



Wichita-Sedgwick County Metropolitan Area Planning Department

May 17, 2023

Dan Ngo
13926 Lockmoor
Wichita, KS 67230

Alex Thomas
310 North Hampton
Wichita, KS 67206

RE: CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

Dear Applicant;

At its regular meeting on **May 16, 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 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. Operation of the Nightclub in the City shall be limited to 3:00 p.m. to 2:00 a.m.
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,

Christina Rieth
Current Plans, Associate Planner



Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2023

Dan Ngo
13926 Lockmoor Circle
Wichita, KS 67230

Alex Thomas
310 North Hampton
Wichita, KS 67206

RE: CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

Dear Applicant;

At its regular meeting on **April 13, 2023** the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to the 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 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. Operation of the Nightclub in the City shall be limited to 3:00 p.m. to 2:00 a.m.
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 April 27, 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 **April 27, 2023 at 5:00 p.m.**

This application will be heard by the Wichita City Council on **Tuesday, May 16, 2023**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property.

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

Sincerely,

A handwritten signature in cursive script, reading "Christina Rieth".

Christina Rieth
Current Plans
Associate Planner

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

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

RESOLUTION NO. 23-203

WHEREAS, Dan Ngo, 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 the south side of East 17th Street and within one block east of North Hillside Avenue, legally described as:

Lots 1, 3, and 5, on Holyoke Avenue, in Fairmount Addition to the City of 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 13, 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 the south side of East 17th Street and within one block east of North Hillside Avenue, legally described as:

Lots 1, 3, and 5, on Holyoke Avenue, in Fairmount Addition to the City of Wichita, Sedgwick County, Kansas.

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 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.
4. The parking lot shall be kept free of all trash and debris.
5. No loitering, congregating or excessive noise shall be permitted in the parking lot.
6. Operation of the Nightclub in the City shall be limited to 3:00 p.m. to 2:00 a.m.
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.

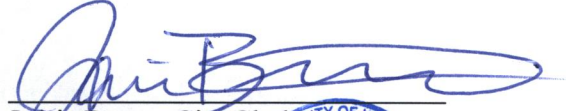
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 16th day of May, 2023.



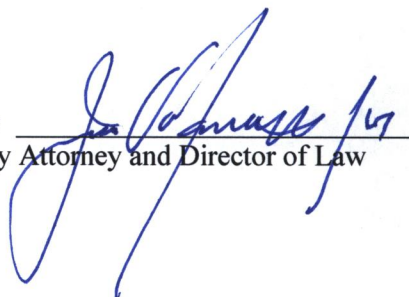
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:



Jamie Buster, City Clerk
(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law

This is a copy of the original document and is not to be used for any other purpose.

Signature of [Name] [Date]

Signature of [Name] [Date]





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	422395	Print Legal Ad-IPL01232580 - IPL0123258		\$90.51	2	54 L

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

jmbuster@wichita.gov, sbeard@wichita.gov, lalvarez@wichita.gov

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON May 19, 2023
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 23-203

WHEREAS, Dan Ngo, 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 the south side of East 17th Street and within one block east of North Hillside Avenue, legally described as:

Lots 1, 3, and 5, on Holyoke Avenue, in Fairmount Addition to the City of 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 13, 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 the south side of East 17th Street and within one block east of North Hillside Avenue, legally described as:

Lots 1, 3, and 5, on Holyoke Avenue, in Fairmount Addition to the City of Wichita, Sedgwick County, Kansas.

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 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.

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

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

6. Operation of the Nightclub in the City shall be limited to 3:00 p.m. to 2:00 a.m.

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

Adopted on 16th day of May, 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

IPL0123258

May 19 2023

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

1 insertion(s) published on:

05/19/23

STATE OF KANSAS)

SS

County of Sedgwick)

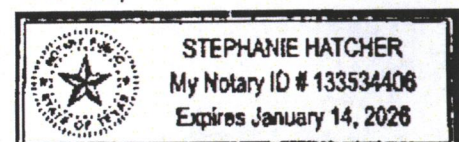
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 05/19/2023 to 05/19/2023.

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

DATED: 05/19/2023

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	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92 L

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

LEGAL PUBLICATION

Published in The Wichita Eagle on March 23, 2023
(One Time Only)
MAFPC/BZA April 13, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 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.

BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

BZA2023-00013: Variance request in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: Wichita-Sedgwick County Unified Zoning Code (UJC) amendment to include Short-Term Rental businesses.

PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to PUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

PUD2023-00002: Zone change request in the City from B Multi-Family Residential to PUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 143rd Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs County Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (8314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th Street West (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses, including duplexes; generally located east of South Meize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South of West 31st Street South (3234 Seneca Street & 3241 South Walnut Street).

ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

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=a0k3bW0ySjBibFJQTDZlV0pPd0BkUT09>

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/j/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 March 23, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0114906

Mar 23 2023

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

1 insertion(s) published on:

03/23/23

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/23/2023 to 03/23/2023.

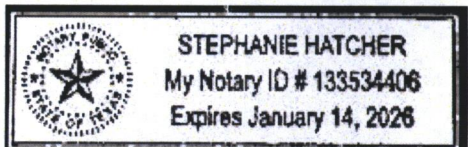
Ch. Hayley

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

DATED: 03/23/2023

Stephanie Hatcher

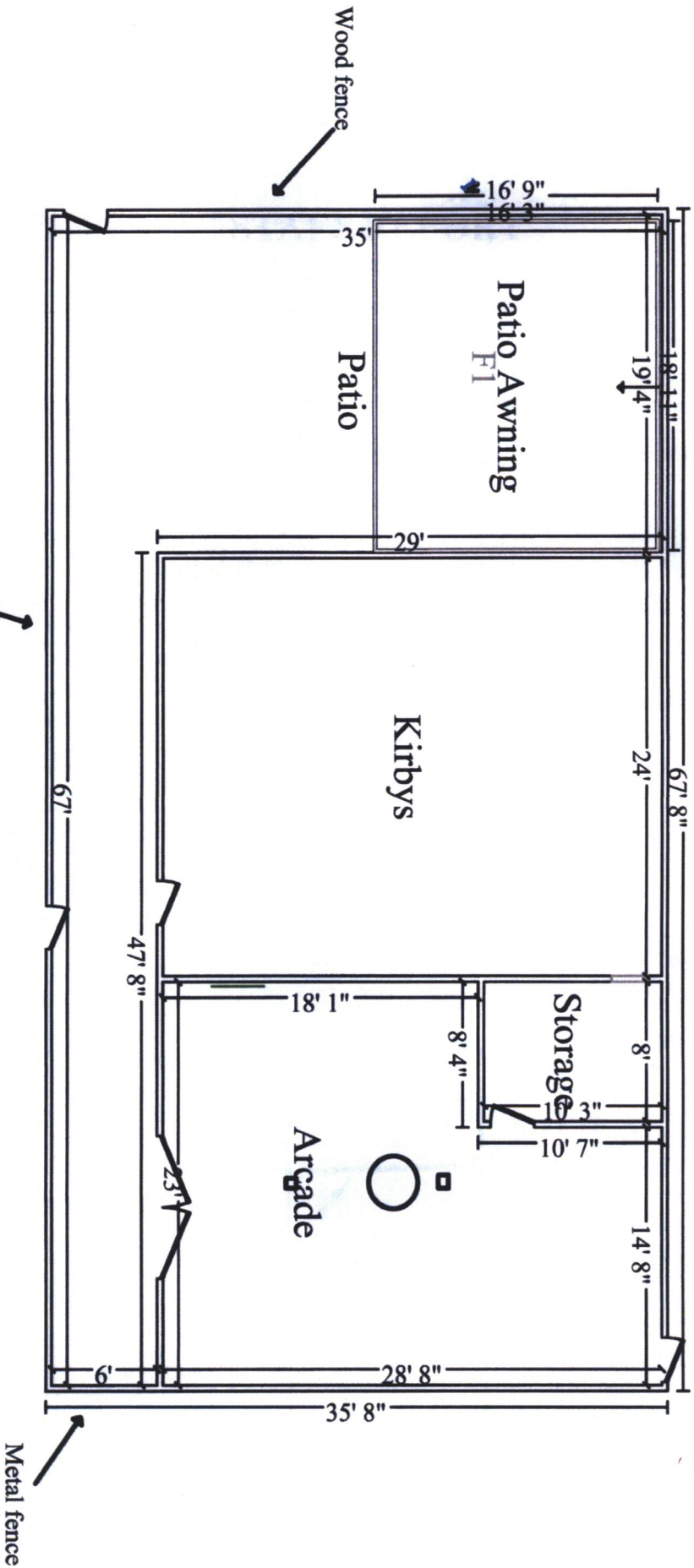
Notary Public in and for the state of Texas, residing in
Dallas County



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

SITE PLAN

APPROVED
6/16/23 CMR



BACKGROUND: The applicant is requesting a Conditional Use for a Nightclub in the City as an accessory use to an existing bar on the subject site southwest corner of East 17th Street North and North Holyoke Avenue (3227 East 17th St North). The subject site is 0.31 acres in size and is zoned LC Limited Commercial District. The applicant's site plan illustrates that the subject site is currently developed with a strip mall that also includes a convenience store. The applicant will use one suite of the building for the Nightclub in the City.

The applicant is requesting the Conditional Use in order to permit live entertainment and alcohol in the same space. The Nightclub in the City will expand upon the existing use as a bar. 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. The need for the Conditional Use at this location is due to the requested land use and the proximity of SF-5 Single-Family Residential District zoning, which is located approximately 70 feet north of the subject site, across East 17th Street North. There is additional B Multi-Family Residential District zoning 75 feet south from the subject site.

The subject property was zoned commercial prior to the adoption of the Wichita Landscape Ordinance. Therefore, the applicant is not required to provide a landscaped street yard along East 17th Street North. Additionally, because there is LC Limited Commercial District zoning on the south, east, and west sides, it does not have to adhere to Unified Zoning Code screening standards.

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 17th Street North, is zoned SF-5 Single-Family Residential District and is developed with a university. Property to the south is zoned LC Limited Commercial District and is vacant. Property to the east, across North Holyoke Avenue, is zoned LC Limited Commercial District and is developed with a parking lot. Property to the west is zoned LC Limited Commercial District and is developed with an educational building.

CASE HISTORY: On February 14, 1887, the Fairmount Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	University
SOUTH:	LC	Vacant
EAST:	LC	Parking lot
WEST:	LC	Educational building

PUBLIC SERVICES: The property has access to East 17th Street North, a four-lane arterial street with sidewalks on each side. Wichita Transit provides regular bus service within one block west of the subject site, at the southeast corner of East 17th Street North and North Hillside 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 "Residential and Employment Mix" land uses. The *Plan* identifies "Residential and Employment Mix" as "*areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*" The conditions of approval outlined in the staff

report, which include limited hours of operation, are designed to mitigate any negative impacts towards nearby residential properties, such as noise.

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.*” The proposed Nightclub in the City will expand upon an existing business.

The request is in conformance with the *Wichita: Places for People Plan*. The subject site is located near East 17th Street North and North Hillside Avenue, which the *Wichita: Places for People Plan* identifies as a Neighborhood Hub. According to the *Plan*, a Neighborhood Hub is defined 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 expand upon an existing business in a one-story strip mall, which fits the scale around the existing neighborhood.

The *Places for People Plan* also identifies this site as an “Area of Opportunity”, which the *Plan* identifies as “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.”

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 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. Operation of the Nightclub in the City shall be limited to 3:00 p.m. to 2:00 a.m.
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.

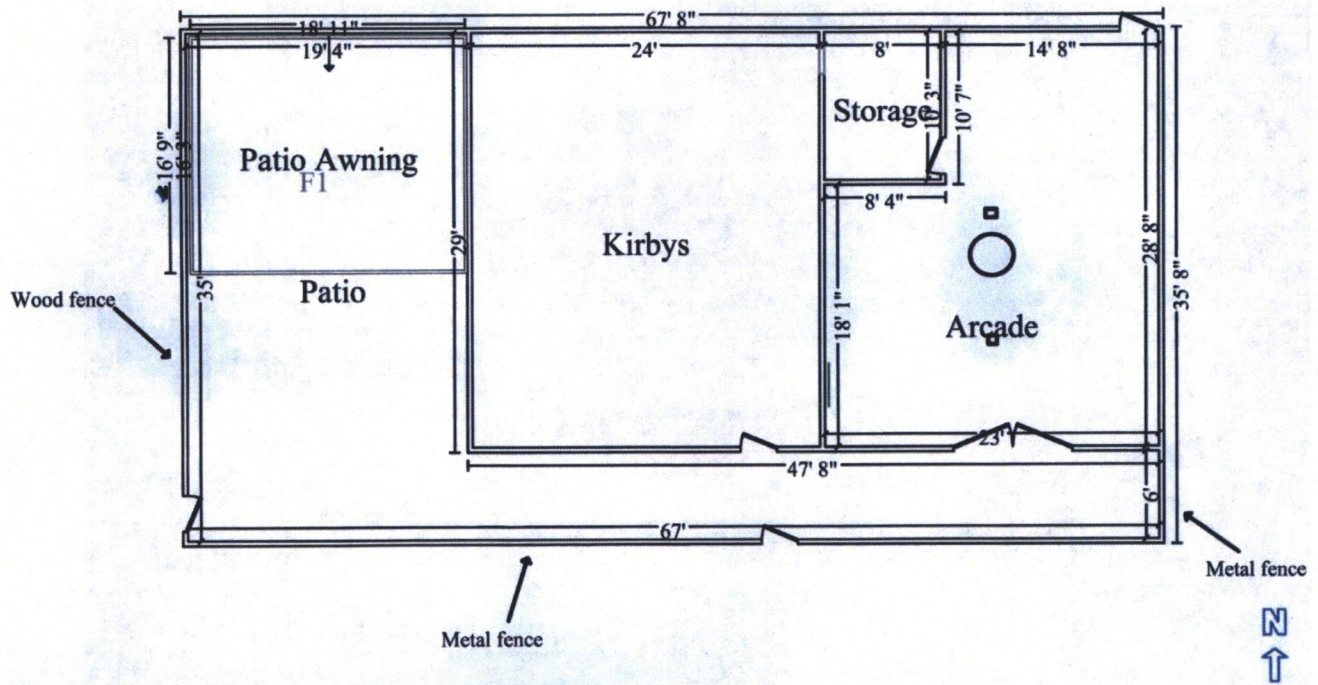
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is commercial on the major arterial streets and residential on the surrounding local streets. Property to the north, across East 17th Street North, is zoned SF-5 Single-Family Residential District and is developed with a university. Property to the south is zoned LC Limited Commercial District and is vacant. Property to the east, across North Holyoke Avenue, is zoned LC Limited Commercial District and is developed with a parking lot. Property to the west is zoned LC Limited Commercial District and is developed with an educational building.

2. The suitability of the subject property for the uses to which it has been restricted: The site is suitable for commercial uses under the existing zoning. 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: Staff does not anticipate the removal of restrictions will detrimentally affect nearby property. The conditions of approval, such as the hours of operation 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 small strip mall since 1961.
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 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







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



Map prepared by the Metropolitan Area Planning Commission (MPC) for the City of Wichita, Kansas. The map is a conceptual representation of future growth and is not intended to be used for legal purposes. The map is based on the 2035 Future Growth Concept Map and is subject to change without notice. The map is a representation of the future and is not intended to be used for legal purposes. The map is based on the 2035 Future Growth Concept Map and is subject to change without notice.



Looking southwest towards site



Looking east away from site



Looking north away from site



Looking south away from site

