Wichita-Sedgwick County Metropolitan Area Planning Department

January 19, 2024

RDX Rental Properties
2055 N Mosley
Wichita, KS 67214

RE: CON2023-00059 – Conditional Use request in the City to permit live entertainment and alcohol with an Event (defined as Night Club in the City) on property zoned LC Limited Commercial located on the north side of West 21st Street and with one-quarter mile west of North Broadway Avenue 320 W. 21).

Dear Applicant;

At its regular meeting on **January 16, 2024**, 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's shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
    i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
    ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
    iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the north, east, and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. 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.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. 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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 15, 2023

RDX Rental Properties
2055 N Mosley
Wichita, KS 67214

RE: CON2023-00059 – Conditional Use request in the City to permit live entertainment and alcohol with an Event (defined as Night Club in the City) on property zoned LC Limited Commercial located on the north side of West 21st Street and with one-quarter mile west of North Broadway Avenue 320 W. 21).

Dear Applicant;

At its regular meeting on **December 14, 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's shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
    i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
    ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
    iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the north, east, and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. 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.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. 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.

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 **December 28, 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 **December 28, 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, January 16, 2024** 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
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Jan. 19, 2024

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

RESOLUTION NO. 24-030

WHEREAS, RDX Rental Properties, 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 Nightclub in the City on property zoned LC Limited Commercial District, located on property legally described as:

Parcel 1: Lots 13, 15, 17, 19, 21, and 23, on Waco Avenue, in Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 2: The East 29 feet of the West 61.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 3: The West 32.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 4: The West 29 1/2 feet of the East 69 1/2 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of December 14, 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 Nightclub in the City on property zoned LC Limited Commercial District, located on property legally described as:

Parcel 1: Lots 13, 15, 17, 19, 21, and 23, on Waco Avenue, in Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 2: The East 29 feet of the West 61.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 3: The West 32.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 4: The West 29 1/2 feet of the East 69 1/2 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. Nightclub in the City shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
    i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
    ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
    iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center of the property and not toward any of the residential

properties to the north, east, and west.

7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. A minimum six-foot screening fence is required along the north property line of the parcel with the building in addition to the parcel of the associated parking lot.
9. 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.
10. The parking lot shall be kept free of all trash and debris.
11. No loitering, congregating or excessive noise shall be permitted in the parking lot.
12. 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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 16th day of Jan., 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

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

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer
Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald
The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	511079	Print Legal Ad-IPL01559610 - IPL0155961	RES#24-030	$137.94	2	82 L

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

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON January 19, 2024

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 24-030

WHEREAS, RDX Rental Properties, 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 Nightclub in the City on property zoned LC Limited Commercial District, located on property legally described as:
Parcel 1: Lots 13, 15, 17, 19, 21, and 23, on Waco Avenue, in Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 2: The East 29 feet of the West 61.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 3: The West 32.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 4: The West 29 1/2 feet of the East 69 1/2 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and
WHEREAS, the MAPC did, at the meeting of December 14, 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 Nightclub in the City on property zoned LC Limited Commercial District, located on property legally described as:
Parcel 1: Lots 13, 15, 17, 19, 21, and 23, on Waco Avenue, in Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 2: The East 29 feet of the West 61.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 3: The West 32.5 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Parcel 4: The West 29 1/2 feet of the East 69 1/2 feet of Lots 18, 20, 22, and 24, Fairview Avenue, Judson's Addition to Wichita, Sedgwick County, Kansas.
Approved subject to the following conditions:
Nightclub in the Citys shall apply only to those ancillary uses associated with an Event Center.
Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
No music or alcohol consumption shall be allowed outside the building at any time.
The hours of operation for entertainment shall be:
9:00 a.m. to 8:00 p.m., Monday through Thursday
9:00 a.m. to 11:00 p.m., on Friday and Saturday
9:00 a.m. to 8:00 p.m. on Sunday
The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
Any lighting must be directed toward the center of the property and not toward any of the residential properties to the north, east, and west.
No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
A minimum six-foot screening fence is required along the north property line of the parcel with the building in addition to the parcel of the associated parking lot.
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.
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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.
Adopted on 16th day of January 2024.
Lily Wu, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0155961
Jan 19 2024

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

1 insertion(s) published on:
01/19/24

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 01/19/2024 to 01/19/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 01/22/2024

Stephanie Hatcher

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

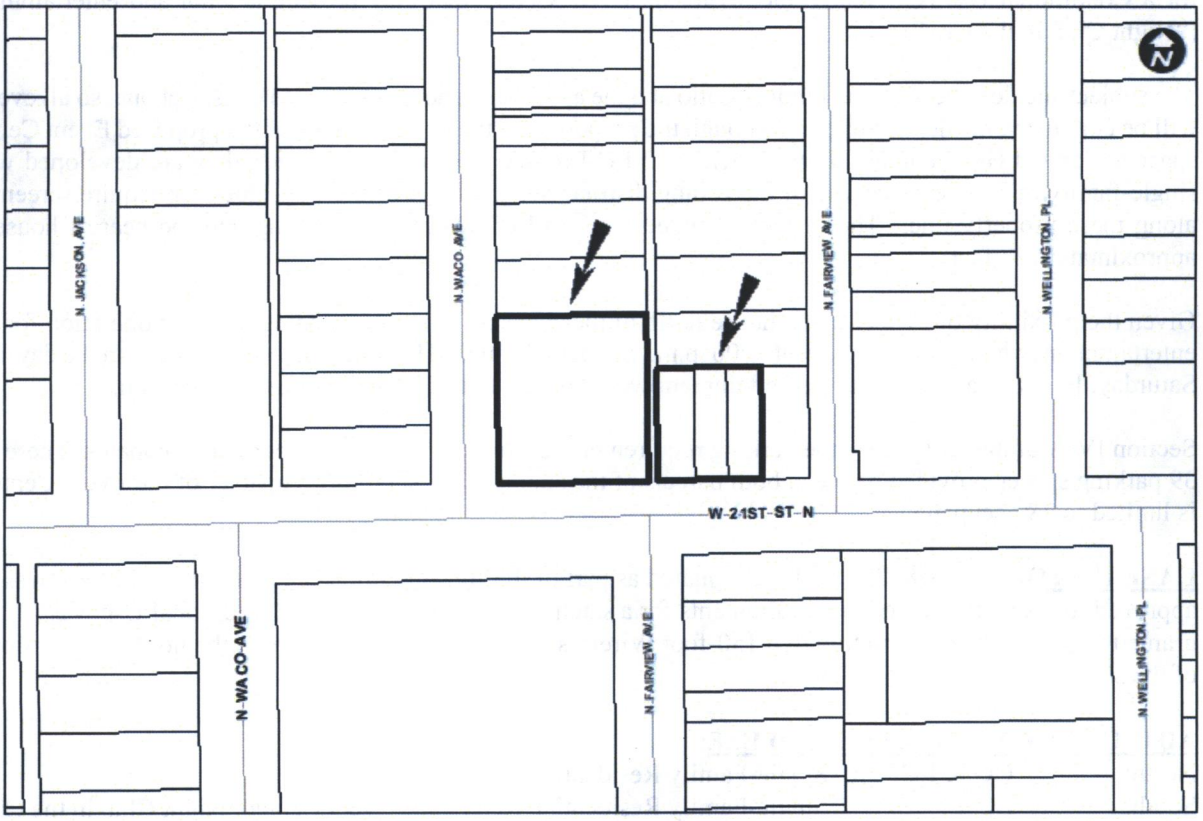
STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

AGENDA ITEM NO. 4.3

STAFF REPORT
MAPC: December 14, 2023
DAB VI: December 11, 2023

CASE NUMBER:	CON2023-00059 (City)
APPLICANT/AGENT:	RDX Rental Properties, LLC (Applicant)
REQUEST:	Nightclub in the City
CURRENT ZONING:	LC Limited Commercial District
SITE SIZE:	0.65 acres
LOCATION:	Generally located on the north side of West 21st Street North, within one-block east of North Waco Avenue (320 West 21st Street North).
PROPOSED USE:	To permit an Event Center which may provide entertainment and alcohol.
RECOMMENDATION:	Approve with Conditions



BACKGROUND: The applicant is requesting a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined in the Unified Zoning Code as "Nightclub in the City"). The subject site is zoned LC Limited Commercial District and is generally located on the north side of West 21st Street North and within one-block east of North Waco Avenue (320 West 21st Street North). The property is developed with a former television broadcast studio and a Wireless Communications Facility. The building is located on the west side of a platted alley, and the associated parking is located on the east side of the platted alley. The alley has not been vacated, is improved, and can still be used to access properties north of the site.

The Event Center provides space to be rented out on an occasional basis. The Unified Zoning Code definition of "Nightclub in the City," is applied because of the possible provision of entertainment and alcohol at these events. The need for the Conditional Use at this location is due the proximity of the B Multi-Family Residential District on the west side of North Waco Avenue, northwest of the subject site. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for "Nightclub in the City" when it is within 300 feet of residential zoning district.

Property to the north of the building is zoned GO General Office District and developed with a single-family residence. Property to the north of the parking lot is zoned LC Limited Commercial District and developed with a single-family residence. Property to the east is zoned LC Limited Commercial District and developed with a single-family residence. Farther east, property is zoned LC Limited Commercial District and developed with commercial uses. Property to the west is zoned LC Limited Commercial District and developed with commercial retail uses. Properties to the south are zoned LC Limited Commercial District and developed with a single-family residence and a commercial retail center respectively. In 2004, the commercial retail center to the south was approved for an Administrative Adjustment (BZA2004-00092) reducing the parking requirement for the site from 71 to 65 spaces. Additionally, in 2023, the commercial retail center to the south was approved for a Conditional Use (CON2023-00020) for an Event Center that may provide alcohol and entertainment ("Night Club in the City").

The subject site does not have an outdoor patio and the applicant is not proposing to construct one, so all events will be conducted inside the building. Though the properties to the north and east of the proposed Event Center space are zoned GO General Office District and LC Limited Commercial District, they are developed with single-family residences. Because of the zoning district, Section IV-B of the UZC does not require screening along these property lines. The distance between the wall of the subject building and the nearest house is approximately 27 feet.

Given the proximity of 27 feet to the house north of the site, staff is recommending hours of operation for the entertainment which would cease at 8:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Events that do not have entertainment would not be bound to these hours of operation.

Section IV-A of the UZC states the parking requirement for this use is one space per two occupants. There are 39 parking spaces provided between both parcels of the subject site. Therefore, capacity of the Event Center is limited to 78 occupants.

CASE HISTORY: In 1887, the site was platted as part of the Judsons Addition. In 1994, a Variance was approved to waive the screening requirements for a satellite antennae. In 2002, a Conditional Use was granted to permit the construction of a 150-foot Wireless Communications Facility in the northwest portion of the site.

ADJACENT ZONING AND LAND USE:

North:	GO & LC	Single-Family Residential
South:	LC	Single-Family Residential, Retail, and Event Center/"Night Club in the City"
West:	LC	Retail

East: LC Single-Family Residential

PUBLIC SERVICES: West 21st Street North is a paved, three-lane arterial street with sidewalks on both sides. North Waco Avenue is a paved, two-way local street with sidewalks on both sides. North Fairview Avenue is a paved, two-way local street with sidewalks on both sides. Wichita Transit provides regular bus service along North Waco Avenue and West 21st Street in this area. All municipal services are in place and can accommodate the required services to the site.

CONFORMANCE TO PLANS/POLICIES: The following plans govern development on the subject site:

Community Investments Plan: The proposed application is in conformance to the *Community Investments 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 appropriate for "Commercial" and "Residential" land uses. the "Commercial" category applies to the parcel on which the building is constructed, and the "Residential" category applies to the parcel with the parking lot. The "Commercial" category is described as "areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality." Rather than designating specific intensities and types for the different "Commercial" areas, the Plan suggests that existing development and neighborhood context should serve as a guide for what is appropriate for each unique location.

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as "the downtown core and the mature neighborhoods surrounding it." Locational guidelines for the ECA further emphasize that development should occur where its scale is "appropriate for its context." An Event Center that may provide entertainment and alcohol could create detrimental impacts such as noise to the residential development to the north. There is no outdoor space for events at this location, so events will be contained inside the building. The proposed conditions of approval for hours of operation are designed to mitigate possible negative impacts.

The Wichita: Places for People Plan: The requested Conditional Uses are in partial conformance with the *Wichita: Places for People Plan. The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (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." Ensuring development follows a nodal pattern "which creates a critical mass of activity at the center and transitions in scale and intensity" is key to realizing this vision.

- Nodal Development: The requested Conditional Use is not in conformance with the nodal development pattern. The subject site is between two identified nodes. The Plan identifies the intersection of West 21st Street and North Amidon Avenue as a Neighborhood Hub. The Plan identifies the intersection of West 21st Street and North Broadway as a Community Core. Nodes are identified to accommodate the highest intensity of uses, and the intensity of use should decrease the farther the property is away from the node. The subject site is approximately one-third of a mile from the intersection of West 21st Street and North Broadway. The development pattern along West 21st Street has a concentrated level of commercial development between North Broadway and North Waco with abutting residential uses directly behind the commercial strip. These uses have co-existed near each other for some time. The intensity of the proposed use could create possible negative impacts to surrounding residential development. However, the conditions of approval are designed to help mitigate possible negative impacts.
- Current Condition: The requested Conditional Use is in partial conformance with the area designation of the Plan as it is identified as an Area of Opportunity. Areas of Opportunity are defined as, "those areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and

private, to assist in redefining and reinvigorating the area, physically, and socially." The proposed use are an example of private investment in this Area of Opportunity. Though the proposed Event Center use contributes to economic development in the area, more appropriate uses that could help redefine and reinvigorate the area would be neighborhood serving uses that promote walkable development. Such uses could include neighborhood serving retail, personal services, or restaurants to which local residents could walk. An Event Center is regionally oriented that and is generally auto-oriented.

21st Street North Corridor Revitalization Plan. The requested Conditional Use is in partial conformance with the goals of the *21st Street North Corridor Revitalization Plan*. Goal #1 states: "Increase the long-term economic renewal, vitality, and sustainability of the 21st Street North Corridor Revitalization Plan Area." Within this goal, the plan encourages infill of existing vacant or underutilized sites within one mile of the plan area boundary. However, the requested Conditional Use is not in conformance with the *Plan*'s Preferred Land Use Map. This map identifies the site as appropriate for neighborhood retail uses. An Event Center goes beyond the intended uses in a neighborhood retail category as those uses are designed to be more compatible with nearby residential uses.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:

1. Nightclub in the City's shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
    i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
    ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
    iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the north, east, and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. 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.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. 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 building is zoned

GO General Office District and developed with a single-family residence. Property to the north of the parking lot is zoned LC Limited Commercial District and developed with a single-family residence. Property to the east is zoned LC Limited Commercial District and developed with a single-family residence. Farther east, property is zoned LC Limited Commercial District and developed with commercial uses. Property to the west is zoned LC Limited Commercial District and developed with commercial retail uses. Properties to the south are zoned LC Limited Commercial District and developed with a single-family residence and a commercial retail center respectively. In 2004, the commercial retail center to the south was approved for an Administrative Adjustment (BZA2004-00092) reducing the parking requirement for the site from 71 to 65 spaces. Additionally, in 2023, the commercial retail center to the south was approved for a Conditional Use (CON2023-00020) for an event center that may provide alcohol and entertainment ("Night Club in the City").

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LC Limited Commercial District. In this case, the Conditional Use is only required because of the proposed Event Center ("Night Club in the City") use is located within 300 feet of a residential zoning district. Mitigating factors, such as limited hours of operation and restricting outdoor music make it suitable for live music and entertainment.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may have detrimental effects on the residential uses to the west, east, and north of the property with noise pollution. This distance between the proposed event center and the apartment buildings to the south is approximately 27 feet. The Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.w. and the staff recommended conditions are designed to mitigate the possible negative impacts on surrounding properties.

4. Length of time subject property has remained vacant as zoned: The subject site is developed with a former television broadcast studio.

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 this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare due to the proposed mitigating factors identified in the conditions of approval. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in partial conformance with the *Community Investments Plan,* the *Wichita Places for People Plan*, and the *21st Street Corridor Revitalization Plan* as discussed in the report.

7. Impact of the proposed development on community facilities: The proposed use may produce in increase in traffic in the area during events. But given the size and scale of the proposed use, it is not anticipated to have detrimental effects on community facilities.

8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has not received any public comment regarding this case.

Attachments:

1. Supplementary Use Regulations—Event Center/ Night Club in the City
2. Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

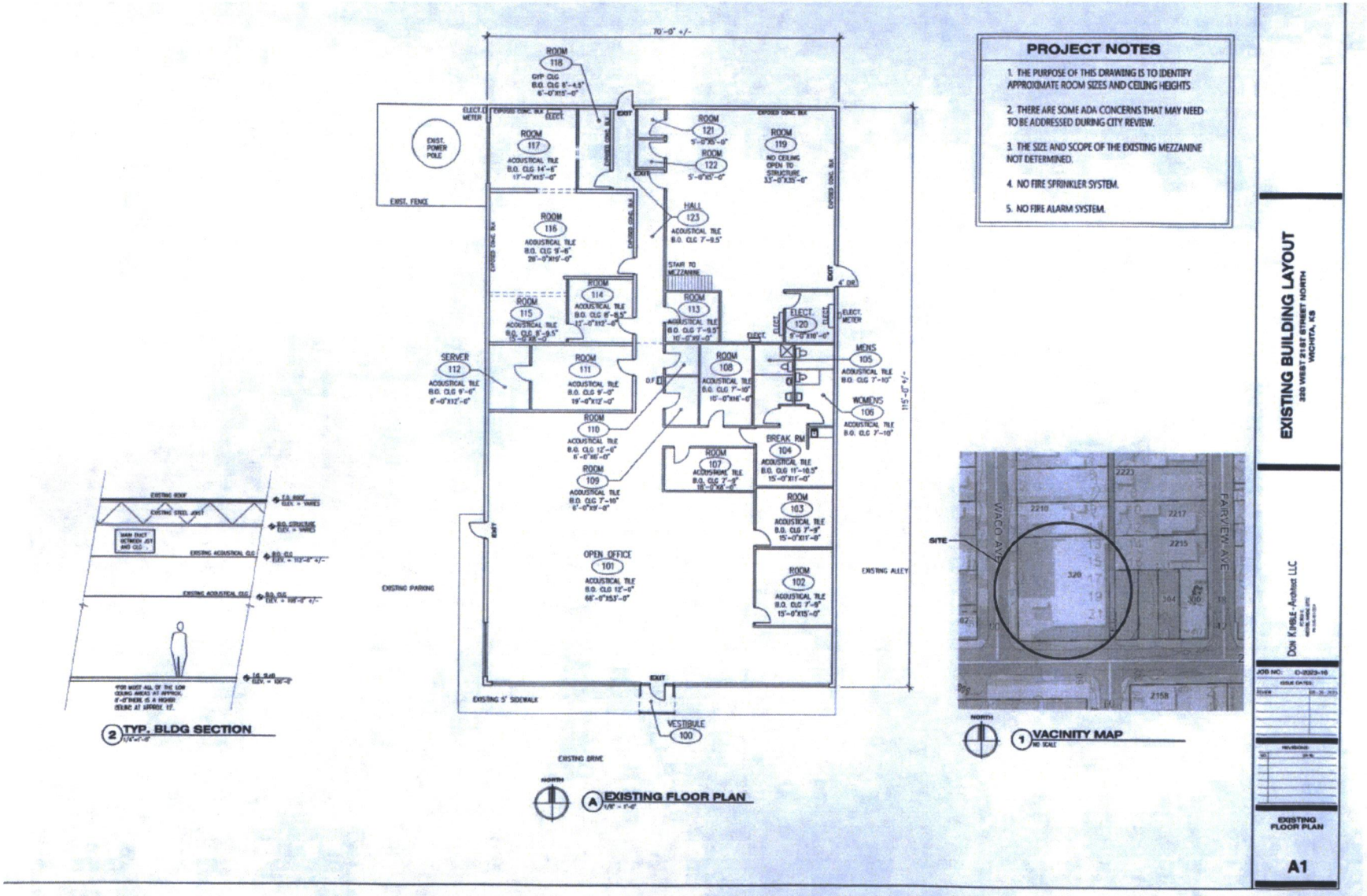
Section III-D.6.w of the Unified Zoning Code, Supplementary Use Regulations

w. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City. Although listed as permitted Uses in some Districts, Taverns, Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City, when considered Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Event Centers in the City, Teen Clubs in the City and Entertainment Establishments, when not considered as Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on which the Tavern, Drinking Establishment, club, Nightclub, Entertainment Establishment, Event Center or Teen Club is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern, Drinking Establishment, club, Nightclub business, Entertainment Establishment, Event Center or Teen Club shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted Uses in those districts that allow Sexually Oriented Businesses in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern or Drinking Establishment, club or Nightclub shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations.

1. No additional Parking Spaces or restroom facilities need be provided for the initial sixteen 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 exceeding sixteen 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 a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.
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 Sec. 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 Sec. 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.

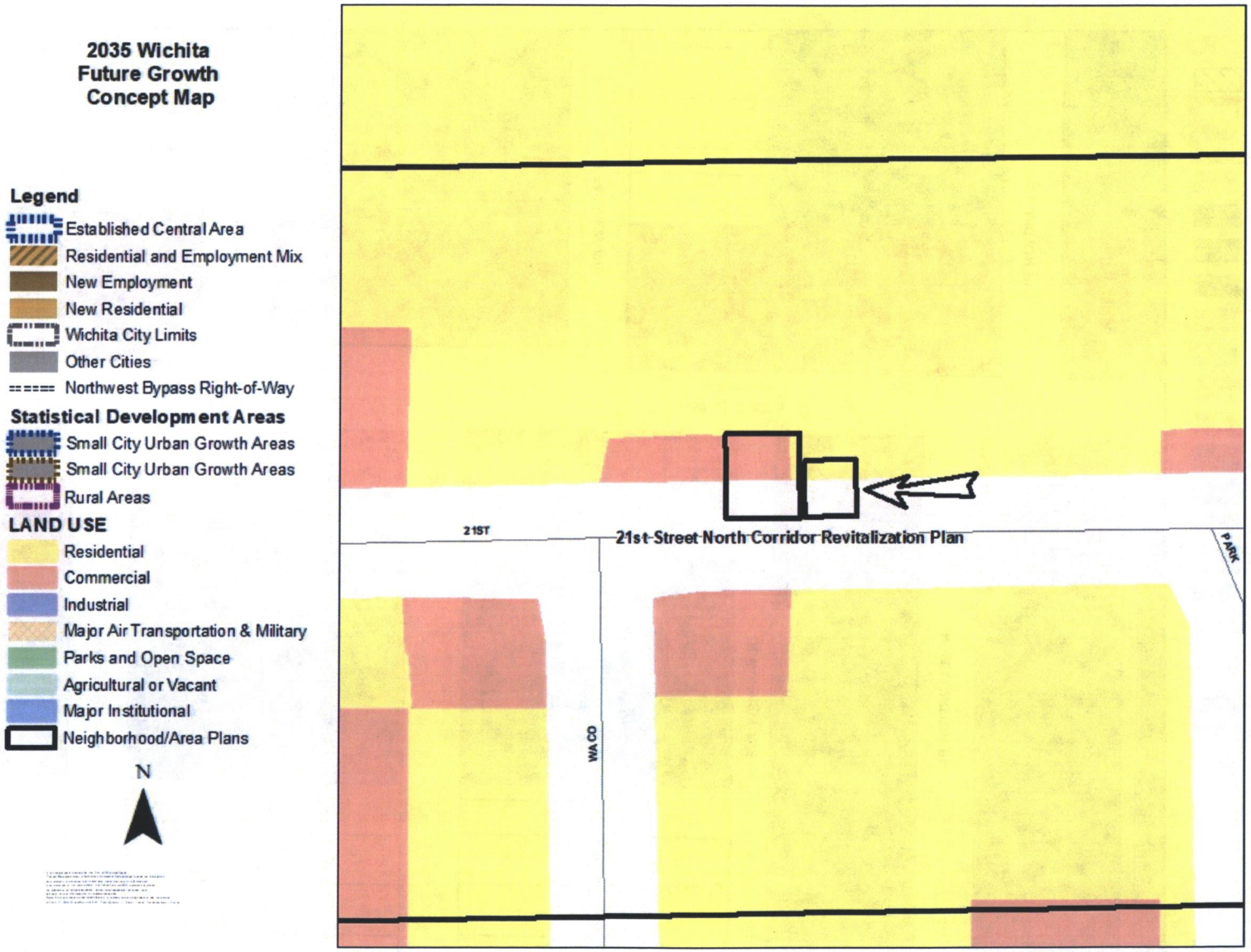
Site Plan


PROJECT NOTES
1. THE PURPOSE OF THIS DRAWING IS TO IDENTIFY APPROXIMATE ROOM SIZES AND CEILING HEIGHTS.
2. THERE ARE SOME ADA CONCERNS THAT MAY NEED TO BE ADDRESSED DURING CITY REVIEW.
3. THE SIZE AND SCOPE OF THE EXISTING MEZZANINE NOT DETERMINED.
4. NO FIRE SPRINKLER SYSTEM.
5. NO FIRE ALARM SYSTEM.
EXISTING BUILDING LAYOUT
320 WEST 21ST STREET NORTH
WICHITA, KS
Don Kimble Architect LLC
JOB NO: C-2023-16
EXISTING FLOOR PLAN
A1
ROOM 118
ROOM 117
ROOM 116
ROOM 115
ROOM 114
ROOM 113
ROOM 121
ROOM 122
ROOM 119
HALL 123
ELECT. 120
MENS 105
WOMENS 106
SERVER 112
ROOM 111
ROOM 108
ROOM 110
ROOM 109
BREAK RM 104
ROOM 107
ROOM 103
ROOM 102
OPEN OFFICE 101
VESTIBULE 100
EXIST. POWER POLE
EXIST. FENCE
EXISTING PARKING
EXISTING ALLEY
EXISTING 5' SIDEWALK
EXISTING DRIVE
EXIT
STAIR TO MEZZANINE
70'-0" +/-
115'-0" +/-
A EXISTING FLOOR PLAN
1/8" = 1'-0"
1 VACINITY MAP
NO SCALE
SITE
WACO AVE
PARKVIEW AVE
2 TYP. BLDG SECTION
1/4"=1'-0"


N JACKSON AVE
N WACO AVE
N FAIRVIEW AVE
N WELLINGTON PL
W 21ST ST N
N WACO AVE
N FAIRVIEW AVE
N WELLINGTON PL
N


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 JACKSON AVE
N WACO AVE
N FAIRVIEW AVE
N WELLINGTON PL
W 21ST ST N
BZA2021-00033
CON2002-00039
BZA12-94
BZA12-94
BZA5-40
BZA23-75
BZA2004-00092
CON2023-00020
BZA57-75
BZA2015-00026
BZA2015-00030

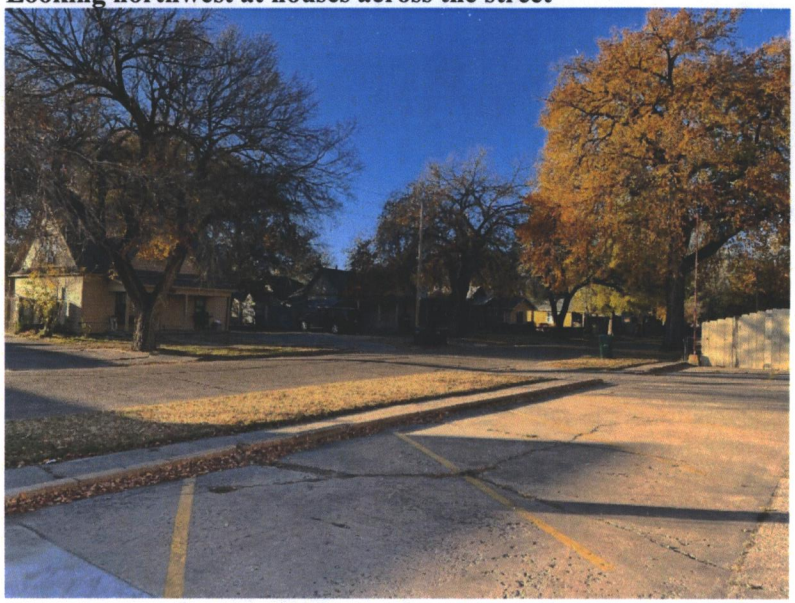
2035 Wichita Future Growth Concept Map



Looking northeast at site



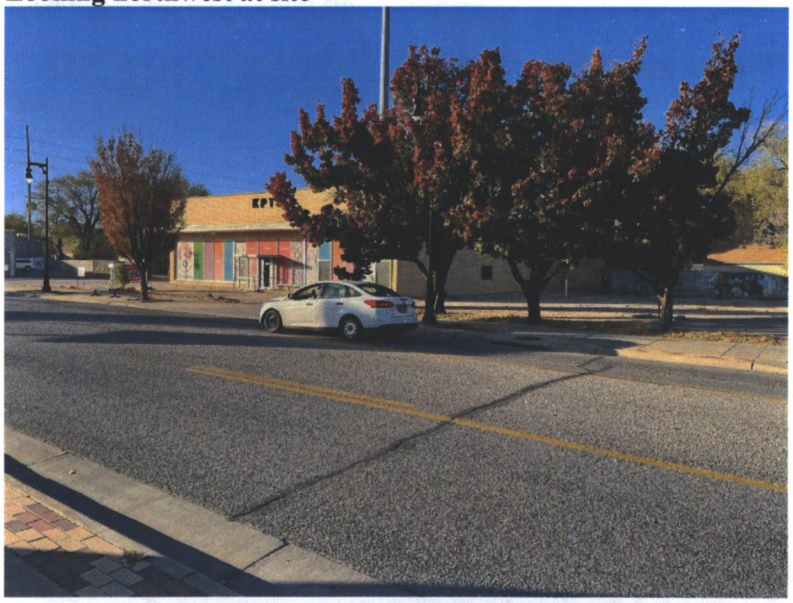
Looking northwest at houses across the street



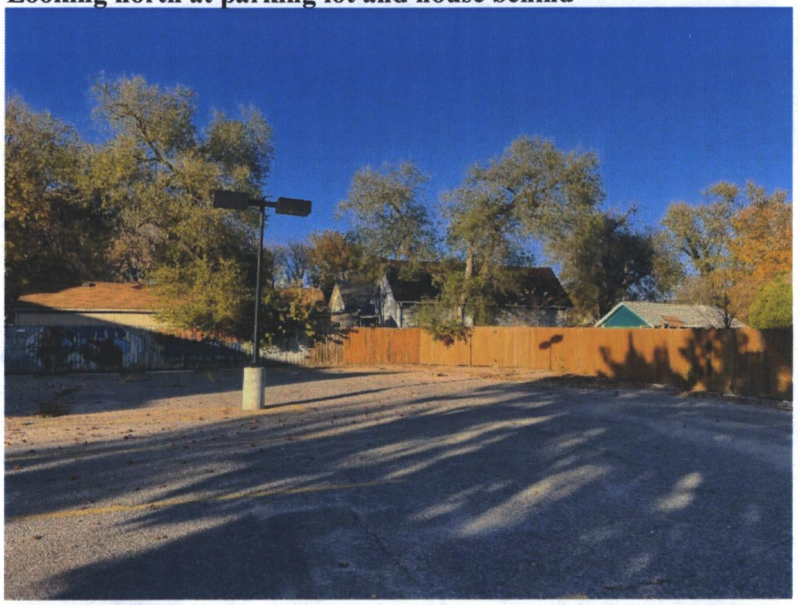
Looking northwest away from site



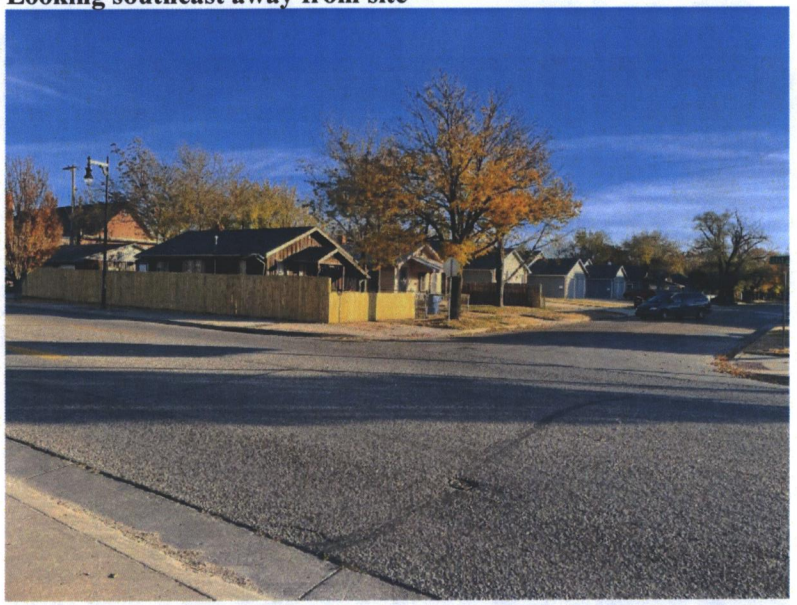
Looking northwest at site



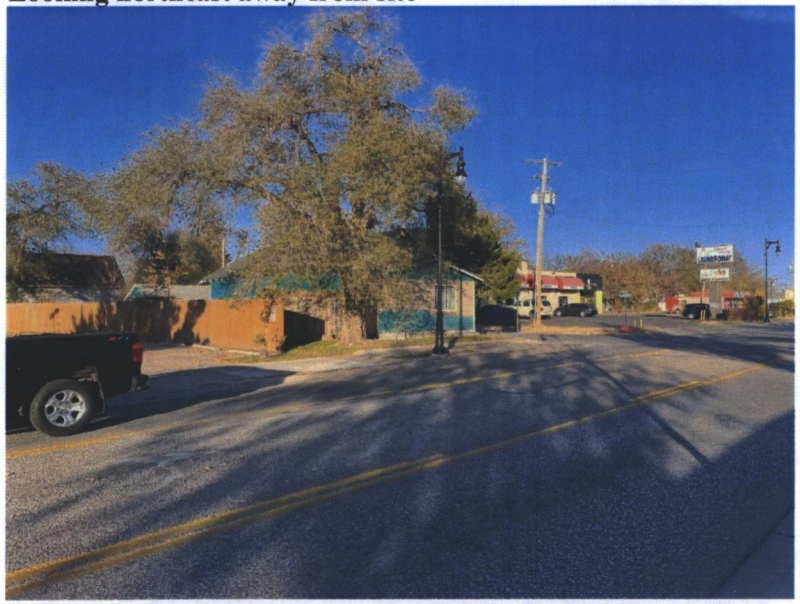
Looking north at parking lot and house behind



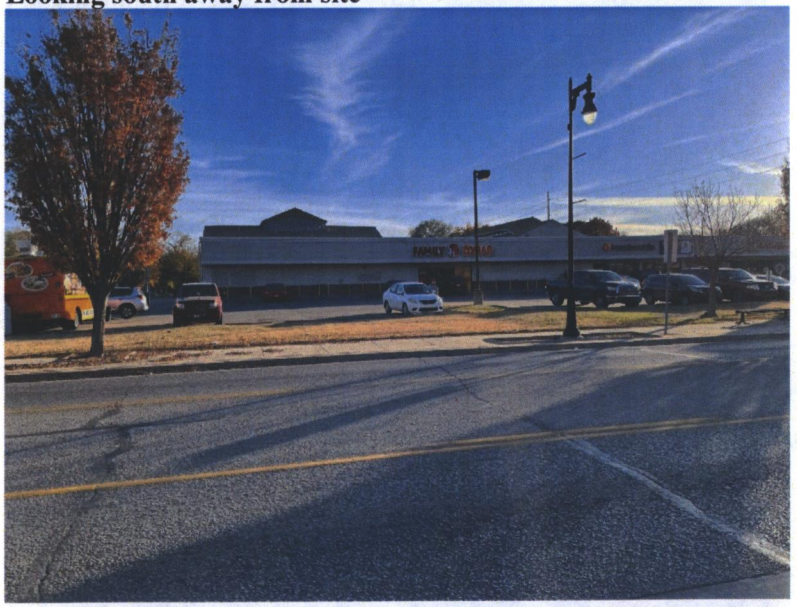
Looking southeast away from site



Looking northeast away from site

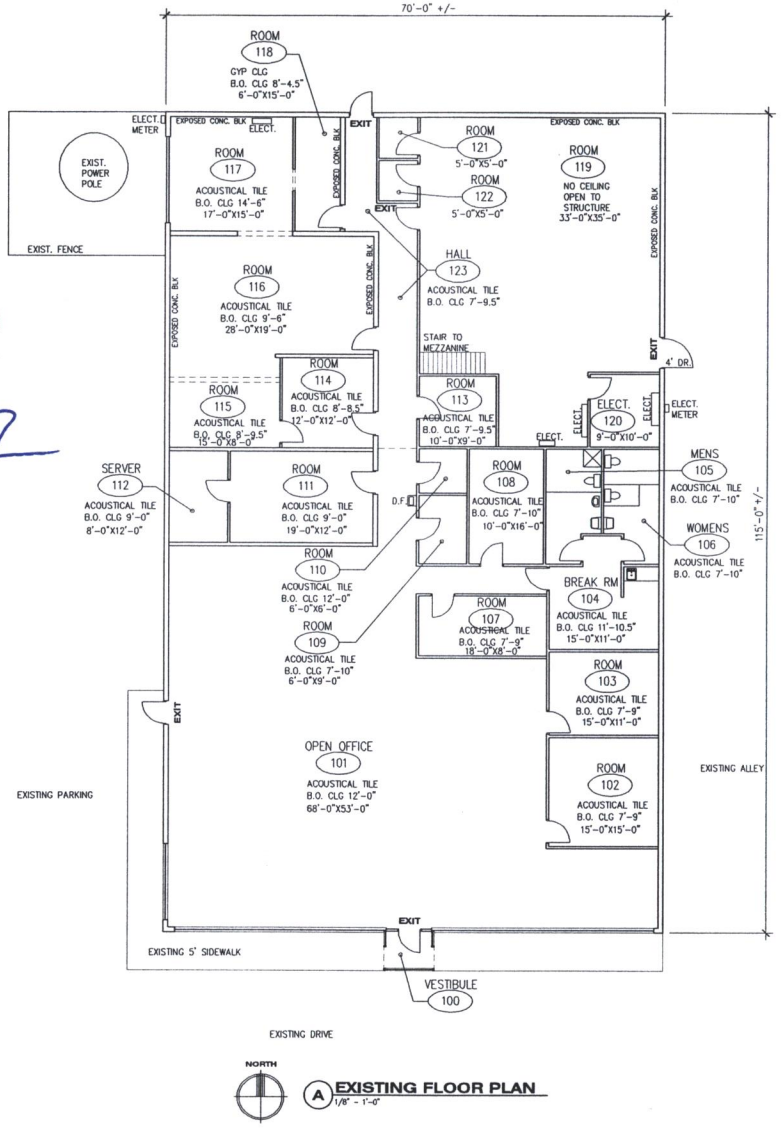


Looking south away from site



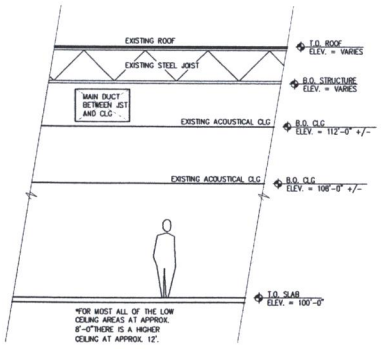
SITE PLAN

APPROVED 1/19/24 BY
Conv 23.59

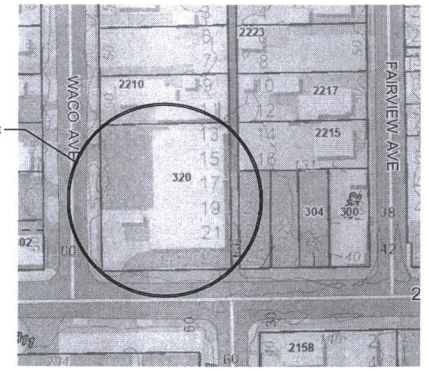


NORTH

A EXISTING FLOOR PLAN
1/8" = 1'-0"



2 TYP. BLDG SECTION
1/4"=1'-0"



NORTH

1 VACINITY MAP
NO SCALE

PROJECT NOTES

1. THE PURPOSE OF THIS DRAWING IS TO IDENTIFY APPROXIMATE ROOM SIZES AND CEILING HEIGHTS
2. THERE ARE SOME ADA CONCERNS THAT MAY NEED TO BE ADDRESSED DURING CITY REVIEW.
3. THE SIZE AND SCOPE OF THE EXISTING MEZZANINE NOT DETERMINED.
4. NO FIRE SPRINKLER SYSTEM.
5. NO FIRE ALARM SYSTEM.

EXISTING BUILDING LAYOUT
320 WEST 21ST STREET NORTH
WICHITA, KS

DON KIMBLE - Architect LLC
P.O. Box 41
Bel Aire, Kansas 67220
PH. (316) 617-5324

JOB NO: D-2023-16

ISSUE DATES:
REVIEW 08-26-2023

REVISIONS:
NO. DATE:

EXISTING FLOOR PLAN

A1