



Wichita-Sedgwick County Metropolitan Area Planning Department

April 27, 2022

Stanley Davis dba Lil Bull LLC
2875 Newport Street
Denver, CO 80207

RE: CON2021-00065 - City Conditional Use for Entertainment Establishment (defined as "Night Club in the City") on property zoned LC Limited Commercial; located one-half mile west of North Oliver Avenue, on the North side of East 13th Street North (3906 East 13th Street North).

Dear Applicant;

At its regular meeting on **April 5, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request, subject to the following conditions:

1. Relocate the wooden fence located along the western side of the subject property so that it is not infringing on City property, or provide a survey that shows the fence is located on the subject property.
2. The Nightclub in the City use shall cease operations by 10:00 p.m.; provided, said uses may operate until 1:00 a.m. on Friday and Saturday nights.
3. It is strongly encouraged that the establishment provide security on site and that at closing, security direct patrons leaving the establishment to exit the premises on 13th Street and not Vesta Street.
4. The Nightclub in the City shall adhere to the Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
5. Outdoor entertainment, including outdoor speakers, is prohibited on the site.
6. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

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

Sincerely,

Matthew Williams, AICP
Senior Planner

Copies:
Brandon Johnson, WCC I
Tasha Hayes, CSR District I
MABCD

Resolution No. 22-101

(Published in the Wichita Eagle on May 2, 2022)

A RESOLUTION APPROVING CON2021-00065 AUTHORIZING A NIGHT CLUB IN THE CITY, ON APPROXIMATELY 0.58 ACRES ZONED LC LIMITED COMMERCIAL, LOCATED ONE-HALF MILE WEST OF NORTH OLIVER, ON THE NORTH SIDE OF EAST 13TH STREET (3906 EAST 13TH STREET NORTH), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow a Night Club in the City on property zoned Limited Commercial (LC), generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North), and legally described as:

A tract of land described as: Beginning 35 feet West of the Southeast corner of Reserve B as platted in Yale Heights Addition to Wichita, Sedgwick County, Kansas; thence North parallel to the East line of said Reserve B, 122 feet; thence West parallel to the North line of 13th Street to the Easterly right-of-way line of the St. Louis and San Francisco Railway; thence in a Southwesterly direction along said right-of-way to the North line of 13th Street as platted in Yale Heights Addition to Wichita; thence East 215.99 feet, more or less, to the point of beginning.

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 17, 2022, 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 Wichita City Council that this application is approved for a Conditional to allow a Night Club in the City on property zoned Limited Commercial (LC), generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North), and legally described as:

A tract of land described as: Beginning 35 feet West of the Southeast corner of Reserve B as platted in Yale Heights Addition to Wichita, Sedgwick County, Kansas; thence North parallel to the East line of said Reserve B, 122 feet; thence West parallel to the North line of 13th Street to the Easterly right-of-way line of the St. Louis and San Francisco Railway; thence in a Southwesterly direction along said right-of-way to the North line of 13th Street as platted in Yale Heights Addition to Wichita; thence East 215.99 feet, more or less, to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Relocate the wooden fence located along the western side of the subject property so that it is not infringing on City property, or provide a survey that shows the fence is located on the subject property.

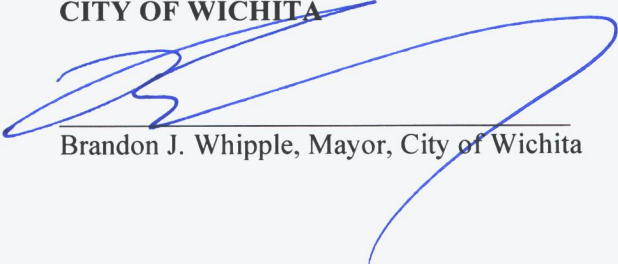
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SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 5th day of April, 2022.

CITY OF WICHITA



Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

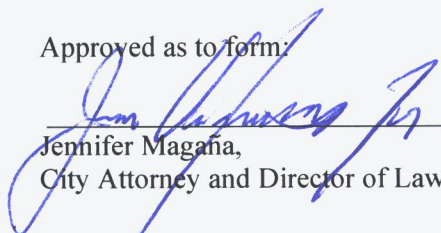


Jamie Buster, City Clerk

(SEAL)



Approved as to form:



Jennifer Magaña,
City Attorney and Director of Law



Armstrong Land Survey, P.A.

P.O. Box 161039
WICHITA, KS 67216

Ph. (316)263-0082
info@armstrongsurvey.com

State of Kansas)
County of Sedgwick) SS

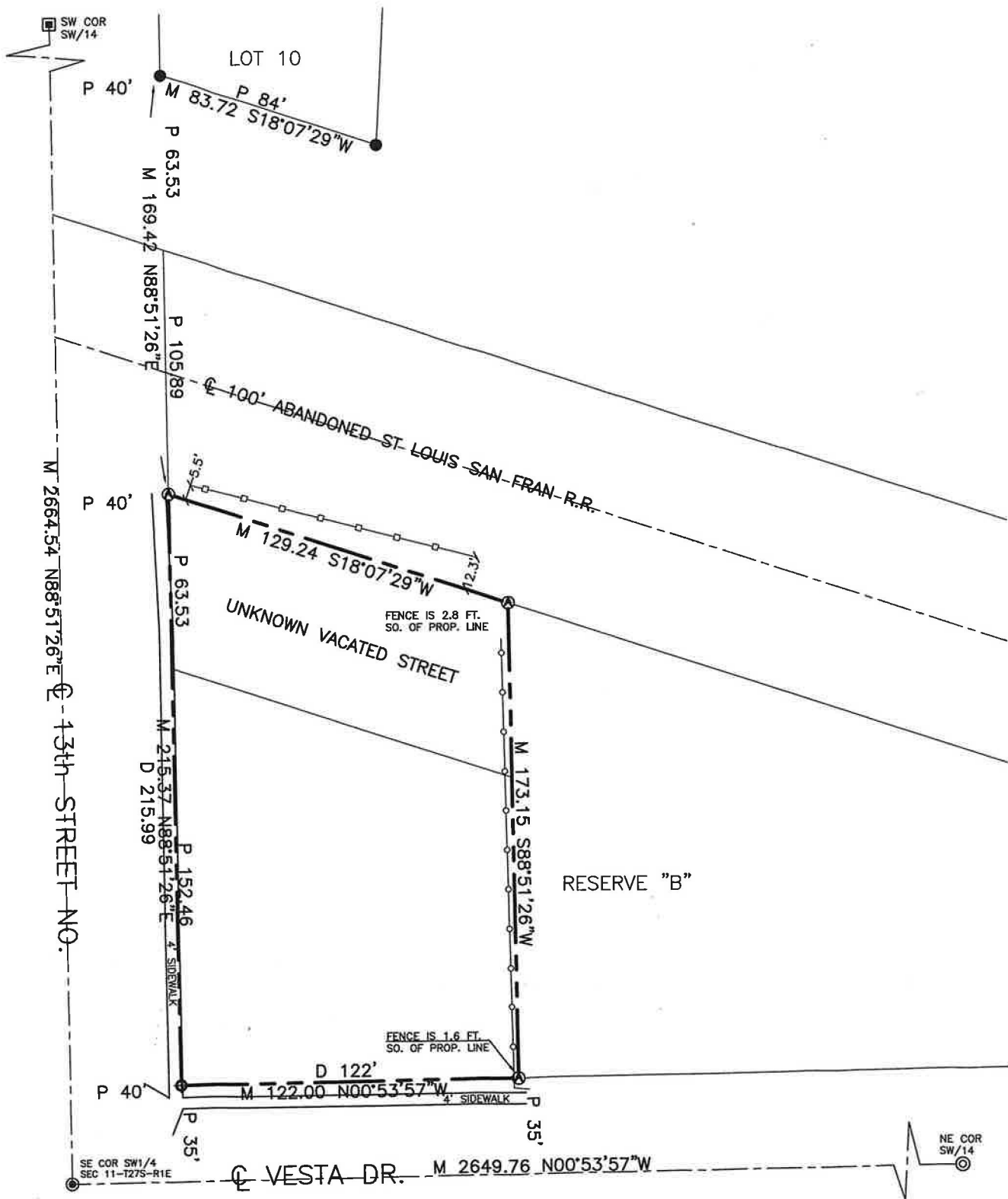
I, Donald C. Armstrong, registered and authorized to practice Land Surveying in said state and county do hereby certify that I caused to be surveyed the following:

A tract of land described as BEGINNING 35 feet West of the Southeast corner of Reserve B as platted in Yale Heights Addition to Wichita, Sedgwick County, Kansas; THENCE North parallel to the East line of said Reserve B, 122 feet; THENCE West parallel with the North line of 13th Street to the Easterly right-of-way line of the St. Louis and San Francisco Railway; THENCE in a Southwesterly direction along said right-of-way to the North line of 13th Street as platted in Yale Heights Addition to Wichita; THENCE East, 215.99 feet more or less to the point of BEGINNING, commonly known as 3906 E. 13th Street, Wichita, Kansas.

The accompanying sketch is a true and correct exhibit of said survey.

Date of survey: August 31, 2023


Donald C. Armstrong R.L.S.#780

- Ⓐ - "ARMSTRONG" capped rebar set
- ⊕ - chiseled "+" in concrete set
- ▣ - iron pipe in thimble found
- ⊙ - 1/2" iron pipe found
- ⊙ - 3/4" iron pipe found
- - #4 rebar found
- M - measured distance
- P - plot distance
- D - deed distance



SCALE 1"=50'

NOTE: Fences are measured at the center of fence posts.

- wooden fence
- wrought iron fence

Page 2 of 2
W.O. #42521



**ARMSTRONG
LAND SURVEY, P.A.**

P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	254811	Print Legal Ad - IPL0070847		\$142.59	2	85 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

(Corrected and Republished in the Wichita Eagle on May 2, 2022)

Resolution No. 22-101

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5. Outdoor entertainment, including outdoor speakers, is prohibited on the site.

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SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 5th day of April, 2022.

CITY OF WICHITA
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:
Karen Sublett, City Clerk
(SEAL)

Approved as to form:
Jennifer Magana,
City Attorney and Director of Law
IPL0070847
May 2 2022

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

No. of Insertions: 1

Beginning Issue of: 05/02/2022

Ending Issue of: 05/02/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose 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 05/02/2022 to 05/02/2022.

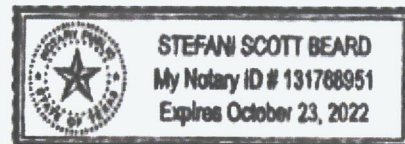
M. Hayley

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

DATED: 05/02/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



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



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	191675	WIC-12-30-21	OCA 150004	\$109.20	1	13.00 in

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

Copy of ad content
is on the next page

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

No. of Insertions: 1
Beginning Issue of: 12/30/2021
Ending Issue of: 12/30/2021

STATE OF KANSAS)

SS

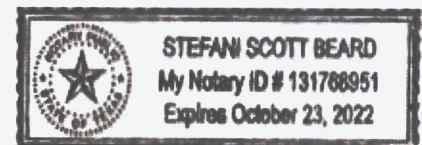
County of Sedgwick)

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

DATED: 12/30/2021

Notary Public in and for the state of Texas, residing in
Dallas County



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

LEGAL PUBLICATION

1991

NOTICE OF PUBLICATION

NOTICE OF PUBLICATION
 The following is a notice of publication of the
 [illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

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LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON DECEMBER 30, 2021 (445212)
(One Time Only)

MAPC/BZA January 20, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, January 20, 2022, no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, 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.**

BZA2021-00072: City Variance for a parking reduction on property zoned TF-3 Two Family Residential located 900 feet west of North Hillside Avenue, 450 feet South of East 21st Street North (2909 East Shadybrook).

CON2021-00062: City Conditional Use for Group Residence, Limited on property zoned TF-3 Two Family Residential located 900 feet west of North Hillside Avenue, 450 feet South of East 21st Street North (2909 East Shadybrook).

CON2021-00065: City Conditional Use for Entertainment Establishment (defined as "Night Club in the City") on property zoned LC Limited Commercial, located one-half mile west of North Oliver Avenue, on the North side of East 13th Street North (3906 East 13th Street North).

CON2021-00066: Conditional Use request in the City for Vehicle and Equipment Sales on property zoned LC Limited Commercial, located on the north side of West Maple Street and within a quarter mile west of South West Street (NE corner of W Maple and S Tracy St.).

CUP2021-00070: City CUP amendment to Country Club Park DP-186 to Parcels 2 and 3, adjust parcel boundaries, merge general provision text, and modify signage requirements (1313 Webb Rd) associated with zone change GO to LC (ZON2021-00062).

VAC2021-00054: Request in the City to vacate a portion of a platted street side yard setback on SF-5 Single-Family Residential zoned property generally located north of West 31st Street South, west of South Seneca Street, on the southwest corner of West 29th Street South & South Millwood Avenue.

ZON2021-00061: City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property located one-block south of West Douglas Avenue and one-half mile east of South Seneca Street (127 S Millwood).

ZON2021-00062: City zone change to Country Club Park DP-186 to Parcels 2 and 3, GO General Office to LC Limited Commercial associated with CUP amendment (CUP2021-00070), generally located at the southwest corner of E. 13th Street N and N. Webb Rd.

ZON2021-00063: Zone Change request in the City from LI Limited Industrial to SF-5 Single-Family Residential for future development on property located on the east side of North Greenwich Road and within one-half mile north of East 29th Street North.

ZON2021-00064: Zone Change request in the City from TF-3 Two Family Residential to MF-18 Multi-Family Residential to permit 2 additional dwelling units (total of 8) on property located within one-block north of East 13th Street North and two-blocks east of North Hillside Avenue (1432, 1434, & 1436 N Fairmount).

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-Meetings. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (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	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or meetlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitchall. The in-person option is primarily 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 materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 30, 2021

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

STAFF REPORT
 MAPC: February 17, 2022
 DAB I: February 7, 2022

CASE NUMBER: CON2021-00065 (City)

APPLICANT/AGENT: Stanley Davis DBA Lil Bull LLC (applicant/owner)

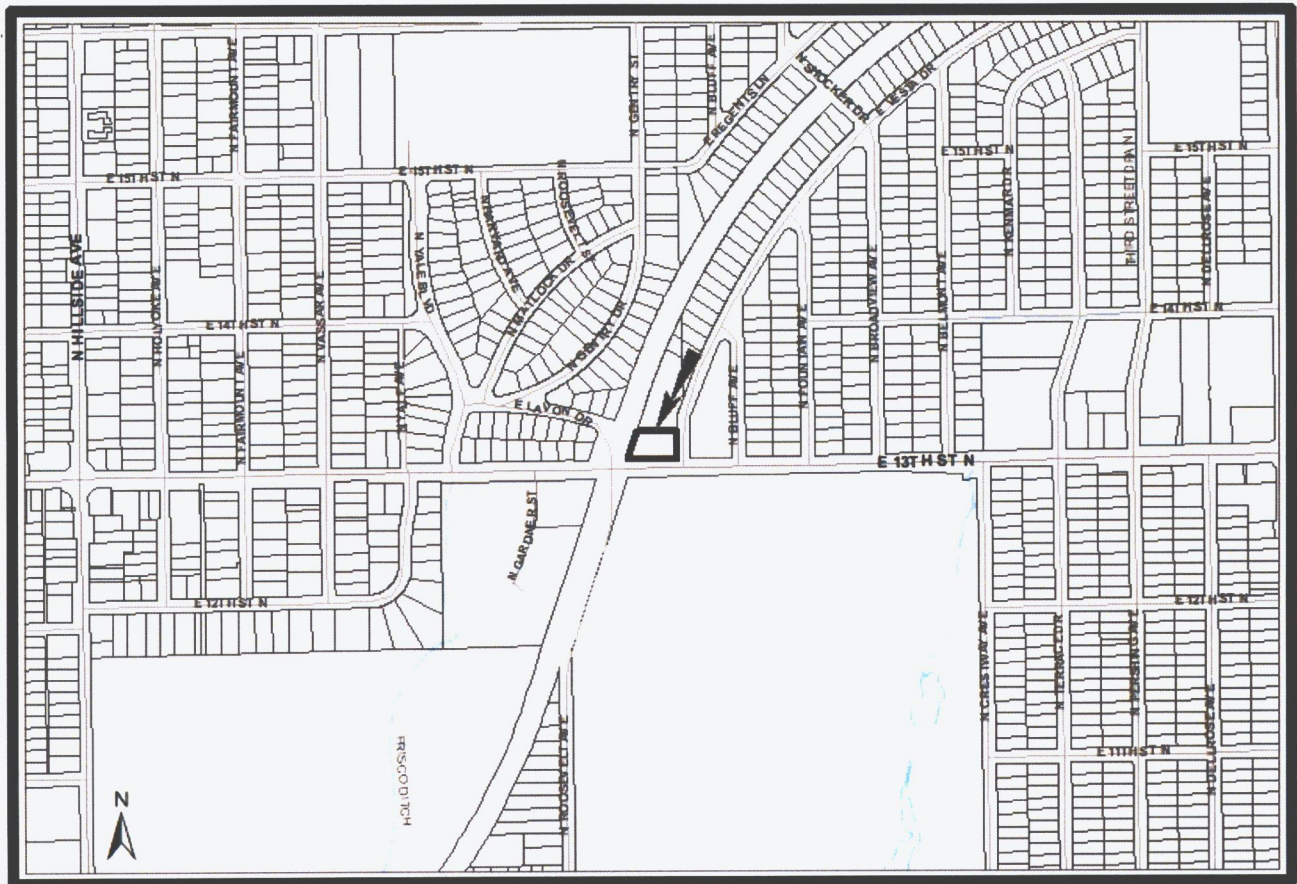
REQUEST: Conditional Use to allow a Nightclub in the City

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.58 acres

LOCATION: Generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North).

PROPOSED USE: Nightclub in the City



BACKGROUND: The applicant is requesting a Conditional Use to allow a Nightclub in the City on property zoned LC Limited Commercial. The subject site is generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North). The subject site is developed with a multi-tenant commercial building built in 1950 and a parking lot. The Nightclub in the City use would be limited to the portion of the building that previously housed Cedar Saloon (denoted on the attached site plan).

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines a “Nightclub in the City” (Art. II.Sec. II-B.9.b) as an establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food.

In the LC Limited Commercial zoning district, a Nightclub in the City requires a Conditional Use approval when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning district (per Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code). The subject site is located roughly 170 feet from the residential zoning to the west and roughly 80 feet from the public MacDonald Golf Course to the south.

This proposed Conditional Use would permit outdoor service of food and drink as an accessory operation of the establishment. The Nightclub in the City proposed on the subject site shall conform to the Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code, stated below:

1. No additional parking spaces or restroom facilities need be provided for the initial 16 occupants to be served in the outdoor area, but parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceed 16 persons.
2. 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 the 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.
3. The outdoor area shall be screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by screening in accordance with the requirements of Section IV-B.
4. 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 Section IV-B.4.
5. 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.

Parking for the multi-tenant commercial building is located primarily to the south and in front of the building. There appears to be roughly 30 parking spaces. The parking standard for Nightclub in the City is one space for every two occupants. Assuming the rest of the commercial spaces in the building are vacant, the Nightclub in the City use would be limited to a capacity of 60 occupants due to the amount of parking available on the site.

Due to the existing property being developed for commercial uses, screening is required along the west property line adjacent to residential zoning. An existing wooden fence serves as this screening. The fence appears to be located on City property, but does not belong to the City.

Property to the north of the subject property is zoned LC Limited Commercial and is vacant. Property to the south of the subject property, across East 13th Street, is zoned PUD Planned Unit Development and is developed as the public MacDonald Golf Course. Property to the east of the subject property, across East Vesta Drive, is zoned LC Limited Commercial and is developed with a multi-tenant commercial building. Property to the west

of the subject property, across the Redbud Trail and East Lavon Drive, is zoned a mix of TF-3 Two-Family Residential and SF-5 Single-Family Residential. These properties are developed with a mix of single and two-family dwellings.

On January 18, 2022, DAB I voted (5-0) to deny the application. Comments from the DAB included:

- The applicant was not present at the DAB 1 meeting;
- The applicant had not reached out to the neighborhood about the project;
- There was not enough information about the applicant's plan;
- There have been nightclubs in the area in the past that brought crime and dangers to the neighborhood.

On January 20, 2022, the Metropolitan Area Planning Commission (MAPC) deferred the application to the February 17, 2022 MAPC meeting (9-3). The purpose of this deferral was to allow time for the applicant to more clearly define what they were seeking with this application and for the case to be reheard at DAB 1 on February 7, 2022.

Following the January 20, 2022 MAPC meeting, the applicant reiterated that they do not have specific plans for the space. The applicant would like the ability to lease out the space and/or operate the space themselves. The applicant would like the ability for the space to be operated as a bar with entertainment and/or as an event center with alcohol. Both uses would be classified as a Nightclub in the City.

CASE HISTORY: On February 12, 1942, the property was platted as Reserve B, Yale Heights Addition. On October 6, 2005, the property was granted a Conditional Use to allow a Tavern or Drinking Establishment (CON2005-00039).

ADJACENT ZONING AND LAND USE:

North:	LC	Vacant
South:	PUD	Golf Course
East:	LC	Commercial
West:	TF-3/SF-5	Residential

PUBLIC SERVICES: The property has direct access to East 13th Street North, a 5-lane paved arterial with an 80-foot right-of-way and sidewalks. The property also has direct access to East Vesta Street, a paved local street with a 55-foot right-of-way and sidewalks. All municipal services are available to be extended to the site for development. All municipal services are in place and can accommodate the required services to the site.

CONFORMANCE TO PLANS/POLICIES: The requested zoning would continue to allow the property to be in conformance with plans and policies.

The Community Investments Plan: The requested Conditional Use aligns with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be primarily appropriate for Industrial/Commercial. The Commercial category is described as follows: "Encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality."

Central Northeast Area Plan: The requested Conditional Use aligns with the priorities of the Central Northeast Area Plan. The Plan includes as a priority to "retain and attract new businesses and jobs." The requested Conditional Use would allow for a new business and new jobs.

Wichita: Places for People Plan: The requested Conditional Use aligns with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is

envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Conditional Use aligns with Strategy 1, “Create walkable destinations that support various neighborhood environments in the ECA.” The small-scale commercial and Nightclub in the City use will provide a walkable destination for the neighborhoods around it. The requested Conditional Use also aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The proposed Conditional Use would allow for the redevelopment of the property and a new use in the area.
- Current Condition: The subject property is located within an area identified as an “area of opportunity.” The Places for People Plan defines areas of opportunity as those “areas that generally exhibit economic challenges, a disconnected development pattern and a lack of walkable places and facilities. These areas need strategic investment, both public, and private, to assist in redefining and reinvigorating the area. Areas of opportunity also require capacity-building at the neighborhood level to accommodate redevelopment that is beneficial to the neighborhood and its residents.”
- Nodal Development Pattern: The Places for People Plan recommends a nodal development pattern that creates a critical mass at the center of a Node and transitions in scale and intensity as uses shift from commercial to residential. The subject property falls within the Edge of the 13th and Hillside Community Core. While the plan does not recommend small-scale commercial buildings as being appropriate for the Edge of a Community Core, commercial uses are expected along arterial roads.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED** subject to the following conditions:

1. Relocate the wooden fence located along the western side of the subject property so that it is not infringing on City property, or provide a survey that shows the fence is located on the subject property.
2. The Nightclub in the City use shall cease operations by 10:00 p.m.; provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights.
3. The Nightclub in the City shall adhere to the Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
4. Outdoor entertainment, including outdoor speakers, is prohibited on the site.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north of the subject property is zoned LC Limited Commercial and is vacant. Property to the south of the subject property, across East 13th Street, is zoned PUD Planned Unit Development and is developed as the public MacDonald Golf Course. Property to the east of the subject property, across East Vesta Drive, is zoned LC Limited Commercial and is developed with a multi-tenant commercial building. Property to the west of the subject property, across the Redbud Trail and East Lavon Drive, is zoned a mix of TF-3 Two-Family Residential and SF-5 Single-Family Residential. These properties are developed with a mix of single and two-family dwellings.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial and has a previously approved Conditional Use to permit a Tavern or Drinking Establishment. The subject property could be redeveloped with a number of commercial uses as is. This Conditional Use would allow entertainment in conjunction with alcohol sales on the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property is zoned LC Limited Commercial and has a previously approved Conditional Use to permit a Tavern or Drinking Establishment. This Conditional Use would allow entertainment in conjunction with alcohol sales on the site. The public golf course across East 13th Street North should not be detrimentally affected by this Conditional Use. There are four residential properties located within 300 feet of the subject property. These four residences are buffered from the subject property by East Lavon Drive, the Redbud Trail, and a solid screening fence along the western property line of the subject property. Outdoor entertainment is recommended to be prohibited. Operations are recommended to cease by 10:00 p.m. on weekdays and 12:00 a.m. on weekends. These buffer elements, restriction on outdoor entertainment, and limited hours should help mitigate detrimental effects to the nearby residences.
4. Length of time the property has remained vacant as currently zoned: The applicant believes that the portion of the building that will house the Nightclub in the City, a space formerly occupied by the Cedar Saloon, has been vacant for roughly eight years.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning would continue to allow the property to be in conformance with plans and policies.

The Community Investments Plan: The requested Conditional Use aligns with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be primarily appropriate for Industrial/Commercial. The Commercial category is described as follows: "Encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality."

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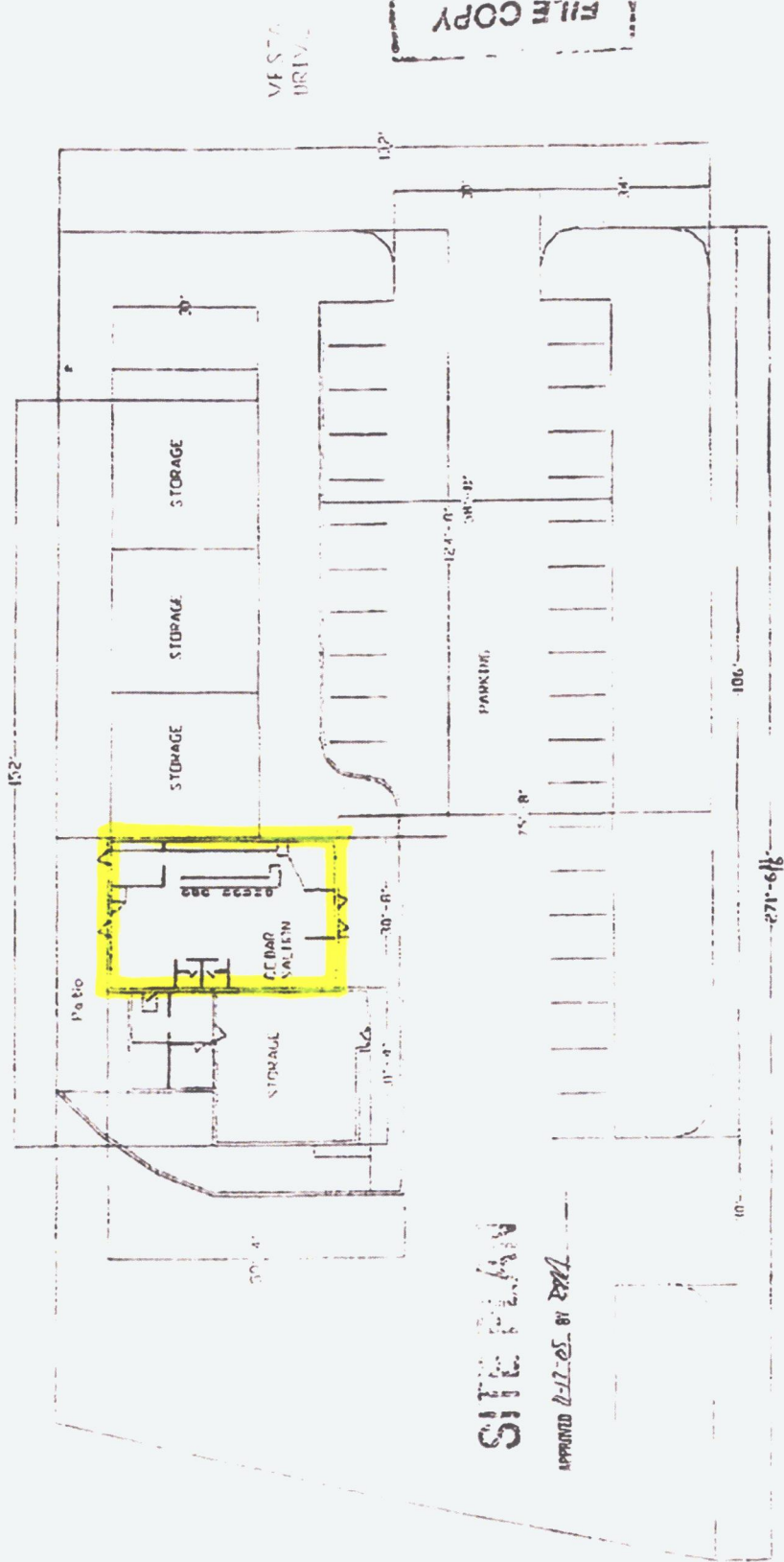
5. Impact of the proposed development on community facilities: Staff expect that there will be minimal impact on public roads and services.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

Site

Plan



Legal Description:
BEG 35 FT W SE COR KLS B N 122 FT W 10 F LT S1 S2
ROW SWLY TO N LT 13TH ST E 213.99 FT M L TO BEG
YALE HEIGHTS ADD
TOTAL PARKING SPACES: 30
TOTAL PREMISES SEATING: 60

Conditional Use
Cedar Saloon & Eatery
Established 1952
Applicant: The Cedar Saloon & Eatery
Prepared By: Terry Baker
Scale: 1"=20'

CON05-39

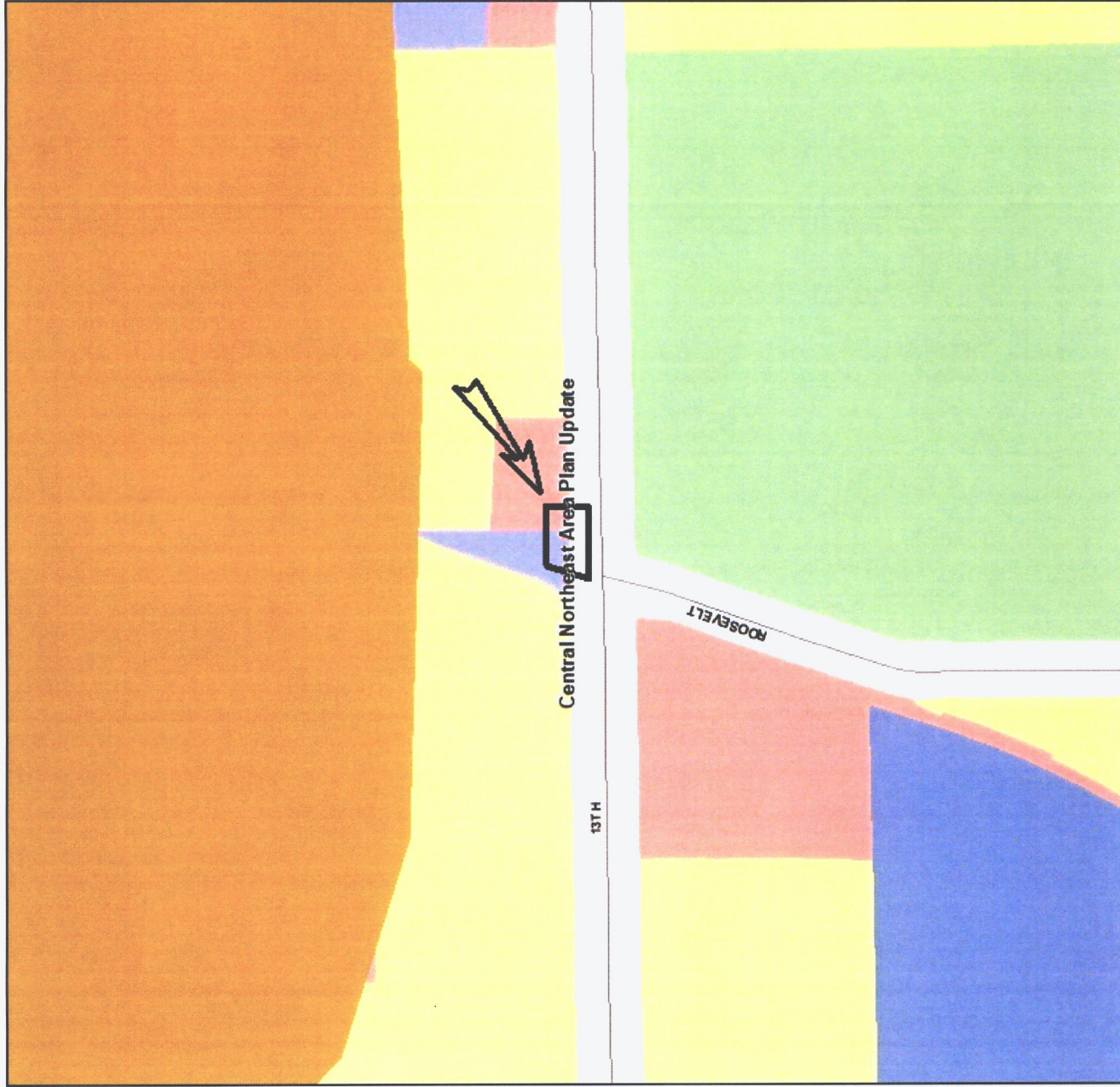


2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas



Source: City of Wichita, 2014
Map Date: 2021-00065





Site looking north



East of site



North of site



South of site



Redbud Trail west of site

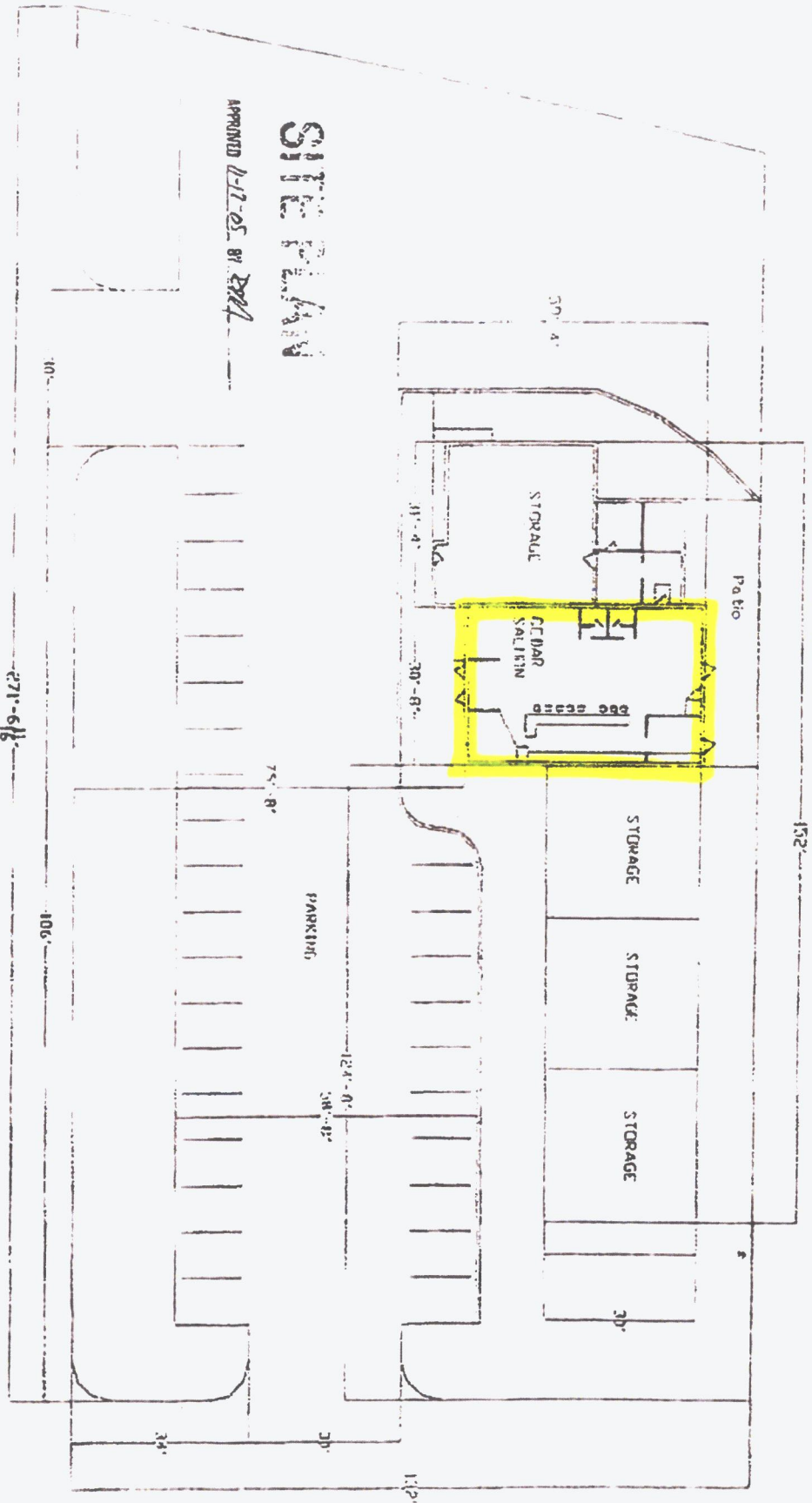


Homes west of site



Site looking east

Site Plan
 APPROVAL
 4/5/22
 WCC



SITE PLAN

APPROVED 4-17-05 BY WCC

Legal Description:
 BEG 33 FT W SE COR ELS B N 122 FT WITH E LI SI SF
 ROW SWLY TO N LI 13TH ST (215.99 FT M L TO BEG
 YALE HEIGHTS ADD)

TOTAL PARKING SPACES: 30
 TOTAL PREMISES SEATING: 40

13TH STREET

CONOS-39

Conditional Use
 Cedar Saloon & Eatery
 Established 1952
 Applicant: The Cedar Saloon & Eatery
 Prepared By: Terry Baker
 Scale: 1"=20'

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