CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2015

Kindel Investments, LLC
124 N. Saint Francis
Wichita, KS, 67202

REFERENCE: CON2015-00014 – City Conditional Use request for a tavern on CBD Central Business District zoned property generally located east of St. Francis Avenue on the north side of Douglas Avenue (630 E Douglas Ave).

Dear applicant:

At its regular meeting on **May 7, 2015**, 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 will developed with an approved revised site plan, showing, but not limited to, any outdoor extension of the indoor venue and public access from Santa Fa Avenue to Douglas Avenue, as required on vacation case VAC2014-00051. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.

(2) The applicant shall obtain all required state, local and other applicable permits and inspections.

(3) 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 that the Conditional Use is null and void.

Property owners may file written protest petitions on zoning related items heard by the MAPC. 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 within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by May 21, 2015, at 5 PM. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote

of six (6) of its members.

If there are no valid protests or appeals of CON2015-00014, by May 21, 2015, the MAPC's recommendation will be final. If appeals or protest petitions are filed, CON2015-00014 will be forwarded to the June 9, 2015, City Council meeting as a non-consent item for final action. This meeting will be at 9 AM, 1st Floor-City Hall, 455 N Main Street.

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 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

BL: mc

Copies to: Janet Miller, WCC VI, Mail Stop 1-13
Martha Sanchez/Janet Johnson, CL VI, Mail Stop 1-135

CONDITIONAL USE RESOLUTION NO. CON2015-00014

WHEREAS, Kindel Investments, LLC (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 "Night Club in the City", on approximately 0.23-acres zoned Central Business District ("CBD"), described as:

Lots 2, 4, 6, 8 and 10, JR Meads Addition & the west 24.7 feet of the vacated (case number VAC2014 00051) Santa Fe Avenue right-of-way adjacent to Lots 2,4,6,8, and10 and 5.3 feet on east side of J.R. Mead's Addition, Wichita, Sedgwick County, Kansas; generally located east of St. Francis Avenue on the north side of Douglas 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 May 7, 2015, 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 "Night Club in the City", on approximately 0.23-acres zoned Central Business District ("CBD"), described as:

Lots 2, 4, 6, 8 and 10, JR Meads Addition & the west 24.7 feet of the vacated (case number VAC2014 00051) Santa Fe Avenue right-of-way adjacent to Lots 2,4,6,8, and10 and 5.3 feet on east side of J.R. Mead's Addition, Wichita, Sedgwick County, Kansas; generally located east of St. Francis Avenue on the north side of Douglas Avenue.

Approved subject to the following conditions:

(1) The site will developed with an approved revised site plan, showing, but not limited to, any outdoor extension of the indoor venue and public access from Santa Fa Avenue to Douglas Avenue, as required on vacation case VAC2014-00051. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.

(2) The applicant shall obtain all required state, local and other applicable permits and inspections.

(3) 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 that the Conditional Use is null and void.

Adopted this 7th day of May 2015.

METROPOLITAN AREA PLANNING COMMISSION

Matthew J. Goolsby, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY

STAFF REPORT

MAPC May 7, 2015
DAB VI May 5, 2015

CASE NUMBER: CON2015-00014

APPLICANT/OWNER: Kindel Investments, LLC (applicant/owner)

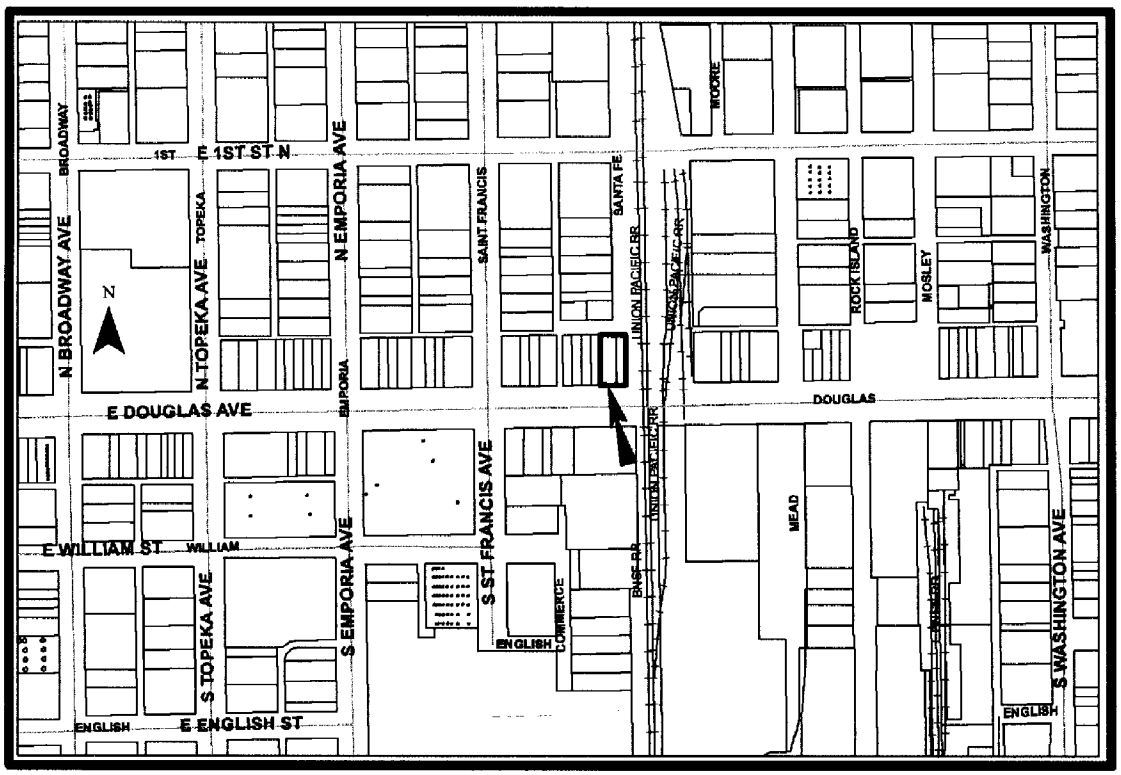
REQUEST: Conditional Use to allow a tavern/drinking establishment

CURRENT ZONING: Central Business District (CBD)

SITE SIZE: Approximately 0.23-acres

LOCATION: Generally located east of St. Francis Avenue on the north side of Douglas Avenue (630 E. Douglas Avenue – WCC #VI)

PROPOSED USE: On-site microbrewery and tavern



BACKGROUND: The Central Business District (CBD) zoned site is located in a vacant three-story building (built 1922) located on the north side of Douglas Avenue, east of St Francis and west of a raised railroad track. The applicants propose to establish an on-site microbrewery and tavern/drinking establishment. A microbrewery is permitted by right in the CBD zoning district. When a tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Coode (UZC), Sec.III-D6.w. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site.

The area to the north, west and south of the site is zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks south of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The national and state registered historic five story, brick Eaton Apartments is located southwest of the site across Douglas Avenue. Most buildings in the immediate area are similar to the site's building; one to three stories, mostly brick buildings, built from 1902-1930. The buildings located closest to the site contain, but are not limited to, a coffee shop, several restaurants, apartments, retail, office, and legal office. There is at least one building with a street level vacancy. A building located 235 feet west of the site appears to be undergoing some remodeling, but it had been the Blue Lounge tavern/drinking establishment/nightclub and may still be occupied by (John Barleycorns) a tavern/drinking establishment/nightclub. The applicant's request would not introduce a new use into the immediate area. The site is located west of the Old Town Overlay District (OT-O), separated by a raised railroad tracks and the sand and gravel Santa Fe Avenue. The OT-O district is a unique planned entertainment area containing restaurants, nightclubs, a multi-screen movie theater, hotels, apartments and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places the applicants requested on-site microbrewery and tavern close to similar venues.

CASE HISTORY: The site is located on Lots 2, 4, 6, 8 and 10, JR Meads Addition, which was recorded with the Register of Deeds September 9, 1870. The site also includes a portion of vacated Santa Fa Avenue; VAC2014-00051.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Parking lots, warehouse-office
SOUTH:	CBD	Public park, parking lot, vacant building, apartments, sports arena, arts district
EAST:	LI, OT-O	Retail, nightclubs, hotels, restaurants, parking lots, retail, multi-screen movie theater, apartments
WEST:	CBD	Coffee shop, restaurants, office, law office, retail, tavern, drinking establishment or nightclub

PUBLIC SERVICES: The site has access off of the sand and gravel Santa Fa Avenue, a local street at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within

the downtown core area of the City of Wichita. The CBD District is generally compatible with the 'Downtown Regional Center' designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building. There is no minimum parking requirement for the CBD zoning district.

The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site, thus the Conditional Use request.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a microbrewery with a tavern/drinking establishment/nightclub be **APPROVED**, with the following conditions:

(1) The site will developed with an approved revised site plan, showing, but not limited to, any outdoor extension of the indoor venue and public access from Santa Fa Avenue to Douglas Avenue, as required on vacation case VAC2014-00051. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.

(2) The applicant shall obtain all required state, local and other applicable permits and inspections.

(3) 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 that the Conditional Use is null and void.

This recommendation is based on the following findings:

(1) **The zoning, uses and character of the neighborhood:** The site and the area to the north, west and south of the site is zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks south of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The national and state registered historic five story, brick Eaton Apartments is located southwest of the site across Douglas Avenue. Most buildings in the immediate area are similar to the site's building; one to three stories, mostly brick buildings, built from 1902-1930. The buildings located closest to the site contain, but are not limited to, a coffee shop, several restaurants, apartments, retail, office, and legal office. There is at least one building with a street level vacancy. A building located 235 feet west of the site appears to be undergoing some remodeling, but it had been the Blue Lounge tavern/drinking establishment/nightclub and may still be

occupied by (John Barleycorns) a tavern/drinking establishment/nightclub. The applicant's request would not introduce a new use into the immediate area. The site is located west of the Old Town Overlay District (OT-O), separated by a raised railroad tracks and the sand and gravel Santa Fe Avenue. The OT-O district is a unique planned entertainment area containing restaurants, a microbrewery, nightclubs, a multi-screen movie theater, hotels and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places the applicants requested on-site microbrewery and tavern close to similar venues.

(2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the CBD, which is meant to accommodate a mix of residential, retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. Approval of a Conditional Use would permit the site to become a microbrewery with a tavern/drinking establishment/nightclub. The request does not introduce a new use to the area, as there is or was a tavern/drinking establishment/nightclub located approximately 235 feet west of the site, as well as other tavern/drinking establishment/nightclub located in this area. The site could continue to be used as permitted by right, such as a microbrewery, in the CBD zoning district.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of the nightclub having a detrimental impact on the neighborhood. The site is located within the City's core high energy entertainment area, where similar development already exists. Denial of the request could have a negative financial impact on the applicants.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the 'Downtown Regional Center' designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building.

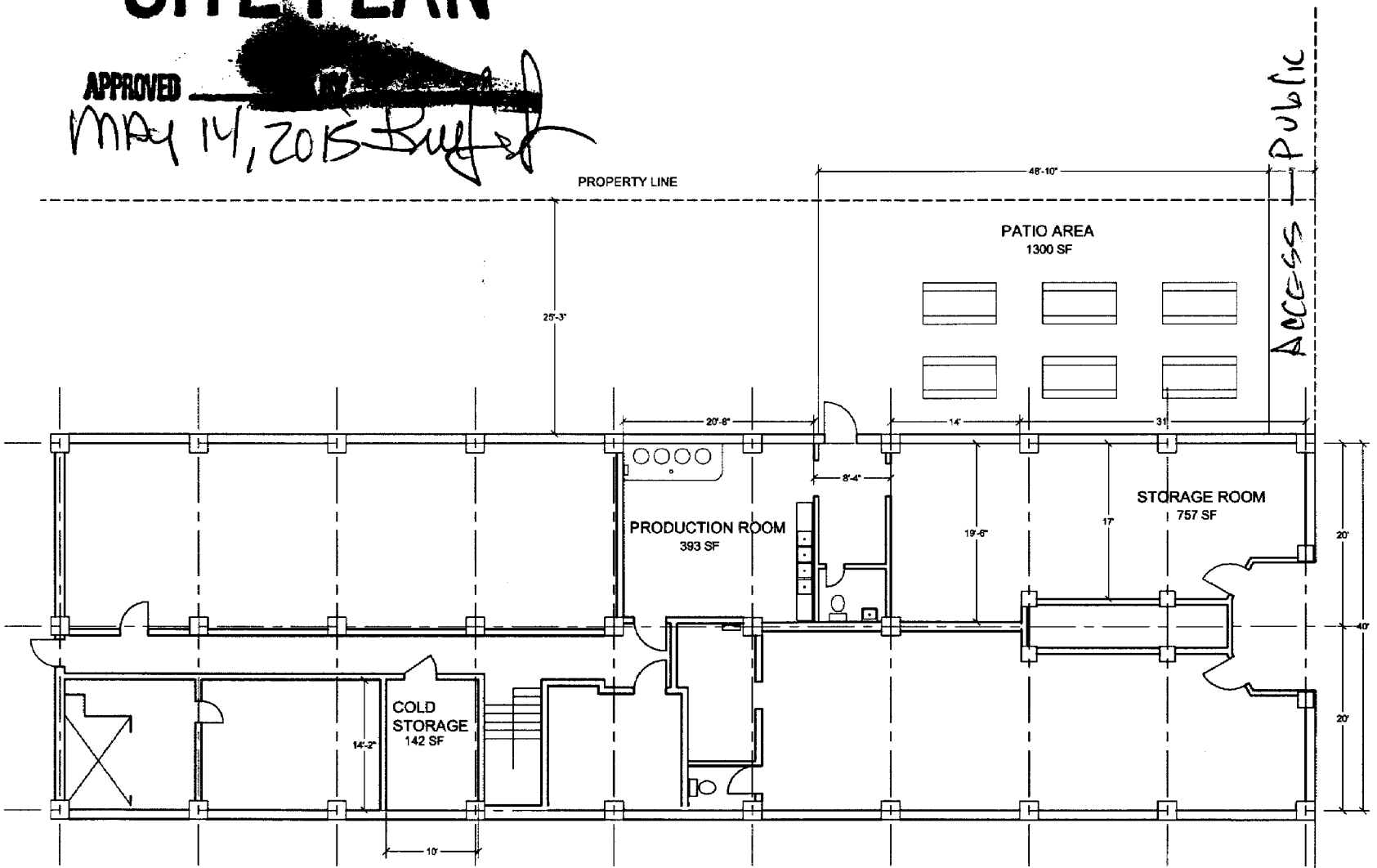
The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site, thus the Conditional Use request.

(5) **Impact of the proposed development on community facilities:** It is possible that

approval of this request could result in an increased demand for police services.

SITE PLAN

APPROVED
MAY 14, 2015

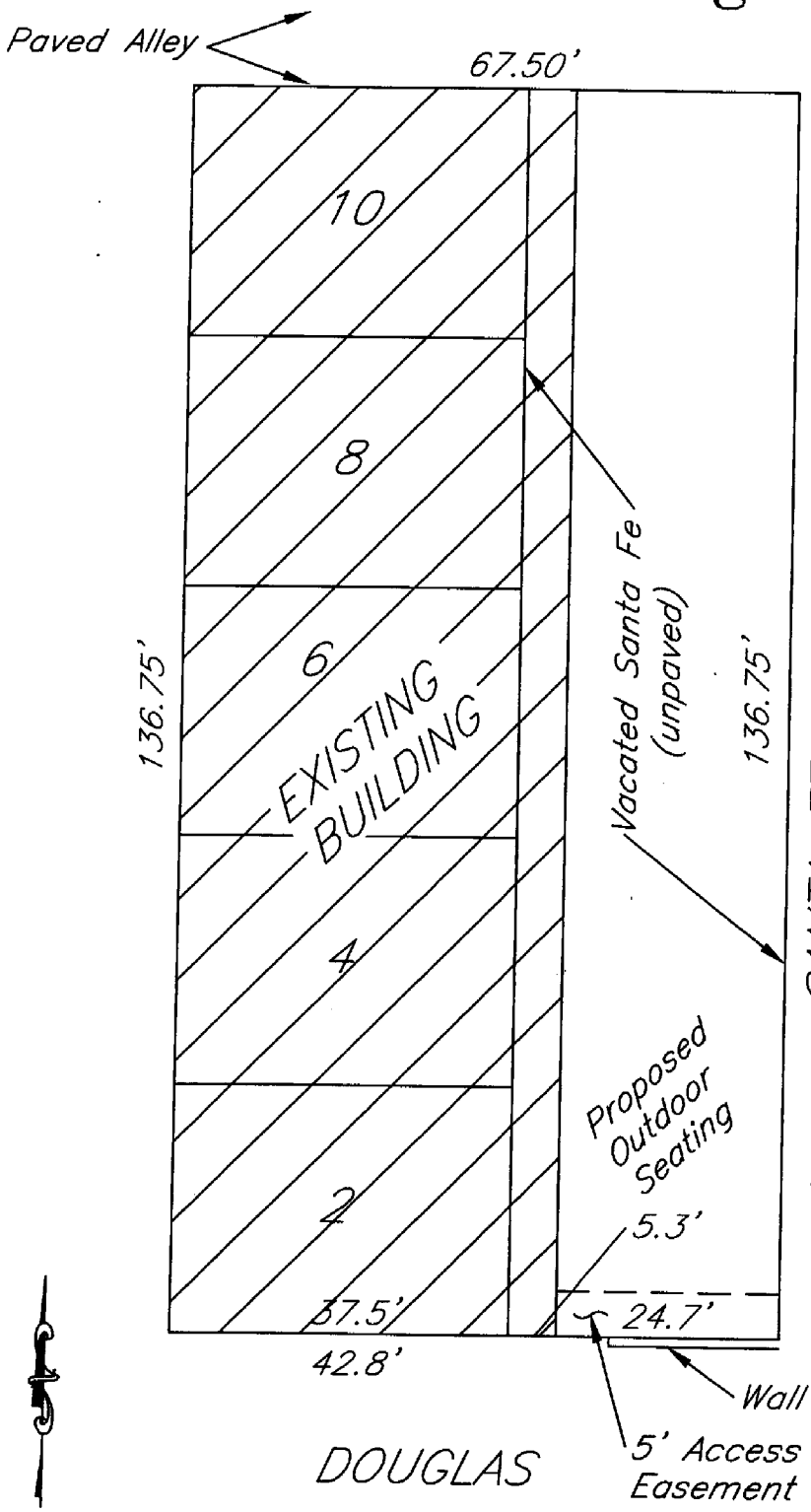


THIRD PLACE BREWING

630 E. DOUGLAS AVE
SUITES 100 & 150
1435 GROSS SF
SCALE: 1/16" = 1'-0"

CONZ015-14

Conditional Use to allow alcohol sales
630 E. Douglas



APPLICANT:
Kindel Investments, LLC

LEGAL:
East 37 ½ feet of Lots 2,4,6,8,10 and 30 on E. 5th, now Santa Fe Ave., J.R. Mead's Addition.

SCALE: 1"=20'

KEMILLER
117 E. Lewis, Wichita, KS 67202 (316)264-0242