CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 12, 2017

Baughman Company, P.A.
Attn: Russ Ewy
315 S. Ellis
Wichita, KS 67211

Geri Appel
4816 N. Prestwick Ave
Bel Aire, KS 67226

RE: CON2016-00032 - City conditional use request to permit a Tavern and Drinking Establishment and an Entertainment Establishment and Nightclub.

Dear Applicant:

At its regular meeting on **November 3, 2016**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Scott Knebel, AICP
Planning Manager

SK: al
Attachment

Copies to: MABCD
Pete Meitzner, Council Member District II
Laura Rainwater, CSR District II

CONDITIONAL USE RESOLUTION NO. CON2016-00032

WHEREAS, Greenwich Village, LLC c/o Han Diec (owner); 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 "Nightclub in the City," on approximately 2.01-acres zoned LC Limited Commercial ("LC"), described as:

Lot 1, Lyman Ray 2nd Addition to Wichita, Sedgwick County, Kansas; generally located north of East Kellogg Street, east of South Greenwich Road and south of East Waterman Street.

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 November 3, 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 "Nightclub in the City," on approximately 2.01-acres zoned LC Limited Commercial ("LC"), described as:

Lot 1, Lyman Ray 2nd Addition to Wichita, Sedgwick County, Kansas; generally located north of East Kellogg Street, east of South Greenwich Road and south of East Waterman Street.

Approved subject to the following conditions:

(1) The nightclub will be limited and posted as limited to 187 persons, which requires 94 paved parking spaces.
(2) The site shall be developed with an approved revised site plan, showing, but not limited to, existing parking spaces, any proposed additional parking, solid screening, solid screening with a solid screening gate around the dumpster(s), the outdoor venue and providing how many seats are located within it, and solid railing or parking blocks around the site's Waterman Street frontage, if this area is paved. The site plan must be submitted for review within 90-days of approval by the MAPC or, as applicable, the appropriate governing body or the Conditional Use will be declared null and void.
(3) No outdoor speakers or outdoor entertainment are permitted.
(4) Provide a parking plan that would utilize the unpaved area as paved parking and if needed the parking of the BBQ business as a secondary parking area. The unpaved area must be paved within 120 days of approval by the applicable government body or the Conditional Use will be declared null and void.
(5) If the applicant chooses not to pave the unpaved area for parking, the applicant must apply for an adjustment or variance on the parking requirements. If the adjustment or variance is not filed within 60 days of approval of the Conditional Use by the applicable government body the Conditional Use will be declared null and void.
(6) The applicant shall obtain all required state, local and other applicable permits and inspections.
(7) If the Zoning Administrator finds that there is a violation of any of the conditions of the

Conditional Use, 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 Conditional Use is null and void.

Adopted this 3rd day of November 2016.

METROPOLITAN AREA PLANNING COMMISSION

Joseph A. Johnson, Chairman

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY

STAFF REPORT

MAPC November 3, 2016
DAB II November 14, 2016

CASE NUMBER: CON2016-00032

APPLICANT/AGENT: Greenwich Village, LLC, c/o Han Diec (owner) Homer Morgan Revocable Trust, c/o Homer Morgan (applicant) Stephen M. Joseph (agent)

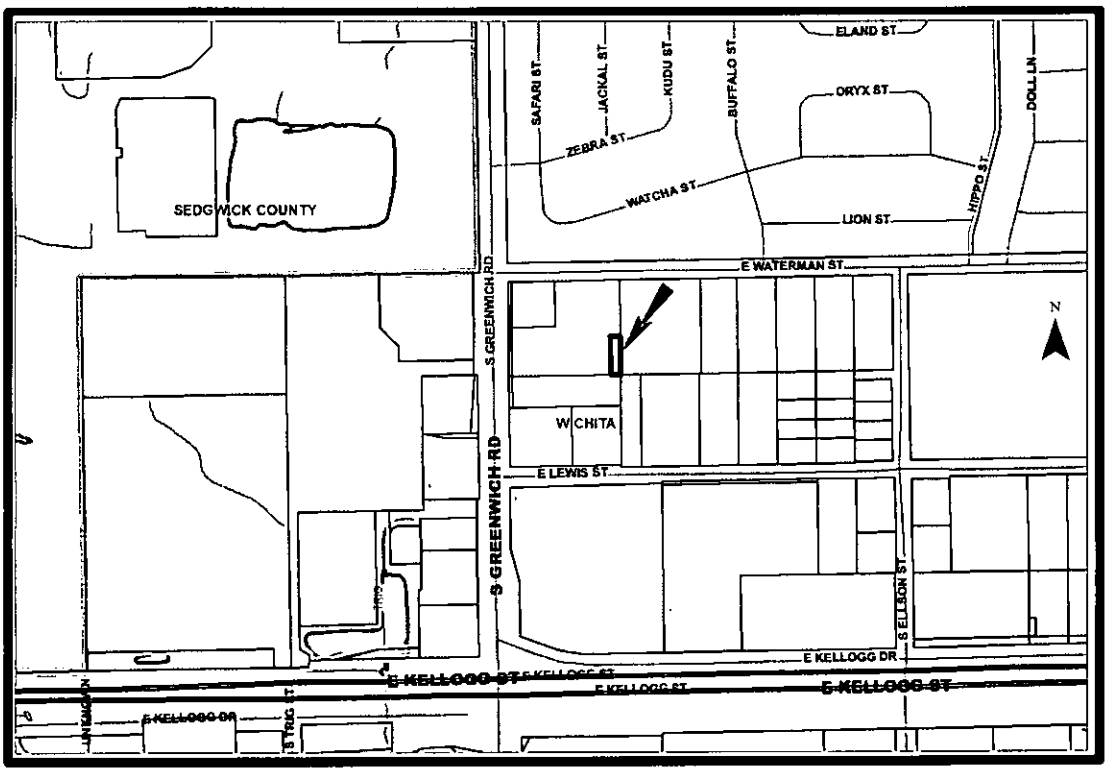
REQUEST: Conditional Use to allow a nightclub in the city

CURRENT ZONING: LC Limited Commercial (LC)

SITE SIZE: Approximately 0.87-acres

LOCATION: Generally located generally located north of East Kellogg Street, east of South Greenwich Road and south of East Waterman Street (300 S Greenwich Road)

PROPOSED USE: Bring the site into conformance with the Unified Zoning Code



a call from one of the partners of the owner of the property, Greenwich Village, LLC. This partner was not aware of the Conditional Use application. Planning staff has not received any more correspondence from this individual.

ADJACENT ZONING AND LAND USE:

NORTH: MH	Manufactured home park
SOUTH: GC, SF-5, MF-18 TF-3	Hardware – U-Haul store, self-service storage warehouses, manufactured home park, single-family residences, duplexes
EAST: LC, SF-5, MH	Undeveloped land, single-family residences, manufactured home park
WEST: LC, LI	Restaurant, commercial strip buildings, church, aircraft manufacturing facility

PUBLIC SERVICES: The site has two drives onto South Greenwich Road, a paved four-lane arterial with a center turn lane. The site also has two drives onto Waterman Street a sand and gravel two-lane residential street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" (Land Use Guide) depicts this location as being appropriate for "new employment." This designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.

The Beechcraft Aircraft Company has manufacturing, warehousing, distribution, construction, research, technology, business services, and corporate offices at this site and is the trigger for the area's designation as new employment. The area's manufactured home parks are a high density residential development as recognized in the Land Use Guide's new employment category. The area's commercial strip buildings reflect a type of convenience retail as recognized in the Land Use Guide's new employment category. The Lizards Lounge's cliental may include shift workers from Beechcraft as well as the neighborhood.

The site does have access onto the arterial Greenwich Road, which meets the locational criteria for commercial uses. However, it also has access onto the residential street Waterman Street, which means that the site will generate traffic and parking along the residences in the area.

RECOMMENDATION: The longtime non-conforming Lizard Lounge nightclub is not out of character with the development in the area (although it appears it is the only drinking establishment/nightclub in the area), which is developed around the LI zoned Beechcraft aircraft facility. If denied the site's LC zoning would not be removed and the applicant could continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies. The lack of the required on-site parking is not unusual for the numerous non-conforming nightclub Conditional Use cases that have been submitted this year. However, in this case there is an unpaved portion of the site that appears to have been used for extra parking as needed. If this area was paved it would provide additional parking spaces that would be to the benefit of all of the tenants of the commercial strip building, which includes the nightclub. The property owner also owns a BBQ restaurant on the same property, which has its own parking. This parking may be considered parking for the Lizard Lounge as the hours of operation for the nightclub and the restaurant vary; 11 AM – 9 PM for the BBQ and 12 PM to 2 AM for the nightclub. Denial would make it more difficult for the site to

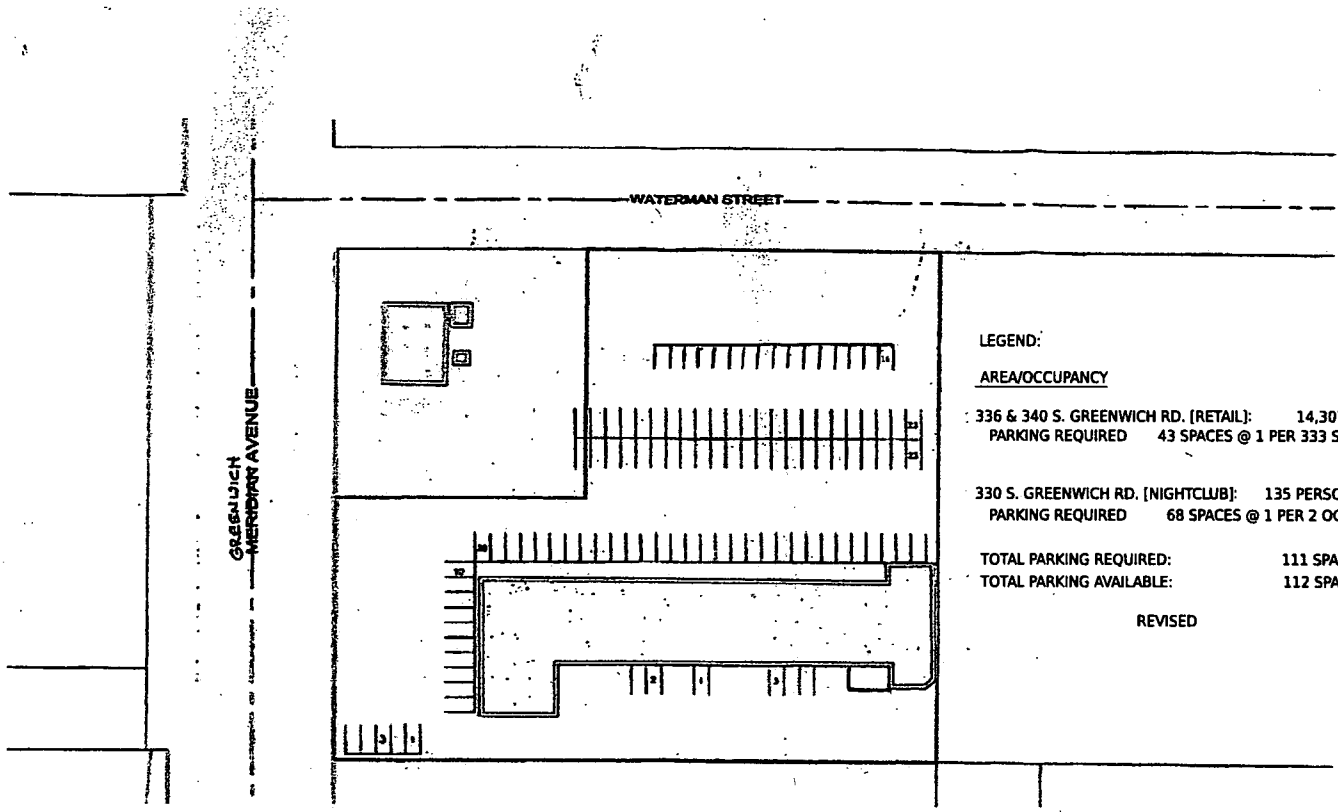
continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide" " (Land Use Guide) depicts this location as being appropriate for "new employment." This designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.

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(5) **Impact of the proposed development on community facilities:** Approval or denial of the request will not change the impact on community facilities, including police services.



SCALE: 1" = 50'

CON2016-32 PARKING PLAN

330 336 & 340 SOUTH GREENWICH ROAD

BAUGHMAN

SITE PLAN

APPROVED 6-26-18 BY SK

Replaces site plan from 12-4-17