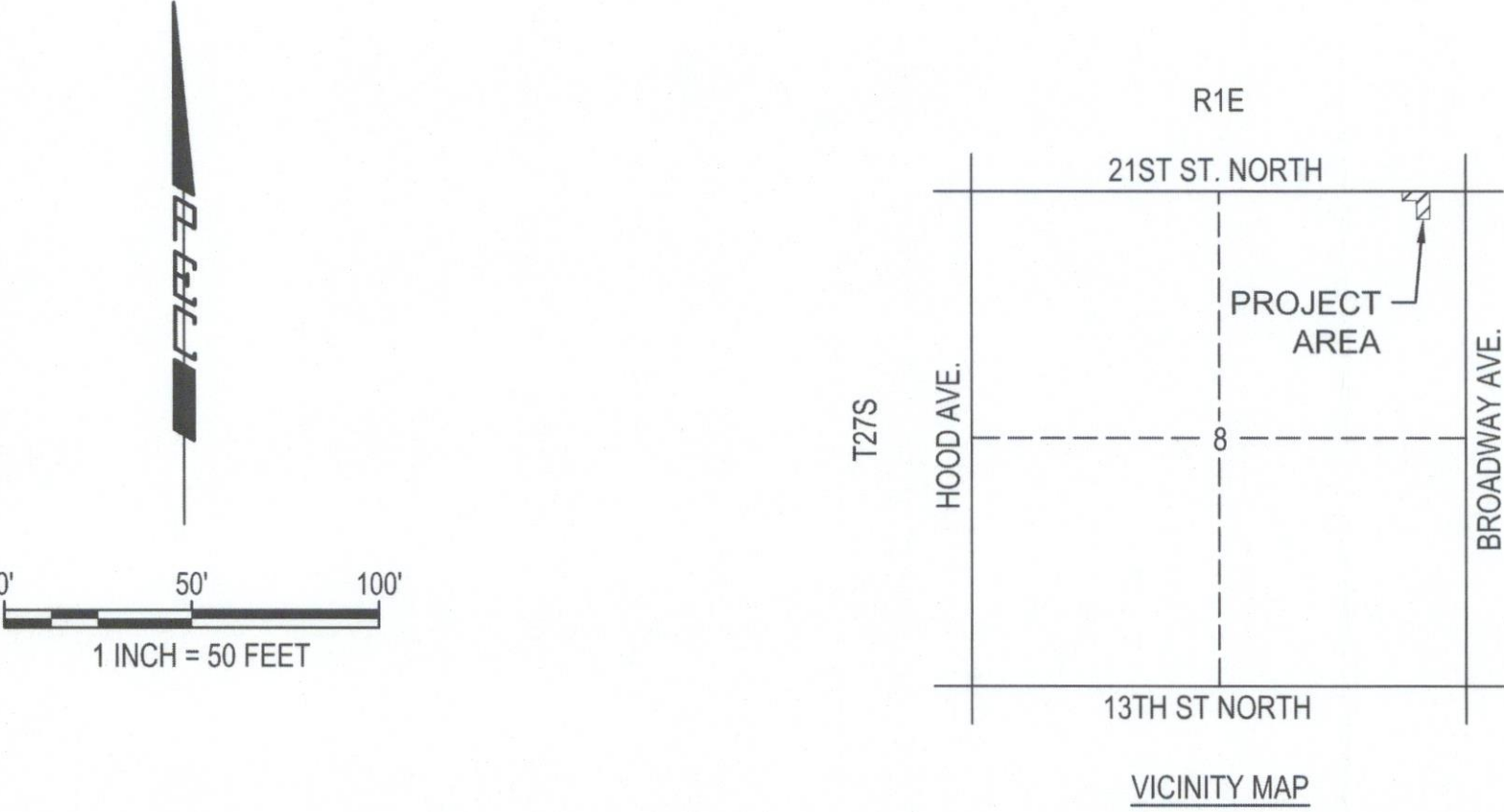


APPROVED PUD
12-12-2024
9 OF 9

EMPOWER

PLANNED UNIT DEVELOPMENT (PUD 135)

WICHITA, SEDGWICK COUNTY, KANSAS



LEGAL DESCRIPTION:

- LOT 1 BOUSE'S REPLAT OF LOTS 2, 4, 6, AND 8 ON MAIN STREET (NOW PARK PLACE), GOSSARD'S SUBDIVISION OF GOSSARD'S ADDITION.
- LOT 2 BOUSE'S REPLAT OF LOTS 2, 4, 6, AND 8 ON MAIN STREET (NOW PARK PLACE), GOSSARD'S SUBDIVISION OF GOSSARD'S ADDITION, TOGETHER WITH THAT PART OF 14' WIDE VACATED ALLEY ADJACENT TO EAST LINE OF SAID LOT. (VACATION ORDINANCE NO. 2023-20, DOC. #30258941)
- LOTS 1 AND 3 ON MARKET STREET, GOSSARD'S SUBDIVISION OF GOSSARD'S ADDITION, TOGETHER WITH THAT PART OF 14' WIDE VACATED ALLEY ADJACENT TO WEST LINE OF SAID LOTS. (VACATION ORDINANCE NO. 2023-20, DOC #30258941)
- ODD LOTS 5-23 ON MARKET STREET, GOSSARD'S SUBDIVISION OF GOSSARD'S ADDITION, TOGETHER WITH THAT PART OF 14' WIDE VACATED ALLEY ADJACENT TO WEST LINE OF LOTS 5 AND 7. (VACATION ORDINANCE NO. 2023-20, DOC #30258941) ALL IN WICHITA, SEDGWICK COUNTY, KANSAS

ALL IN WICHITA, SEDGWICK COUNTY, KANSAS

PROJECT DESCRIPTION:

THIS SITE WILL BE A VIBRANT CULTURAL HUB WITH THREE RENOVATED BUILDINGS THAT FOSTER COMMUNITY CONNECTION. THIS COMPLEX WILL FEATURE PUBLIC DINING, SHOPPING, AND ARTISTIC EXPERIENCES, ALONG WITH LOW-COST RESOURCES FOR MINORITY-OWNED STARTUPS. WITH A SHARED COMMERCIAL KITCHEN AND MENTORSHIP PROGRAMS, ASPIRING ENTREPRENEURS WILL THRIVE, WHILE VISITORS CAN ENJOY A RICH ARRAY OF HANDCRAFTED GOODS, DELICIOUS FOOD, LIVE MUSIC, AND CULTURAL FESTIVITIES.

THE PURPOSE OF THIS PLANNED UNIT DEVELOPMENT (PUD) IS TO ADDRESS PROPOSED USE RESTRICTIONS ASSOCIATED WITH ENTERTAINMENT ESTABLISHMENT IN THE CITY, DRINKING ESTABLISHMENT, EVENT CENTER IN THE CITY, NIGHTCLUB IN THE CITY, AS DEFINED IN THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING DISTRICT.

PARCEL SUMMARY

PARCEL 1

ALLOWABLE USES: ALL USES ALLOWED IN THE GENERAL COMMERCIAL (GC) DISTRICT WITH SPECIFIC CONDITIONS FOR ENTERTAINMENT ESTABLISHMENT IN THE CITY, DRINKING ESTABLISHMENT, EVENT CENTER IN THE CITY, AND NIGHTCLUB IN THE CITY, AS DEFINED IN THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE. SEE GENERAL PROVISIONS.

AREA: 57,425 SF (1.32 AC)

EXISTING ZONING: GC GENERAL COMMERCIAL

GENERAL PROVISIONS:

- TOTAL LAND AREA = 57,425 SF (1.32 AC)
- REQUIRED PARKING SHALL BE LIMITED TO EXISTING PARKING LOTS INCLUDED ON PARCEL 1. HOWEVER, PRIOR TO COMMUNITY EVENTS A PARKING AND TRANSPORTATION PLAN SHALL BE SUBMITTED AS PART OF ANY COMMUNITY EVENT PERMIT APPLICATION FOR THIS SITE.
- THERE SHALL BE NO MINIMUM FRONT YARD, SIDE YARD OR REAR YARD SETBACKS.
- LANDSCAPED STREET YARD AND LANDSCAPE BUFFERS ARE NOT REQUIRED.
- ALL LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DISBURSEMENT IN A DOWNWARD DIRECTION AND AWAY FROM RESIDENTIAL USES. LIGHTING DURING COMMUNITY EVENTS SHALL BE LIMITED TO DECORATIVE AND SECURITY LIGHTING.
- ANY OUTDOOR AREAS SHALL BE SCREENED FROM GROUND LEVEL VIEW FROM ANY RESIDENTIALLY ZONED PROPERTY WITHIN 150 FEET OF THE OUTDOOR AREAS WITH A MINIMUM OF A SIX-FOOT SCREENING FENCE PER THE STANDARDS OF THE UZC. ADDITIONAL LANDSCAPE PARKING LOT SCREENING FOR THE EXISTING PARKING LOT ALONG NORTH MARKET STREET SHALL NOT BE REQUIRED UNLESS THE PARKING LOT IS RECONSTRUCTED. THE WEST PROPERTY LINE OF THE PARKING LOT ALONG THE NORTH MARKET STREET ALLEY SHALL HAVE TEMPORARY SCREENING DURING COMMUNITY EVENTS.
- OUTDOOR MUSIC, WHETHER LIVE OR RECORDED, SHALL BE ALLOWED AS LONG AS THE STAGE OR THE SOURCE OF THE MUSIC IS FACING A NORTH OR NORTHEAST DIRECTION AND THE MAXIMUM DECIBEL LEVEL AT THE PROPERTY LINE OF THE CLOSEST RESIDENTIALLY ZONED PROPERTY SHALL BE IN CONFORMANCE WITH THE CITY OF WICHITA NOISE ORDINANCE. OUTDOOR MUSIC SHALL BE LIMITED TO THE HOURS OF 10:00 AM TO 11:00 PM SUNDAY THROUGH THURSDAY AND 10:00 AM TO MIDNIGHT ON FRIDAY AND SATURDAY.
- OUTDOOR SERVICE OF FOOD AND DRINK AS AN ACCESSORY PART OF THE OPERATION OF THE ENTERTAINMENT ESTABLISHMENT IN THE CITY, EVENT CENTER IN THE CITY, AND NIGHTCLUB IN THE CITY SHALL BE ALLOWED BETWEEN THE HOURS OF 10:00 AM AND 11:00 PM SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 10:00 AM AND MIDNIGHT ON FRIDAY AND SATURDAY.
- EVENTS THAT INCLUDE 300 ATTENDEES OR MORE SHALL BE LIMITED TO TWO (2) EVENTS PER WEEK. INDOOR EVENTS SHALL BE ALLOWED BETWEEN THE HOURS OF 10:00 A.M. AND 11:00 P.M. SUNDAY THROUGH THURSDAY AND BETWEEN 10:00 A.M. AND MIDNIGHT ON FRIDAY AND SATURDAY. OUTDOOR EVENTS SHALL BE ALLOWED BETWEEN THE HOURS OF 10:00 A.M. TO 11:00 P.M. SUNDAY THROUGH THURSDAY AND 10:00 A.M. TO MIDNIGHT ON FRIDAY AND SATURDAY.
- 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.
- COMMUNITY AND OUTDOOR EVENTS SHALL BE PERMITTED IN ACCORDANCE WITH CITY OF WICHITA LICENSING REQUIREMENTS. ANY TRASH/LITTER CREATED FROM SAID COMMUNITY EVENTS SHALL BE CONTAINED DURING AND CLEANED WITHIN 24 HOURS OF THE COMPLETION OF THE EVENT.
- AMENDMENTS, ADJUSTMENTS OR INTERPRETATIONS TO THE P.U.D. SHALL BE DONE IN ACCORDANCE WITH THE UNIFIED ZONING CODE.
- THE TRANSFER OF TITLE OF ALL OR ANY PORTION OF LAND WITHIN THE PLANNED UNIT DEVELOPMENT (OR ANY AMENDMENTS THERETO) DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND AND BE BINDING UPON PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS.
- THE DEVELOPMENT OF THIS PROPERTY SHALL PROCEED IN ACCORDANCE WITH THE DEVELOPMENT PLAN AS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION AND APPROVAL BY THE GOVERNING BODY, AND ANY SUBSTANTIAL DEVIATION OF THE PLAN, AS DETERMINED BY THE ZONING ADMINISTRATOR AND THE DIRECTOR OF PLANNING, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
- ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND TO THE GOVERNING BODY FOR THEIR CONSIDERATION.
- THE DESIGN LAYOUT SHOWN ON THE PLAN ILLUSTRATES THE GENERAL DEVELOPMENT CONCEPT. SLIGHT MODIFICATIONS TO THE LOCATION OF IMPROVEMENTS MAY BE PERMITTED PROVIDED THEY MEET ALL REQUIREMENTS OF THIS PLAN.

DATE OF PREPARATION: SEPTEMBER 10, 2024
OWNER'S: EMPOWER EVERGREEN, INC.
2801 N. ARKANSAS AVE.
WICHITA, KS 67204
ENGINEER: PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 S. TOPEKA
WICHITA, KS 67202





**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Empower Evergreen LLC
Attn: Ariel Rodriguez-Williams
2601 North Arkansas Avenue
Wichita, KS 67204

February 18, 2025

RE: PUD2024-00024– Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

Dear applicant,

At its regular meeting on **January 14, 2025**, the Wichita City Council heard the above captioned request. The action of the WCC was to **APPROVE** the request, subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #135 Empower Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD
Professional Engineering Consultants, attn: Rebecca Mellies, 303 South Topeka Avenue, Wichita, KS 67202

WCC-Approved Language for the Empower PUD #135

PROJECT DESCRIPTION: This site will be a vibrant cultural hub with three renovated buildings that foster community connection. This complex will feature public dining, shopping, and artistic experiences, along with low-cost resources for minority-owned startups. With a shared commercial kitchen and mentorship programs, aspiring entrepreneurs will thrive, while visitors can enjoy a rich array of handcrafted good, delicious food, live music, and cultural festivities.

The purpose of this Planned Unit Development (PUD) is to address proposed use restrictions associated with Entertainment Establishment in the City, Event Center in the City and Nightclub in the City as this infill redevelopment project is within 300 feet of a residential zoning district.

GENERAL PROVISIONS:

1. Total Land Area: 57,425 square feet or 1.32 acres
2. Required parking shall be limited to existing parking lots included on Parcel 1. However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site.
3. There shall be no minimum front yard, side yard or rear yard setbacks.
4. Landscaped street yard and landscape buffers are not required.
5. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.
6. Any outdoor areas shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed. The west property line of the parking lot along the North Market Street alley shall have temporary screening during community events.
7. Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance and a site plan is submitted identifying the alley and site of temporary screening. Outdoor music shall be limited to the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight on Friday and Saturday. Outdoor music is limited to locations identified on an approved site plan. In order for outdoor music to be permitted on the site, the site is required to have a solid barrier between the two buildings, across the former alley and immediately south of where the outdoor music would occur.
8. Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and midnight on Friday and Saturday. Outdoor service of food and drink is limited to locations identified on an approved site plan.
9. Events that include 300 attendees or less shall be limited to two (2) events per week. Events that include 300 attendees or more shall be limited to two (2) events per week. Indoor and outdoor events shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday.
10. 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.
11. Community and outdoor events shall be permitted in accordance with City of Wichita licensing requirements.

Any trash/litter created from said community events shall be contained during and cleaned within 24 hours of the completion of the event.

12. Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.
13. The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
16. The design layout shown on the plan illustrates the general development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Empower Evergreen LLC
Attn: Ariel Rodriguez-Williams
2601 North Arkansas Avenue
Wichita, KS 67204

December 13, 2024

RE: PUD2024-00024– Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

Dear applicant,

At its regular meeting on **December 12, 2024**, 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:

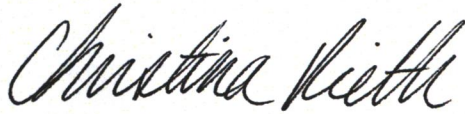
1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #135 Empower Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

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 26, 2024**. 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 26, 2024**, at 5:00 p.m.

This application will be considered by the Wichita City Council on **Tuesday, January 14, 2025**, beginning at 9:00 a.m. Meetings take place at 455 North Main Street, Wichita, KS 67202.

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 316-268-4421.

Sincerely,

A handwritten signature in black ink that reads "Christina Rieth". The script is fluid and cursive, with the first name "Christina" and last name "Rieth" clearly legible.

Christina Rieth
Current Plans
Associate Planner

CC: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD
Professional Engineering Consultants, attn: Rebecca Mellies, 303 South Topeka Avenue, Wichita, KS 67202

MAPC-Approved Language for the Empower PUD #135

PROJECT DESCRIPTION: The intent of this Planned Unit Development is to allow for the construction of a substation and to address/standardize items associated with substation construction. This project will also include a replat to vacate the public right-of-way within the limits of the PUD.

GENERAL PROVISIONS:

1. Total Land Area: 57,425 square feet or 1.32 acres
2. Required parking shall be limited to existing parking lots included on Parcel 1. However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site.
3. There shall be no minimum front yard, side yard or rear yard setbacks.
4. Landscaped street yard and landscape buffers are not required.
5. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.
6. Any outdoor areas shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed. The west property line of the parking lot along North Market Street shall have temporary screening during community events.
7. Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance. Outdoor music shall be limited to the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight on Friday and Saturday.
8. Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and midnight on Friday and Saturday.
9. Events that include 300 attendees or more shall be limited to two (2) events per week. Events that include 300 attendees or more shall be limited to two (2) events per week. Events shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday.
10. 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.
11. Community and outdoor events shall be permitted in accordance with City of Wichita licensing requirements. Any trash/litter created from said community events shall be contained during and cleaned within 24 hours of the completion of the event.
12. Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.
13. The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for

approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

15. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
16. The design layout shown on the plan illustrates the general development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.

LEGAL DESCRIPTION

1. Lot 1, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition.
2. Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to east line of said lot. (Vacation Ordinance No. 2023-20, Doc. #30258941)
3. Lots 1 and 3 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of said lots. (Vacation Ordinance No. 2023-20, Doc. #30258941).
4. Odd lots 5-23 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of Lots 5 and 7. (Vacation Ordinance No. 2023-20, Doc. #30258941) all in Wichita, Sedgwick County, Kansas.

All in Wichita, Sedgwick County, Kansas

PARCEL SUMMARY

Parcel 1

Allowable uses: all uses allowed in the General Commercial (GC) District with specific conditions for Entertainment Establishment in the City, Drinking Establishment, Event Center in the City, and Nightclub in the City, as defined in the Wichita-Sedgwick County Unified Zoning Code. See General Provisions.

Area: 57,425 square feet or 1.32 acres

Existing zoning: GC General Commercial

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. PUD2024-00024

Zone change request from GC General Commercial District to PUD Planned Unit Development, subject to the general provisions of PUD #135, on property legally described as:

Lots 1 and 2, Bouse's Replat of Lots 2, 4, 6, and 8, on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the East line of Lot 2.

AND

Odd Lots 1 through 23 inclusive, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the West line of Lots 1, 3, 5, and 7.

The Empower Planned Unit Development (PUD #135) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.

PROJECT DESCRIPTION: This site will be a vibrant cultural hub with three renovated buildings that foster community connection. This complex will feature public dining, shopping, and artistic experiences, along with low-cost resources for minority-owned startups. With a shared commercial kitchen and mentorship programs, aspiring entrepreneurs will thrive, while visitors can enjoy a rich array of handcrafted good, delicious food, live music, and cultural festivities.

The purpose of this Planned Unit Development (PUD) is to address proposed use restrictions associated with Entertainment Establishment in the City, Event Center in the City and Nightclub in the City as this infill redevelopment project is within 300 feet of a residential zoning district.

GENERAL PROVISIONS:

1. Total Land Area: 57,425 square feet or 1.32 acres
2. Required parking shall be limited to existing parking lots included on Parcel 1. However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site.
3. There shall be no minimum front yard, side yard or rear yard setbacks.
4. Landscaped street yard and landscape buffers are not required.

5. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.
6. Any outdoor areas shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed. The west property line of the parking lot along the North Market Street alley shall have temporary screening during community events.
7. Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance and a site plan is submitted identifying the alley and site of temporary screening. Outdoor music shall be limited to the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight on Friday and Saturday. Outdoor music is limited to locations identified on an approved site plan. In order for outdoor music to be permitted on the site, the site is required to have a solid barrier between the two buildings, across the former alley and immediately south of where the outdoor music would occur.
8. Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and midnight on Friday and Saturday. Outdoor service of food and drink is limited to locations identified on an approved site plan.
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10. 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.
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12. Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.
13. The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
16. The design layout shown on the plan illustrates the general development concept. Slight

modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.

LEGAL DESCRIPTION

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Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to east line of said lot. (Vacation Ordinance No. 2023-20, Doc. #30258941)

Lots 1 and 3 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of said lots. (Vacation Ordinance No. 2023-20, Doc. #30258941).

Odd lots 5-23 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of Lots 5 and 7. (Vacation Ordinance No. 2023-20, Doc. #30258941) all in Wichita, Sedgwick County, Kansas.

All in Wichita, Sedgwick County, Kansas.

PARCEL SUMMARY

Parcel 1

Allowable uses: all uses allowed in the General Commercial (GC) District with specific conditions for Entertainment Establishment in the City, Drinking Establishment, Event Center in the City, and Nightclub in the City, as defined in the Wichita-Sedgwick County Unified Zoning Code. See General Provisions.

Area: 57,425 square feet or 1.32 acres

Existing zoning: GC General Commercial

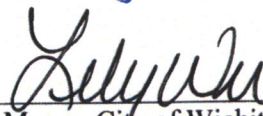
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #134 West Patrol Planned Unit Development) has special conditions for development on the property.

3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

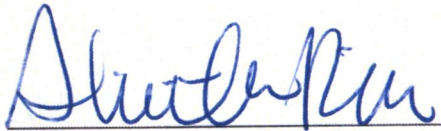
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 21st day of January, 2025.



Lily Wu, Mayor, City of Wichita

ATTEST:

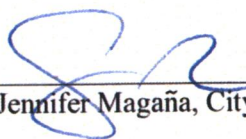


Shinita Rice, Deputy City Clerk



(SEAL)

Approved as to form:



Jennifer Magaña, City Attorney and Director of Law

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
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The Island Packet
The Kansas City Star
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The Telegraph - Macon
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The Modesto Bee
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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	629786	Print Legal Ad-IPL02136450 - IPL0213645	Ord. 52-610	\$213.60	4	88 L

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

srice@wichita.gov

OCA 150004 PUBLISHED AT WICHITA.GOV/LEGALNOTICES ON JANUARY 24, 2025
ORDINANCE NO. 82-610

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. PUD2024-00024

Zone change request from GC General Commercial District to PUD Planned Unit Development, subject to the general provisions of PUD #135, on property legally described as:
Lots 1 and 2, Bouse's Replat of Lots 2, 4, 6, and 8, on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the East line of Lot 2.

AND
Odd Lots 1 through 23 inclusive, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the West line of Lots 1, 3, 5, and 7.

The Empower Planned Unit Development (PUD #135) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.

PROJECT DESCRIPTION: This site will be a vibrant cultural hub with three renovated buildings that foster community connection. This complex will feature public dining, shopping, and artistic experiences, along with low-cost resources for minority-owned startups. With a shared commercial kitchen and mentorship programs, aspiring entrepreneurs will thrive, while visitors can enjoy a rich array of handcrafted good, delicious food, live music, and cultural festivities.

The purpose of this Planned Unit Development (PUD) is to address proposed use restrictions associated with Entertainment Establishment in the City, Event Center in the City and Nightclub in the City as this infill redevelopment project is within 300 feet of a residential zoning district.

GENERAL PROVISIONS: Total Land Area: 57,425 square feet or 1.32 acres

Required parking shall be limited to existing parking lots included on Parcel 1. However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site.

There shall be no minimum front yard, side yard or rear yard setbacks.

Landscape street yard and landscape buffers are not required.

All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.

Any outdoor areas shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed. The west property line of the parking lot along the North Market Street alley shall have temporary screening during community events.

Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance and a site plan is submitted identifying the alley and site of temporary screening. Outdoor music shall be limited to the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight on Friday and Saturday. Outdoor music is limited to locations identified on an approved site plan. In order for outdoor music to be permitted on the site, the site is required to have a solid barrier between the two buildings, across the former alley and immediately south of where the outdoor music would occur.

Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and midnight on Friday and Saturday. Outdoor service of food and drink is limited to locations identified on an approved site plan.

Events that include 300 attendees or more shall be limited to two (2) events per week. Events that include 300 attendees or more shall be limited to two (2) events per week. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday.

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.

Community and outdoor events shall be permitted in accordance with City of Wichita licensing requirements. Any trash/litter created from said community events shall be contained during and cleaned within 24 hours of the completion of the event.

Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.

The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.

The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

The design layout shown on the plan illustrates the general development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.

LEGAL DESCRIPTION: Lot 1, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to east line of said lot. (Vacation Ordinance No. 2023-20, Doc. #30258941)

Lots 1 and 3 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of said lots. (Vacation Ordinance No. 2023-20, Doc. #30258941)

Odd lots 5-23 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of Lots 5 and 7. (Vacation Ordinance No. 2023-20, Doc. #30258941) all in Wichita, Sedgwick County, Kansas.

All in Wichita, Sedgwick County, Kansas.

PARCEL SUMMARY: Parcel 1: Allowable uses: all uses allowed in the General Commercial (GC) District with specific conditions for Entertainment Establishment in the City, Drinking Establishment, Event Center in the City, and Nightclub in the City, as defined in the Wichita-Sedgwick County Unified Zoning Code. See General Provisions.

Area: 57,425 square feet or 1.32 acres

Existing zoning: GC General Commercial

2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #134 West Patrol Planned Unit Development) has special conditions for development on the property.

3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 21st day of January, 2025.

ATTEST:
Shinita Rice, Deputy City Clerk
(SEAL)

Willy Wu, Mayor, City of Wichita

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

IPL0213645
Jan 24 2025

In The STATE OF KANSAS
In and for the County of Sedgwick
1 insertion(s) published on:
01/24/25

STATE OF KANSAS)

SS

County of Sedgwick)

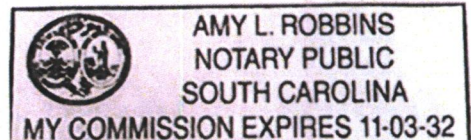
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 01/24/2025 to 01/24/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 01/24/2025

Amy Robbins

Notary Public in and for the state of South Carolina,
residing in Beaufort County



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



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

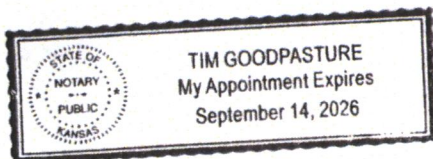
Being first duly sworn, deposes and says:

That Tyler Schiffelbein, Communications Manager of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. 52-610 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 24th day of January, 2025.

Signature

SUBSCRIBED AND SWORN to before me this 17 day of JANUARY, 2025



(seal)

Notary Public

City Clerk's Office

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529

www.wichita.gov



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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	\$126.18	2	75 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on November 20, 2024
(One Time Only)
MAPC/BZA December 12, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West MacArthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
Nov 20 2024

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

1 insertion(s) published on:

11/20/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 11/20/2024 to 11/20/2024.

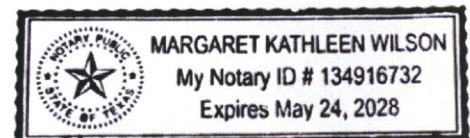
Mary Castro

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

DATED: 11/20/2024

Margaret K. Wilson

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: December 12, 2024
DAB VI: December 9, 2024

CASE NUMBER: PUD2024-00024 (City)

APPLICANT/AGENT: Empower Evergreen (Applicant)/ Professional Engineering Consultants (Agent)

REQUEST: Rezone to create the Empower Planned Unit Development PUD #135

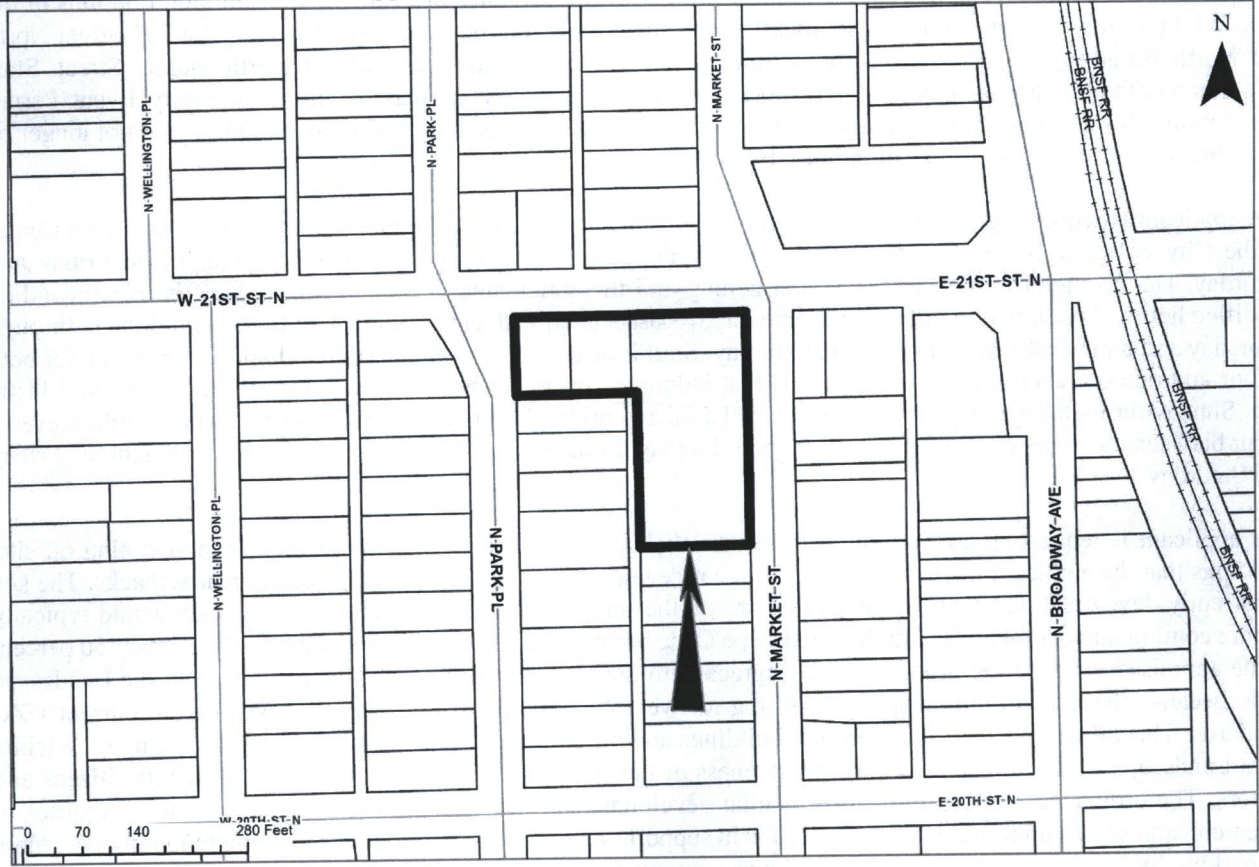
CURRENT ZONING: GC General Commercial District

SITE SIZE: 1.32 acres

LOCATION: Generally located on the southwest corner of North Market Street and East 21st Street North (2157 North Market Street).

PROPOSED USE: Entertainment Establishment in the City, Night Club in the City, Restaurant, Retail.

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a zone change from GC General Commercial District (GC) to PUD Planned Unit Development (PUD) to create the Empower Planned Unit Development (PUD #135). The subject site is 1.32 acres in size and is generally located on the southwest corner of North Market Street and East 21st Street North (2157 North Market Street). The property is developed with two vacant buildings constructed in 1951 and 1929.

The vacant buildings are currently under renovation for the proposed redevelopment. The former furniture store, built in 1951 on the southeast corner of East 21st Street North and North Park Place, will be redeveloped into a commercial kitchen. The former Nomar Theater, built in 1929 on the southwest corner of North Market Street and East 21st Street North (2157 North Market Street), was historically a social hub for Mexican immigrants and known for showing Spanish language movies. The applicant proposes to turn the theater into a retail, vendor, and event space. The alley between the two buildings was vacated last year, which the applicant proposes to turn into an outdoor dining and gathering space.

The events and uses on site fall under the category of both "Entertainment Establishment in the City" and "Night Club in the City". The latter provides alcohol and live entertainment for more than 300 persons, and the former provides alcohol and live entertainment for less than 300 persons. Event Center in the City is defined under the Unified Zoning Code (UZC) as "premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled." Requests for any of these uses, when the property is within 300 feet of a place of worship, public park, school, or residential zoning, usually require a Conditional Use application under Section III-D.6.w of the UZC. The subject site's parking lot is adjacent to B Multi-Family Residential District zoning, across an alleyway. A PUD acts in lieu of a Conditional Use application because the notification and public hearing processes are the same.

Section IV-A of the UZC requires one parking space per two occupants for each use. The applicant is requesting to utilize the existing parking lot on the southern half of the subject site, regardless of the number of anticipated occupants. Staff is in agreement with the request in light of the diversity of available transportation options in the area. Wichita Transit stops one-block southeast of the subject site, on the southeast corner of East 20th Street North and North Broadway Avenue as well as within one-block north on the west side of North Market Street. Staff recommends that a parking plan and transportation plan be provided as part of any Community Event Permit application. This is because Community Events would be taking place in the parking lot, which would not longer be available to on-site parking for a Community Event.

The applicant is requesting either Entertainment Establishment in the City, Night Club in the City, or Event Center in the City between 10:00am and 11:00pm Sunday through Thursday and 10:00am to midnight on Friday and Saturday. Due to the proximity of residential zoning and the anticipated noise and traffic, staff is recommending modified hours of operation to mitigate adverse impacts associated with entertainment, until 9:00pm Sunday through Thursday and until 11:00pm on Friday and Saturday. Staff is also recommending different hours of operation for both indoor and outdoor events. Staff recommends that indoor events occur between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday, while outdoor events occur between the hours of 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. on Friday and Saturday.

The applicant is requesting an exemption from the Wichita Landscape Code and not require landscaping on site. buildings that the applicant intends to utilize for the redevelopment have zero front, side, and rear setbacks. The site is currently developed with two buildings that are on the setback lines. A renovation of this scale would typically require coming into compliance with the Landscape Code because the value of the renovation is likely over 50 percent of the appraised value of the property. Staff agrees with the applicant's request to be exempt from the Landscape Code because the existing buildings and parking lot were constructed to the property lines, before current UZC standards. This affords no space between the buildings and the sidewalk to install landscaping. The City of Wichita has a Landscape Code "to enhance the attractiveness of the city and improve the quality of life for its citizens and visitors. The ordinance seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views." Staff is in support of eliminating parking lot screening requirements unless the parking lot is reconstructed. Any current improvements for the parking lot shall not increase the value of the lot

by more than 50 percent and thus can remain nonconforming.

The applicant shall mostly adhere to the screening standards set forth in Section IV of the UZC, which requires a six-to eight-foot solid screening fence where abutting residentially zoned properties. Staff recommends adding language to include the west property line of the parking lot along North Market Street.

The character of the neighborhood is low-intensity commercial and residential development. Properties to the north, across East 21st Street North, are zoned GC and developed with restaurants. Properties to the south are zoned GC and are developed with a triplex and a duplex. Properties to the east, across North Market Street, are zoned GC and developed with a strip mall, which includes retail and restaurants. Properties to the west, across North Park Place, are zoned GC and developed with a quadplex, a single-family residence, and an autobody shop.

CASE HISTORY: On January 27, 1887, the eastern half of the subject site was platted as Gossard's Subdivision of Gossard's Addition. On May 20, 1947, the western half of the subject site was platted as Bouse's Replat of Gossard's Subdivision. In 2023, the Wichita City Council approved the request to vacate the alley between the east and west buildings (VAC2023-00020).

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Restaurants
SOUTH:	GC	Triplex, duplex
EAST:	GC	Strip mall
WEST:	GC	Quadplex, single-family residence, autobody shop

PUBLIC SERVICES: The subject site has access to East 21st Street North, a three-lane arterial street with sidewalks on each side, as well as North Park Place, a two-lane, one-way local street with sidewalks on each side, and North Market Street, a two-lane arterial street with sidewalks on each side. Water and sewer services on site are already provided by the City of Wichita. Wichita Transit stops one-block southeast of the subject site, on the southeast corner of East 20th Street North and North Broadway Avenue and within one-block north on the west side of North Market Street.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan's* 2035 Wichita Future Growth Concept Map. The Map identifies the area to be appropriate for mostly "Commercial" uses, which the *Plan* describes as follows: "*Encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.*" The requested zone change would allow for the redevelopment of the site into a commercial space. The proposed redevelopment would likely yield an increase in traffic, but it is near two major arterials (East 21st Street North and North Broadway Avenue) and is buffered with multi-family housing to the south.

The proposed rezoning is in conformance with the Land Use Compatibility Guidelines of the *Community Investments Plan*. One of the General Design Guidelines recommends that "Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors." The proposed development is located at the intersection of two arterial streets: East 21st Street North and North Market Street.

The requested zone change is in conformance with the *Wichita: Places for People Plan*. The *Plan* highlights several Strategies "to help guide the community in their actions to create walkable places within Wichita." Strategy 3 aims to "Improve the economic feasibility of commercial/service uses and the markets necessary to support them." The zone change request effectively improves the economic feasibility of the custom development on site by streamlining the intended uses on site. Strategy 6 aims to "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The applicant is redeveloping a former theater and furniture store into a startup for vendors

and small businesses, which is appropriate for this area.

The requested zone change is in conformance with the *21st Street North Corridor Revitalization Plan*. The *Plan* aims to promote Wichita as an ethnic and cultural center to the region, which the *Plan* aims to accomplish by “establishment of an International Marketplace emanating from the intersection of 21st and Market Street in the West-Sub Area” and “continued encouragement of further ethnic/cultural commercial uses along the length of 21st Street.” The Preferred 20 Year Land Use Plan identifies the subject site with as appropriate for Neighborhood Retail within the International Marketplace Overlay District. The intended use of the site aims to complement the Nomar International Market on the northeast corner of East 21st Street North and North Market Street by similarly bringing cultural events and vendors to the site.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the Empower Planned Unit Development PUD #135 as attached hereto, and subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #135 Empower Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is low-intensity commercial and residential development. Properties to the north, across East 21st Street North, are zoned GC and developed with restaurants. Properties to the south are zoned GC and are developed with a triplex and a duplex. Properties to the east, across North Market Street, are zoned GC and developed with a strip mall, which includes retail and restaurants. Properties to the west, across North Park Place, are zoned GC and developed with a quadplex, a single-family residence, and an autobody shop.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is zoned GC, which allows Entertainment Establishment in the City and Night Club in the City by Conditional Use approval and restricts the occupancy by the number of on-site parking spaces and requires landscaping for redeveloped sites. The PUD acts in lieu of a Conditional Use application because the notification and public hearing processes are the same.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Uses permitted in the existing GC zoning permits several higher intensity commercial uses that may generate possible negative impacts on the surrounding area with light pollution, noise, and traffic. The interim in which the applicant intends to remodel the buildings may result in a temporary increase in construction traffic and noise. If approved, use of the site for outdoor events could increase noise pollution and parking congestion in the area during those events.
4. Length of time the property has been vacant as currently zoned: The subject site is not vacant. The subject site has been developed with buildings since 1929 and 1951.
5. Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow the existing buildings to be redeveloped and be in use, which is generally considered a public gain. Denial of the request may result in the applicant's loss of use and enjoyment of their property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The

requested rezoning is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *21st Street North Corridor Revitalization Plan*, as discussed in the staff report.

7. Impact of the proposed development on community facilities: The proposed use should not have any significant impact on municipal services, such as water, sewer, and stormwater. Municipal services are available and ready for this site. Staff anticipates an increase in traffic following the redevelopment, especially during days with events. The required parking and transportation plan in the PUD document should mitigate potential negative impacts.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff did not receive any comments from the public on the requested zone change.

Attachments:

1. PUD #135 Text
2. PUD Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. 21st Street North Corridor Plan, Preferred 20 Year Land Use Plan Map
7. Photos

PUD #135 Text

Staff-recommended changes are in red.

EMPOWER
Planned Unit Development No. 135
Case Number: PUD2024-00024

PROJECT DESCRIPTION: The intent of this Planned Unit Development is to allow for the construction of a substation and to address/standardize items associated with substation construction. This project will also include a replat to vacate the public right-of-way within the limits of the PUD.

GENERAL PROVISIONS:

1. Total Land Area: 57,425 square feet or 1.32 acres
2. Required parking shall be limited to existing parking lots included on Parcel 1. ~~No minimum number of parking stalls shall be required.~~ However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site. ~~coordinated.~~
3. There shall be no minimum front yard, side yard or rear yard setbacks.
4. ~~A landscaping plan shall not be required.~~ Landscaped street yard and landscape buffers are not required.
5. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.
6. ~~The~~ Any outdoor areas, including the west property line of the parking lot along North Market Street shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed.
7. Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance. Outdoor music shall be limited to the hours of 10:00 a.m. to 9:00 ~~11:00~~ p.m. Sunday through Thursday and 10:00 a.m. to ~~midnight~~ 11:00 p.m. on Friday and Saturday.
8. Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 9:00 ~~11:00~~ p.m. Sunday through Thursday and between the hours of 10:00 a.m. and ~~midnight~~ 11:00 p.m. on Friday and Saturday.
9. Events that include ~~over~~ 300 attendees or more shall be limited to two (2) ~~daily~~ events per week. ~~and Indoor events~~ shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday. Outdoor events shall be allowed between the hours of 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. on Friday and Saturday.
10. 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.
11. Community and outdoor events shall be permitted in accordance with City of Wichita licensing requirements. Any trash/litter created from said community events shall be contained during and cleaned within 24 hours of the completion of the event.
12. Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.

13. The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the **Governing Body**, and any substantial deviation of the plan, as determined by the Zoning Administrator ~~or~~ and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes in this development plan shall be submitted to the Planning Commission and to the **Governing Body** for their consideration.
16. The design layout shown on the plan illustrates the general development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.

LEGAL DESCRIPTION

1. Lot 1, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition.
2. Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to east line of said lot. (Vacation Ordinance No. 2023-20, Doc. #30258941)
3. Lots 1 and 3 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of said lots. (Vacation Ordinance No. 2023-20, Doc. #30258941).
4. Odd lots 5-23 on Market Street, Gossard's Subdivision of Gossard's Addition, together with that part of 14' wide vacated alley adjacent to west line of Lots 5 and 7. (Vacation Ordinance No. 2023-20, Doc. #30258941) all in Wichita, Sedgwick County, Kansas.

All in Wichita, Sedgwick County, Kansas

PARCEL SUMMARY

Parcel 1

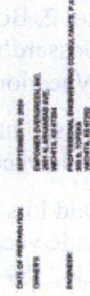
Allowable uses: all uses allowed in the General Commercial (GC) District with specific conditions for Entertainment Establishment in the City, Drinking Establishment, Event Center in the City, and Nightclub in the City, as defined in the Wichita-Sedgwick County Unified Zoning Code. See General Provisions.

Area: 57,425 square feet or 1.32 acres

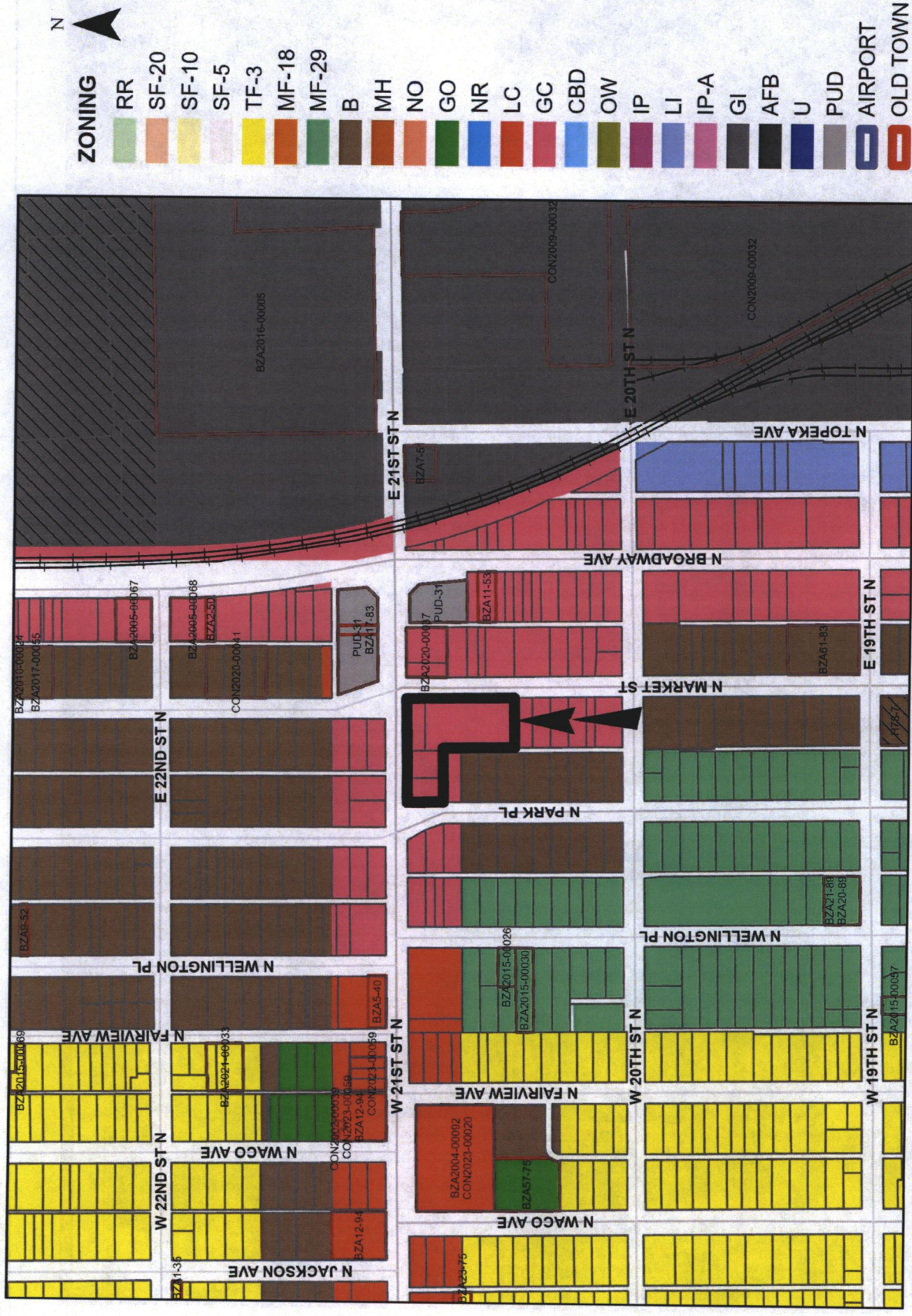
Existing zoning: GC General Commercial



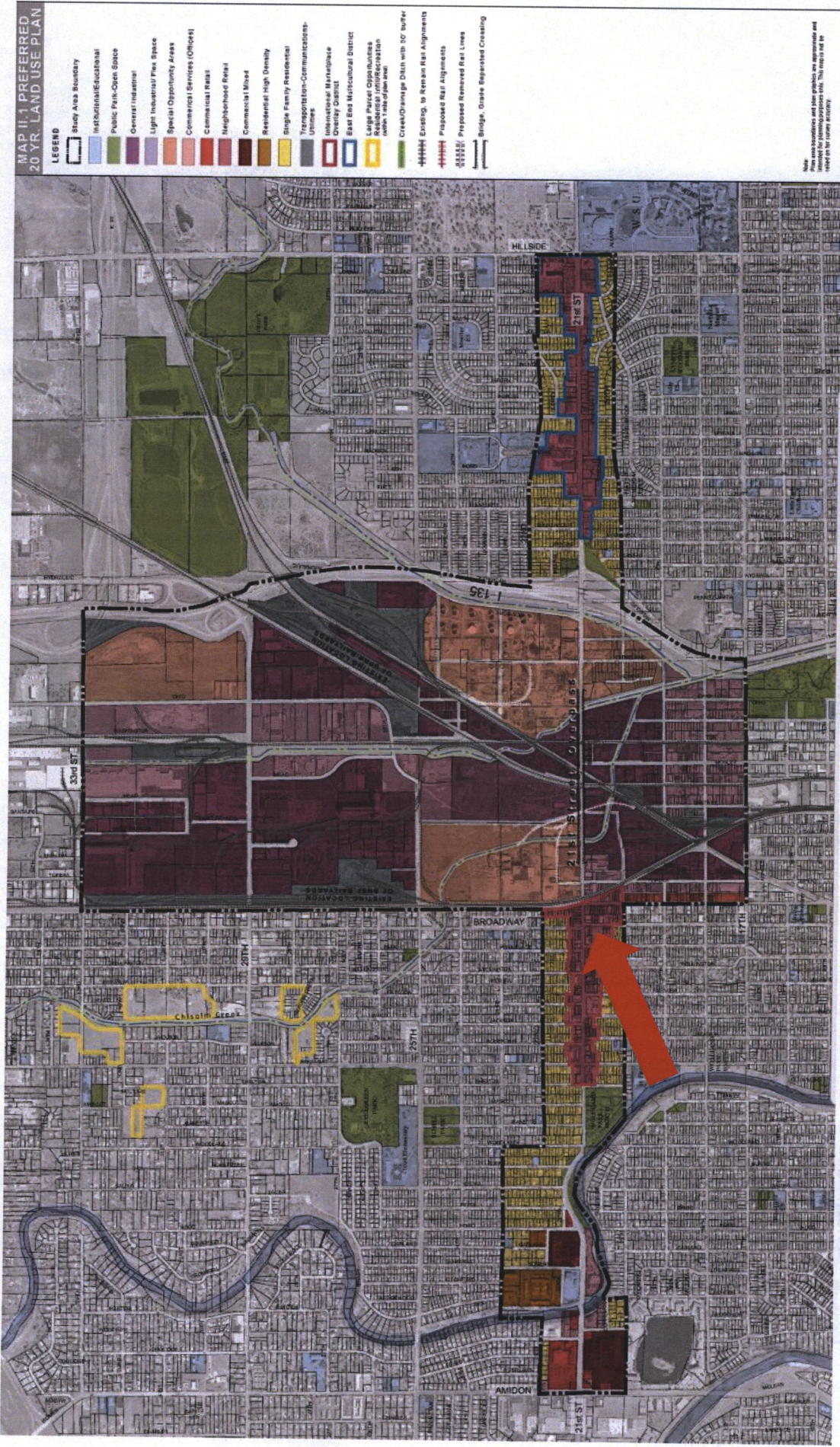
THE CITY WILL BE A MAJOR OUTLET FOR NEW ARTS AND RECREATION BUILDINGS. THE JOINT COMMUNITY CONNECTIONS PROJECT WILL BE A MAJOR LINK BETWEEN THE ARTS AND RECREATION DISTRICTS AND THE CITY CENTER. THE PROJECT WILL BE A MAJOR LINK BETWEEN THE ARTS AND RECREATION DISTRICTS AND THE CITY CENTER. THE PROJECT WILL BE A MAJOR LINK BETWEEN THE ARTS AND RECREATION DISTRICTS AND THE CITY CENTER.

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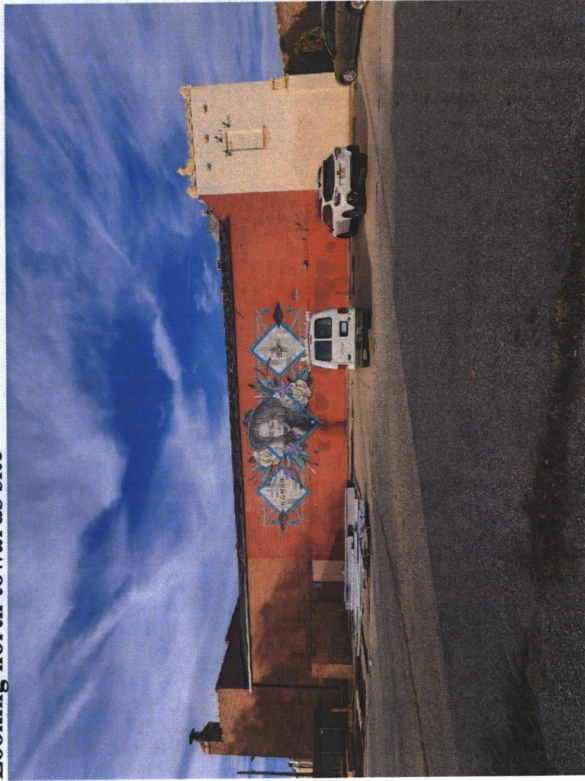




21st Street Corridor Revitalization Plan, Preferred 20-Year Land Use Plan



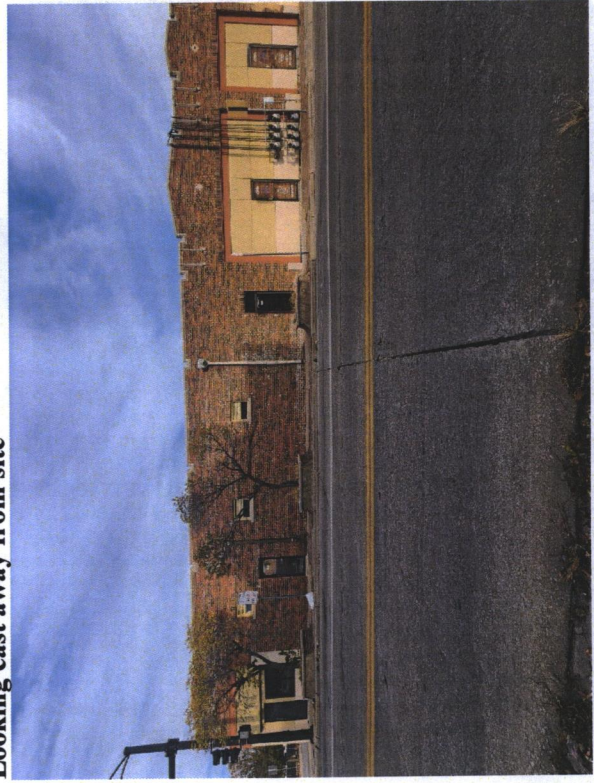
Looking north towards site



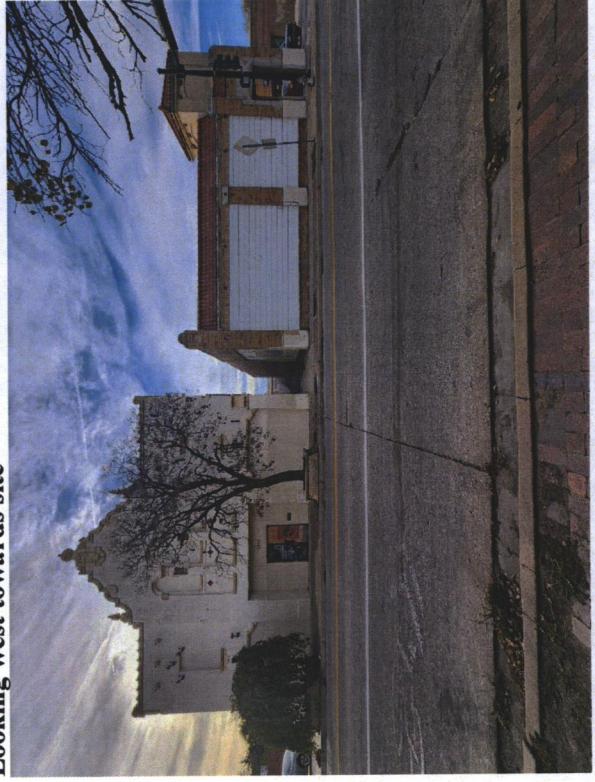
Looking south away from site



Looking east away from site



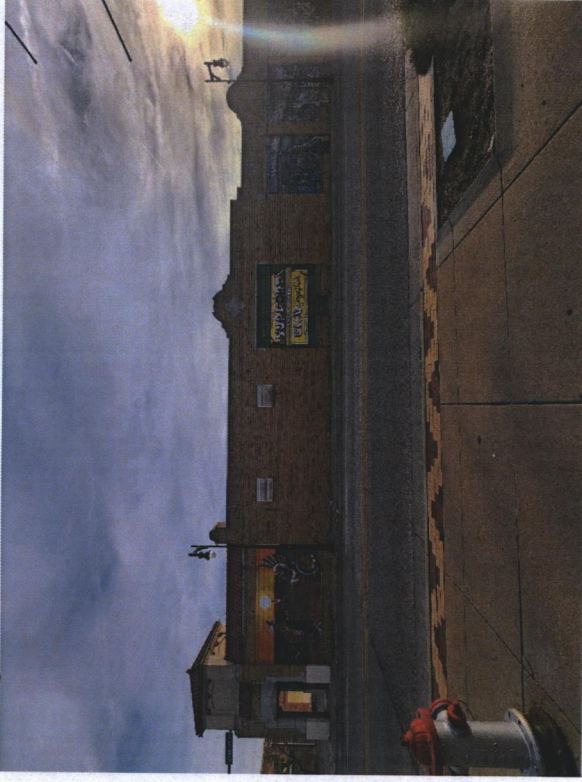
Looking west towards site



Looking north away from site



Looking south towards site



Looking south towards site

