



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2014

Gibson Wholesale Co, c/o Scott Riffel
3104 W. Central
Wichita, KS 67203

RE: CON2014-05 – City Conditional Use for a nightclub in LC Limited Commercial zoning, generally located at the southwest corner of Wassall and Hydraulic (2841 S Hydraulic Ave.).

Dear Applicants:

At its regular meeting on **March 6, 2014**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan. A modified site plan, to be approved by staff, shall identify all parking spaces required by code (based on approved occupancy) and shall identify public entrances to the facility. An updated site plan shall be submitted to staff within 60 days of Conditional Use final approval or the request shall be considered null and void.
2. The site shall be operated 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 site shall not obtain a Drinking Establishment (DE) or Drinking Establishment Restaurant (DER) license. Alcohol may only be served on the site through a licensed caterer.
4. The Conditional Use shall be limited to the building space identified on the approved site plan.
5. 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, entertainment, food or drink service shall be permitted.
6. Business hours shall be no later than 10 pm Sunday through Thursday, and midnight on Friday and Saturday. Business hours are extended to 1 am on New Year's Eve.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This case received no protests during the two-week protest period, therefore the MAPC decision is final. The Conditional Use will not be posted to the Official Zoning Map and will not be effective until the modified site plan is approved by planning staff. If you have any questions

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

RE: CON2014-05 – City Conditional Use for a nightclub in LC Limited Commercial zoning, generally located at the southwest corner of Wassall and Hydraulic (2841 S Hydraulic Ave.).
March 6, 2014

Page 2

concerning this application, please contact our office at 268-4421.

Sincerely,



Jess McNeely, AICP

Senior Planner

Copies to: James Clendenin, WCC CM III
Case Bell, NA III
Tom Stolz, MABCD
J. R. Cox, MABCD
Diana Edmiston, 1514 Salome, Wichita, KS 67216

CONDITIONAL USE RESOLUTION NO. CON2014-05

WHEREAS, Gibson Wholesale Co, c/o Scott Riffel (owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as the Unified Zoning Code), requests a Conditional Use for a Nightclub in the City in LC Limited Commercial (LC) zoning on 2.18 acres described as:

Lots 1 & 2 EXC the E 100' of the S 125' of lot 2 & EXC begin at the NW cor. of lot 1; th. E 276'; th. S 212.86'; th. W 276'; th. N 212.75' to begin, Schrader Bros 5th Addition. Generally located at the southwest corner of Wassall and Hydraulic (2841 S Hydraulic Ave.).

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 March 6, 2014, 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 in LC Limited Commercial (LC) zoning on 2.18 acres described as:

Lots 1 & 2 EXC the E 100' of the S 125' of lot 2 & EXC begin at the NW cor. of lot 1; th. E 276'; th. S 212.86'; th. W 276'; th. N 212.75' to begin, Schrader Bros 5th Addition. Generally located at the southwest corner of Wassall and Hydraulic (2841 S Hydraulic Ave.).

Approved subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan. A modified site plan, to be approved by staff, shall identify all parking spaces required by code (based on approved occupancy) and shall identify public entrances to the facility. An updated site plan shall be submitted to staff within 60 days of Conditional Use final approval or the request shall be considered null and void.
2. The site shall be operated 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 site shall not obtain a Drinking Establishment (DE) or Drinking Establishment Restaurant (DER) license. Alcohol may only be served on the site through a licensed caterer.
4. The Conditional Use shall be limited to the building space identified on the approved site plan.
5. 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, entertainment, food or drink service shall be permitted.
6. Business hours shall be no later than 10 pm Sunday through Thursday, and midnight on Friday and Saturday. Business hours are extended to 1 am on New Year's Eve.

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

Adopted this 10~~th~~ Day of April 2014

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer
Don Klausmeyer, Chair MAPC

ATTEST:

John L. Schlegel
John L. Schlegel, Secretary

BACKGROUND: The applicant seeks a Conditional Use to permit a Nightclub in the City on property zoned LC Limited Commercial (LC), generally located south of Pawnee Avenue, south of Wassall Street and west of Hydraulic (2841 S. Hydraulic). The proposed site is within a larger strip commercial center, the space was previously used as a bingo hall. The applicant now wishes to obtain an Entertainment Establishment license to allow dance lessons, dances, and reception rentals; the applicant desires the flexibility to have alcohol catered at receptions. Under the Unified Zoning Code (UZO) 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; the UZO 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. The previous bingo hall on the site had a fire marshal's occupancy of 240, the proposed change in use and any building changes will require re-establishing the occupancy. The applicant's site plan (see attached) indicates 80 parking spaces, more parking spaces would be available within the larger commercial center. The UZO requires one parking space per two patrons for a Nightclub.

North of the site is the attached LC zoned commercial center, a convenience store and vehicle sales. South of the site, across a paved alley, is a B Multi-family Residential (B) zoned multi-family development. East of the site is a retail building on the same lot; further east, across Hydraulic are LI Limited Industrial (LI) zoned warehousing uses and LC zoned auto repair, retail and restaurant uses. West of the site, across a paved alley, are TF-3 Two-family Residential (TF-3) and SF-5 Single-family Residential (SF-5) zoned single-family residences. The single-family houses west of the site are approximately 75 feet from the proposed nightclub building, the apartments south of the site are approximately 170 feet from the proposed nightclub. Single-family residences west of the site have a screening/privacy fence on the west side of the alley; the multi-family residences south of the site have direct vehicular access from the alley and no screening from the site. The nearest other drinking establishment is at the northeast corner of Hydraulic and Wassall, approximately 700 feet from the site.

CASE HISTORY: The property was platted as a portion of Lot 2 of the Schrader Bros 5th Addition in 1953.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail, convenience store, vehicle sales
SOUTH:	B	Apartment complex
EAST:	LC, LI	Warehousing, retail, vehicle repair, restaurant
WEST:	TF-3, SF-5	Single-family residences

PUBLIC SERVICES: The site has direct access points to Hydraulic, a four-lane arterial street at this location with a 100-foot right of way. The site also has direct access to 20-foot paved alleys west and south of the site. 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 bingo hall with evening activity which did not appear to negatively impact the neighborhood. The proposed dance lesson and dance hall business is not out of character with the surrounding neighborhood, a bar exists in the neighborhood nearby. The proposed reception rental facility could impact residences west and south of the site if hours are late and crowd sizes are large. Code noise compatibility standards state that noise from this site shall not trespass onto residentially zoned properties above ambient noise in the area. The site appears to meet all other zoning code requirements, such as parking and a screening requirement from single-family residences. All property owners within 200 feet of the site have been notified of this request, no property owners have contacted staff. 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 site shall be developed in general conformance with the approved site plan. A modified site plan, to be approved by staff, shall identify all parking spaces required by code (based on approved occupancy) and shall identify public entrances to the facility. An updated site plan shall be submitted to staff within 60 days of Conditional Use final approval or the request shall be considered null and void.
2. The site shall be operated 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 site shall not obtain a Drinking Establishment (DE) or Drinking Establishment Restaurant (DER) license. Alcohol may only be served on the site through a licensed caterer.
4. The Conditional Use shall be limited to the building space identified on the approved site plan.
5. 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, entertainment, food or drink service shall be permitted.
6. Business hours shall be no later than 10 pm Sunday through Thursday, and midnight on Friday and Saturday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is the attached LC

zoned commercial center, a convenience store and vehicle sales. South of the site, across a paved alley, is a B zoned multi-family development. East of the site is a retail building on the same lot; further east, across Hydraulic are LI zoned warehousing uses and LC zoned auto repair, retail and restaurant uses. West of the site, across a paved alley, are TF-3 and SF-5 zoned single-family residences. The nearest other drinking establishment is at the northeast corner of Hydraulic and Wassall, approximately 700 feet from the site.

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 dance hall and reception facility could bring more late night activity and traffic to this location than the previous bingo hall. The proposed conditions along with existing codes should keep parking limited to the applicant's site, will limit late hours of operation, 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.

20' ALLEY

20' ALLEY

57 CARS

17 CARS

18 CARS

MAIN ENTRANCE

26 CARS

10 CARS

20 CARS

12 CARS

3 CARS

QT

CONCEPT SITE PLAN

APPROVED

William J. McNulty

Date: 4-23-14

SOUTH CITY STRIP CENTER

2815 SOUTH HYDRAULIC

163 CARS TOTAL PARKING

2811 E. 4TH ST. 50
DENVER, KANSAS
(316) 465 1296



DANCE STUDIO
284 S. HYDRAULIC
WICHITA, KANSAS

DATE: 3-16-14
REVISIONS:

SHEET NUMBER:

S-1
OF