Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2023

LE Citron, LLC
Tony Abdayem
120 South Lynwood
Wichita, KS 67218

RE: **CON2023-00013:** Conditional Use request in the City to permit Night Club in the City within 300 feet of a park, on property zoned LC Limited Commercial, generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave.).

Dear Applicant;

At its regular meeting on **June 22, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
3. The applicant shall either reduce the off-street parking requirement or rezone the subject site to eliminate the off-street parking requirement prior to the issuance of occupancy permits.
4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Brooke Kauchak, CSR District IV

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2023

LE Citron, LLC
Tony Abdayem
120 South Lynwood
Wichita, KS 67218

RE: **CON2023-00013:** Conditional Use request in the City to permit Night Club in the City within 300 feet of a park, on property zoned LC Limited Commercial, generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave.).

Dear Applicant;

At its regular meeting on **June 22, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
3. The applicant shall either reduce the off-street parking requirement or rezone the subject site to eliminate the off-street parking requirement prior to the issuance of occupancy permits.
4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **July 6, 2023**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **July 6, 2023 at 5:00 p.m.**

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, July 25, 2023** beginning at 9:00 a.m.

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Brooke Kauchak, CSR District IV

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON July 28, 2023

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-309

WHEREAS, Tony Abdayem and LeCitron, LLC (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 to permit a Night Club in the City as an ancillary use to a Tavern and Drinking Establishment on property zoned LC Limited Commercial District located on the south side of West Douglas Avenue and within one-block east of South Seneca Street (1019 West Douglas Avenue), legally described as:

Lot 6, 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 June 22, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 be approved to allow a Conditional Use to permit a Night Club in the City as an ancillary use to a Tavern and Drinking Establishment on property zoned LC Limited Commercial District located on the south side of West Douglas Avenue and within one-block east of South Seneca Street (1019 West Douglas Avenue), legally described as:

Lot 6, Chicago now Douglas Avenue, West Wichita Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
3. The applicant shall either reduce the off-street parking requirement or rezone the subject site to eliminate the off-street parking requirement prior to the issuance of occupancy permits.
4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

[Remainder of page intentionally left blank]

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on this 25th day of July, 2023.

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

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON July 28, 2023
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 23-310
WHEREAS, Tony Abdayem and LeCitron, LLC (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 to permit a Night Club in the City as an ancillary use to a Tavern and Drinking Establishment on property zoned LC Limited Commercial District located on the south side of West Douglas Avenue and within one-block east of South Seneca Street (1019 West Douglas Avenue), legally described as:
Lot 6, 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 June 22, 2023, consider said application; and
WHEREAS, the Wichita City Council 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 be approved to allow a Conditional Use to permit a Night Club in the City as an ancillary use to a Tavern and Drinking Establishment on property zoned LC Limited Commercial District located on the south side of West Douglas Avenue and within one-block east of South Seneca Street (1019 West Douglas Avenue), legally described as:
Lot 6, Chicago now Douglas Avenue, West Wichita Addition, Wichita, Sedgwick County, Kansas.
Subject to the following conditions:
1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
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4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.

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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.
Adopted on this 25th day of July, 2023.
Brandon J. Whipple, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law

Post Date: 07/28 12:00 AM

Refcode: #IPL0133017 iPrint

Similar Listings

NOTICE OF INTENT TO DISPOSE OF OR SELL PROPERTY
TO: Unchalee Aramburu and all others in possession by through or under them,
Please take notice that on or after February 17th, the contents of 1915 ... Show more »

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NOTICE
From December 15, 2022 through March 1, 2023, Reventics, LLC ("Reventics"), a revenue cycle management company, became aware that certain of its data was subject to unauthorized access. Reve... Show more »

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OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON August 4, 2023

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AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSA... Show more »

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Featured community events

Book Signing: Bryan Thomas Schmidt

B and N, 1920 N. Rock Road

2 P.M.

Sat., August 19th

Book Signing: Bryan Thomas Schmidt B and N, 1920 N. Rock Road 2 P.M. Sat., August 19th #1 bestselling author editor signs his latest

See full listing

Chronic Disease Class

Health Dept. 9th St. Office

Wed. 1pm-4pm

Aug. 17 - Sep. 20

ⓘ Chronic Disease Class Health Dept. 9th St. Office Wed. 1pm-4pm Aug. 17 - Sep. 20 FREE chronic disease workshop. If you or a loved one has a chronic condition, we can help. Scan QR code for more information, or contact us at phperformance@sedgwick.gov

See full listing

McClatchy

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
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Sun Herald - Biloxi
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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	425993	Print Legal Ad-IPL01245720 - IPL0124572	OCA 150004	$251.68	3	100 L

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

kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on June 1, 2023
(One Time Only)
MAPC/BZA June 22, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 22, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00013: Conditional Use request in the City to permit Nightclub in the City on property zoned Limited Commercial, within 300 feet of a park; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave).

CON2023-00024: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

CON2023-00025: Conditional Use request in the City to allow Wrecking and Salvage (with ZON2023-00035 to change SF-5 to LI), to bring existing use into compliance; generally located on the northwest corner of West Esthner Avenue and South Baehr Street.

CUP2023-00018: Request in the City to Amend the Chelsea Station CUP DP-62 to allow a 40.47 square foot mural on the north elevation of the building on Parcel 11; generally located west of North Broadmoor Street and south of East 21st Street North (2023 N. Broadmoor).

CUP2023-00019: Request in the City to amend CUP DP-356 to permit Vehicle Sales/Rental, Outdoor on Parcel 2, Increase height of masonry screening to 8 feet, and increase size of Parcel 2; located on the north side of East Kellogg Drive, within one-quarter mile east of South Rock Road.

PUD2023-00006: Zone change request in the City from TF-3 Two-Family Residential to PUD Planned Unit Development #114 to for custom development standards and allow shipping containers to be used for residence; located on the southeast corner of East 1st Street North and North Poplar Avenue (158 North Poplar).

VAC2023-00019: Vacation request in the City to vacate a portion of a platted access control to allow access to a community boat ramp for the Rennick Addition; located on the north side of West 45th Street North and one-half mile west of North Hoover Road.

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment; generally located south of East 21st Street North, between North Market Street and North Park Place.

VAC2023-00021: Request in the City to vacate a portion of an easement in which the existing building encroaches 2.26 feet; located on the northwest corner of South Lulu Avenue and East 49th Street (4999 S. Lulu Ave).

VAC2023-00022: Vacation request in the City to vacate 100 linear feet of alley south of Lot 1 to allow better use of property and control access to owner's buildings; generally located south of East Central Avenue and east of North Mosely Avenue. (448 & 430 N Mosley Avenue).

ZON2023-00029: Zoning change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located west of Young Street and 283.5 feet north of West 1st Street North (225 N Young).

ZON2023-00030: Zone change request in the City from Single-Family Residential SF-5 to Two Family Residential TF-3; generally located on the west of North Arkansas Avenue and north of West 38th Street North (3825 N Arkansas).

ZON2023-00031: Zone change request in the City from General Office GO to Neighborhood Retail NR; generally located on the south side of East English Street and east side of South Hillside Avenue (200 S Hillside).

ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office; generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauqua Avenue.

ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

ZON2023-00035: Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with CON2023-25 for Wrecking/Salvage) to bring a property into compliance; generally located on the west side of South Baehr Street, north of West Esthner Ave (1701 & 1721 S Baehr St).

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 WichitaSedgwick 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.

Options to participate (see below):
1) Participate virtually
2) Attend in-person at the Ronald Reagan Building
3) Submit comments ahead of time

Participate Virtually
Join Zoom Meeting
https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089866967#,,,,*094136# US (San Jose)
+17193594580,,4089866967#,,,,*094136# US
Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: https://us06web.zoom.us/u/kc65codfb1

Attend In-Person
You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.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 (316-2684464) by 5pm, 3 days prior to the meeting.

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. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

WITNESS MY HAND on June 1, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0124572
Jun 1 2023

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

1 insertion(s) published on:
06/01/23

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 06/01/2023 to 06/01/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/01/2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

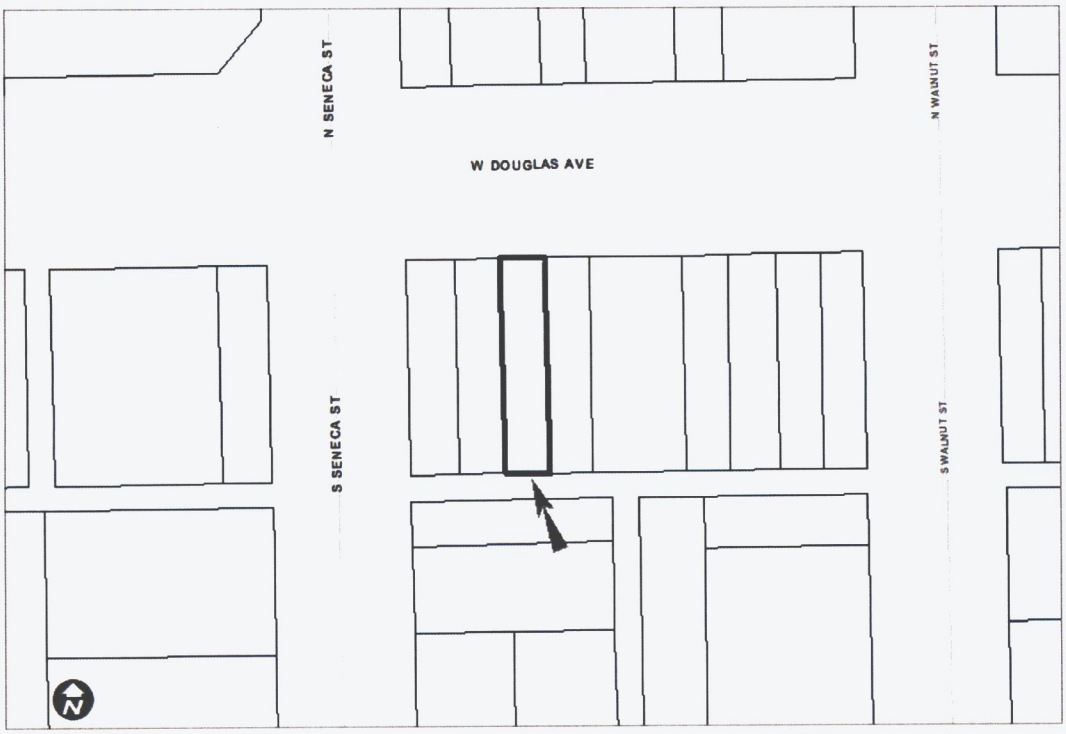
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.1

STAFF REPORT

MAPC: June 22, 2023
DAB IV: July 10, 2023

CASE NUMBER:	CON2023-00013
APPLICANT/AGENT:	Tony Abdayem (Applicant), Le Citron, LLC (Agent)
REQUEST:	Tavern/Drinking Establishment and Nightclub in the City
CURRENT ZONING:	LC Limited Commercial District
SITE SIZE:	0.073 acres
LOCATION:	Generally located on the south side of West Douglas Avenue, within one block east of South Seneca Street (1019 West Douglas Avenue).
PROPOSED USE:	Permit an drinking establishment where alcohol and entertainment are provided.
RECOMMENDATION:	Approval with Conditions



BACKGROUND: The applicant is requesting a Conditional Use for a Nightclub in the City as an accessory use to a proposed Tavern/Drinking Establishment. The subject site is zoned LC Limited Commercial District and is located on the south side of West Douglas Avenue, within 100 feet east of South Seneca Street (1019 West Douglas Avenue). The applicant intends to use the front portion of the building as a bar and the rear portion of the building for Indoor Recreation and Entertainment. The applicant explains, that on occasion, they may provide entertainment as defined by Chapter 3 of the Wichita Municipal Code, which includes live music, DJs, and the like.

The applicant is requesting the Conditional Use in order to permit a Tavern/Drinking Establishment, which may also provide entertainment in the same space. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for "Tavern/Drinking Establishment" and/or "Nightclub in the City" when it is within 300 feet of a public park. The need for the Conditional Use at this location is due to the requested land use and the proximity of Seneca Park located within 300 feet to the south.

Indoor Recreation and Entertainment is defined as "a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a Building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts and amusement rides. It does not include Buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests or Rodeo in the City." The applicant would like to provide entertainment in the form of oversized block-stacking games, bean-bag tossing games ("corn hole") and other similar type games of skill.

The total off-street parking required for this proposed use is 31 spaces. The applicant owns the adjacent parking lot southeast of the subject site, across the platted alley. The applicant also owns other businesses along this this block of West Douglas Avenue that also utilize this parking lot to meet their off-street parking requirements. The total number of required parking spaces for this new proposed use in addition to the other uses owned by the applicant is 72 spaces, which exceeds the 64 spaces in the parking lot by 11 percent. This use can be approved without a parking reduction, but the capacity of the use would be limited. Staff recommends an Administrative Adjustment be filed to reduce the off-street parking requirement for all uses under the same ownership. Off-street parking requirements can be reduced by up to 25 percent by Administrative Adjustment. An alternative to an Administrative Adjustment would be to request the zoning be changed to CBD Central Business District, which would eliminate the off-street parking for the subject site.

The character of the neighborhood is a commercial business district with storefronts and on-street parking along West Douglas Avenue and parking lots located behind the storefronts. Properties to the north are zoned LI Limited Industrial District and developed with fast-food restaurants and parking. Property to the east is zoned LC Limited Commercial District and is developed with a restaurant under the same ownership as the subject site. Properties to the south are zoned GC General Commercial District. One property, fronting South Seneca Street, is the historic Engine House No. 4. The properties south of the subject site also consist of a parking lot owned by the applicant. Property to the west is zoned CBD Central Business District, is the historic Riley Holden Block, and is current vacant. All of these properties are within the Delano Overlay District. Any modifications of the exterior of the building must be review and approved by the Delano Design Review Committee prior to the issuance of building permits.

CASE HISTORY: In 1872, the property was platted as part of the West Wichita Addition. In 2001, the site was rezoned from LI Limited Industrial District to LC Limited Commercial District in conjunction with the adoption of the Delano Neighborhood Revitalization Plan.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Fast Food Restaurants
SOUTH:	GC	Historic Engine House, Parking Lot
EAST:	LC	Restaurant
WEST:	CBD	Historic Riley Holden Block, Vacant

PUBLIC SERVICES: The property has access to West Douglas Avenue, which is a paved, two-lane arterial street with on-street parking and sidewalks on both sides of the street. Wichita Transit provides regular bus service in this area with bus stops on West Douglas Avenue in the near vicinity. The building is already served by municipal water and sanitary sewer services.

CONFORMANCE TO PLANS/POLICIES:

Community Investments Plan: The request is in conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for "New Employment" land uses, which supports new commercial development in the area. The proposed use is contextually appropriate for the Delano Business District, which supports a variety of commercial intensities with retail, restaurants, and venues.

Wichita: Places for People Plan: The request is in conformance with the *Wichita: Places for People Plan*. The requested Conditional Use aligns with Strategy #6 which states: "Encourage infill and redevelopment that is contextual to the environment in which it is occurring."

The subject site is located near the intersection of West Douglas Avenue and Seneca Street, which the *Wichita: Places for People Plan* identifies as a Community Core Node. According to the *Plan*, a nodal development pattern promotes higher intensity uses in the node and reduced development intensities farther away from the node. The subject site is along the commercial business district in Delano, and the proposed use is contextual to the environment.

Delano Neighborhood Plan, 2019 Update: The requested Conditional Use is in conformance with the *Delano Neighborhood Plan.* The future land use map identifies the site to appropriate for mixed-use development.

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

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
3. The applicant shall either reduce the off-street parking requirement or rezone the subject site to eliminate the off-street parking requirement prior to the issuance of occupancy permits.
4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
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 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 character of the neighborhood is a commercial business district with storefronts and on-street parking along West Douglas Avenue and parking lots located behind the storefronts. Properties to the north are zoned LI Limited Industrial District and developed with fast-food restaurants and parking. Property to the east is zoned LC Limited Commercial District and is developed with a restaurant under the same ownership as the subject site. Properties to the south are zoned GC General Commercial District. One property, fronting South Seneca Street, is the historic Engine House No. 4. The properties south of the subject site also consist of a parking lot owned by the applicant. Property to the west is zoned CBD Central Business District, is the historic Riley Holden Block, and is current vacant. All of these properties are within the Delano Overlay District. Any modifications of the exterior of the building must be review and approved by the Delano Design Review Committee prior to the issuance of building permits.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC Limited Commercial and is suitable for a wide range of commercial uses typically found along a commercial business district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate the removal of restrictions will detrimentally affect nearby property.

4. Length of time subject property has remained vacant as zoned: It is unknown how long the subject building has been vacant.

5. 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 application is not anticipated to have a detrimental impact on the public health, safety, or welfare of the community. The proposed Conditional Use will allow the applicant to expand the opportunity for commercial development that is contextually appropriate for the Delano Business District. Denial of the application may result in a loss of economic opportunity for the applicant.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan*, the *Places for People Plan*, and the *Delano Neighborhood Plan* as discussed in the staff report.

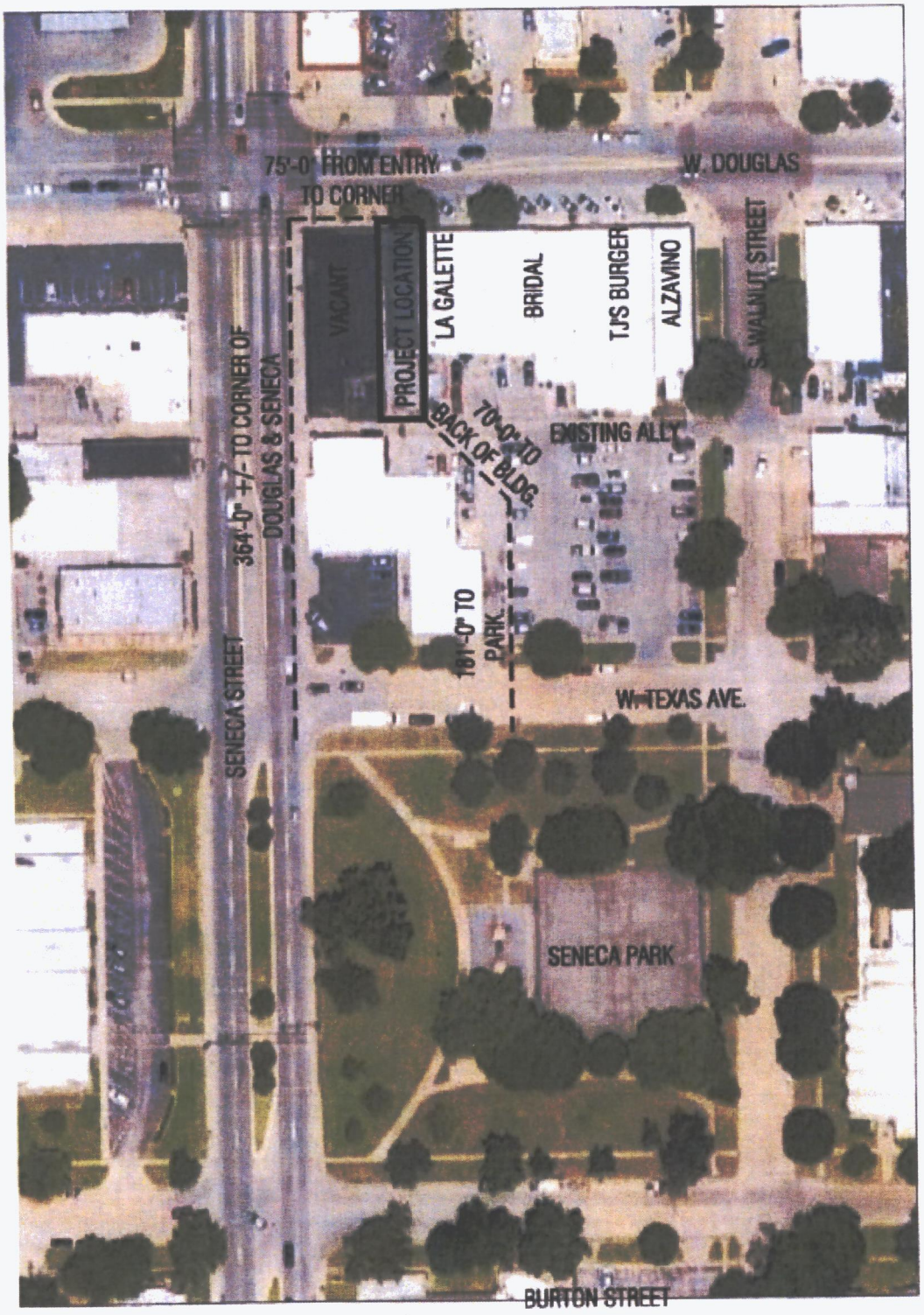
7. Impact of the proposed development on community facilities: It is not anticipated that the Conditional Use will have significant negative impacts on community facilities.

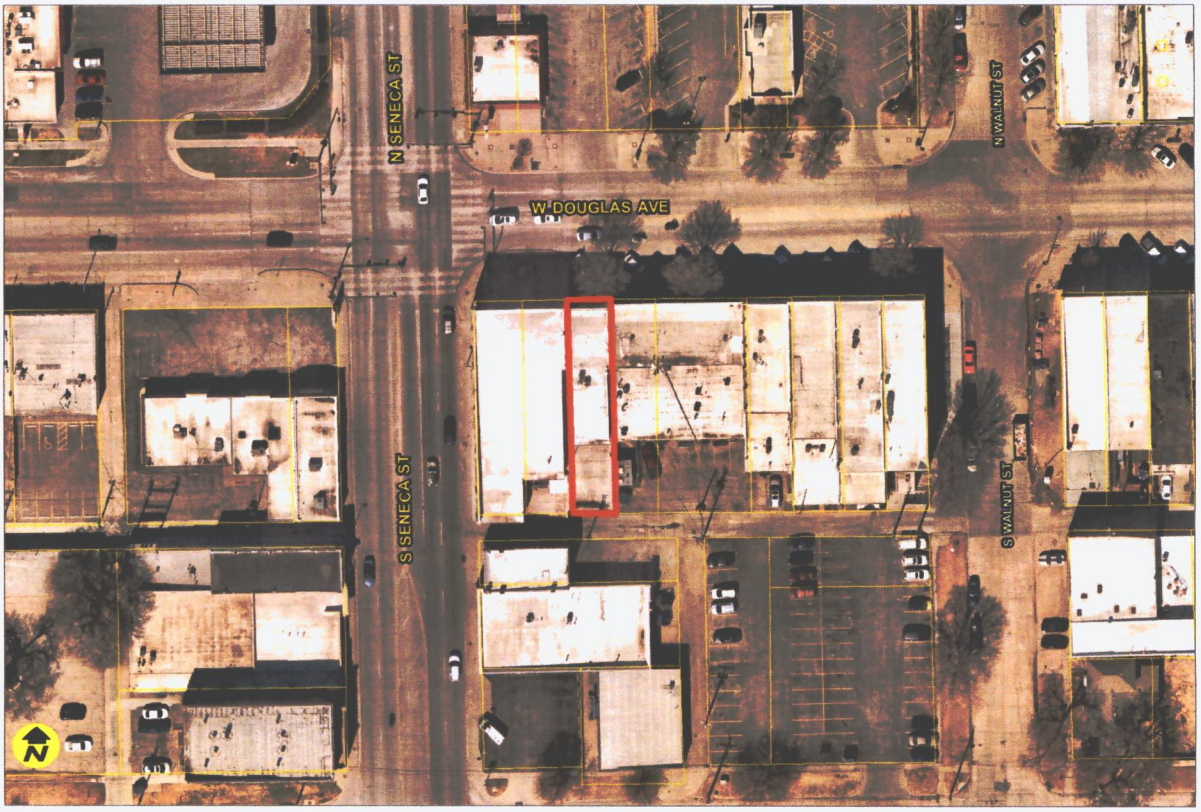
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any comments that supported or opposed the proposed Conditional Use.

Attachments:

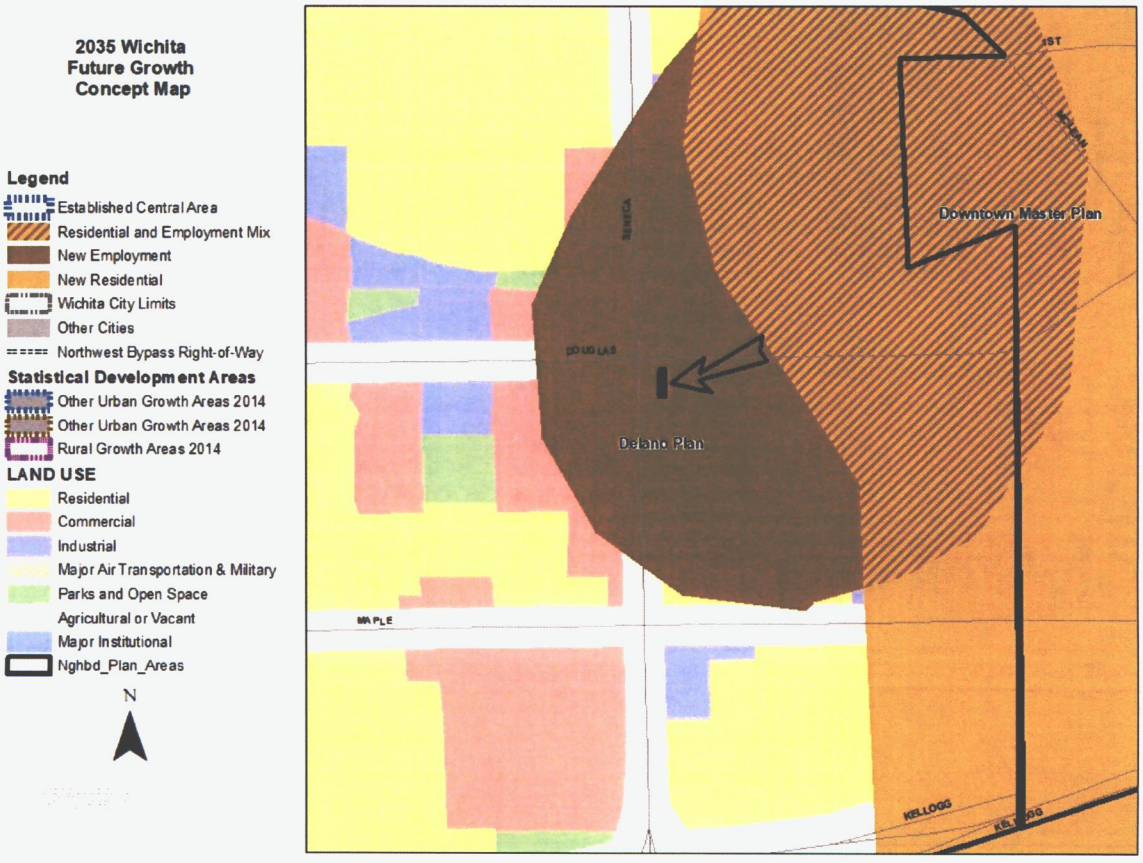
1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Pictures

Site Plan

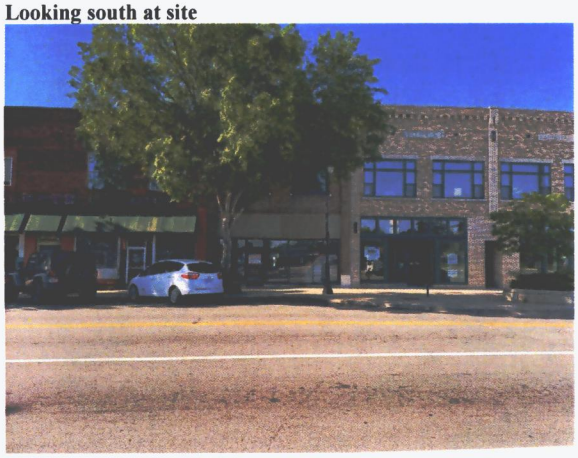

75'-0" FROM ENTRY TO CORNER
W. DOUGLAS
VACANT
PROJECT LOCATION
LA GALETTE
BRIDAL
TJ'S BURGER
ALZAMNO
S. WALNUT STREET
364'-0" +/- TO CORNER OF DOUGLAS & SENECA
70'-0" TO BACK OF BLDG.
EXISTING ALLY
101'-0" TO PARK
W. TEXAS AVE.
SENECA STREET
SENECA PARK
BURTON STREET


N SENECA ST
W DOUGLAS AVE
N WALNUT ST
S SENECA ST
S WALNUT ST


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N
N DODGE AVE
N SENECA ST
N WALNUT ST
W DOUGLAS AVE
S WALNUT ST
S DODGE AVE
S SENECA ST
W TEXAS AVE
CON2016-00017
PUD-65
CON2021-00002
BZA2013-00020
DR 03-09
DR 03-09
HT9-11
BZA2002-00048
BZA32-65


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
N
Downtown Master Plan
Delano Plan
SENECA
MAPLE
KELLOGG

Looking south at site



Looking southwest away from site



Looking southeast away from site



Looking north away from site

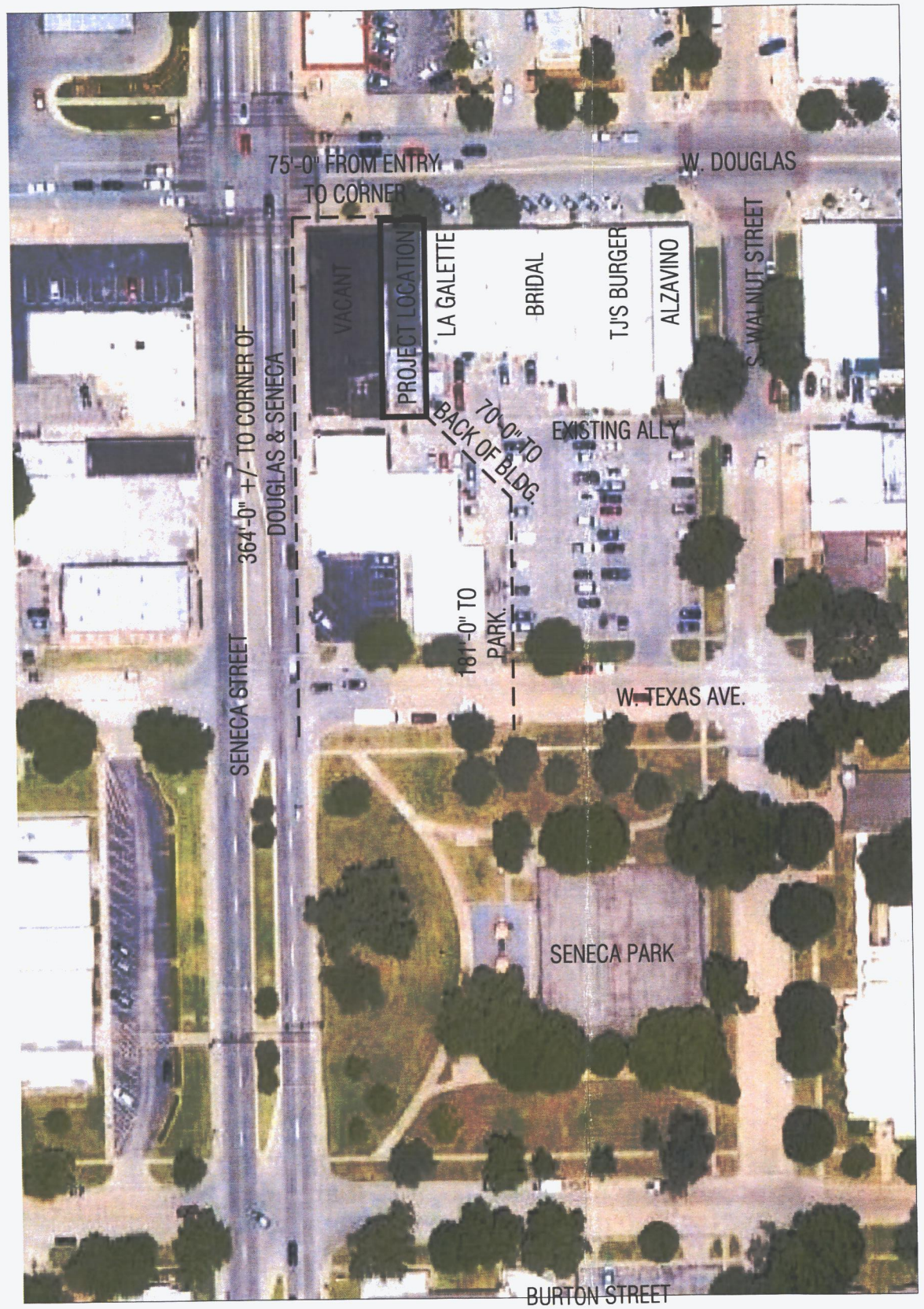


Looking southeast away from rear of site





Looking southwest away from rear of site



CONDTIONAL USE REQUEST

TENANTS JEREMY FISHER AND KENNY SHAVE ARE REQUESTING A CONDITIONAL USE TO ALLOW A DRINKING / EATING ESTABLISHMENT WITHIN 300'-0" OF A PUBLIC PARK (SENECA PARK TO THE SOUTH).

PROPERTY ADDRESS: 1019 W. DOUGLAS, WICHITA KANSAS 67213

MAIN ENTRANCE FROM DOUGLAS APPROXIMATELY 439'-0" FEET TO SENECA PARK.

BACK DOOR EMERGENCY EGRESS DISTANCE IS APPROXIMATELY 251'-0" TO SENECA PARK.

THERE WILL NOT BE ANY MODIFICATION TO THE EXTERIOR OF THE PROPOSED TENANT SPACE.

LEGAL DESCRIPTION: LOT 6 CHICAGO NOW DOUGLAS AVE. WEST WICHITA ADDITION

SITE PLAN

APPROVED 2/9/23 BY

CON2023-13

VICINITY MAP 1/16" = 1'-0" 1

3ten co 316 440 0865
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1019 W. Douglas
Wichita, Ks

FOR REVIEW
Feb 24, 2023

3TEN ARCHITECTURE