FILE COPY

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 22, 2006

Ron Smith
PO Box 758
Andover, KS 67002

RE: **CON2006-48** - Conditional Use for a nightclub in the City on "LC" Limited Commercial zoned property, generally located on the east side of Broadway Avenue, approximately 180-ft north of Murdock

Dear Ladies and Gentlemen:

At its regular meeting on **December 16 2006**, the Wichita City Council considered the above-captioned request. The action of the City Council was to **APPROVE**, the request, subject to the following conditions:

A. The Nightclub Conditional Use shall be for rented special events only. Rented special events shall be defined as weddings, receptions, graduation parties, and the like.
B. The site shall be in conformance with the approved site plan.
C. No outdoor entertainment, food or drink service, or community assembly shall be permitted on the site.
D. The applicant shall obtain, maintain, and comply with all applicable permits and licenses necessary for the operation of a Nightclub.
E. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

Copies to: Alan Dale Wilkie, 701 E. 2nd St., Wichita, KS 67202
Sharon Fearey, WCC District VI, Mail Stop #1-13
Teri Dozal, NA VI, Mail Stop #1-13
Vicky Huang, Engineering, Mail Stop #1-71
Randy Sparkman, OCI

RESOLUTION No. 06-707

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHT CLUB (RENTAL FACILITY FOR RECEPTIONS AND SPECIAL EVENTS WHERE MUSIC AND DRINKS MAY BE PROVIDED) ON .49 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED EAST OF BROADWAY AND NORTH OF MURDOCK (828 N BROADWAY) IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit a nightclub (rental facility for receptions and special events where music and drinks may be provided) on .49 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2006-00048

A Conditional Use to permit a nightclub (rental facility for receptions and special events where music and drinks may be provided) on .49 acres zoned "LC" Limited Commercial described as:

Lots 16, 17, 18, 19, 20, 21, 22, and 23 Arlington Addition, an Addition to Wichita, Sedgwick County, Kansas. AND Lots 77 and 77 on Lawrence Avenue, J. P. Hilton's Addition, Wichita, Sedgwick County, Kansas. Wichita, Sedgwick County, Kansas. Generally located East of Broadway and north of Murdock (828 N. Broadway).

SUBJECT TO THE FOLLOWING CONDITIONS:

A. The Nightclub Conditional Use shall be for rented special events only. Rented special events shall be defined as weddings, receptions, graduation parties, and the like.
B. The site shall be in conformance with the approved site plan.
C. No outdoor entertainment, food or drink service, or community assembly shall be permitted on the site.
D. The applicant shall obtain, maintain, and comply with all applicable permits and licenses necessary for the operation of a Nightclub.
E. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning

Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date Dec 19, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

9-1

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

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AGENDA ITEM NO. 7

STAFF REPORT

MAPC 11-16-06
DAB VI 11-15-06

CASE NUMBER: CON2006-48

APPLICANT/AGENT: Ron Smith (owner), Allen Wilkie (agent)

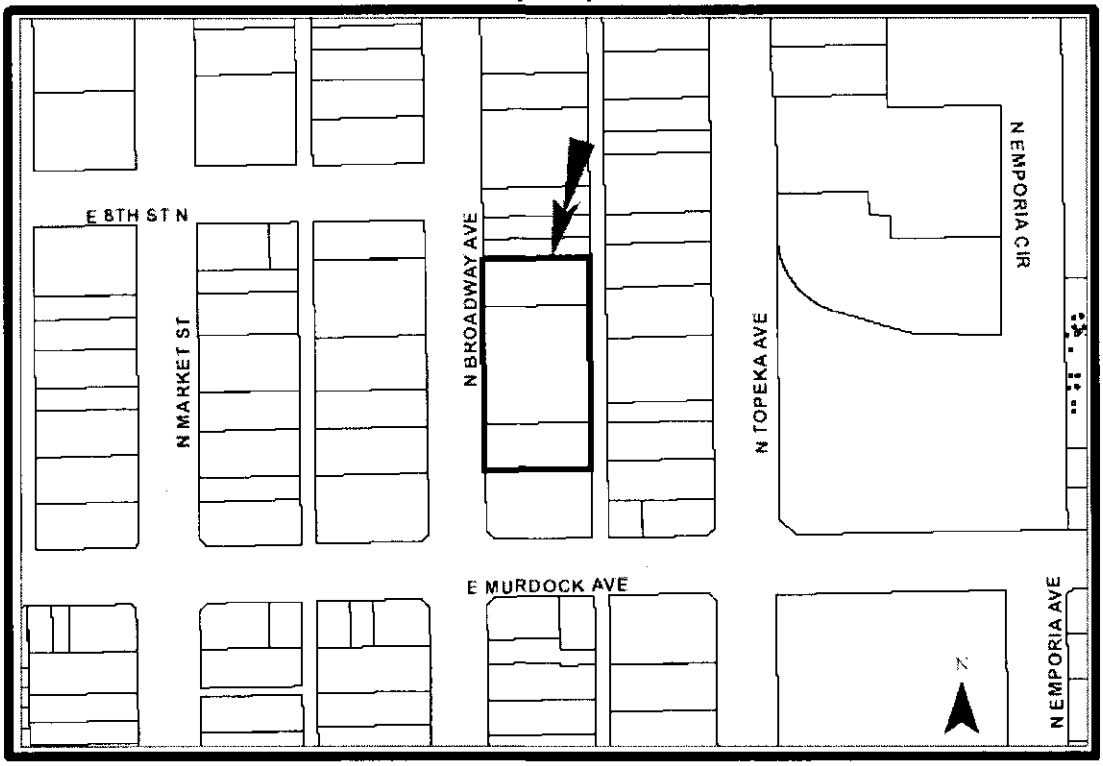
REQUEST: Conditional Use to permit a nightclub (rental facility for receptions and special events where music and drinks may be provided)

CURRENT ZONING: LC Limited Commercial

SITE SIZE: .49 acre

LOCATION: East of Broadway and north of Murdock (828 N. Broadway)

PROPOSED USE: Rental facility for receptions and special events where music and drinks may be provided



BACKGROUND: The application area is a former church building located east of Broadway and north of Murdock in "LC" Limited Commercial zoning. A business is using the former church building for weddings, receptions, and special events. The business desires to allow live music, dancing, and alcoholic drinks. Nightclubs are a permitted use in LC zoning. However, the site is within 200 feet of residential zoning, and therefore a Conditional Use for a Nightclub is required for the desired activities. The residential zoning near this site is "B" Multi-family Residential zoning located east of the site, across the alley, and used for hospital parking.

The applicant's floor plan demonstrates a 3,000 square-foot facility, and their site plan indicates 88 parking spaces on the site. The Unified Zoning Code would require 1 parking space per 45 square feet of public assembly for the proposed facility, or 67 total spaces, less than the 88 existing on the site. Surrounding properties include the hospital parking to the east, a fast food restaurant to the north, office space to the south, a tavern to the east, as well as an Inter-faith Ministries run group residence to the east.

CASE HISTORY: The Arlington Addition was recorded in 1911.

ADJACENT ZONING AND LAND USE:

NORTH:	LC Limited Commercial	Restaurant
SOUTH:	LC Limited Commercial	Office
EAST:	B Multi-family Residential	Hospital Parking
WEST:	LC Limited Commercial	Tavern, Group Residence

PUBLIC SERVICES: Broadway is a four-lane arterial street at this location with a 75-foot right-of-way.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* depicts this location as being appropriate for "local commercial," which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The Midtown Neighborhood Plan identifies this site as appropriate for institutional uses, consistent with the former church use of the site.

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

A. The Nightclub Conditional Use shall be for rented special events only.
B. The site shall be in conformance with the approved site plan.
C. No outdoor entertainment, food or drink service, or community assembly shall be permitted on the site.
D. The applicant shall obtain, maintain, and comply with all applicable permits and licenses necessary for the operation of a Nightclub.

except for weddings, receptions and food, etc. service.

E. 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 Article VIII of 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:

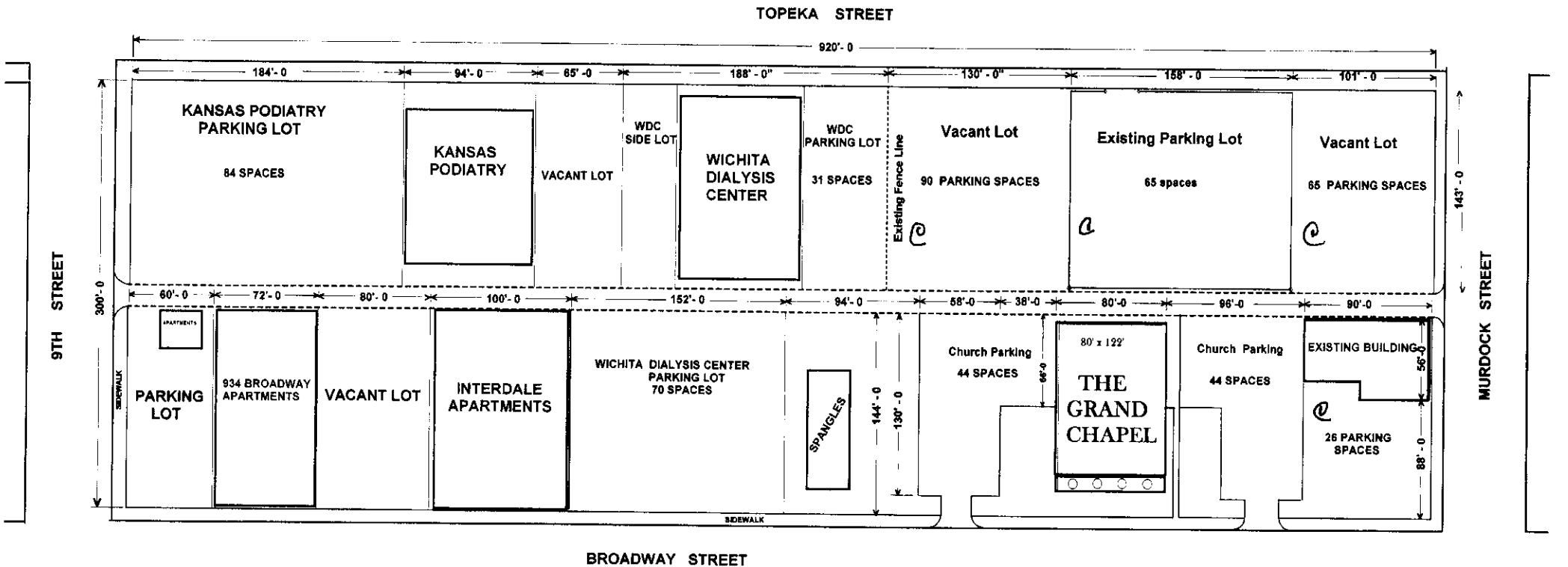
1. The zoning, uses and character of the neighborhood: The surrounding "LC" Limited Commercial zoning and land uses are not out of character with the proposed special events rental facility. The adjacent "B" Multi-family zoned property is used for a hospital parking lot, and will most likely never be developed with residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC which allows a wide variety of retail, office and residential uses. The site could be used as zoned and developed or redeveloped as currently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit live music, dancing, and alcoholic drink service on the site. As the proposed use is for rented special events only, and no residential uses abut this site, the request should have no detrimental affect on nearby property. The site meets the code required parking standards, and should not affect adjacent business parking.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2030 Wichita Functional Land Use Guide* depicts this location as being appropriate for "local commercial," which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. A rental special event facility would be in general conformance with the local commercial designation. The proposed facility is different than the Midtown Neighborhood plan designation of this site for institutional use, but the request does not otherwise conflict with that plan.

5. Impact of the proposed development on community facilities: None identified.



© = proposed parking = conditional use for ancillary parking in "B" Multi-family Residential ~~parking~~ Zoning

Drawn BY: John Lindholm	
Date: 02/22/06	
Drawing No:	
Revision 4 Of 1	9/08/06