



Wichita-Sedgwick County Metropolitan Area Planning Department

October 10, 2013

Chris Kingsolver
1861 S. Hydraulic
Wichita, KS 67211

Terrence Young
3427 E. Bellaire
Wichita, KS 67218

RE: CON2013-18 - City Conditional Use for a Nightclub in the City in LC Limited Commercial zoning within 300 feet of residential zoning and a park, generally located west of S. Hydraulic and north of Skinner (1861 S. Hydraulic).

Dear Applicants:

At its regular meeting on September 12, 2013, 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. This case received no protests during the two-week protest period, therefore the MAPC decision is final.

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

Sincerely,


Jess McNeely, AICP
Current Plans

Copies to: J. R. Cox, MABCD, Mail Stop 1-72
Tom Stolz, MABCD, Mail Stop 1-72
Lavonta Williams, WCC I

CONDITIONAL USE RESOLUTION NO. CON2013-18

WHEREAS, Terry Young (owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Nightclub in the City within 300 feet of residential zoning in LC Limited Commercial zoning on .38 acres described as:

Lot 1, Tudor Addition to Wichita, Sedgwick County, Kansas, generally located west of S. Hydraulic and north of Skinner (1861 S. Hydraulic).

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 September 12, 2013, 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 within 300 feet of residential zoning in LC Limited Commercial zoning on .38 acres described as:

Lot 1, Tudor Addition to Wichita, Sedgwick County, Kansas, generally located west of S. Hydraulic and north of Skinner (1861 S. Hydraulic).

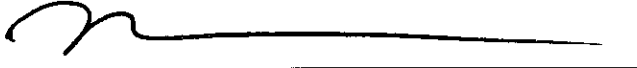
Approved subject to the following conditions:

1. The Conditional Use shall be limited to the building space identified on the approved site plan, and shall use only the parking identified on the approved site plan.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign, building, fire and health codes and licensing requirements. Failure to conform to any city code and/or failure to maintain proper licensing will be a violation of the Conditional Use.
3. The parking lot shall be kept free of all trash and debris. No loitering, congregating or excessive noise shall be permitted in the parking lot. No outside loudspeakers or entertainment shall be permitted.
4. 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 12 Day of September 2013

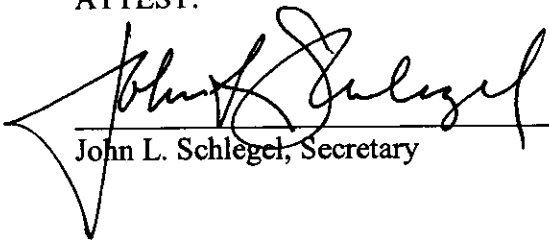
METROPOLITAN AREA PLANNING COMMISSION

for



Don Klausmeyer, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

BACKGROUND: The applicant seeks a Conditional Use to permit a Nightclub in the City on property zoned LC Limited Commercial, generally located North of Skinner and west of Hydraulic (1861 S. Hydraulic). The site is developed with a single building (built in 1970) used as a bar/tavern/lounge according to the County Tax Assessor's database. The applicant now wishes to obtain an Entertainment Establishment license to allow karaoke. Under the Unified Zoning Code (UZC) the combination of an Entertainment License and serving alcohol is defined as a Nightclub. Nightclub in the City is a permitted land use in the LC zoning district. However, the application area is within 300 feet of residential zoning and a park; the UZC requires that Nightclubs, Taverns and Drinking Establishments located within 300 feet of residential zoning, a church, school or park be subject to Conditional Use review to determine if the particular site is suitable for the operation of a Nightclub, Tavern or Drinking Establishment. The applicant's site plan (see attached) indicates 21 parking spaces. The UZC requires one parking space per two patrons for a Nightclub.

North of the site is a GO General Office zoned apartment complex. South of the site is LC zoned warehousing and offices. East of the site is a TF-3 Two-family Residential zoned City Park and west of the site is a B Multi-family Residential zoned apartment complex. Single and two-family residences exist one block west of the site on Greenwood Avenue. At least one other drinking establishment exists a block south of the application area on Hydraulic.

CASE HISTORY: The property was platted as Lot 1 of the Tudor Addition in 1971.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Apartment complex
SOUTH:	LC	Warehousing, offices
EAST:	TF-3	City park
WEST:	B	Apartment complex

PUBLIC SERVICES: The site has direct access points onto Hydraulic and Skinner. Hydraulic is a four-lane arterial street at this location with a 50-foot half-street right of way width. All normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Local Commercial." The Local Commercial category includes commercial, office and personal services that do not have a significant regional market draw.

RECOMMENDATION: Historically this site has been a neighborhood bar/tavern/lounge. This business is not out of character with the surrounding neighborhood (other bars exist in the neighborhood) and it does not appear to have negative impacts on the surrounding neighborhood. However, one neighboring resident states that the existing business does have negative impacts on the neighborhood. The proposed Conditional Use for a Nightclub would only change the existing use by allowing an Entertainment Establishment license which permits dancing, live performances and karaoke. The site appears to meet all other zoning code requirements. All property owners within 200 feet of the site have been notified of this request; one neighboring

property owner contacted staff opposed to the request. Staff feels that code requirements and the recommended conditions will mitigate impacts on the surrounding neighborhood, and that the Conditional Use for a Nightclub will not necessarily change the business' impact on the neighborhood. Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use request be APPROVED, subject to the following conditions:

1. The Conditional Use shall be limited to the building space identified on the approved site plan, and shall use only the parking identified on the approved site plan.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign, building, fire and health codes and licensing requirements. Failure to conform to any city code and/or failure to maintain proper licensing will be a violation of the Conditional Use.
3. The parking lot shall be kept free of all trash and debris. No loitering, congregating or excessive noise shall be permitted in the parking lot. No outside loudspeakers or entertainment shall be permitted.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is a GO zoned apartment complex. South of the site is LC zoned warehousing and offices. East of the site is a TF-3 zoned City Park and west of the site is a B zoned apartment complex. Single and two-family residences exist one block west of the site on Greenwood Avenue. At least one other drinking establishment exists a block south of the application area on Hydraulic.
2. The suitability of the subject property for the uses to which it has been restricted: The building could be used for a wide variety of LC uses allowed by the current zoning without a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A nightclub could bring more late night activity and traffic to this location than the existing drinking establishment. However, this site has been used for a drinking establishment without significant impact on the surrounding neighborhood. The proposed conditions should keep parking limited to the applicant's site, and should mitigate noise and trash issues associated with the facility.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Local Commercial." The Local Commercial category includes commercial,

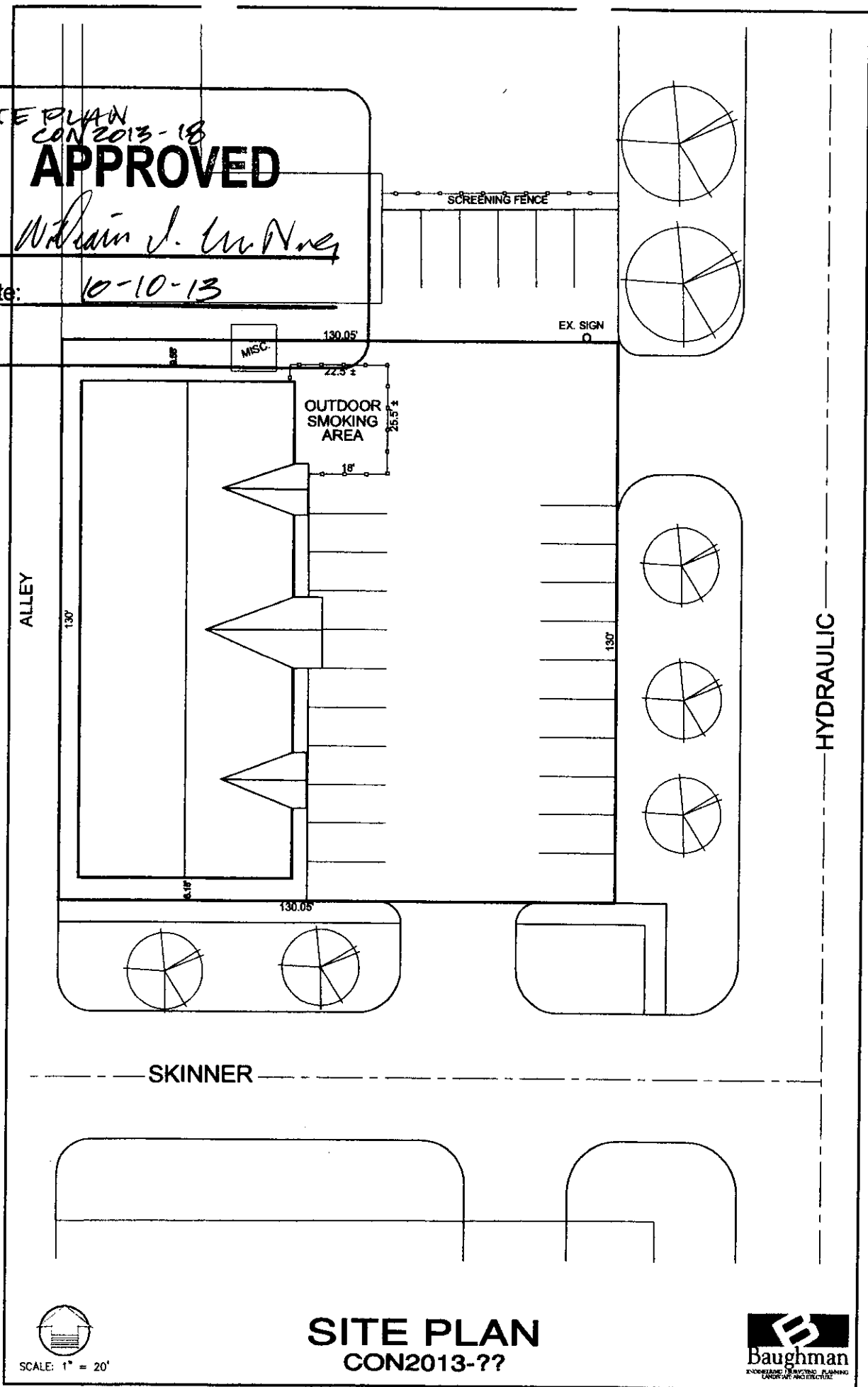
office and personal services that do not have a significant regional market draw.

5. Impact of the proposed development on community facilities: The facility should have no significant impact on streets and utility services. The proposed use will increase the need for oversight from the police and MABCD to ensure compliance with licensing requirements and other conditions of approval.

SITE PLAN
CON 2013-18
APPROVED

William J. McNey

Date: 10-10-13



SCALE: 1" = 20'

SITE PLAN
CON2013-??

