Wichita-Sedgwick County Metropolitan Area Planning Department

September 17, 2025

Kathy and Tony Nguyen; Van Le;
1440 N Oliver
Wichita, KS 67208

RE: CON2025-00093 –A Conditional Use Amendment to extend hours of Entertainment Establishment, Generally located on the northeast corner of South Seneca Street and West Pawnee Avenue (1040 West Pawnee Avenue).

Dear Applicant;

At its regular meeting on **July 15, 2025**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the above captioned request, with modified conditions listed below. If you have any questions concerning this application, please contact our office at 268-4421.

1. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 10:00 p.m. Sunday-Thursday and 12:00 p.m. (noon) and 11:00 p.m. Friday-Saturday and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
2. Guests must vacate the premises by 12:00 a.m.
3. All other approved conditions of CON2024-00212 shall apply.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
Brian and April Hudson 2325 S. Walnut St. Wichita, KS 67213
Linda Crownover 2310 S. Walnut St. Wichita, KS 67213
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

Kathy and Tony Nguyen; Van Le;
1440 N Oliver
Wichita, KS 67208

August 14, 2025

RE: CON2025-00093 –A Conditional Use Amendment to extend hours of Entertainment Establishment, Generally located on the northeast corner of South Seneca Street and West Pawnee Avenue (1040 West Pawnee Avenue).

Dear Applicant,

At its regular meeting on **August 15, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **DENIAL** of the Amendment.

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 **August 28, 2025**. 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 **August 28, 2025, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, September 16, 2025**, 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 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
Brian and April Hudson 2325 S. Walnut St. Wichita, KS 67213
Linda Crownover 2310 S. Walnut St. Wichita, KS 67213

OCA 150004 PUBLISHED AT WICHITA.GOV/LEGALNOTICES ON SEPTEMBER 19, 2025

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

RESOLUTION NO. 25-426

WHEREAS, Tong & Kathy Nguyen, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests to amend a Conditional Use to extend hours of an Entertainment Establishment in the City to 1:00 am on Fridays and Saturdays on property zoned LC Limited Commercial District, generally located on the northeast corner of South Seneca Street and West Pawnee Avenue, legally described as:

> Lot 1, M and B Addition to Wichita, Sedgwick County, Kansas, EXCEPT That part beginning 146 feet South and 165 feet East of the Northwest corner thereof; thence East 122.5 feet; thence South 165 feet; thence West 122.5 feet; thence North 165 feet to the point of beginning; AND EXCEPT That part beginning at the Northwest corner thereof; thence South 122 feet; thence East 165 feet; thence North to the North line of said Lot 1; thence West to the point of beginning.

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 August 14, 2025, 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 amend a Conditional Use to extend hours of an Entertainment Establishment in the City to 1:00 am on Fridays and Saturdays on property zoned LC Limited Commercial District, generally located on the northeast corner of South Seneca Street and West Pawnee Avenue, legally described as:

> Lot 1, M and B Addition to Wichita, Sedgwick County, Kansas, EXCEPT That part beginning 146 feet South and 165 feet East of the Northwest corner thereof; thence East 122.5 feet; thence South 165 feet; thence West 122.5 feet; thence North 165 feet to the point of beginning; AND EXCEPT That part beginning at the Northwest corner thereof; thence South 122 feet; thence East 165 feet; thence North to the North line of said Lot 1; thence West to the point of beginning.

Approved subject to the following conditions:

1. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 10:00 p.m. Sunday-Thursday and 12:00 p.m. (noon) and 11:00 p.m. Friday-Saturday and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
2. Guests must vacate the premises by 12:00 a.m.
3. All other approved conditions of CON2024-00212 shall apply.

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

Adopted on 16th day of September, 2025.

Lily Wu, Mayor, City of Wichita

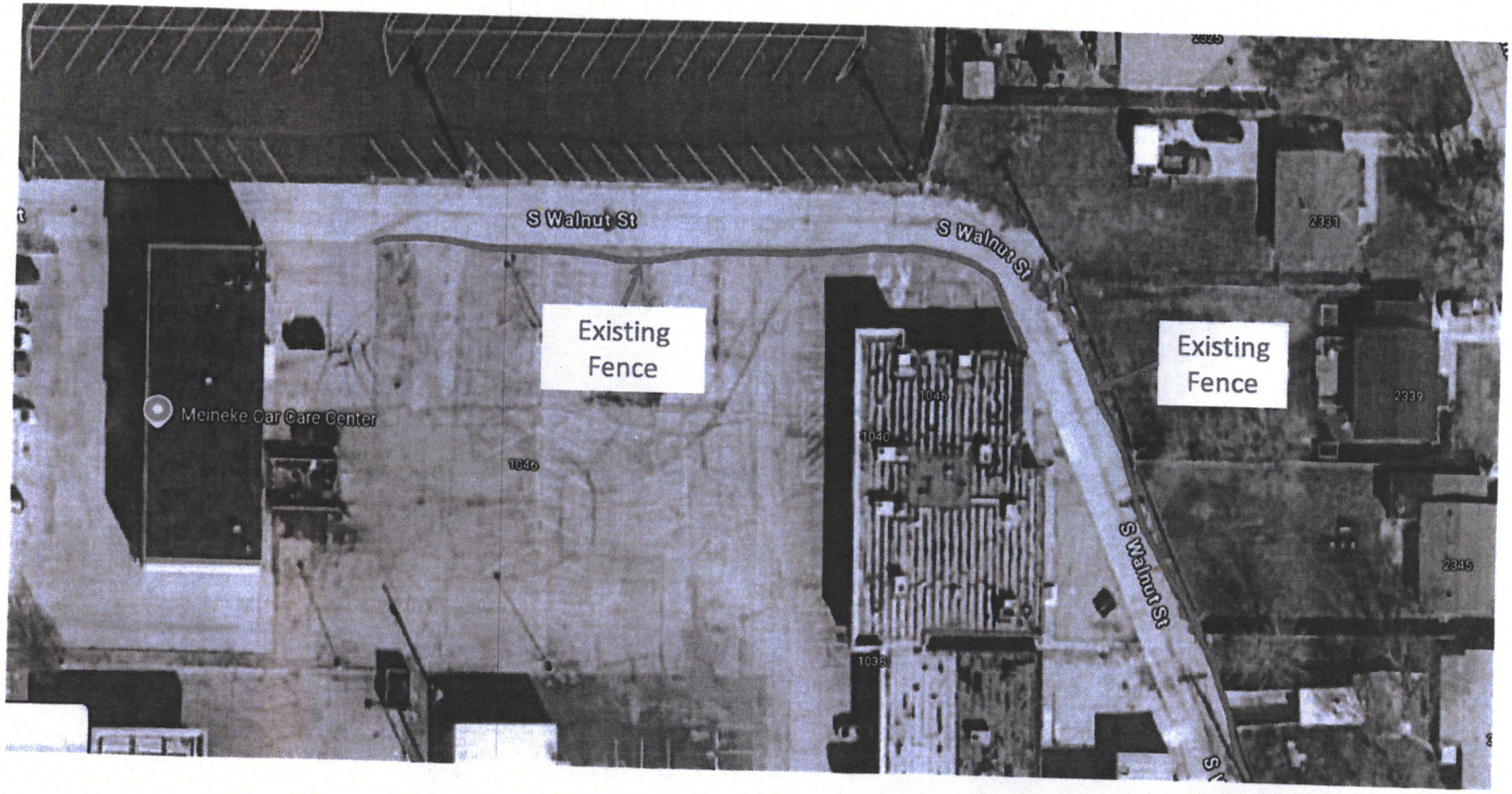
ATTEST:

Shnita Rice, Deputy City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law



SITE PLAN

APPROVED 9/16/25 BY JBE

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
49235	IPL0273936	Legal Ad - IPL0273936		2.0	154.0L

ATTENTION: CITY OF WICHITA/CLERKS OFFICE IP
455 N MAIN ST FL 13
WICHITA, KS 67202
srice@wichita.gov;LAlvarez@wichita.gov

ITEMS PUBLISHED ON WICHITA.GOV/LEGAL NOTICES
SEPTEMBER 12, 2025

ORDINANCE NO. 52-807
AN ORDINANCE AMENDING SECTION 5.05.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS RELATING TO OFFENSES WITHIN THE OLD TOWN ENTERTAINMENT DISTRICT.

An ordinance regarding mapping restrictions in Old Town Entertainment District.

ORDINANCE NO. 52-808
AN ORDINANCE AMENDING SECTION 5.68.218 OF THE CODE OF THE CITY OF WICHITA, KANSAS RELATING TO FAILURE TO COMPLY WITH MAPPING RESTRICTIONS.

An ordinance regarding failing to comply with mapping restrictions.

ORDINANCE NO. 52-809

AN ORDINANCE AMENDING SECTIONS 5.44.010, 5.44.020, 5.44.040, AND 5.44.050, AND CREATING SECTION 5.44.070 OF THE CODE OF THE CITY OF WICHITA, KANSAS RELATING TO ILLEGAL DUMPING AND LITTERING.

An ordinance regarding illegal dumping.

ORDINANCE NO. 52-810

AN ORDINANCE CREATING CHAPTER 5.63, AMENDING SECTION 11.60.240 AND REPEALING CHAPTER 7.41 OF THE CODE OF THE CITY OF WICHITA, KANSAS RELATING TO NOISE NUISANCES.

An ordinance regarding the operation of loud vehicles.

ORDINANCE NO. 52-811

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS (THE "CITY"), AMENDING ORDINANCE NO. 52-174 AUTHORIZING COMMUNITY IMPROVEMENT PROJECTS TO BE FUNDED WITH HYATT SALE PROCEEDS.

An ordinance regarding Hyatt Proceeds for District III.

RESOLUTION NO. 25-426

WHEREAS, TONG & KATHY NGUYEN, OWNERS, PURSUANT TO SECTION V-D OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (HEREIN REFERRED TO AS UNIFIED ZONING CODE), REQUESTS TO AMEND A CONDITIONAL USE TO EXTEND HOURS OF AN ENTERTAINMENT ESTABLISHMENT IN THE CITY TO 1:00 AM ON FRIDAYS AND SATURDAYS ON PROPERTY ZONED LC LIMITED COMMERCIAL DISTRICT, GENERALLY LOCATED ON THE NORTHEAST CORNER OF SOUTH SENECA STREET AND WEST PAWNEE AVENUE.

A resolution modifying the conditional use hours and conditions.

RESOLUTION NO. 25-429

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 25-142 OF THE CITY OF WICHITA, KANSAS WHICH AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

A resolution regarding improvements to Douglas Avenue from Seneca to Meridian Streets.

RESOLUTION NO. 25-431

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 25 -325 OF THE CITY OF WICHITA, KANSAS WHICH AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

A resolution regarding improvements to 135th Street West from Central Avenue to 13th Street North.

THE FULL DOCUMENTS CAN BE VIEWED AT WICHITA.GOV/LEGALNOTICES.
IPL0273936
Sep 19 2025

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

the undersigned, 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.

1.0 insertion(s) published on:
09/19/25 Print

Print Tearsheet Link

Marketplace Link

Shannon Gray

DIGITALLY SIGNED

Shannon Gray

Sherry J Chasteen

DIGITALLY SIGNED

Sworn to and subscribed before me on Sep 19, 2025, 10:02 AM EDT

NOTARY PUBLIC STATE OF TEXAS
SHERRY J CHASTEEN
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 125328401
MY COMMISSION EXPIRES 4/16/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

ITEMS PUBLISHED ON WICHITA.GOV/LEGAL NOTICES
SEPTEMBER 12, 2025

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THE FULL DOCUMENTS CAN BE VIEWED AT WICHITA.GOV/LEGALNOTICES.
IPL0273936
Sep 19 2025

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0255988	Legal Ad - IPL0255988	MAPC Public Hearing	2.0	190.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

OCA 150004
MAPC/BZA August 14, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, August 14, 2025, 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.**

BZA2025-00046: Variance request in the City to reduce building to building setback from 3 feet to 16 inches in the SF-5 Single-family Residential District, generally located on the west side of South Dellrose Avenue and within 360 feet west of South Oliver Avenue (285 South Dellrose Avenue).

BZA2025-00047: Variance request in the City to allow a sign to be within the required setbacks on property zoned LC Limited Commercial District, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Street).

CON2025-00093: Conditional Use amendment in the City to extend Entertainment Establishment hours on Fridays and Saturdays on property zoned LC Limited Commercial, generally located on the north side of West Pawnee Avenue and within 300 feet east of South Seneca Street (1040 West Pawnee Avenue).

CON2025-00094: Conditional Use request in the City to have Group Residence, Limited on property zoned SF-5 Single-Family Residential District to have up to 12 residents on site, generally located on the south side of East Peach Tree Lane, within 200 feet west of South Woodlawn Boulevard (6321 East Peach Tree Lane).

CUP2025-00022: Amendment to CUP DP-67 to allow Warehouse, Self-Service Storage and change development standards for Parcel 3B, generally located on the east side of North Woodlawn Boulevard and within one-quarter mile south of East 21st Street North.

DER2024-00008: Pursuant to K.S.A. 12-757 et. Seq., amendment of the Unified Zoning Code regarding the Day Care, General Use in Residential Zoning Districts, will be considered.

DER2025-00019: Repeal of the existing Airport Hazard Zoning Code and adoption of the new Airport Hazard Zoning Code, will be considered.

PUD2025-00015: Zone Change request in the City from LI Limited Industrial and LC Limited Commercial to PUD to create the Douglas Flats PUD #146, generally located on the southwest corner of West Douglas Avenue and South Exposition Street (109 South Exposition Street).

PUD2025-00016: Zone Change request in the City from LI Limited Industrial to PUD Planned Unit Development to create the Proctor Family Indoor Athletic Facility PUD #147, generally located on the west side of East 28th Street North and within 575 feet west of North Greenwich Road (11010 East 28th Street North).

VAC2025-00024: Vacation request in the City to vacate a 20-foot platted alleyway for private maintenance, generally located south of East Douglas Avenue, between South Kansas Avenue and South Minneapolis Avenue and north of East English Street.

VAC2025-00025: Vacation request in the City to vacate a utility easement; generally located west of South Seneca Street and 1,100 feet south of West Pawnee Avenue.

VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1,000 feet west of North Maize Road and 1,300 feet north of West 21st Street North.

VAC2025-00027: Vacation request in the City of 15-foot-wide x 125-foot-long public alley to the west of Lot 51 and the east of Lot 49, Matinson's 4th Addition, generally located south of West Douglas Avenue.

ZON2025-00033: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located on the south side of West 50th Street South and approximately one-third mile east of South Seneca Street.

ZON2025-00034: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-family Residential to allow duplex development, generally located on the east side of East Harding Avenue and within 150 feet south of East Central Avenue (440 North Harding Avenue).

ZON2025-00035: Zone Change request in the City from LC Limited Commercial District to GC General Commercial, generally located 300 feet west of North Ridge Road and 300 feet north of West Central Avenue.

ZON2025-00036: Zone Change request in the City from GO General Office District to LC Limited Commercial District, generally located on the northwest corner of West Maple Street and North 135th Street (13610 West Maple Street).
IPL0255988
Jul 23 2025

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

the undersigned, 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.

1.0 insertion(s) published on:
07/23/25 Print

Print Tearsheet Link

Marketplace Link

Russ Davis

DIGITALLY SIGNED

Russ Davis

Sherry J Chasteen

DIGITALLY SIGNED

Sworn to and subscribed before me on Jul 23, 2025, 10:40 AM EDT

NOTARY PUBLIC STATE OF TEXAS
SHERRY J CHASTEEN
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 125328493
MY COMMISSION EXPIRES 4/16/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.1

STAFF REPORT

MAPC: August 14, 2025
DAB IV: August 11, 2024

CASE NUMBER: CON2025-00093 (City)

OWNER/AGENT: Kathy and Tong Nguyen; Van Le (Applicants)

REQUEST: Conditional Use Amendment to CON2024-00212 to extend hours of Entertainment Establishment in the City

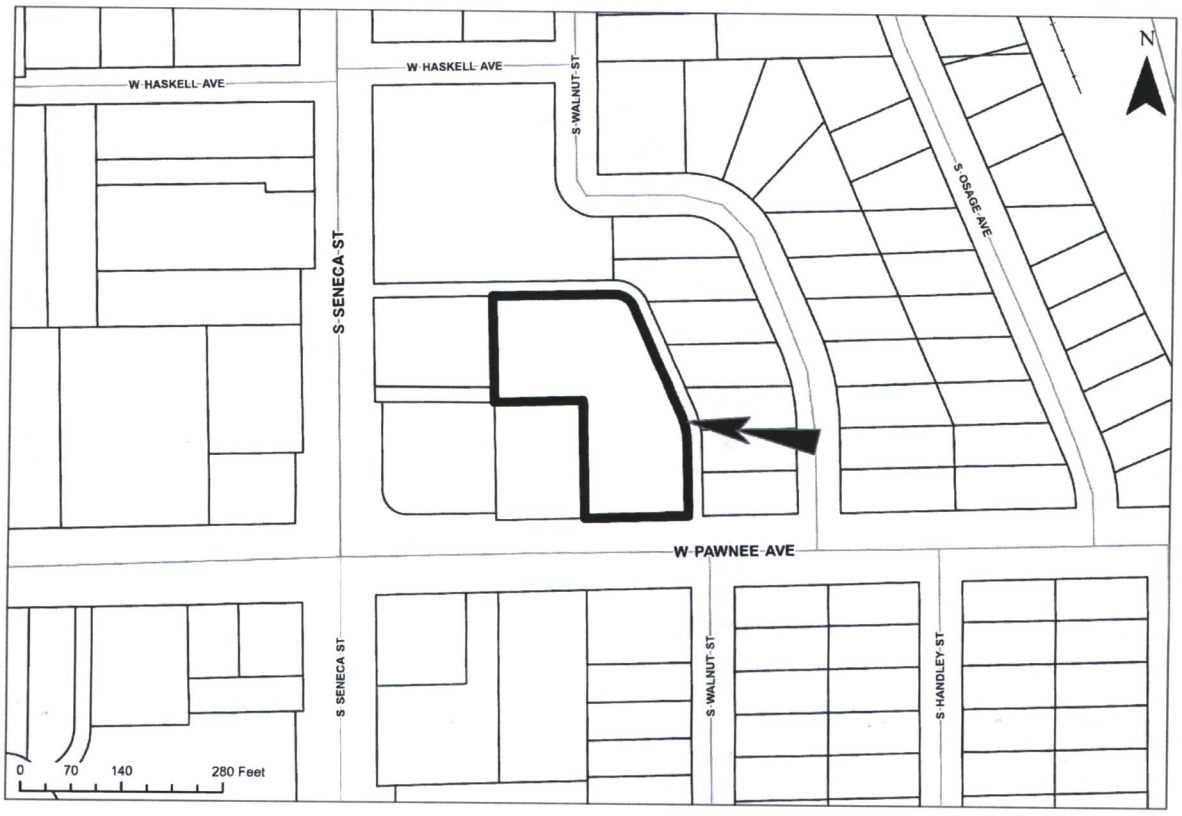
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.35 acres

LOCATION: Generally located on the northeast corner of South Seneca Street and West Pawnee Avenue (1040 West Pawnee Avenue)

PROPOSED USE: Entertainment Establishment

RECOMMENDATION: Deny



BACKGROUND: The applicant is requesting an amendment to a Conditional Use to extend the approved hours of an Entertainment Establishment in the City from 12:00 p.m. - 10:00 p.m. to 12:00 p.m. - 1:00 a.m. on Fridays and Saturdays. The site is zoned LC Limited Commercial and is located with 300 feet of residentially zoned properties. The 1.35-acre site is generally located on the northeast corner of South Seneca Street and West Pawnee Avenue (1040 West Pawnee Avenue).

On October 15, 2024, the Wichita City Council approved a Conditional Use (CON2024-00212) request to permit an Entertainment Establishment in the City on the subject site. Below is a list of the Conditions of Approval for the case:

1. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 10:00 p.m. and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
2. There shall be no amplified music or speakers outdoors.
3. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Conditional Use (or any amendments thereto) does not constitute a termination of the Conditional Use or any portion thereof, but said Conditional Use shall run with the land and be binding upon present owners, their successors and assigns.
5. Development of the site shall be in general conformance with the approved site plan.
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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The applicants would like to amend Condition #1, requesting to extend the hours from 12:00 p.m. (noon) to 1:00 a.m. on Fridays and Saturdays only. This amendment request stems from an anonymous complaint against the property to the Planning Department Zoning Enforcement Division from a nearby neighbor. The complaint was that the events taking place on the subject site were extending beyond the allowed timeframe according to the conditions of approval.

The subject site borders a church to the north and the SF-5 Single-Family Residential District (SF-5) to the north and east, both of which are within the 300-foot threshold requiring Conditional Use approval. According to Sec. IV-C.6 of the UZC, Compatibility Noise standards apply to the subject site since it is within 500 feet of property zoned MH Manufactured Housing Residential District (MH) or more restrictive.

Section IV-B.2 of the Unified Zoning Code (UZC) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. The applicants have installed screening in the appropriate areas since the Conditional Use was approved.

The subject site is part of a larger commercial strip development. Properties to the north and east are zoned SF-5 and are developed with a church and single-family dwellings. Property to the south is zoned SF-5 and is developed as a single-family dwelling. Property to the west is zoned LC and is developed with a Vehicle Repair, Limited business.

CASE HISTORY: On November 16, 1965, the property was platted at part of the M and B Addition. There have been no other zoning cases associated with the property. On October 15, 2024, a Conditional Use (CON2024-00212) was approved to permit an Entertainment Establishment in the City on property within 300 feet of a residentially zoned property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Church/Single-family dwellings
SOUTH:	SF-5	Single-family dwelling
EAST:	SF-5	Single-family dwellings
WEST:	LC	Vehicle Repair, Limited

PUBLIC SERVICES: The subject site has access to South Seneca Street and West Pawnee Avenue. South Seneca Street is a paved four-lane arterial street with dedicated right-and left-turn lanes with sidewalks on both sides. West Pawnee Avenue is a paved four lane arterial street with dedicated a dedicated right-and left-turn lanes and sidewalks on both sides. All municipal services are in place and can accommodate the required services to the site. Wichita Transit serves the site on the northeast and southwest corners South Seneca Street and West Pawnee Avenue.

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

Community Investments Plan: The proposed application is not in conformance with the 2035 Future Growth Concept Map element of the *Community Investments Plan* based. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Commercial." This category is described as, *"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 subject site is not buffered from low-density residential uses by other types of development. This lack of buffering was the basis for the original hours of operation. Staff believes that extending the hours until 1:00 a.m. on Fridays and Saturdays might have detrimental effects for nearby property owners.

The proposed application is not in conformance with the Locational Guidelines of the *Community Investments Plan.* Under the heading "Design" Locational Guidelines 1.e states that "*Non-residential uses should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.*" Due to the close proximity of low-density residential uses, the application was previously approved with restrictive hours of operation as a site design feature to mitigate possible adverse impact of noise being generated by the use.

The Wichita: Places for People Plan: The requested Conditional Use is in partial conformance with the *Wichita: Places for People Plan. The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike, and through transit - in balance with automobiles." Ensuring development follows a nodal pattern "which creates a critical mass of activity at the center and transitions in scale and intensity" is key to realizing this vision.

To implement the vision defined for the ECA, six strategies have been identified to help guide the community in their actions to create walkable places within Wichita. Strategy #3 sets out to "Improve the economic feasibility of commercial uses and the markets necessary to support them." Strategy #6 of the *Plan* sets out to "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The original hours of operation were designed to help this use be more compatible with the surrounding, residential context to the north and east. Extending the hours of operation as requested is not contextual to the surrounding area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **DENIAL**. Should the Metropolitan Area Planning Commission determine that the requested amendment to the Conditional Use be approved, staff recommends that it shall be subject to the following amended conditions, and the Commission shall adopt additional findings to support the recommendation:

1. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 1:00 a.m. and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
2. All other approved conditions of CON2024-00212 shall apply.

This recommendation of denial is based on the following findings:

1. **The zoning, uses and character of the neighborhood**. The subject site is part of a larger commercial strip development. Property to the north and east is zoned SF-5 and is developed with a church and single-family dwellings. Property to the south is zoned SF-5 and is developed as a single-family dwelling. Property to the west is zoned LC and is developed with a Vehicle Repair, Limited business.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC Limited Commercial District and is limited to uses permitted in the LC District, including several residential, public and civic, and commercial uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** An Entertainment Establishment in the City may only be permitted through a Conditional Use when within 300 feet of a residentially zoned property. The existing conditions of approval are designed to mitigate possible negative impacts to neighboring properties. Allowing the subject site to extend the hours until 1:00 a.m. on Fridays and Saturdays while the subject site is within approximately 20 feet of residentially zoned properties to the east could detrimentally affect nearby properties.

4. **Length of time subject property has remained vacant as zoned**: The property is not vacant. It is developed with a small strip shopping center, including the Entertainment Establishment.

5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Staff believes that allowing the Entertainment Establishment to operate until 1:00 a.m. on Fridays and Saturdays could be detrimental to the welfare of the nearby residentially zoned properties as evidenced by the recently received complaint. Denial may represent a loss of economic opportunity for the applicant.

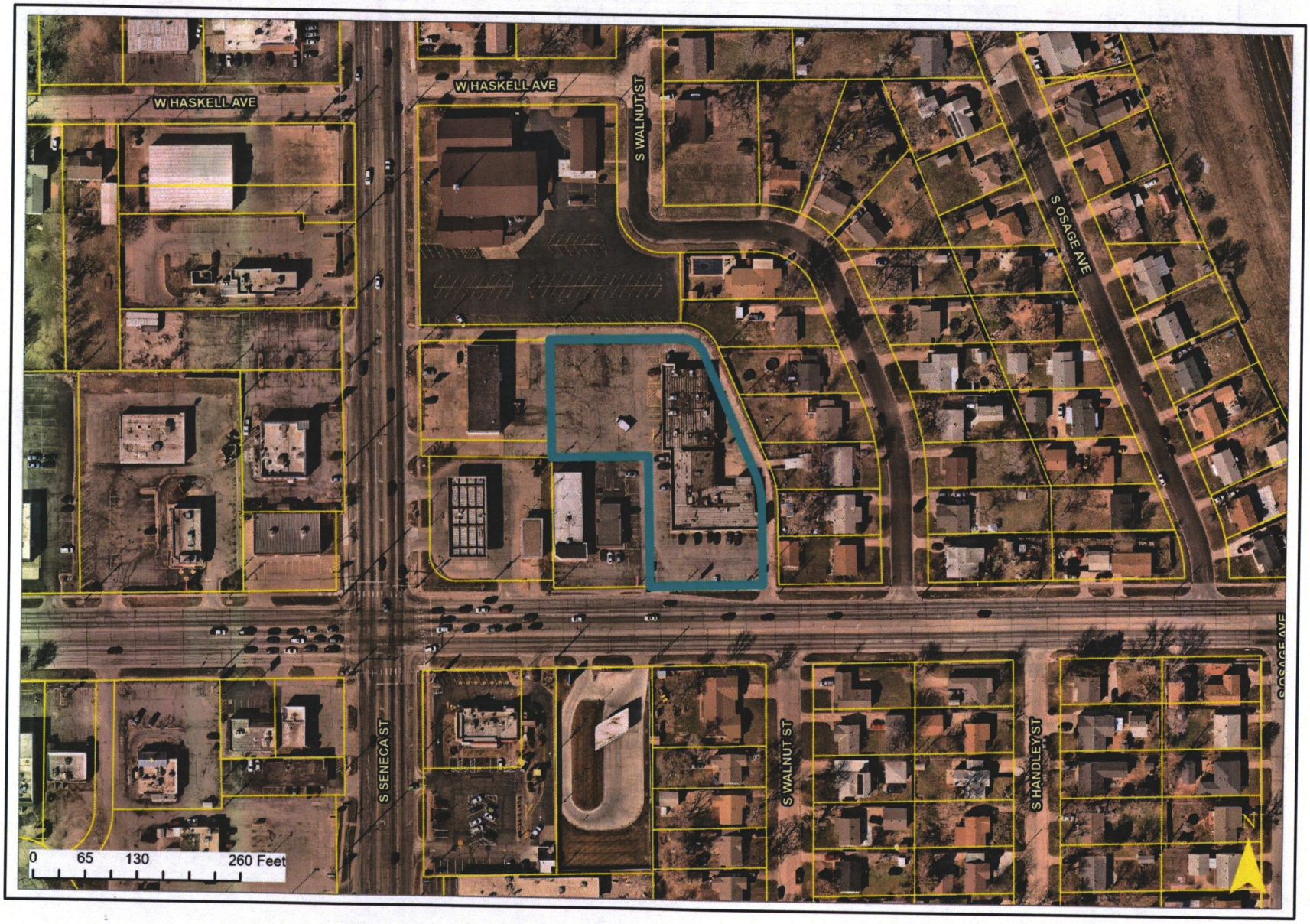
6. **Conformance of the requested change to adopted or recognized Plans/Policies:** The proposed Conditional Use is not in conformance with the *Community Investments Plan* and in partial conformance with the *Wichita: Places for People* plan as discussed in the staff report.

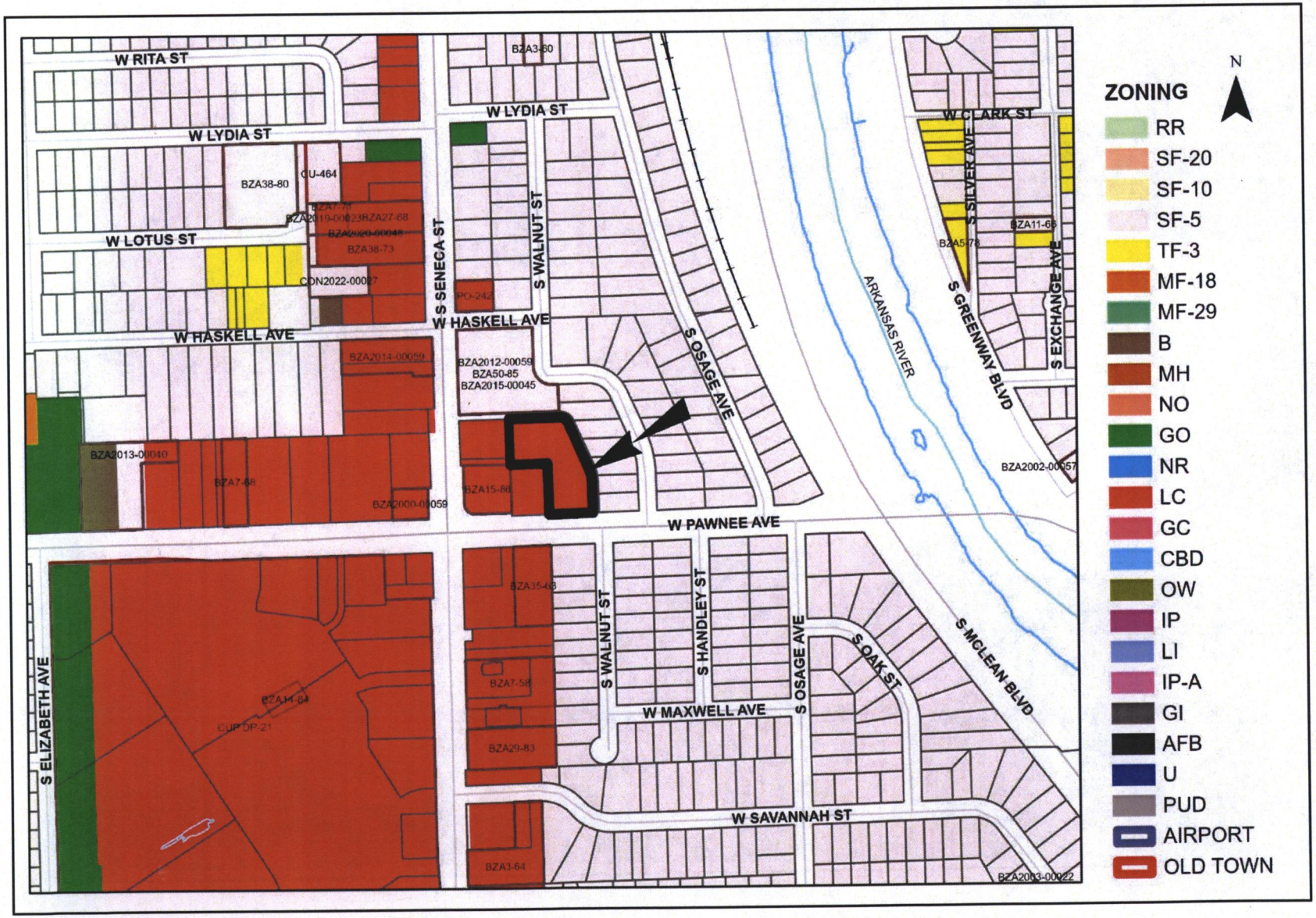
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested amendment to the Conditional Use will have a significant impact on community facilities. Existing public infrastructure at the site should accommodate the uses.

8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff has received no comments regarding this request. However, at least one complaint was filed on the property for extending hours beyond what was approved by the original Conditional Use.

Staff Report Attachments:

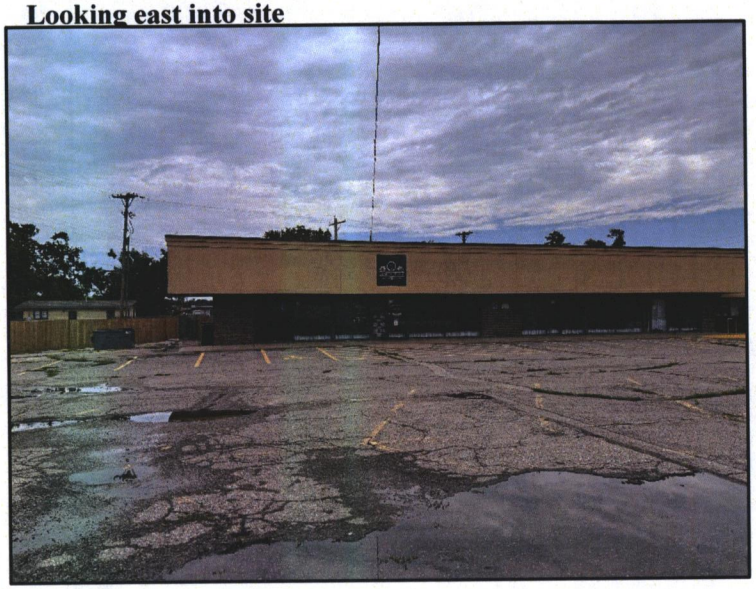
1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos


W HASKELL AVE
W HASKELL AVE
S WALNUT ST
S OSAGE AVE
S SENECA ST
S WALNUT ST
S HANDLEY ST
S OSAGE AVE
0 65 130 260 Feet
N

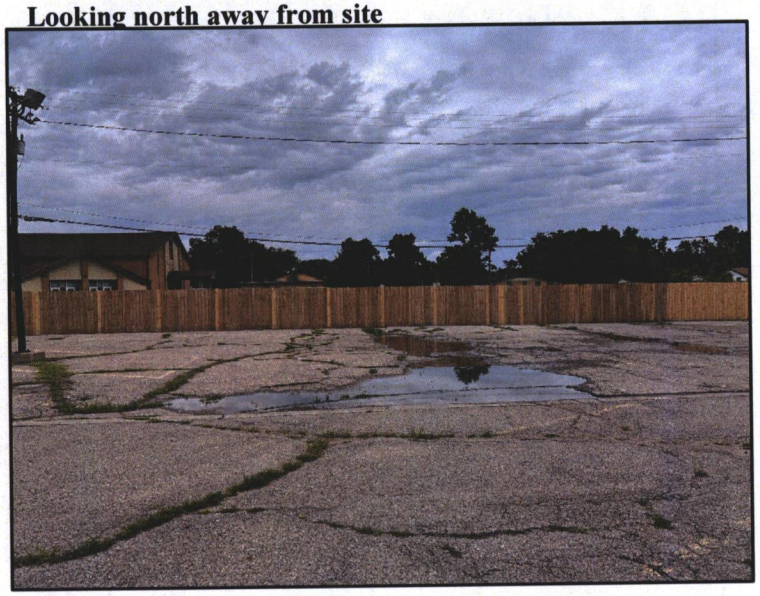

W RITA ST
W LYDIA ST
W LYDIA ST
W LOTUS ST
W HASKELL AVE
W HASKELL AVE
W PAWNEE AVE
W MAXWELL AVE
W SAVANNAH ST
W CLARK ST
S SENECA ST
S WALNUT ST
S OSAGE AVE
S SILVER AVE
S GREENWAY BLVD
S EXCHANGE AVE
S ELIZABETH AVE
S WALNUT ST
S HANDLEY ST
S OSAGE AVE
S OAK ST
S MCLEAN BLVD
ARKANSAS RIVER
BZA38-80
CU-464
BZA38-73
BZA3-60
BZA2012-00059
BZA50-85
BZA2015-00045
BZA2014-00059
BZA2013-00040
BZA7-68
BZA15-86
BZA2002-00057
BZA35-63
BZA7-58
BZA29-83
BZA14-84
CUP DP-21
BZA3-64
BZA2003-00022
BZA11-66
BZA5-78
N
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
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LC
GC
CBD
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IP
LI
IP-A
GI
AFB
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PUD
AIRPORT
OLD TOWN


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
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
Neighborhood & Area Plans
Application Area
N
SENECA
PAWNEE
MCLEAN
South Central Plan

Looking east into site



Looking north away from site



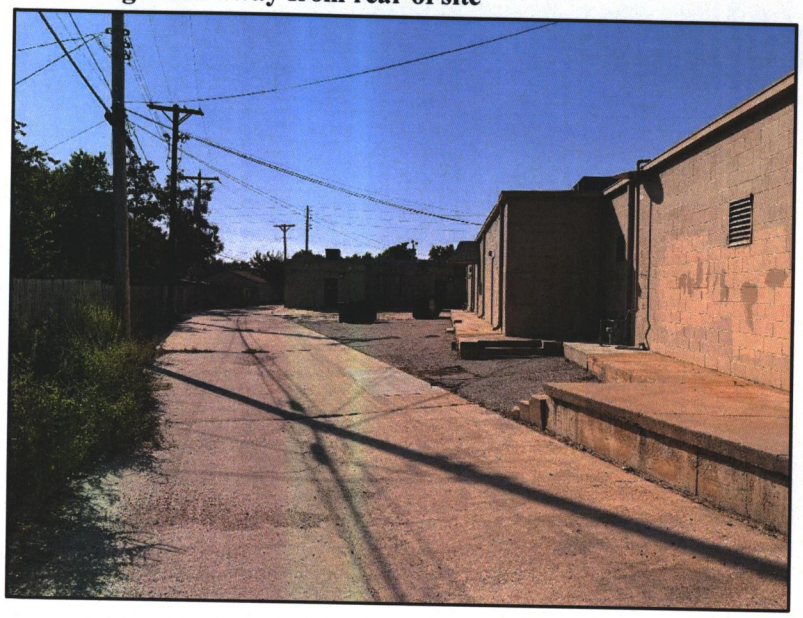
Looking northeast away from site



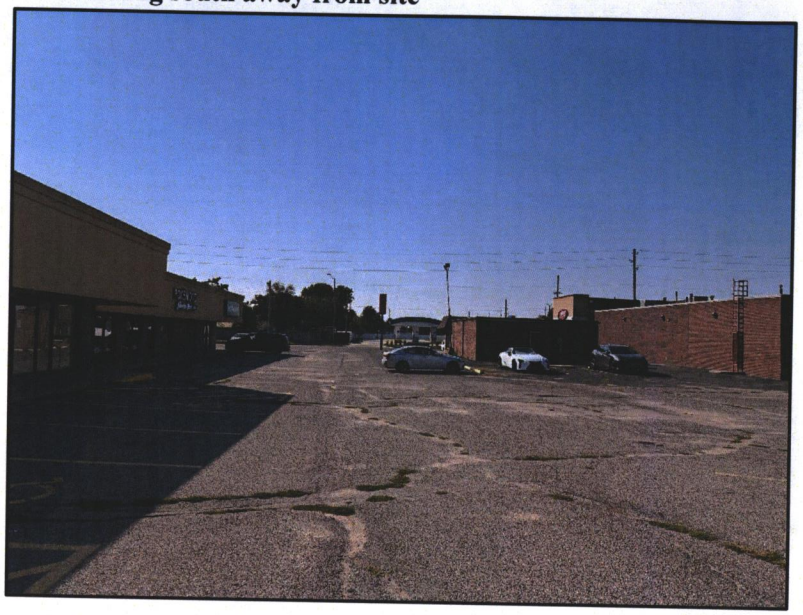
Looking east away from site



Looking south away from rear of site



Looking south away from site



Looking west away from site

