CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 2, 2016

Chavey Enterprises, LLC
c/o Mark Chavey
17409 W 84th St.
Lenexa, KS, 66219

REFERENCE: CON2016-00008 – City Conditional Use request for an Event Center – Night Club located within 300 feet of a church on GC General Commercial zoned property, generally located south of East Kellogg Street and east of South Webb Road (WCC #II)

Dear Sirs:

At its regular meeting on May 4, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE, the request, with the following conditions as shown on the signed MAPC Resolution. No valid protests were submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing (May 19, 2016, at 5 PM), therefore the recommendation of the MAPC is final.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Bill Longnecker
Senior Planner

BL: mc

cc: Baughman Company, PA, c/o Russ Ewy, 315 Ellis, Wichita, KS 67211
Pete Meitzner, WCC II, Mail Stop 1-13
Laura Rainwater, CSR II, Mail Stop 1-135

CONDITIONAL USE RESOLUTION NO. CON2016-00008

WHEREAS, Chavey Enterprises, LLC c/o Mark Chavey (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 "Event Center – Night Club", on approximately 1.82-acres zoned GC General Commercial ("GC"), described as:

Lot 1, Moose Lodge Addition, Wichita, Sedgwick County, Kansas; generally located south of East Kellogg Street and east of South Webb Road.

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 9, 2016, 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 an "Event Center – Night Club", on approximately 1.82 acres zoned General Commercial ("GC"), described as:

Lot 1, Moose Lodge Addition, Wichita, Sedgwick County, Kansas; generally located south of East Kellogg Street and east of South Webb Road.

Approved subject to the following conditions:

1. The permitted occupancy for the indoor events center is limited to 178 persons, and outdoor accommodations, including tents, shall be limited to 165 persons.
2. The facility will be operated similar to an event center where the building or facility is rented out for private activities where the patrons are present by invitation only to attend a scheduled event, where events or activities are not repeated on a weekly basis and where the facility in not open on a daily basis at times other than when an event is scheduled. The purpose of the facility is the hosting of a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
3. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an "entertainment establishment" or "nightclub in the city", approval of this "conditional use" shall not be deemed to create or allow a facility which is open to the general public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a "drinking establishment," "tavern," "class A club," or "class B club" as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed.
4. Trash receptacles shall be screened according to the requirements of the Unified Zoning Code, and shall not be located within a 100 feet of the eastern and southern sides of the site.

5. All Sexually-Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are prohibited.
6. The facility shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities.
7. The event center may be open and operated 6:00 a.m. to 2:00 a.m.
8. Tents may be erected a minimum of two hundred feet (200') from the eastern lot line, and subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored indoors within 24 hours of an event.
9. All live music or music provided by a DJ is an option for events and shall be located within a building. Music to accompany wedding ceremonies or other outdoor events shall be at a low volume so as not to be a nuisance. Except for low level music that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed within two hundred feet (200') from the eastern lot line. Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned Neighborhood Office (NO) or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site.
10. Access shall be as indicated on the site plan.
11. Landscaping requirements shall be per the Wichita-Sedgwick County Unified Zoning Code.
12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended thorough the public hearing process. Amendments, adjustments or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.

Adopted this 2nd day of June 2016.

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman Neugent

Carol Chapman Neugent , Chair MAPC

ATTEST:

Dale Miller

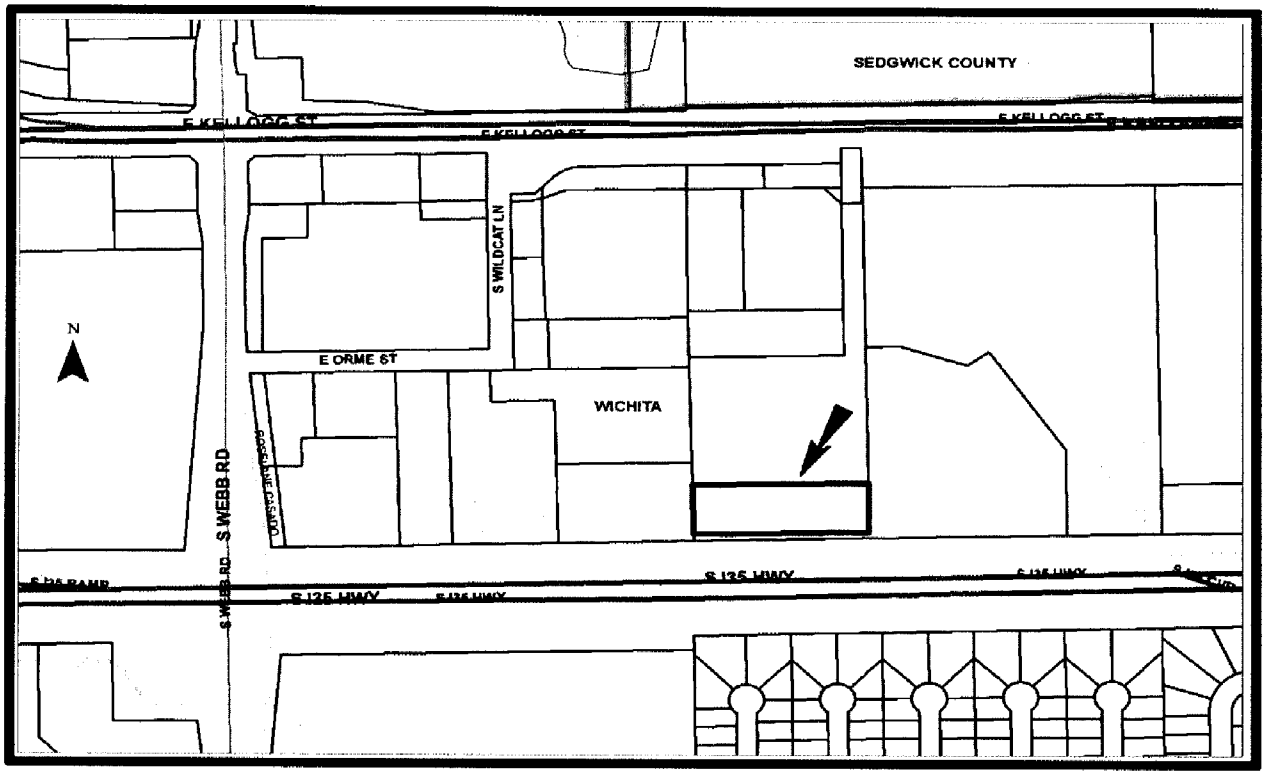
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

STAFF REPORT
MAPC May 5, 2016
DAB II May 9, 2016

CASE NUMBER:	CON2016-00008
APPLICANT/AGENT:	Chavey Enterprises, LLC, c/o Mark Chavey (applicant/owner) Baughman Company PA, c/o Russ Ewy
REQUEST:	Conditional Use to permit an event center
CURRENT ZONING:	GC General Commercial
SITE SIZE:	1.82-acres
LOCATION:	Generally located south of East Kellogg Street and east of South Webb Road
PROPOSED USE:	Event center that may serve alcohol and have live entertainment or dancing (nightclub in the city)



BACKGROUND: The applicant is seeking "conditional use" approval for an "event center" on the GC General Commercial (GC) zoned site, located east of South Webb Road and south of East Kellogg Street. The event center will be offered for rent for private events such as weddings, reunions, anniversaries, birthdays, corporate or charitable events, art shows or similar activities. The event center will provide the options of the serving and consumption of alcohol, providing food and providing music for dancing or entertainment at the events. Per the "Wichita-Sedgwick County Unified Zoning Code" (UZC),an event center is defined as,..."premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled"; UZC Sec. II-B.4.i. However the UZC defines an establishment that serves alcoholic beverages for consumption on the site, that may or may not serve food, and that may also provide live entertainment or dancing by employees or patrons as a "nightclub in the city"; UZC Sec. II-B.9.b.

A nightclub in the city is permitted by right in the GC zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Summit Church abuts the east side of the site, thus a conditional use is required. Applications for such venues, nightclubs with event center like restrictions, have become a fairly regular request of consideration by the MAPC.

The site plan submitted by the applicant depicts the site as it is currently developed. The 1.82-acre site is developed with a 115 paved parking spaces and a 14,250-square foot metal building, which used to house the fraternal organization Moose Lodge. The Moose Lodge ceased operations in 2012 and most of the building has been vacant since then, except for a portion of it being used for storage. The site last held alcohol and entertainment licenses in 2012. The Fire Department list the occupancy at a maximum of 146 when the dance floor is empty and 178 when loose tables and chairs are placed on the dance floor. The applicant proposes an indoor capacity of 178 and outdoor capacity of 165. The parking requirements of one space per three occupants works out to 60 parking spaces for indoor events and 55 spaces for outdoor events.

Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned NO Neighborhood Office (NO) or more intensive it the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site as compared with the applicant's proposed development standard "C." SF-5 zoned single-family residential development is located +/- 300 feet south of the site, across I-35, thus the compatibility noise standards apply.

The abutting north, east and west properties are zoned GC. The Club Rodeo nightclub and Nilla's Place (vacant?) abut the north side of the site. Discount auto sales, a general auto repair business, Groves liquor store, and Car Max auto sales are located further north, northeast and northwest of the site; there is a large concentration of auto sales lots along this section of East Kellogg Street. A paint warehouse abuts the east side of the site. A general vehicle repair shop and an auto parts sale business are located further west of the site. The already mentioned Summit Church abuts the east side of the site with more auto sales lots located further east-northeast. SF-5 Single-Family Residential (SF-5) zoned single-family residential neighborhoods are located +/- 300 feet south of the site, across I-35. The largest single development in the area is the LI Limited Industrial (LI) Beechcraft airplane manufacturing and sales complex (with runways), which is located approximately a quarter-mile north of the site, across Kellogg Street/US-54.

CASE HISTORY: The site is Lot 1, the Moose Lodge Addition, which was recorded with the Sedgwick County Register of Deeds April 15, 1993.

ADJACENT ZONING AND LAND USE:

North: GC Nightclub, car sales lots, liquor store
South: SF-5 I-35, single-family residential neighborhood
East: GC Church, car sale lots
West: GC Paint warehouse, general vehicle repair, auto parts sales

PUBLIC SERVICES: The site has access to Kellogg Street/US-54 Highway frontage, via an ingress-egress easements dedicated by separate instruments; Film 472-Page 178 and Film 1272-Page 1930. The site is served by all utilities.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The area is developed with large car sales lots, major shopping centers anchored by big box retail (Lowes and Wal-Mart), commercial strips, and stand-alone retail. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC zoning district is compatible with the new employment classification

The property is located in Area A of the Wichita Airport Hazard Zoning Overlay district that requires buildings over 25 feet in height to receive Federal Aviation Administration approval. The property is located less than a quarter-mile south of the south end of the Beechcraft runway. The Beechcraft airplane manufacturing and sales complex is the largest single development in the area.

RECOMMENDATION: The proposed nightclub has event center restrictions in regards to who and when it is available for use, which would seem to make it less intrusive than the abutting larger (approximately 25,500-square feet) Club Rodeo nightclub, which is open to the general public potentially seven days week. The proposed use would not introduce a new use to the area and would operate in a building that was built by the Fraternal Order of the Moose, which was essentially a private club for members that provided alcoholic beverages, food and music for entertainment and dancing. Based upon information available at the time the staff report was prepared, it is recommended the request for a nightclub-event center be **approved subject to the following conditions**:

1. The permitted occupancy for the indoor events center is limited to 178 persons, and outdoor accommodations, including tents, shall be limited to 165 persons.
2. The facility will be operated similar to an event center where the building or facility is rented out for private activities where the patrons are present by invitation only to attend a scheduled event, where events or activities are not repeated on a weekly basis and where the facility in not open on a daily basis at times other than when an event is scheduled. The purpose of the facility is the hosting of a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
3. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an "entertainment establishment" or "nightclub in the city", approval of this "conditional use" shall not be deemed to create or allow a facility which is open to the general

public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a "drinking establishment," "tavern," "class A club," or "class B club" as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed.

4. Trash receptacles shall have solid screening around them and a gate made of similar material as the screening and shall not be located within a 100 feet of the eastern and southern sides of the site.
5. All Sexually-Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are prohibited.
6. The facility shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities.
7. The event center may be open and operated 6:00 a.m. to 2:00 a.m.
8. Tents may be erected a minimum of two hundred feet (200') from the eastern lot line, and subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored indoors within 24 hours of an event.
9. All live music or music provided by a DJ is an option for events and shall be located within a building. Music to accompany wedding ceremonies or other outdoor events shall be at a low volume so as not to be a nuisance. Except for low level music that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed within two hundred feet (200') from the eastern lot line. Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned Neighborhood Office (NO) or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site.
10. Access shall be as indicated on the Plan.
11. Landscaping requirements shall be per the Wichita-Sedgwick County Unified Zoning Code.
12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended thorough the public hearing process. Amendments, adjustments or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
14. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, 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: Add this condition.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The abutting north, east and west properties are zoned GC. The Club Rodeo Bar and Nilla's Place (vacant?) abut the north side of the site. Discount auto sales, general auto repair, Groves liquor store, and Car Max auto sales are located further north, northeast and northwest of the site; there is a large concentration of auto sales lots along this section of East Kellogg Street. A paint warehouse abuts the east side of the site. A general vehicle repair shop and an auto parts sale business are located further west of the site. The already mentioned Summit Church abuts the east side of the site with more auto sales lots located further east-northeast. SF-5 Single-Family Residential (SF-5) zoned single-family residential neighborhoods are located +/- 300 feet south of the site, across I-35. The largest single development in the area is the LI Limited Industrial (LI) Beechcraft airplane

manufacturing and sales complex (with runways), which is located approximately a quarter-mile north of the site, across Kellogg Street/US-54.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned GC which permits a very wide range of residential, office, institutional, retail, commercial, uses and a few industrial uses by right. Therefore, it is reasonable to expect that the site could be put to economic use as currently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The application area is zoned GC which permits a very wide range of residential, institutional, office, retail, commercial, and a few industrial uses by-right. A nightclub/event center subject to the operational and development standards and conditions recommended in the conditional use above may be less intense than the Club Rodeo nightclub abutting the north side of the site.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the public with an additional choice of venue of the type proposed. It is a curious phenomenon that applications for such celebratory venues, nightclubs with event center like restrictions, have become a fairly regular consideration for the MAPC. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The area is developed with large car sales lots, major shopping centers anchored by big box retail (Lowes and Wal-Mart), commercial strips, and stand-alone retail. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC zoning district is compatible with the new employment classification

   There are also two churches located in the area as well as one large night club. A nightclub in the city is permitted by right in the GC zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Summit Church abuts the east side of the site, thus the conditional use application.

6. Impact of the proposed development on community facilities: Existing facilities are capable of serving the proposed use.

KELLOGG AVENUE

SITE INFORMATION:

LOT AREA:	1.82 ACRES±
BUILDING AREA:	14,250 SQ.FT.
INSIDE OCCUPANCY LIMIT:	178 PERSONS OR 60 SPACES
OUTDOOR OCCUPANCY LIMIT:	165 PERSONS OR 55 SPACES
PARKING SHOWN:	115 SPACES

ACCESS DRIVE

497'±

160'±

160'±

495'±

K.T.A. (I-35 HIGHWAY)

SCALE: 1" = 100'

CON2016-08
MOOSE LODGE EVENT CENTER

BAUGHMAN