Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2021

Talal Timsah
2024 N Woodlawn Blvd
Wichita, KS 67208

RE: **CON2021-00002:** City Conditional Use for a drinking establishment within 300 feet of a park on property zoned CBD Central Business District; generally located on the south side of West Douglas Avenue and one block east of South Seneca Street (1001 W Douglas Ave).

Dear Applicant;

At its regular meeting on **February 18, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to the conditions in the enclosed resolution.

No protest petitions were filed against this application. Therefore, the MAPC's decision is final.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Jeff Blubaugh, City Council District IV
Rebecca Fields, CSR District IV
Ken and Danielle Harmon, Alzavino Wine Tavern, 3900 N Sage Ct., Maize, KS 67101

CONDITIONAL USE RESOLUTION NO. CON2021-00002

WHEREAS, 1001 W Douglas Investments, LLC, Owners pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow a Drinking Establishment within 300 feet of a park on property zoned CBD Central Business District described as:

Lot 20, on Chicago now Douglas Avenue, West Wichita Addition, 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 February 18, 2021, 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 Drinking Establishment within 300 feet of a park on property zoned CBD Central Business District described as:

Lot 20, on Chicago now Douglas Avenue, West Wichita Addition, Wichita, Sedgwick County Kansas.

Approved subject to the following conditions:

1. The use shall comply with the provisions applicable to taverns and drinking establishments for outdoor service of food and drink in the Unified Zoning Code, as found in Section III-D(6)(w):

   A. No restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.

   B. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.

   C. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.

   D. The outdoor use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.

2. Any applicable modification to the exterior of the building shall be reviewed and approved by the Delano Review Committee prior to issuance of any building permits.

3. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Construction Department.

4. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use.

5. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 18th Day of February 2021.

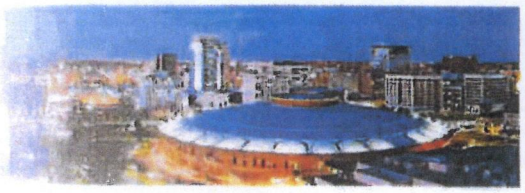
METROPOLITAN AREA PLANNING COMMISSION

Michael C. Greene, Chair MAPC

ATTEST:

Scott Wadle, Secretary

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



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Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 01/28/2021

Ending issue of: 01/28/2021

STATE OF KANSAS)
.SS
County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from **1/28/2021** to **01/28/2021**.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

V Rodela
Signature of Principal Clerk
DATED: 2/25/2021

AMBAR LIZARRAGA
My Notary ID # 132031291
Expires May 30, 2023

Notary Public Dallas County, Texas

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150064

PUBLISHED IN THE WICHITA EAGLE
ON JANUARY 28, 2021 (4859737)
(One Time Only)

MAPC/BZA February 18, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 18, 2021 no earlier than 1:30 p.m. the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meetings will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

PUD2020-00014
City PUD zoning district to create PUD #82 Falcon Fails Addition to allow ADUs in a traditional neighborhood development with home occupations, generally located one-half mile west of North Hillside Avenue on the north side of East 45th Street North

BZA2021-00001
City Variance for 3 new signs on a new apartment building with leasing office on B Multi-Family zoned lot; Generally located within 1500 feet East of North Hillside Avenue on the south side of East 17th Street North (3607 E 17th St)

BZA2021-00002
City variance to reduce the number of parking spaces to 139 spaces on property zoned LI Limited Industrial; generally located north of K-42 on the east side of South Hoover Road (2800 S Hoover RD).

BZA2021-00003
City Variance to allow a 60-foot tall sign and a 0-foot rear setback on property zoned GI General Industrial; generally located northwest of East 37th Street North and North Hydraulic Avenue (3905 North Hydraulic).

BZA2021-00004
City Variance to allow 308 square foot sign on property zoned GW Office Warehouse; generally located one-half mile east of South Greenwich Road on the north side of East Kellogg Drive (12898 East Kellogg)

CON2021-00001
City Conditional Use Adjustment to CU-504 to allow Self-Storage in Limited Commercial (LC) Zoning and adjust the site plan for building expansion. Generally located on the North side of West Maple Street and within one-half mile West of South West Street (4608 W Maple).

CON2021-00002
City Conditional Use for a drinking establishment within 300 feet of a park on property zoned CBD Central Business District; generally located on the south side of West Douglas Avenue and one block east of South Seneca Street (1601 W Douglas).

CON2021-00003
City Conditional Use to allow personal care service on property zoned GO General Office in the Delano Overlay Zoning District; generally located on the south side of McLean Boulevard, west of the West Side Athletic Park at Atherton and McLean (605 North McLean)

VAC2021-00001
City Vacation of a 10-foot utility easement and 25-foot utility easement for future construction on property zoned SF-5 Single Family Residential and generally located on the west side of South Hoover Road and within one-quarter mile south of West MacArthur Road (4124 S Gilda).

VAC2021-00002
City vacation of a portion of a utility easement by separate instrument for building construction on property zoned LC Limited Commercial; generally located on the west side of North Webb Road and one-half mile south of East 21st Street North (121 N Webb Road)

ZON2021-00001
City Zone Change from Limited Industrial (LI) to General Commercial (GC) to allow Resident al use. Generally located southwest of 17th and Maple (833 E 17th St N).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.) The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wedle 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316 268 4421
Fax	3168597764

Participate Remotely

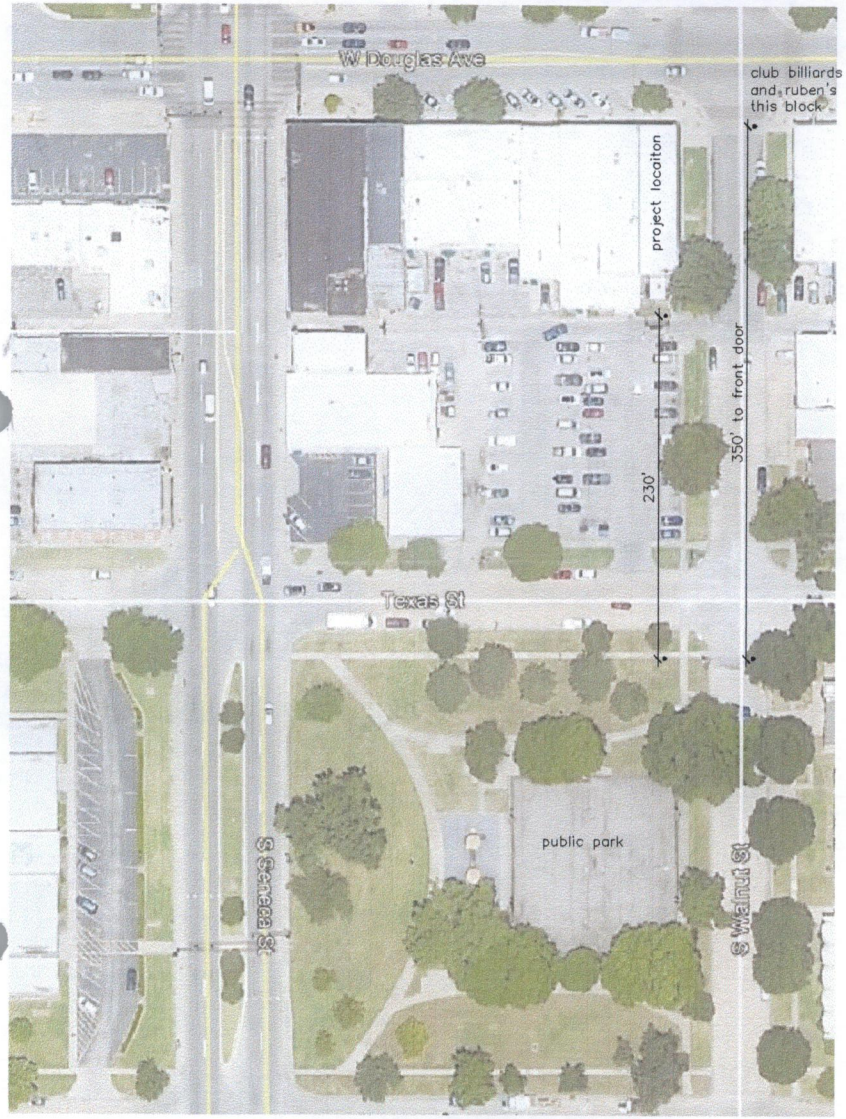
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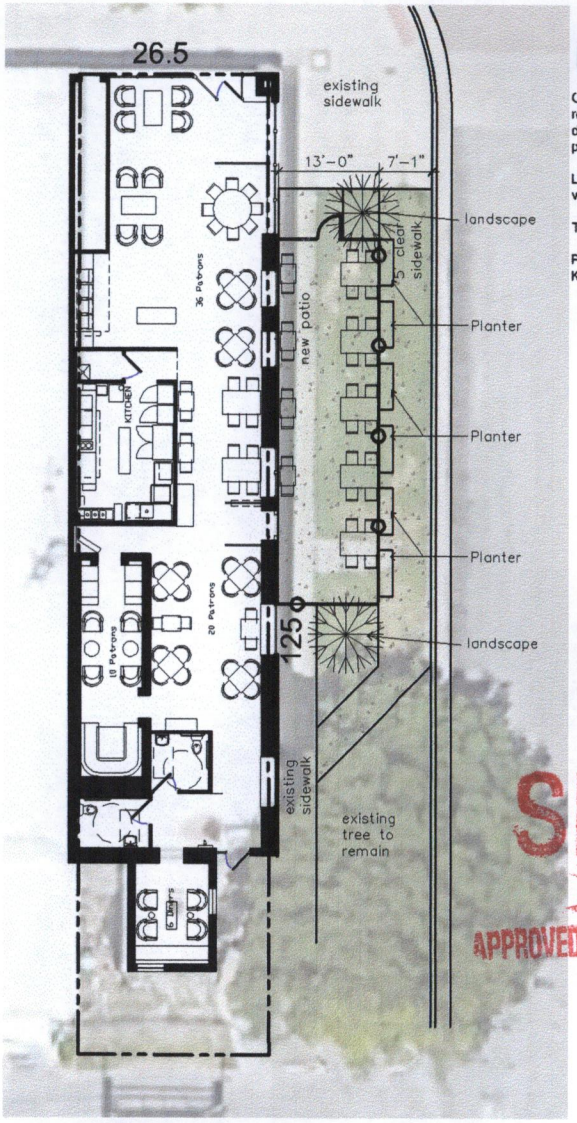
Attend a Virtual Connection Site In-Person

You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual material's you wish to present, please contact Planning Department Graphics staff (268-4661) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on January 25, 2021
Scott Wedle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission



vicinety map n.t.s. **1**



site layout 1/6" = 1'-0" **2**

conditional use

Owner (Ken and Danielle Harmon) are requesting a conditional use to allow a drinking establishment within 300' of a public park

Legal: lot 20 Chicago (now Douglas) block west Wichita addition.

Total lot area: .07 acres

Property address: 1001 W. Douglas, Wichita KS

3TEN

3ten.co 316.440.0805
919 W 2nd St Wichita KS 67203
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1001 W. Douglas

SITE PLAN

APPROVED 3/5/21 BY

FOR REVIEW - January 8, 2021

3TEN ARCHITECTURE