CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2012

Coleman and Becky Lockett
130 North St. Francis
Wichita, KS 67202

RE: **CON2012-00025** - City Conditional Use for a Nightclub in the City within 300 feet of a church or place of worship, generally located east of north St. Francis, north of Douglas Avenue (130 and 132 North St. Francis)

Dear Applicants:

At its regular meeting on **June 7, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions on the attached Resolution.

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

Sincerely,

Dale Miller
Current Plans Manager
Current Plans Division

Copies to: City Engineering, Julianne Kallman, Mail Stop 1-71
N.A. VI, Terri Dozal, Mail Stop 1-13
WCC VI, Janet Miller, Mail Stop 1-13

CONDITIONAL USE RESOLUTION NO. CON2012-25

WHEREAS, Coleman and Becky Lockett (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a Nightclub in the City on approximately .16 acre zoned CBD Central Business District ("CBD"), described as:

Lot 7, on Fourth, now St. Francis Avenue, in J. R. Mead's Addition to the City of Wichita, Sedgwick County, Kansas; generally located north of East Douglas Avenue and east of North St. Francis Avenue (130 North St. Francis Avenue).

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 June 7, 2012, consider said application; and

WHEREAS, the MAPC 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a Nightclub in the City on approximately .16 acre zoned CBD Central Business District ("CBD"), described as:

> Lot 7, on Fourth, now St. Francis Avenue, in J. R. Mead's Addition to the City of Wichita, Sedgwick County, Kansas; generally located north of East Douglas Avenue and east of North St. Francis Avenue (130 North St. Francis Avenue)

Approved subject to the following conditions:

A. The Conditional Use permits a "nightclub in the city," which shall be maintained and operated in compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.
B. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 7th day of June 2012.

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT
DAB VI 6-4-12
MAPC 6-7-12

CASE NUMBER: CON2012-00025

APPLICANT/AGENT: Coleman and Becky Lockett

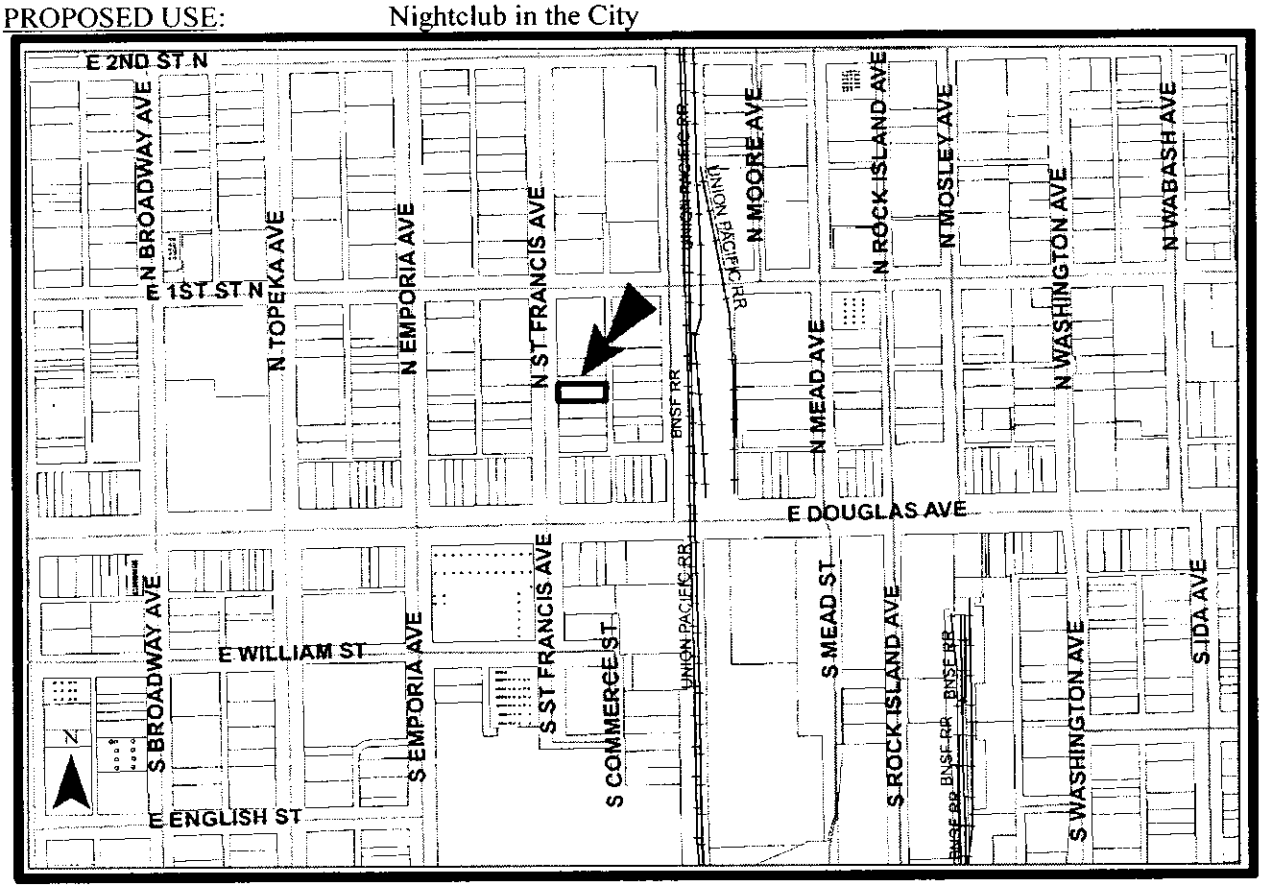
REQUEST: Nightclub in the city

CURRENT ZONING: CBD Central Business District and East Douglas Avenue Historic District

SITE SIZE: .16 acre

LOCATION: North of East Douglas Avenue and North St. Francis Avenue (130 and 132 North St. Francis Avenue)

PROPOSED USE: Nightclub in the City



BACKGROUND: The application area is located north of East Douglas Avenue on the east side of North St. Francis Avenue, 130 and 132 North St. Francis Avenue, and is zoned CBD Central Business District ("CBD"). In area the site has a footprint of 6,534 square feet, and is developed with what the county assessor's records describe as a "downtown row building." At the subject site, the applicants operate a restaurant that sells more food than alcohol, which per code, makes the restaurant a drinking establishment restaurant ("DER"). Drinking establishment restaurants are permitted by right in the CBD zoning district. The applicants would like to add live entertainment, specifically a blues band, to the dining experience offered by the restaurant. The applicants have submitted an aerial photocopy as their site plan. They do not plan any exterior expansions. The rooftop with the "x" indicates the application area.

Per the Unified Zoning Code (UZC, Article II, Section II-B.9.b) an establishment that provides any combination of alcohol, live entertainment or dancing is defined as a "nightclub in the city." A "nightclub in the city" is permitted by right in the CBD district unless the nightclub is located within 300 feet of church, place of worship, public park, public or parochial school or residential zoning district. If a "nightclub in the city" is proposed to be located within 300 feet of the previously noted uses the nightclub is no longer allowed by right, and requires Conditional Use approval. In this instance, the Rivercrest Free Methodist Community Church is located at 136 North Emporia, approximately 246 feet east of the applicant's proposed nightclub.

All property abutting and adjacent to the subject site is zoned CBD. Uses immediately surrounding the subject property include: auto service garage, architectural salvage, parking lot and vacant commercial buildings.

The CBD is the only zoning district that does not require the property owner to provide off-street parking.

CASE HISTORY: Case number H85-1 established the East Douglas Avenue Historic District that is entered in the Wichita Register of Historic Places, the Register of Historic Kansas Places and National Register of Historic Places. The application area is located within the East Douglas Avenue Historic District. The property is platted as Lot 7, J. R. Mead's Addition, Wichita, Sedgwick County, Kansas.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD; vacant row store, outside storage, auto service garage
SOUTH:	CBD; architectural salvage, electrical contractor
EAST:	CBD; parking lot
WEST:	CBD; auto service garage, vacant commercial building, parking lot

PUBLIC SERVICES: The application area is served by all normally supplied public utilities and services.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site being regulated by the Downtown Development Plan. The CBD district is intended to accommodate retail, commercial, office and other complementary land uses with the downtown core area of the City of Wichita. The UZC permits a "nightclub in the city"

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

A. The Conditional Use permits a "nightclub in the city," which shall be maintained and operated in

compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.

B. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties surrounding the application area are zoned CBD, and are developed with a variety of: auto repair, outdoor architectural salvage, vacant commercial, electrical contractor, personal improvement service and institutional uses.

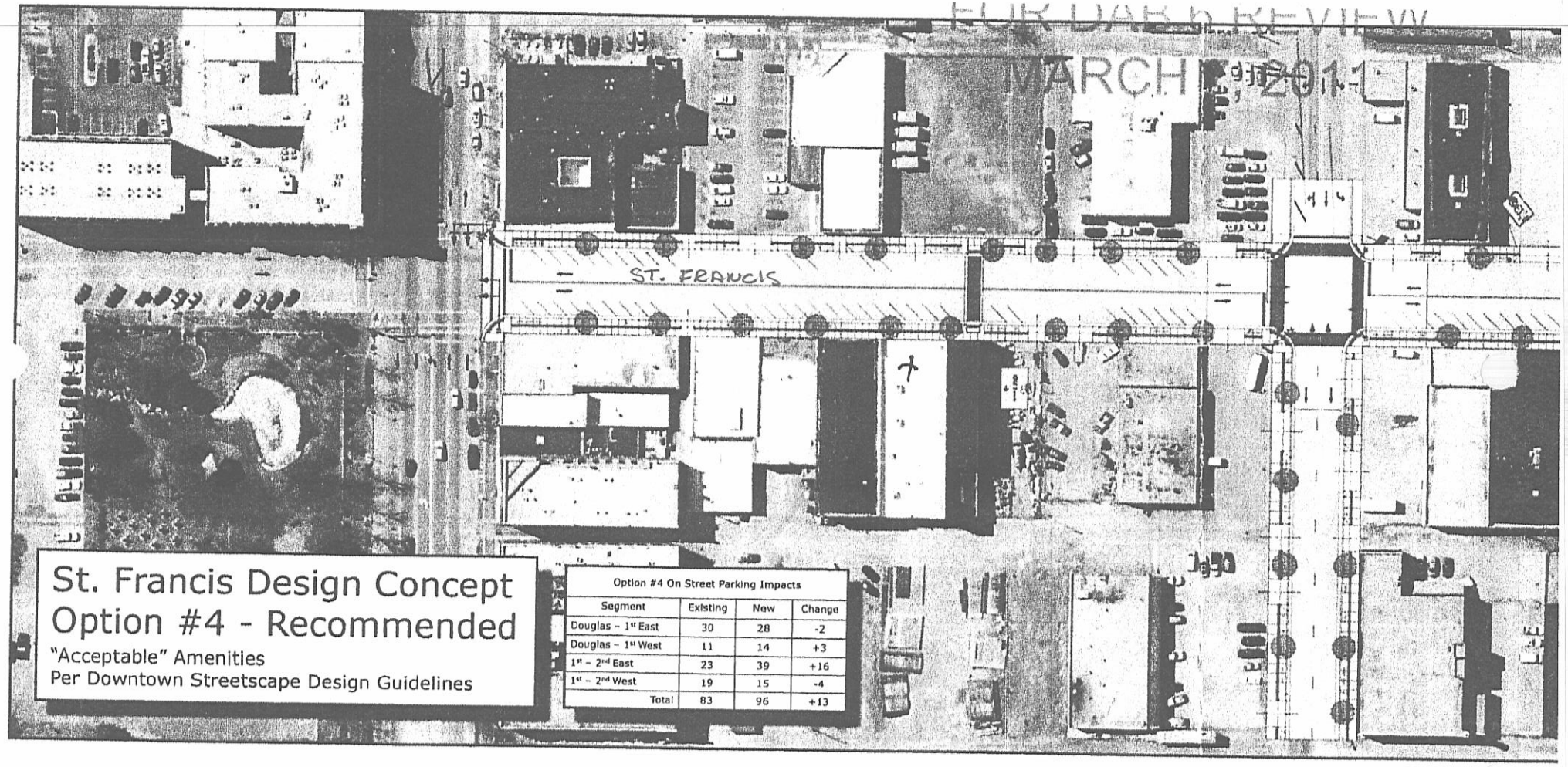
2. The suitability of the subject property for the uses to which it has been restricted: Central Business District zoning is one of the more inclusive zoning districts with respect to the large number of uses permitted by right. The district permits single-family and multi-family residential, office, retail sales and commercial uses requiring outdoor storage and display. Any number of permitted by right uses could be economically viable at this location. As currently zoned, the site is being used as a drinking establishment restaurant, which could be an economically viable use. However, the downtown core area has a number of restaurants and drinking establishments, especially in the Old Town district. Individual owners attempt to differentiate their establishments from the others by establishing some form of branding. To that end, the applicants want to offer both alcohol and live entertainment (a blues band) in a way that differentiates their restaurant from the others, and allows them to effectively compete in the downtown area.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a "nightclub in the city" by right except for the separation requirements noted above. There are other night clubs located in the greater downtown area. Approval of the request should not negatively impact nearby properties to any greater extent than that experienced by other business near existing downtown nightclubs in the city.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site being regulated by the Downtown Development Plan. In general, the Downtown Development Plan encourages uses that will attract citizens to live, work and play in the heart of the city. The CBD district is intended to accommodate retail, commercial, office and other complementary land uses with the downtown core area of the City of Wichita.

5. Impact of the proposed development on community facilities: Infrastructure and community services are in place to accommodate the proposed use.

FOR DARB REVIEW
MARCH 7, 2012



St. Francis Design Concept
Option #4 - Recommended

"Acceptable" Amenities
Per Downtown Streetscape Design Guidelines

Option #4 On Street Parking Impacts

Segment	Existing	New	Change
Douglas – 1st East	30	28	-2
Douglas – 1st West	11	14	+3
1st – 2nd East	23	39	+16
1st – 2nd West	19	15	-4
Total	83	96	+13

North →

CON 2012-25. MAPC 6-7-12