



Wichita-Sedgwick County Metropolitan Area Planning Department

August 15, 2018

Daniel Norton
125 N. St. Francis Avenue
Wichita, KS 67202

Stadium Architecture
Attn: Tony Jacobs
151 N. Rock Island
Wichita, KS 67202

RE: CON2018-00021-City Conditional Use to allow a Nightclub in the City within 300 feet of a church in the CBD Central Business District; generally located 250 feet north of East Douglas Avenue and west of North St. Francis Avenue (125 N. St. Francis Ave.)

Dear Applicant:

At its regular meeting on June 21, 2018, 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,

A handwritten signature in black ink, appearing to read 'Kyle C. Kobe'.

Kyle C Kobe
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR I

CONDITIONAL USE RESOLUTION NO. CON2018-00021

WHEREAS, Tony Jacobs with Studium Architecture (Agent), on behalf of Daniel Norton with Norton's Brewing, (Applicant) 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 property zoned CBD Central Business District at 125 North St Francis Avenue and legally described as:

The north half of Lot 4 together with all of Lots 6 and 8, on 4th Avenue, not St Francis, in J.R. Mead's Addition to Wichita, Sedgwick County, Kansas.

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 June 21, 2018, 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a Nightclub in the City, on property zoned CBD Central Business District at 125 North St Francis Avenue and legally described as:

The north half of Lot 4 together with all of Lots 6 and 8, on 4th Avenue, not St Francis, in J.R. Mead's Addition to Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

A. The Conditional Use permits a "nightclub in the city," which shall be maintained and operated in compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.

B. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, 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 21st Day of June 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary

CASE NUMBER: CON2018-00021

AGENT: Tony Jacobs with Studium Architecture
APPLICANT: Daniel Norton (Lessee), Ryno Properties, Inc. (Owner)

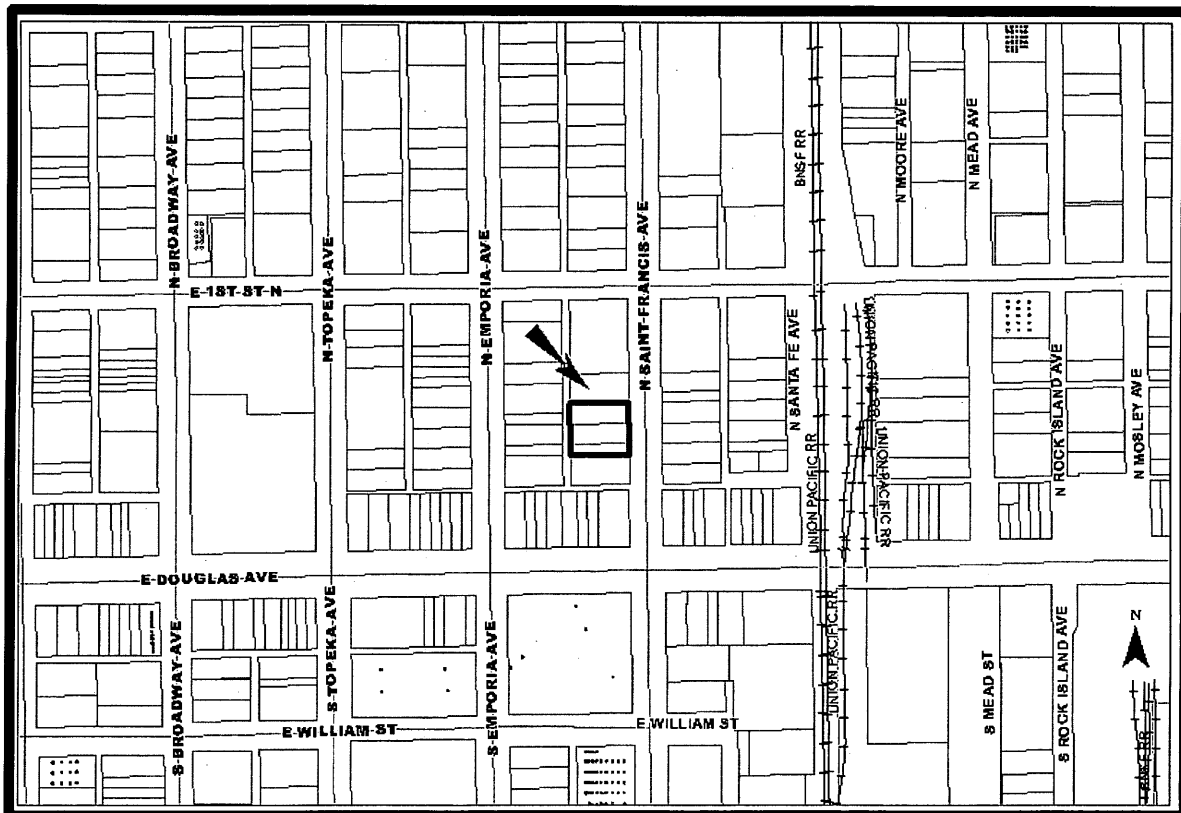
REQUEST: Nightclub in the city

CURRENT ZONING: CBD Central Business District

SITE SIZE: 0.41 acres

LOCATION: On the west side of North St. Francis Avenue and midway between East Douglas Avenue and East 1st Street North (125 North St. Francis Avenue)

PROPOSED USE: Nightclub in the City



RECOMMENDATION: Based upon information available prior to the public hearings, staff recommends that the request be APPROVED, subject to the following conditions:

- A. The Conditional Use permits a “nightclub in the city,” which shall be maintained and operated in compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.
- B. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, 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.

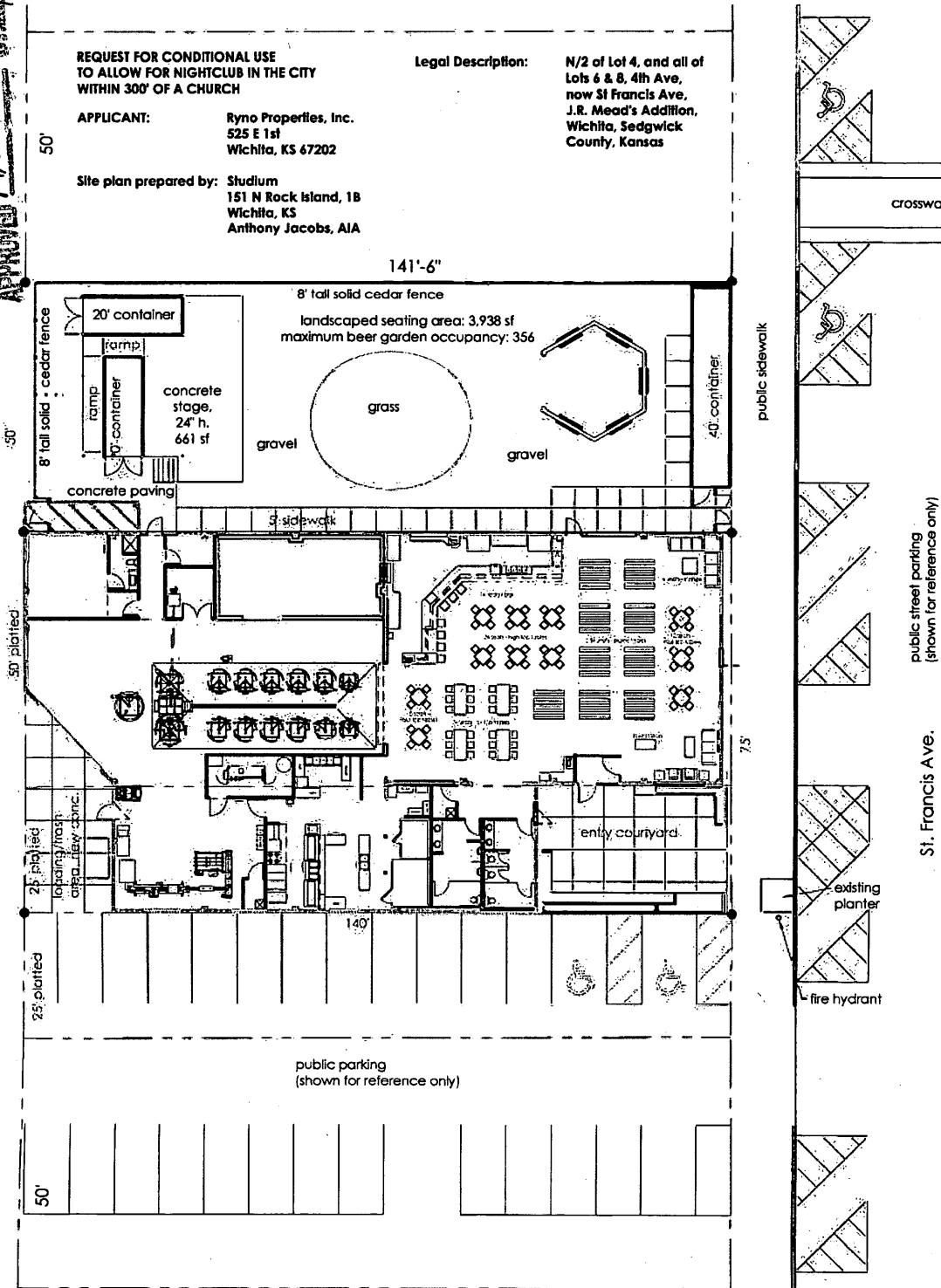
This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: All property abutting and adjacent to the subject site is zoned CBD. Uses immediately surrounding the subject property include: the aforementioned church, auto service garage, parking lots, and downtown row storefronts along Douglas and St Francis.
- 2. The suitability of the subject property for the uses to which it has been restricted: Central Business District zoning is one of the more inclusive zoning districts with respect to the large number of uses permitted by right. The district permits single-family and multi-family residential, office, retail sales and commercial uses requiring outdoor storage and display. Any number of permitted by right uses could be economically viable at this location. As currently zoned, the site is being used as a drinking establishment restaurant, which could be an economically viable use. The UZC allows for Nightclubs in the City, provided a Conditional Use is approved. If the applicant wishes to expand their business model to include live entertainment, CBD zoned areas are likely the most suitable in the city for such a mix of uses.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a “nightclub in the city” by right except for the separation requirements noted above. There are other night clubs located in the downtown area. Approval of the request should not negatively impact nearby properties much like one would find with other business near existing downtown nightclubs in the city.
- 4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Unified Zoning Code (UZC) allows for Nightclubs in the City by right in Central Business District (CBD), provided they are more than 300 feet from a church, park, school, or residential zoning. The UZC provides for the approval of Nightclubs in the City by Conditional Use in the event uses are located within such a proximity.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investment Plan*, identifies this site as appropriate for “residential and employment mix.” These areas are described as being suitable to be developed or redeveloped under the concept of mixed use areas. This site conforms to this designation.

- 5. Impact of the proposed development on community facilities: Infrastructure and community services are in place to accommodate the proposed use.

Apply



STUDIUM
architecture
151 N. Rock Island, Suite 1B
Wichita, Kansas 67202
316.295.4563 studiumwichita.com



Project: Norton's Brewing Co.

Project:

- 2 Plan Review Comment:
11.22.1;
1 Plan Review Comment:
10.31.1;
Permit Se
09.07.1;

AS1.1

125 N. St. Francis
Winifred Kansas 67901

site plan

1" = 32'

0' 4' 8' 12' 16'