



Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2016

RayDot Properties, LLC
P.O. Box 313
Valley Center, KS 67147

INBREWCO, LLC d.b.a. Aero Plains Brewing c/o Brent Miller
117 N. Handley St.
Wichita, KS 67203

RE: CON2016-00017 – Conditional Use for a Nightclub in the City (micro-brewery with a tasting room and ability to obtain an entertainment license) within 300 feet of residential zoning, generally located east of Seneca and north of West Douglas Avenue on the west side of N. Handley (117 N. Handley).

Dear Applicants:

At its regular meeting on **June 16, 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 subject to the conditions listed in the attached Resolution.

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

Sincerely,

Scott Knebel, AICP
Senior Planner

SK:mc
Attachments

Copies to: Studium Architects, 151 N. Rock Rd., Ste 1b, Wichita, KS 67202
Janet Miller, CM District VI
Martha Sanchez, CSR District VI
JR Cox, MABCD

CONDITIONAL USE RESOLUTION NO. CON2016-00017

WHEREAS, RayDot Properties, LLC, (Owners/Applicants), 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 on 0.41 acres zoned CBD Central Business District described as:

Lots 31, 33, 35, 37 and 39 together with half of the vacated alley adjacent on the West, on Handley Street, West Wichita Addition, Sedgwick County, Kansas, east of Seneca and north of West Douglas Avenue on the west side of N. Handley (117 N. Handley).

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 16, 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 a Nightclub in the City on 0.41 acres zoned CBD Central Business District described as:

Lots 31, 33, 35, 37 and 39 together with half of the vacated alley adjacent on the West, on Handley Street, West Wichita Addition, Sedgwick County, Kansas, east of Seneca and north of West Douglas Avenue on the west side of N. Handley (117 N. Handley).

Approved subject to the following conditions:

- (1) The site shall be developed in conformance with the approved site plan.
- (2) 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 16 TH Day of June 2016

METROPOLITAN AREA PLANNING COMMISSION


Carol Chapman Neugent, Chair MAPC

ATTEST:


Dale Miller, Secretary

STAFF REPORT
 MAPC 6-16-16
 DAB VI 6-15-16

CASE NUMBER: CON2016-17

APPLICANT/AGENT: Ray Dot Properties LLC (owner), IBREWCO, LLC d.b.a. Aero Plains Brewing c/o Brent Miller (applicant), Studium Architects (agent)

REQUEST: Conditional Use for a Nightclub in the City (micro-brewery with a tasting room and ability to obtain an entertainment license) within 300 feet of residential zoning

CURRENT ZONING: LI Limited Industrial, approved for CBD Central Business District

SITE SIZE: .41 acres

LOCATION: One block north of West Douglas Avenue, at the southwest corner of West Pearl Street and North Handley Street (117 N. Handley)

PROPOSED USE: Micro-brewery with tasting room and ability to obtain an entertainment license for live music



BACKGROUND: The applicants request a Conditional Use for a Nightclub in the City within 300 feet of residential zoning. The applicants intend to develop a micro-brewery with tasting room and ability to obtain an entertainment license for live music. The subject site was approved for Central Business District (CBD) zoning by the Wichita City Council on May 10, 2016. The applicants and staff did not identify B Multi-family zoning approximately 210 feet northwest of the site prior to the CBD re-zoning application. The B zoned property triggering this conditional use request is vacant and not developed with residences. Nightclub in the City is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a Nightclub in the City in the CBD zoning district by right, but requires a conditional use if the property is located within 300 feet of a church, park, school or residential zoning district. The site is within 300 feet of B Multi-family Residential zoning, but is not within 300 feet of an actual residence, church, park or school.

The CBD rezoning of this property was to give the applicants flexibility with parking and existing building setbacks. The 1960 building on the site has zero lot-line setbacks to the north, south and west sides. The east side of the building, facing Handley Street, is set back approximately 44 feet from the east property line; this side of the site is planned for 12 off-street parking spaces (see the applicant's site plan). A paved, eight-space parking area was improved by a previous property owner within the unpaved Pearl Street right-of-way along the north property line. The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is within the Delano Neighborhood Plan area, but is not within the Delano Overlay Neighborhood District (D-O). The D-O exists immediately south of this site and one block to the west. A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

Properties north and west of the site are zoned LI and used for warehousing and offices. Properties south of the site front onto Douglas, they are a combination of General Commercial (GC), Limited Commercial (LC) and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site, across South Handley, is zoned CBD and used for warehousing and retail commercial uses. Within the past two years, eight zone changes to CBD have been approved in Delano.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001. On May 10, 2016 the City Council approved rezoning this site to CBD subject to owner obtaining a minor street privilege for the paved eight parking spaces along the site's north boundary. The applicants are currently in the process of obtaining the minor street privilege.

ADJACENT ZONING AND LAND USE:

North: LI	Warehousing, office uses
South: GC, LC, CBD	Retail commercial uses
East: CBD	Warehousing, retail commercial uses
West: LI	Warehousing, office uses

PUBLIC SERVICES: The site has access to Handley Street, a paved local street with sidewalks and an 80-foot right-of-way at this location. West Pearl Street runs along the north side of the property. Pearl is unpaved at this location with an 80-foot right-of-way, it formerly included rail right-of-way. The Delano Neighborhood Plan calls for this portion of Pearl to become part of a linear parkway, a pedestrian and

bike corridor. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region’s preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan’s *2035 Wichita Future Growth Concept Map* identifies this location as “residential and employment mix,” encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

The Unified Zoning Code (UZY) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. 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-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

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

- (1) The site shall be developed in conformance with the approved site plan.
- (2) 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:

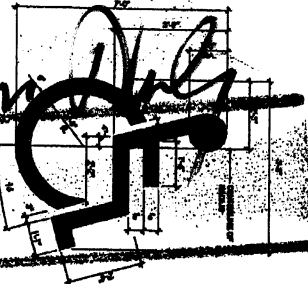
1. **The zoning, uses and character of the neighborhood:** The properties surrounding the subject site are zoned LC, GC, and CBD which permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property south and west of the site are subject to the D-O district, which limits land uses and has design guidelines.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is approved for CBD zoning which permits a wide range of commercial uses. The applicants require the requested conditional use to move forward with their business plan.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should have little if any impact nearby property owners. The site is currently developed and has some off-street parking. No residential dwelling units, schools, parks or churches are within 300 feet of this 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 will make the property more marketable with a wider range of possible uses. 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 Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region’s preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan’s *2035 Wichita Future Growth Concept Map* identifies this location as “residential and employment mix,” encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.
6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under CBD zoning and the proposed conditional use.

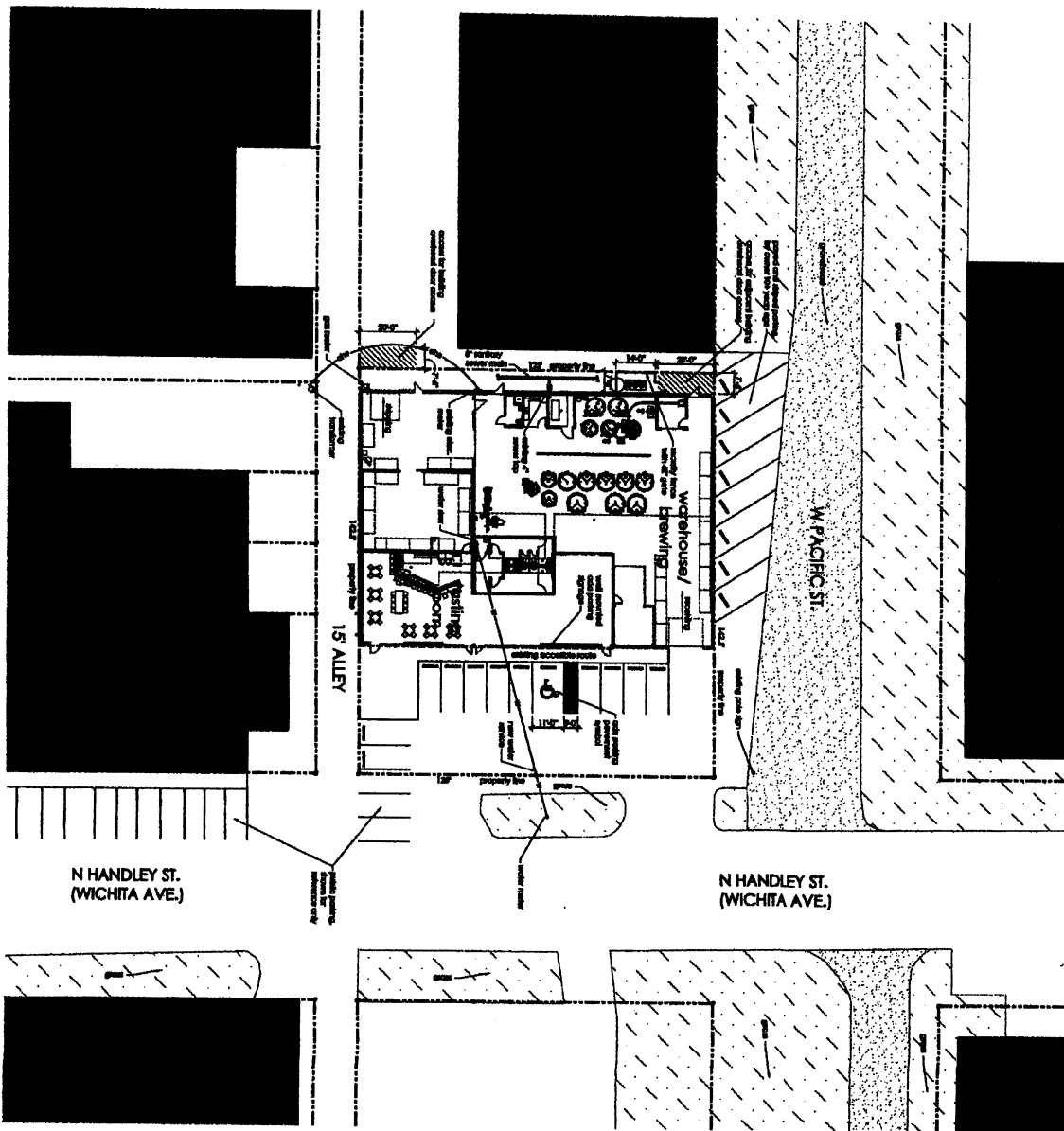
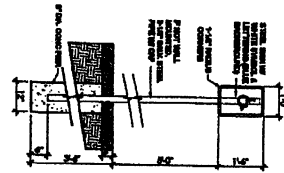
APPROVED

Date: 1-11-16

ADA parking
payment symbol 108



ADA parking signage 02



101 site plan
1" = 20'-0"
0 20

Aero Plains Brewing

117 N. Handley | Wichita, Kansas



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