



Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2023

Walter Morris Investment Company, Inc.
128 South Dellrose
Wichita, KS 67218

Brent Allison
4715 East Douglas Avenue
Wichita, KS 67218

RE: CON2023-00004: Conditional Use request in the City to permit Tavern/Drinking Establishment, on property zoned LC Limited Commercial; located on the southwest corner of East Douglas Ave and South Oliver Street (4717 E Douglas).

Dear Applicants;

At its regular meeting on **June 6, 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. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The Tavern and Drinking Establishment shall be approved according to the site plan submitted to the Planning Department. Any Tavern and Drinking Establishment that wishes to open in a different space within the shopping area is required to amend the Conditional Use.
3. The public entrance cannot face South Dellrose Avenue or East Oakland Avenue.
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.
5. The parking lot shall be kept free of all trash and debris.
6. No loitering, congregating or excessive noise shall be permitted in the parking lot.
7. No outside loudspeakers.
8. Operation of the Tavern & Drinking Establishment shall be limited to: 4:00 p.m. to 12:00 a.m Monday through Thursday, and
 - a. 4:00 p.m to 2:00 a.m Friday, and
 - b. 11:00 a.m to 2:00 a.m on Saturday, and
 - c. 11:00 a.m to 12:00 a.m on Sunday.
9. 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,

Christina Rieth
Current Plans, Associate Planner

The Ronald Reagan Building • 2nd Floor • 271 West Third Street • Wichita, Kansas 67202
316.268.4421 • www.wichita.gov



Wichita-Sedgwick County Metropolitan Area Planning Department

April 28, 2023

Walter Morris Investment Company
128 South Dellrose
Wichita, KS 67218

Brent Allison
4715 East Douglas Avenue
Wichita, KS 67218

RE: CON2023-00004: Conditional Use request in the City to permit Tavern/Drinking Establishment, on property zoned LC Limited Commercial; located on the southwest corner of East Douglas Ave and South Oliver Street (4717 E Douglas).

Dear Applicant;

At its regular meeting on **April 27, 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. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The Tavern and Drinking Establishment shall be approved according to the site plan submitted to the Planning Department. Any Tavern and Drinking Establishment that wishes to open in a different space within the shopping area is required to amend the Conditional Use.
3. The public entrance cannot face South Dellrose Avenue or East Oakland Avenue.
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.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. No outside loudspeakers.
6. Operation of the Tavern & Drinking Establishment shall be limited to: 4:00 p.m. to 12:00 a.m Monday through Thursday, and 4:00 p.m to 2:00 a.m Friday, and 11:00 a.m to 2:00 a.m on Saturday, and 11:00 a.m to 12:00 a.m on Sunday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare 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 May 11, 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 **May 11, 2023 at 5:00 p.m.**

As a reminder, on **Monday, May 1, 2023**, the District I Advisory Board (DAB) will consider this item. This meeting is held at the Atwater Neighborhood Resource Center, located at 2755 East 19th St. North, and begins at 6:00 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, June 6, 2023** beginning at 9:00 a.m.

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

Sincerely,



Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Councilmember Brandon Johnson, DAB I
Tasha Hayes, CSR District I

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

RESOLUTION NO. 23-248

WHEREAS, Walter Morris Investment Company LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Tavern & Drinking Establishment on property zoned LC Limited Commercial District located on the southwest corner of East Douglas Ave and South Oliver Street, legally described as:

Block 3, Lincoln Heights 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 April 27, 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 Tavern & Drinking Establishment on property zoned LC Limited Commercial District located on the southwest corner of East Douglas Ave and South Oliver Street, legally described as:

Block 3, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The Tavern and Drinking Establishment shall be approved according to the site plan submitted to the Planning Department. Any Tavern and Drinking Establishment that wishes to open in a different space within the shopping area is required to amend the Conditional Use.
3. The public entrance cannot face South Dellrose Avenue or East Oakland Avenue.
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.
5. The parking lot shall be kept free of all trash and debris.
6. No loitering, congregating or excessive noise shall be permitted in the parking lot.
7. No outside loudspeakers.
8. Operation of the Tavern & Drinking Establishment shall be limited to:
4:00 p.m. to 12:00 a.m Monday through Thursday, and
4:00 p.m to 2:00 a.m Friday, and

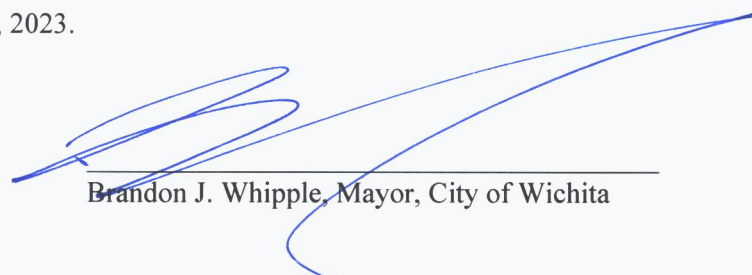
11:00 a.m to 2:00 a.m on Saturday, and

11:00 a.m to 12:00 a.m on Sunday.

9. 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.

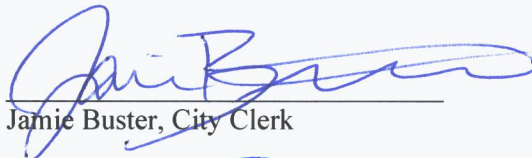
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 10th day of June, 2023.



Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

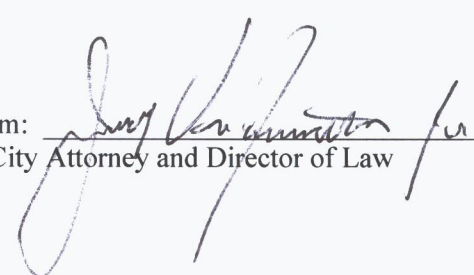


Jamie Buster, City Clerk

(SEAL)



Approved as to form:
Jennifer Magaña, City Attorney and Director of Law





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	430850	Print Legal Ad-IPL01263230 - IPL0126323		\$100.59	2	60 L

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

JMBuster@wichita.gov

LEGAL PUBLICATION RESOLUTION NO. 23-248

WHEREAS, Walter Morris Investment Company LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Tavern & Drinking Establishment on property zoned LC Limited Commercial District located on the southwest corner of East Douglas Ave and South Oliver Street, legally described as:

Block 3, Lincoln Heights 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 April 27, 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 Tavern & Drinking Establishment on property zoned LC Limited Commercial District located on the southwest corner of East Douglas Ave and South Oliver Street, legally described as:

Block 3, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.

The Tavern and Drinking Establishment shall be approved according to the site plan submitted to the Planning Department. Any Tavern and Drinking Establishment that wishes to open in a different space within the shopping area is required to amend the Conditional Use.

The public entrance cannot face South Dellrose Avenue or East Oakland Avenue.

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.

The parking lot shall be kept free of all trash and debris.

No loitering, congregating or excessive noise shall be permitted in the parking lot.

No outside loudspeakers.

Operation of the Tavern & Drinking Establishment shall be limited to:

4:00 p.m. to 12:00 a.m Monday through Thursday, and

4:00 p.m to 2:00 a.m Friday, and

11:00 a.m to 2:00 a.m on Saturday, and

11:00 a.m to 12:00 a.m on Sunday.

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 6th day of June, 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

IPL0126323

Jun 9 2023

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

1 insertion(s) published on:

06/09/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 06/09/2023 to 06/09/2023.

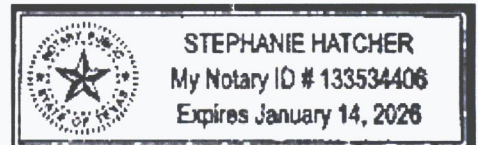
Stefani Beard

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

DATED: 09/05/2023

Stephanie Hatcher

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	388316	Print Legal Ad-IPL01115600 - IPL0111560		\$152.67	2	91 L

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

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on March 2, 2023
 (One Time Only)

MAPC/EZA March 23, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 23, 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.

CON2023-00003: Conditional Use request in the City to Vehicle and Equipment Sales on property zoned LC Limited Commercial District; generally located on the northeast corner of West Central Avenue and North Ridge Road (7136 West Central).

CON2023-00004: Conditional Use request in the City to permit the service of alcohol as an accessory use to a hair salon (defined as "Tavern/Drinking Establishment"), on property zoned LC Limited Commercial; located on the southwest corner of East Douglas Ave and South Oliver Street (4717 E Douglas).
 DER2022-00112: Public Hearing to consider the proposed adoption of an Ordinance Changing a Street Name from West Squaw Lane to West Delano Avenue.
 DER2023-00004: An Amendment to the Wichita-Sedgwick County Unified Zoning Code (UZC) to remove one parcel from the Old Town Overlay District and require the property owner enter into a contract with the City of Wichita for parking in the Old Town Overlay District area. The parcel is located on North Mosley Avenue, approximately one block north of East Douglas Avenue (111 North Mosley Avenue).

VAC2023-00003: Vacation request in the City for Access Control located on West 37th Street, west of North Ridge Road.

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

Topic: Wichita-Sedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbFJQTDFV0xP-VDEuLT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16899006833,4089866967#,,,,*094136# US (San Jose)

+17193594580,4089866967#,,,,*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

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 March 2, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0111560

Mar 2 2023

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

1 insertion(s) published on:
 03/02/23

STATE OF KANSAS)

SS

County of Sedgwick)

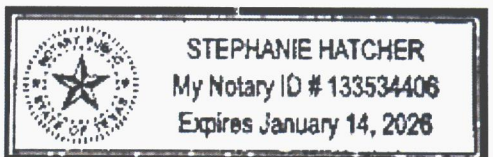
Hayley Martin, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 03/02/2023 to 03/02/2023.

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

DATED: 03/02/2023

Stephanie Hatcher

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!

STAFF REPORT

MAPC: April 27, 2023

DAB I: May 1, 2023

CASE NUMBER: CON2023-00004

APPLICANT/AGENT: Walter Morris Investment Company, LLC (Applicant)
Brent Allison (Agent)

REQUEST: Tavern and Drinking Establishment

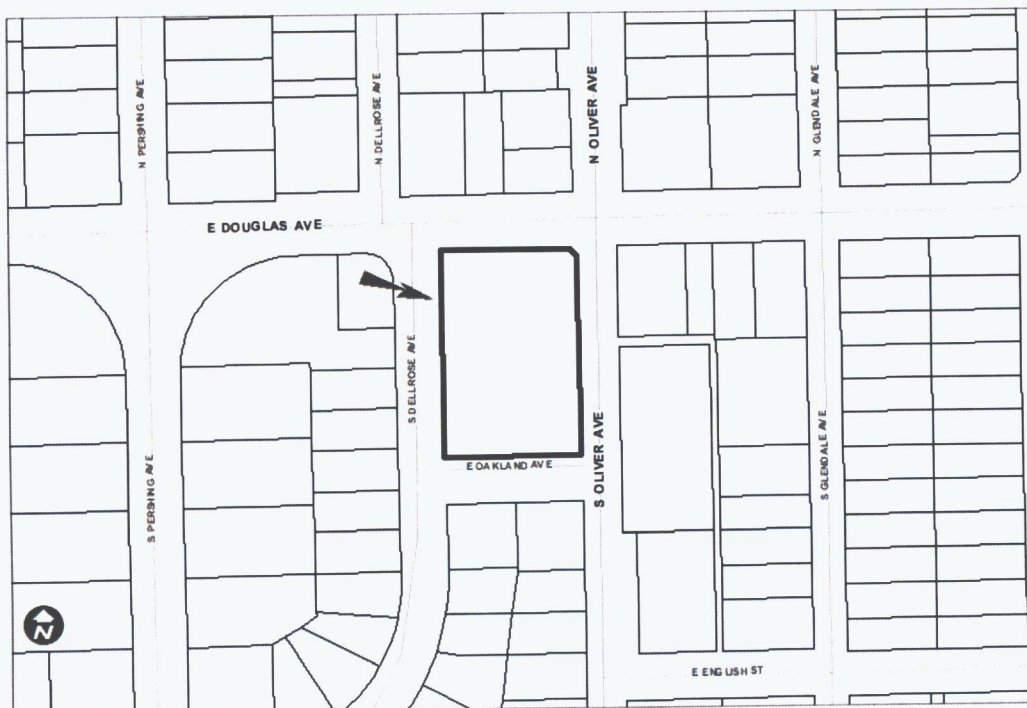
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.40 acres

LOCATION: Generally located on the southwest corner of East Douglas Avenue and South Oliver Avenue (4717 East Douglas Avenue).

PROPOSED USE: Permit the service of alcohol

RECOMMENDATION: Approval with Conditions



BACKGROUND: The applicant is requesting a Conditional Use for a Tavern & Drinking Establishment on the subject site located on the southwest corner of East Douglas Avenue and South Oliver Avenue (4717 East Douglas Avenue). The subject site is 1.4 acres in size, is zoned LC Limited Commercial District, and is currently developed with a strip mall. The applicant will use one suite of the building for the Tavern & Drinking Establishment.

This case was initially heard by the Metropolitan Area Planning Commission (MAPC) on April 3, 2023. To further clarify the intended uses on the property and modify the hours of operation, the MAPC voted to defer the case to April 27, 2023.

The applicant is requesting the Conditional Use in order to serve alcohol at 4715 East Douglas. The suite is currently occupied with a hair salon, and the applicant intends to expand or modify his existing business. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for "Tavern & Drinking Establishment" when it is within 300 feet of residential zoning district. The need for the Conditional Use at this location is due to the requested land use and the proximity of TF-3 Two-Family Residential District and SF-5 Single-Family Residential District zoning, which are located approximately 68 feet west and south of the subject property.

The subject property was zoned commercial prior to the adoption of the Wichita Landscape Ordinance, therefore has not been required to provide a landscaped street yard along East Douglas Avenue or South Oliver Avenue. Additionally, because there is LC Limited Commercial District zoning on the north and east sides, it does not have to adhere to Unified Zoning Code screening standards or provide a landscape buffer.

The existing business is located within the Lincoln Heights shopping mall. Its primary entrance faces South Oliver Avenue and can be accessed via East Douglas Avenue or South Oliver Avenue. The applicant's site plan demonstrates an existing parking lot on site that would satisfy the proposed Tavern & Drinking Establishment's parking requirements of one parking space per two occupants, as defined in the UZC, Art. IV-Sec. A. The applicant can also have the parking requirements reduced through an Administrative Adjustment. There is an additional parking lot directly to the south of the subject site, also owned by the applicant, which can be used toward the off-street parking requirement for all uses on the subject site.

The character of the neighborhood is commercial on the major arterial streets and residential on the surrounding local streets. Property to the north, across East Douglas Avenue, is zoned LC Limited Commercial District is developed with a strip mall. Properties to the south, across East Oakland Avenue, are zoned TF-3 Two-Family Residential District and SF-5 Single-Family Residential District and are developed with a parking lot and a single-family residential dwelling, respectively. The parking lot is owned by the same applicant. Properties to the east, across South Oliver Avenue, are zoned LC Limited Commercial District and are developed with strip malls. Properties to the west, across South Dellrose Avenue, are zoned GO General Office District, TF-3 Two-Family Residential District, and SF-5 Single-Family Residential District. They are developed with a bank and two single-family residential dwellings, respectively.

CASE HISTORY: On February 25, 1927, the Lincoln Heights Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Strip mall
SOUTH:	SF-5, TF-3	Single-family residential dwelling, parking lot
EAST:	LC	Strip malls
WEST:	GO, TF-3, SF-5	Bank, single-family residential dwellings

PUBLIC SERVICES: East Douglas Avenue is a four-lane arterial with sidewalks on both sides. Wichita Transit provides regular bus service along Douglas Avenue at the southwest corner of East Douglas Avenue and South Pershing Avenue. Municipal water and sewer already serve the subject site.

CONFORMANCE TO PLANS/POLICIES: 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 “Commercial” land uses. This category supports the full diversity of commercial development found in a large urban municipality.

The request is also in conformance with the Locational Guidelines of the Comprehensive Plan. A general Development Pattern Guideline states: “*Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development.*” Specifically, “*Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.*” The proposed Tavern & Drinking Establishment is located at the intersection of two arterial streets and will expand upon an existing business.

The subject site is located at East Douglas Avenue and South Oliver Street, which the *Wichita: Places for People Plan* identifies as a Node. The node is the area which contains the highest intensity of uses, and predominately commercial or mixed-use development. Small-scale commercial, such as a Tavern & Drinking Establishment, is appropriate for this site. The *Places for People Plan* also identifies this site as an “Area of Stability”, which “requires fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared toward continuing the area’s momentum and strengthening the established context.” Lastly, the subject site is located within a Neighborhood Hub, which the *Places for People Plan* defines as “one or more small-scale commercial buildings, with not more than one small-scale, medium-box anchor. Development in Neighborhood Hubs in the ECA should be concentrated and intended to incorporate only small-scale Building Types into their footprint. The low intensity of this type of commercial development allows these hubs to be well- integrated into the existing neighborhoods.” The requested Conditional Use will allow an existing business to expand and integrate into the small-scale strip mall.

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

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The Tavern and Drinking Establishment shall be approved according to the site plan submitted to the Planning Department. Any Tavern and Drinking Establishment that wishes to open in a different spaces within the shopping area is required to amend the Conditional Use.
3. The public entrance cannot face South Dellrose Avenue or East Oakland Avenue.
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.
3. The parking lot shall be kept free of all trash and debris.
- ~~4. No loitering, congregating or excessive noise shall be permitted in the parking lot.~~

5. No outside loudspeakers.
6. Operation of the Tavern & Drinking Establishment shall be limited to:
4:00 p.m. to 12:00 a.m Monday through Thursday, and
4:00 p.m to 2:00 a.m Friday, and
11:00 a.m to 2:00 a.m on Saturday, and
11:00 a.m to 12:00 a.m on Sunday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare 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 commercial on the major arterial streets and residential on the surrounding local streets. Property to the north, across East Douglas Avenue, is zoned LC Limited Commercial District is developed with a strip mall. Properties to the south, across East Oakland Avenue, are zoned TF-3 Two-Family Residential District and SF-5 Single-Family Residential District and are developed with a parking lot and a single-family residential dwelling, respectively. The parking lot is owned by the same applicant. Properties to the east, across South Oliver Avenue, are zoned LC Limited Commercial District and are developed with strip malls. Properties to the west, across South Dellrose Avenue, are zoned GO General Office District, TF-3 Two-Family Residential District, and SF-5 Single-Family Residential District. They are developed with a bank and two single-family residential dwellings, respectively.
2. The suitability of the subject property for the uses to which it has been restricted: The building could be remodeled to be used for a wide variety of LC uses allowed by the current zoning. In this case, the Conditional Use is only required because of the proposed use being located within 300 feet of residential district zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions of approval, such as the hours of operation and prohibition of loitering and outdoor loudspeakers, are designed to mitigate possible detrimental impacts to nearby surrounding properties.
4. Length of time subject property has remained vacant as zoned: The subject site is not vacant. The property has been developed as a shopping center since 1949.
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 upon an existing business. 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* and the *Places for People 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 received several comments from the public in support of the Tavern and Drinking Establishment, which are attached to the end of this report.

Attachments:

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



LINCOLN HEIGHTS VILLAGE
COLLEGE HILL SOCIAL ROOM

4717 E DOUGLAS AVE
 WICHITA, KS 67218

NOT FOR
 CONSTRUCTION

ALL RIGHTS RESERVED
 450 N 1500th St, Wichita KS 67220
 316.262.8100 | 316.262.8100 x2000
 mjc@mjca.com

PRINTS ISSUED
 2/13/23

MJC No. 23002.1
 Owner: CAC
 Checked: MJC

SITE IMAGE EXHIBIT

SA1

© copyright 2023 MJC Architecture

0 20' 40' 80'
 SCALE: 1" = 80'-0"
SITE LAYOUT PLAN
 (240'x6) - (1" = 40'-0") (110'x7) - (1" = 80'-0")





**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



Metropolitan Area Planning Commission
2023-00004



Looking southwest towards site



Looking west away from site



Looking west towards site

Looking west away from site





Looking southeast at site



Looking north towards site



Looking south away from site



Looking north away from site



CON2023-00004

Looking east at site



Looking east away from site



Looking east away from site



From: [Jack Patton](#)
To: [Rieth, Christina](#)
Subject: Fwd: CON2023-00004
Date: Monday, March 20, 2023 4:08:57 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Christina Rieth

Subject: Tavern & Drinking Establishment

Ms. Rieth

This e-mail is to serve as notification that I, approve of the conditional use request (CON2023-0004) to permit the service of alcohol on property zoned LC Limited Commercial; generally located on the southwest corner of East Douglas Ave and South Oliver Street (4717 E. Douglas).

Signed

Jack Patton
337 S. Rutan
Wichita, Ks 67218

cell - 316-807-6781

From: [Planning](#)
To: [Carolyn Sayre](#)
Cc: [Rieth, Christina](#)
Subject: RE: CON2023-00004
Date: Monday, April 3, 2023 9:36:27 AM

Good morning, Carolyn,

I have cc'd Christina Rieth, the planner for this case. Christina can pass this information along to the Planning Commission.

Thanks!

Eryn Ebach
Associate Planner
Wichita-Sedgwick County Metropolitan Area Planning Department
(316) 268-4421

-----Original Message-----

From: Carolyn Sayre <sayresjewelry@sbcglobal.net>
Sent: Saturday, April 1, 2023 11:59 AM
To: Planning <Planning@wichita.gov>
Subject: CON2023-00004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support this project to open in Lincoln Heights. This is Carolyn Sayre of Carolyn Sayre's Fine Jewelry at 4730 E. Douglas Wichita, Ks Sent from my iPhone

From: [Planning](#)
To: [Glenda](#)
Cc: [Rieth, Christina](#)
Subject: RE: Con2023-00004
Date: Monday, April 3, 2023 9:38:30 AM

Good morning, Glenda,

My apologies for the confusion. I have cc'd Christina Reith, the planner for this case. She will pass your comments on to the Planning Commission.

Thank you,

Eryn Ebach
Associate Planner
Wichita-Sedgwick County Metropolitan Area Planning Department
(316) 268-4421

-----Original Message-----

From: Glenda <ictheworld@cox.net>
Sent: Saturday, April 1, 2023 1:19 PM
To: Planning <Planning@wichita.gov>
Subject: Re: Con2023-00004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My apologies, I was referring to the above referenced project that has been submitted to the planning board. My intent was to show my support for it as a College Hill resident.

Thank you.

Sent from my iPhone

> On Mar 31, 2023, at 5:00 PM, Planning <Planning@wichita.gov> wrote:
>
> Ms. Pace,
> Thank you for your comments.
> The Planning Department does not solicit businesses for private property. We do however review Planning Applications including liquor establishments and taverns when they come across our desks.
> The property owner of Lincoln Heigh shopping Center would be the one to contact.
>
> Cordially,
>
> Mary M. Hunt, AICP
> Principal Planner
> Metropolitan Area Planning Department
> 316.268.4421
> Planning@wichita.gov
>
> -----Original Message-----
> From: Glenda Pace <ictheworld@cox.net>

> Sent: Friday, March 31, 2023 4:33 PM
> To: Planning <Planning@wichita.gov>
> Subject: Con2023-0004

>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
>
> I live in the College Hill would like to see a bar in Lincoln Heigh shopping Center. A nice safe area with lots of safe parking in the evening Thanks

From: [Joy Robare](#)
To: [Planning](#)
Subject: Support
Date: Monday, March 27, 2023 1:45:28 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I want to support small business reference number CON2023-0004
Thank you

Sent from my iPhone



LINCOLN HEIGHTS VILLAGE COLLEGE HILL SOCIAL ROOM

4717 E DOUGLAS AVE
WICHITA KS 67218

NOT FOR
CONSTRUCTION

ATTORNEY AT LAW

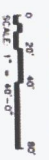
400 N. HIGHWAY 16 E. WICHITA, KS 67202
PH: 316.261.1100 FAX: 316.261.1101
WWW.MJCARCHITECTS.COM

PRINTS ISSUED
2/13/23

MJC No. 23002.1
Owner: CAC
Designed: MJC
SITE IMAGE EXHIBIT

SA1

© SEPTEMBER 2023 MJC ARCHITECTURE



SITE LAYOUT PLAN
(SCALE) = 1" = 40'-0" (1/8" = 1" = 80'-0"



SITE PLAN

APPROVED 7/14 BY CMR