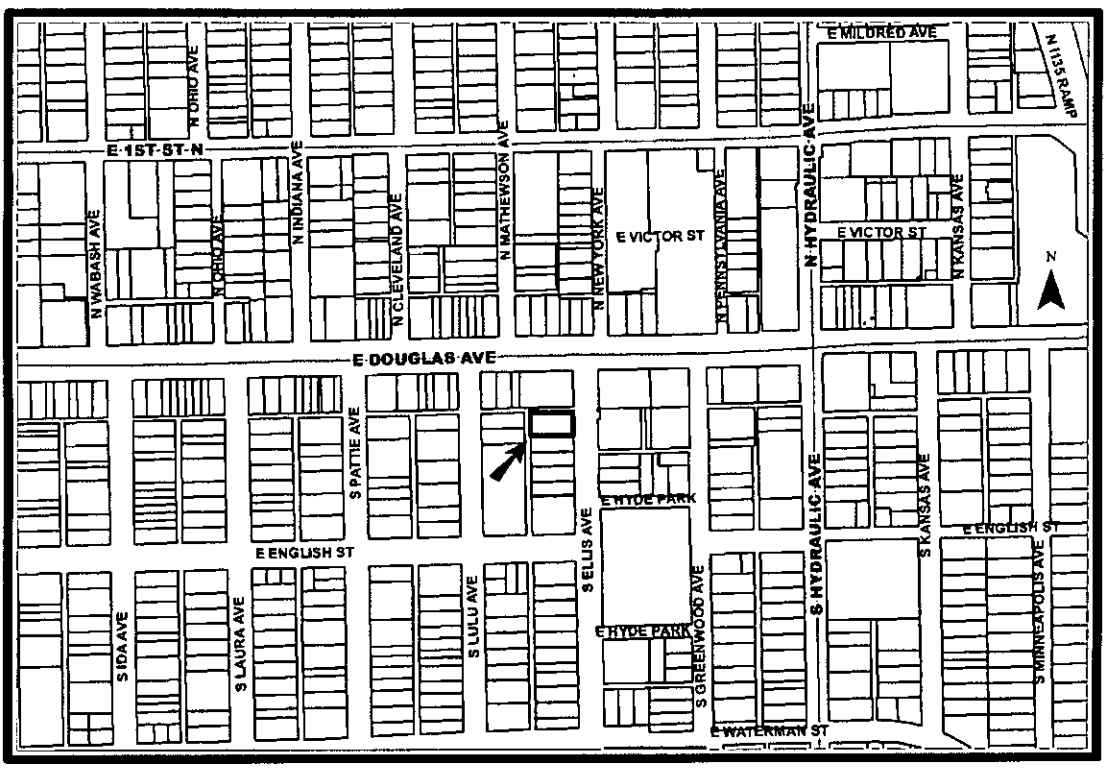
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT
MAPC December 1, 2016
DAB I December 5, 2016

CASE NUMBER:	CON2016-00053
APPLICANT/AGENT:	Robert Hayes and Catherine Hayes (applicants/owners)
REQUEST:	Conditional Use to permit an event center
CURRENT ZONING:	CBD Central Business District
SITE SIZE:	0.25-acres
LOCATION:	Generally located south of East Douglas Avenue and west of North Hydraulic Avenue on the west side of South Ellis Avenue (109 S. Ellis)
PROPOSED USE:	Event center that may serve alcohol and have live entertainment or dancing (nightclub in the city)



BACKGROUND: The applicant is seeking conditional use approval for an "event center" on the CBD Central Business District ("CBD") zoned site, located southwest of East Douglas Avenue and North Hydraulic Avenue on the west side of South Ellis Avenue. The event center will be offered for rent for private life events such as weddings, reunions, anniversaries, birthdays, corporate or charitable events, art shows or similar activities. The event center will provide the options of the serving and consumption of alcohol, providing food and providing music for dancing or entertainment at the events. Per the "Wichita-Sedgwick County Unified Zoning Code" (UZC), an event center is defined as,..."premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled"; UZC Sec. II-B.4.i. However the UZC defines an establishment that serves alcoholic beverages for consumption on the site, that may or may not serve food, and that may also provide live entertainment or dancing by employees or patrons as a "nightclub in the city"; UZC Sec. II-B.9.b.

A nightclub in the city is permitted by right in the CBD zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Hyde Public Park is located approximately 260 feet southeast of the site on the east side of Ellis Avenue, thus a conditional use is required. Applications for such venues, nightclubs with event center like restrictions, have become a fairly regular request of consideration by the MAPC.

The site plan submitted by the applicant shows the 0.25-acre site is developed with a 10 paved parking spaces and a 6,040-square foot brick building. The site plan also shows an additional 38 paved off-site parking spaces on an adjacent, across a paved alley, north property that they own. The applicant proposes a maximum of 200 people per event, which would require one parking space per four occupants. Although the CBD zoning district has no parking requirements the proposed off-street parking will help reduce congestion on Ellis Avenue and the other streets in the area. The applicant proposes that the event center will be available between 6:00 a.m and 2:00 a.m. Because there are no residential zoning district that are located within a 500-foot radius of the subject site the compatibility noise standards do not apply.

The site and all of the surrounding area is zoned CBD. The McCormick Armstrong commercial printing operations are located northeast, southeast and south of the subject site. Offices are adjacent to the site's north side. Offices and office-warehouses are located west of the site. Paved alleys form a network of secondary right-of-way for the businesses in this area. The proposed event center will not be the first business in the area to serve alcohol. CON2014-00014 was approved allowing a micro-brewery, Central Standard Brewing, to have music and outdoor food and beverage, including beer and wine, service. Central Standard Brewing is located approximately 520 feet southeast of the site, at 156 South Greenwood.

CASE HISTORY: The site is not platted.

ADJACENT ZONING AND LAND USE:

North:	CBD	Offices
South:	CBD	Commercial printing
East:	CBD	Commercial printing
West:	CBD	Office-warehouses

PUBLIC SERVICES: The site has access to South Ellis Avenue a local two-lane street that intersects with East Douglas Avenue approximately 140 feet north of the subject site. Douglas Avenue is a four-lane arterial at this location. The site is served by all utilities.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Higher density housing is also a development possibility. The area is developed as a well maintained mix of older offices and office-warehouses, with the commercial printer McCormick being the largest development in this area. The purpose of the CBD zoning district is to accommodate a mix of retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The site is located just outside the Downtown core area, but within the "established central area." The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The CBD zoning district is compatible with the new employment classification.

A nightclub in the city is permitted by right in the CBD zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Hyde Public Park is located approximately 260 feet southeast of the site on the east side of Ellis Avenue, thus a conditional use is required. The proposed event center will not be the first business in the area to serve alcohol. CON2014-00014 was approved allowing a micro-brewery, Central Standard Brewing, to have music and outdoor food and beverage, including beer and wine, service. Central Standard Brewing is located approximately 520 feet southeast of the site, at 156 South Greenwood.

RECOMMENDATION: Based upon information available at the time the staff report was prepared, it is recommended the request for a nightclub-event center be **approved** subject to the following conditions:

1. The permitted occupancy for the indoor events center is limited to 200 persons or what the occupancy is posted by the Fire Department.
2. The facility will be operated similar to an event center where the building or facility is rented out for private activities where the patrons are present by invitation only to attend a scheduled event, where events or activities are not repeated on a weekly basis and where the facility in not open on a daily basis at times other than when an event is scheduled. The purpose of the facility is the hosting of a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
3. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an "entertainment establishment" or "nightclub in the city", approval of this "conditional use" shall not be deemed to create or allow a facility which is open to the general public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a "drinking establishment," "tavern," "class A club," or "class B club" as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed.
4. Trash receptacles shall have solid screening around them and a gate made of similar material as the screening and shall not be located within a 100 feet of the eastern and southern sides of the site.
5. All Sexually-Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are prohibited.
6. The facility shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all

times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities.

7. The event center may be open and operated 6:00 a.m. to 2:00 a.m.
8. All live music or music provided by a DJ is an option for events and shall be located within a building.
9. Access shall be as indicated on the Plan.
10. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
11. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended thorough the public hearing process. Amendments, adjustments or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
12. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site and all of the surrounding area is zoned CBD. The McCormick Armstrong commercial printing operations are located northeast, southeast and south of the subject site. Offices are adjacent to the site's north side. Offices and office-warehouses are located west of the site. Paved alleys form a network of secondary right-of-way for the businesses in this area. The proposed event center will not be the first business in the area to serve alcohol. CON2014-00014 was approved allowing a micro-brewery, Central Standard Brewing, to have music and outdoor food and beverage, including beer and wine, service. Central Standard Brewing is located approximately 520 feet southeast of the site, at 156 South Greenwood.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned CBD which permits a very wide range of residential, office, institutional, retail, commercial uses and a few industrial uses by right. Therefore, it is reasonable to expect that the site could be put to economic use as currently zoned.

3. Extent to which removal of the restrictions will detrimentally impact on nearby property: A nightclub/event center subject to the operational and development standards and conditions recommended in the conditional use should have a minimum detrimental impact on the nearby properties.

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 of the request would provide the public with an additional choice of venue of the type proposed. It is a curious phenomenon that applications for such celebratory venues, nightclubs with event center like restrictions, have become a fairly regular consideration for the MAPC. 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 "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or

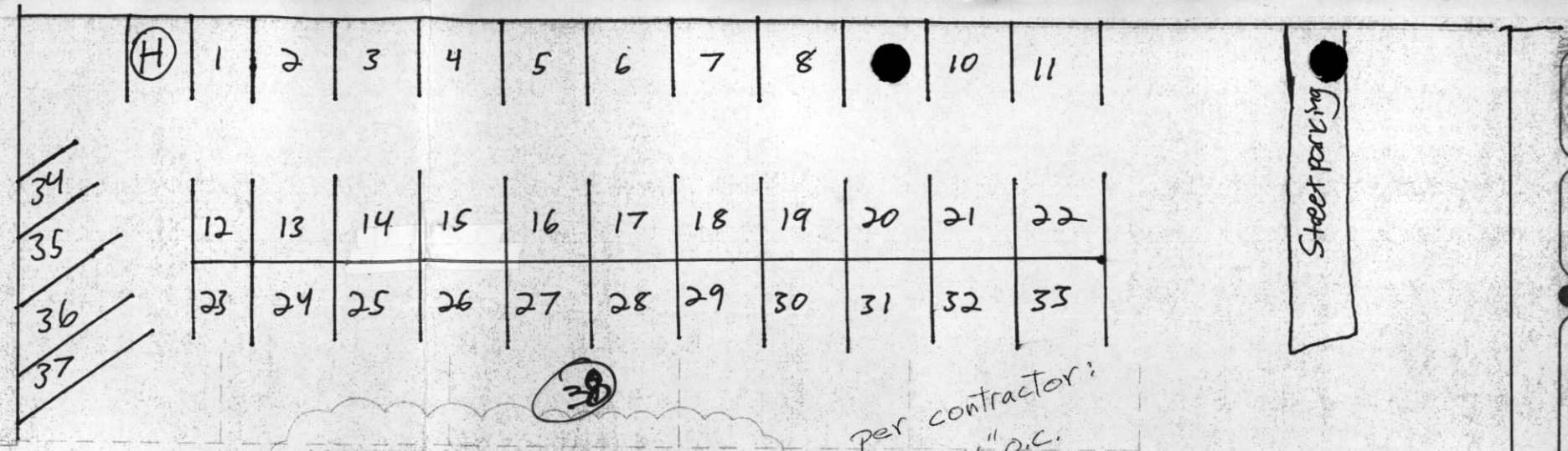
concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Higher density housing is also a development possibility. The area is developed as a well maintained mix of older offices and office-warehouses, with the commercial printer McCormick being the largest development in this area. The purpose of the CBD zoning district is to accommodate a mix of retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The site is located just outside the Downtown core area, but within the "established central area." The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The CBD zoning district is compatible with the new employment classification.

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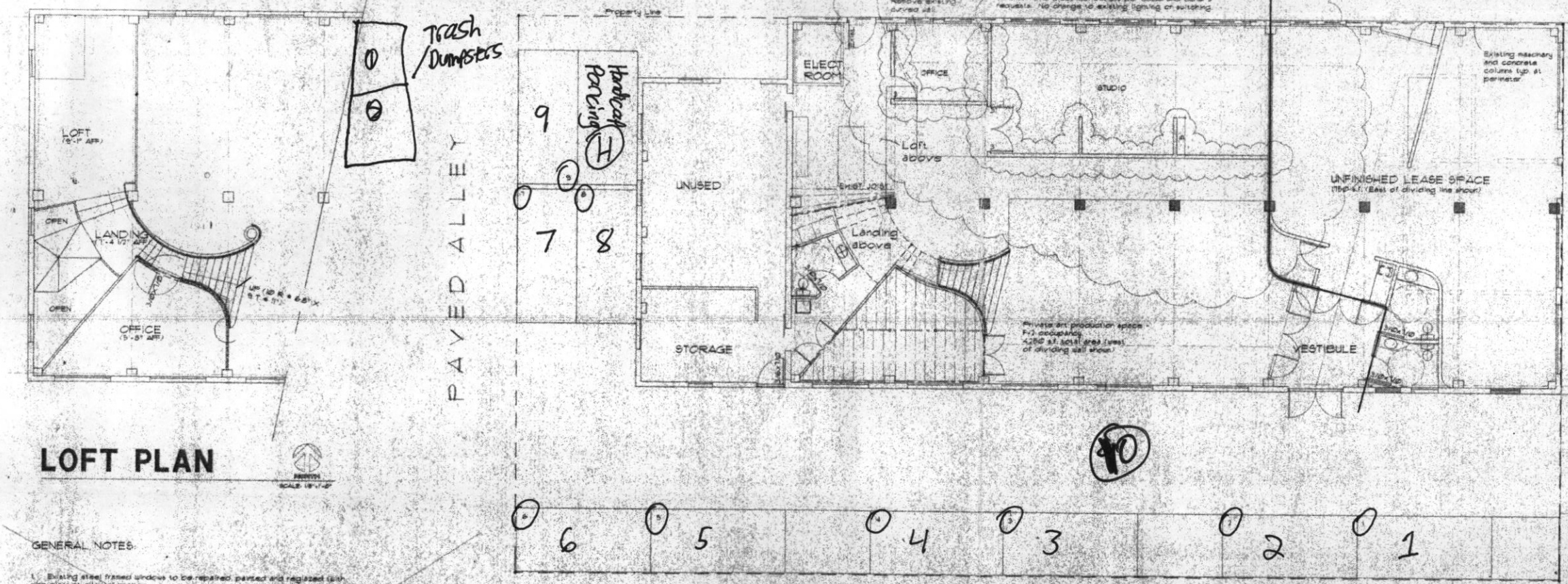
6. Impact of the proposed development on community facilities: Existing facilities are capable of serving the proposed use.

SITE PLAN

APPROVED 12-23-2016 BY Bill Longnecker



PAVED ALLEY



LOFT PLAN

SCALE: 1/8"=1'-0"

SITE AND FLOOR PLAN

SCALE: 1/8"=1'-0"

GENERAL NOTES:

1. Existing steel framed windows to be repaired, painted and reglazed (with wire glass at alley-N. proker.
2. Electrical to be worked out on job in addition to notes and items shown on plan. See plan for panel and outlet locations. As per code 4Lx4 signs and illumination for art production area not required per UBC 602 and 603.
3. Exterior lighting on N, S, and E to be repaired. Add 2 wall packs and photo cell to west end.
4. Parking based on two occupants in art production area and restricted for future leases.
5. Install lavatory and controls to meet ADA clearances and requirements. Undercounter supply and waste lines to be insulated with insulation shield piping. Install lavatory with bottom of reflective surface at 34" above floor. Install sink rim at 30" above finished floor, and with a clearance of at least 29" below apron to fin. floor. Install paper towel displ. no higher than 48" AFF. Install 3' grab bar centered and 3'-6" off to side to side of sink as shown. All centered on 30" AFF. Install toilet paper displ. centered at 24" AFF. See standard ADA plans and elevations on this sheet.
6. New WC to be ADA compliant, centered 18" from finished side wall.
7. Van accessible ramp to be 8'x8', with 8'-0" x 8'-0" at top of ramp. Provide posts and signs (universal symbol) with bottom edge between 6'-0" and 7'-0" above the paving surface.
8. Mechanical to be by other contract and permit. Renovation.
9. Stair to have solid guardrail wall on north with applied handrails on both sides, with extensions per code. Guardrails at landing and loft beyond to have 42" height and no openings greater than what the 4" sphere test allows for commercial/industrial non-public spaces.
10. Stair to Loft (East) to have no treatment at this time, to have resilient concrete floor. West toilet is not accessible to the public to have 42" height and no openings greater than what the 4" sphere test allows for commercial/industrial non-public spaces.

LEGAL DESCRIPTION

A TRACT IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, COMMENCING 124.72 FEET SOUTH OF THE SOUTHEAST CORNER OF DOUGLAS AVENUE AND ELLIS STREET IN HYDE'S ADDITION TO THE CITY OF WICHITA; THENCE SOUTH 75 FEET; THENCE WEST 140 FEET; THENCE NORTH 75 FEET; THENCE EAST 140 FEET TO THE PLACE OF BEGINNING, SAID PROPERTY FURTHER DESCRIBED AS FOLLOWS, TO-WIT: ALL OF LOTS 1, 3 AND 5, ON ELLIS AVENUE IN HYDE'S ADDITION TO THE CITY OF WICHITA, AND A TRACT OF REAL ESTATE DESCRIBED AS FOLLOWS, COMMENCING 124.72 FEET SOUTH OF THE SOUTHWEST CORNER OF DOUGLAS AND ELLIS AVENUE IN HYDE'S ADDITION TO WICHITA; THENCE WEST 140 FEET; THENCE SOUTH 75 FEET; THENCE EAST 140 FEET; THENCE NORTH 75 FEET TO THE PLACE OF BEGINNING, IN SEDGWICK COUNTY, KANSAS.

CON2016-53

OFFICE of CENTRAL INSPECTION
FIELD COPY
(KEEP ON JOB SITE)
Date

CITY OF WICHITA
OFFICE OF CENTRAL INSPECTION

ZONE CBD OCCUP B CONST TYPE V-B
☒ REVIEWED
☐ REVIEWED AS NOTED

CORRECTIONS OR COMMENTS MADE ON THESE DRAWINGS DURING THIS REVIEW DO NOT RELIEVE CONTRACTOR FROM COMPLIANCE WITH ALL REQUIREMENTS OF THE CODE OF THE CITY OF WICHITA. THIS REVIEW IS ONLY FOR GENERAL CONFORMANCE OF THE CODE. THE CONTRACTOR IS RESPONSIBLE FOR CONFORMING AND CORRELATING ALL TECHNIQUES OF CONSTRUCTION. THIS APPROVAL IS SUBJECT TO PROVISIONS OF SECTION 106.4 OF THE UNIFORM BUILDING CODE.
NOV - 5 2009
DATE BY

REVISIONS
01/21/10 - Re-Submittal

MODIFICATIONS to the Bob Schwan Studio
109 - 111 ELLIS
WICHITA, KANSAS

PLATT ADAMS BRADLEY & ASSOCIATES ARCHITECTS AIA
220 W. DOUGLAS, Suite 10 WICHITA, KANSAS 67202 316-267-2241

PROJECT 2207
DATE 10-20-09
SHEET 1 OF 1