

ORDINANCE NO. 50-563

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

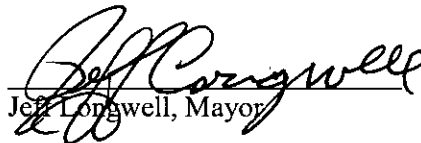
Case No. ZON2017-00008

Zone change from MF-29 Multi-Family Residential to LC Limited Commercial:

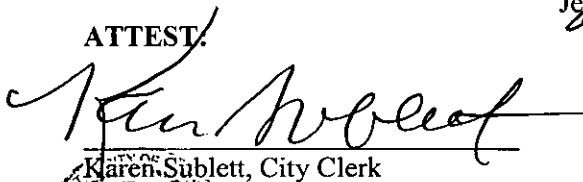
Lot 4, Parker's Addition to Wichita, Sedgwick County, Kansas; generally located at the southeast corner of West Irving Avenue and South Seneca Street

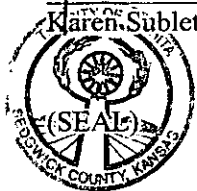
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

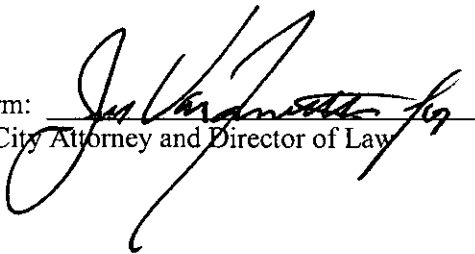
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT

MAPC: June 22, 2017
DAB IV: July 10, 2017

CASE NUMBER: ZON2017-00008 & CON2017-00022

APPLICANT/AGENT: Halliday Properties LC and Maisch Family LP /Robert Kaplan (Agent)

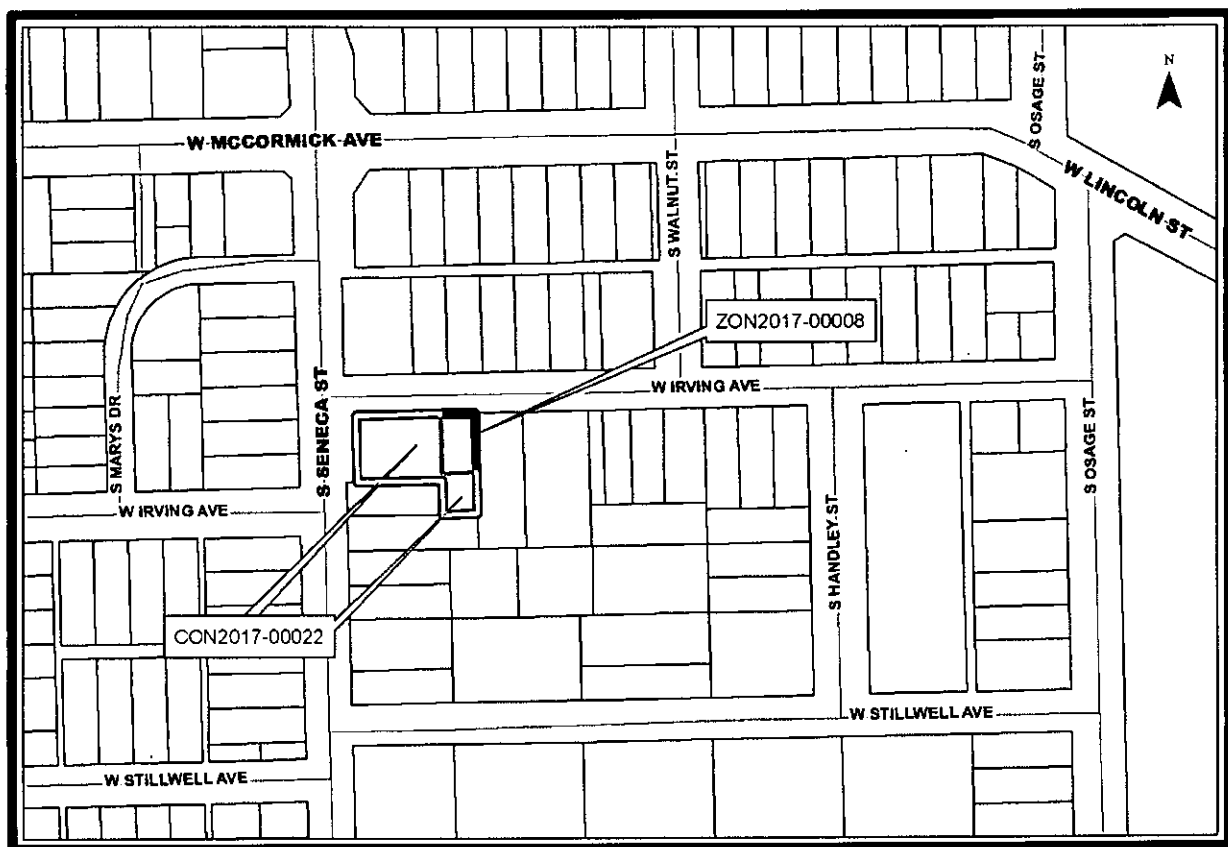
REQUEST: Zone change to LC Limited Commercial and a Conditional Use to allow a nightclub and outdoor patio for food and beverage service

CURRENT ZONING: LC Limited Commercial and MF-29 Multi-Family Residential

SITE SIZE: 0.46 acre

LOCATION: Southeast corner of South Seneca and West Irving

PROPOSED USE: Expansion of nightclub with outdoor patio food and beverage service



BACKGROUND: The applicant is requesting rezoning of the 0.17 acre platted, vacant property located immediately west of the LC zoned drinking establishment to facilitate the expansion of the non-conforming business from MF-29 Multi-Family Residential (MF-29) to LC Limited Commercial (LC). The applicant is also applying for a Conditional Use for a nightclub to get the subject property at 1106 S. Seneca in conformance with the Unified Zoning Code (UZC). The LC zoned property is developed with a one-story, masonry commercial building built in 1966. The MF-29 zoned lot (104 W. Irving) is vacant.

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 Code (UZC), Sec.III-D6.w. MF-29 zoned properties developed with single-family residences are located immediately adjacent to the subject property. There is no history of a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on the subject property. However, the applicant has stated that the subject property has been either a tavern, drinking establishment or nightclub most of its time from 1966 to the present.

Property west of the subject site is zoned LC and is developed with a commercial brick building in which the existing drinking establishment is located. Properties north, south and east of the site are zoned MF-29 and are developed with single-family residences.

CASE HISTORY: The lot containing the existing commercial building was originally Lot 1, of the Parker Addition and was re-platted in 1964 as the Laughlin Kennedy Addition and is zoned LC. The zone change subject property was platted in 1930 as part of the Parker Addition, Wichita, Sedgwick County, Kansas.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Single-family residences
SOUTH:	MF-29	Single-family residences
EAST:	MF-29	Single-family residences
WEST:	LC	Non-conforming Nightclub in the City

PUBLIC SERVICES: The subject property has access to West Irving Avenue, a local street with 60 feet of right-of-way and on-street parking on both sides of the Street. The subject property is served by municipal utilities that can accommodate the demand of additional development.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Established Central Area. The Plan promotes infill development that maximizes public investment in existing and planned infrastructure and services. The plan also encourages mixed-use redevelopment of existing commercial centers and along arterial streets.

RECOMMENDATION: Staff notes that some form of drinking establishment has existed on this site for some time which does not appear to be incompatible with nearby residential uses. This application does not introduce a new use to the area. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall meet the UZC parking requirements by providing additional parking on the site, obtaining a parking reduction, or securing an off-site parking

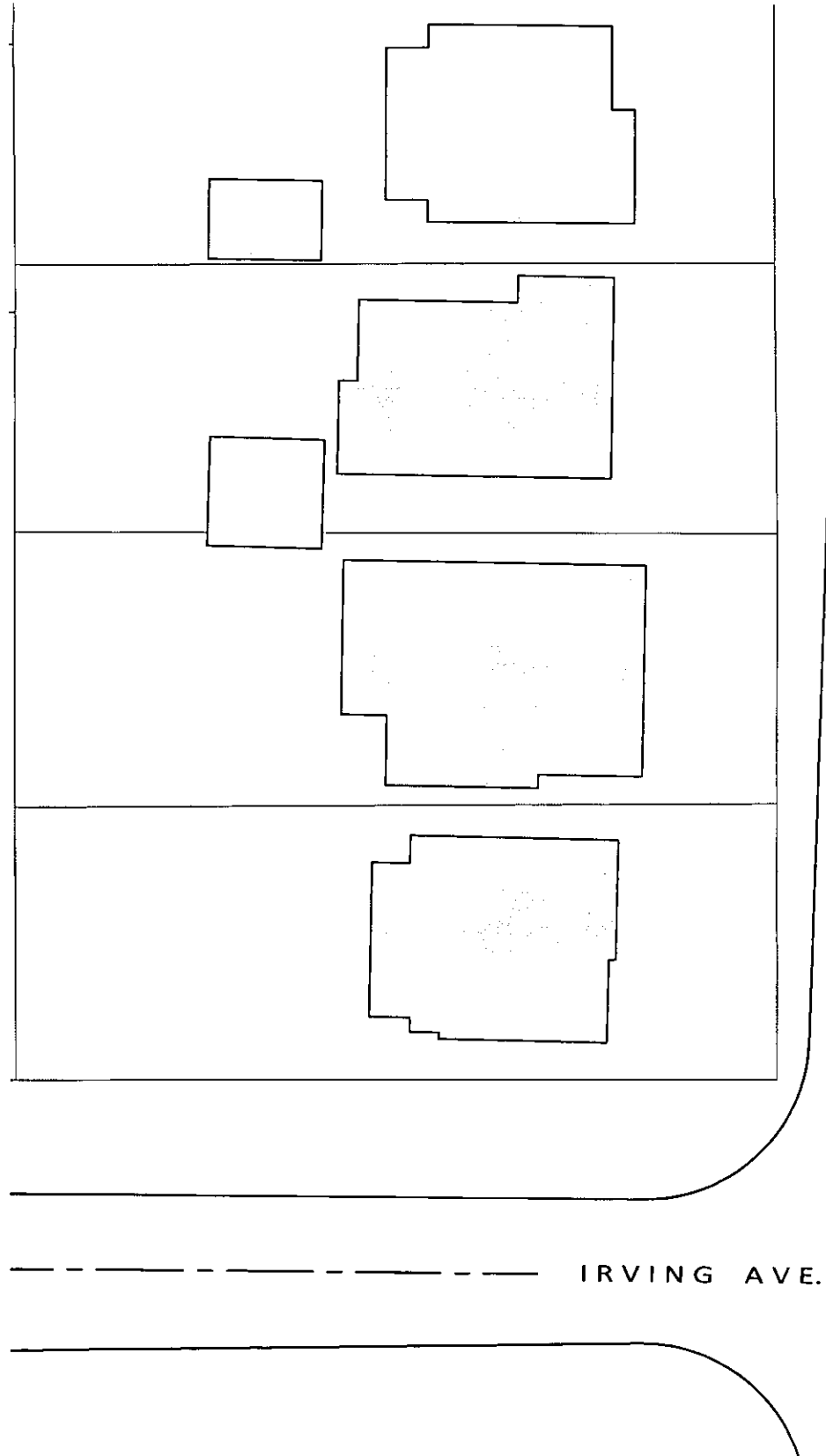
agreement.

- (2) The applicant shall submit a revised site plan, to be approved by planning staff, which identifies required parking.
- (3) Screening of the outdoor patio shall be in compliance with Sec. III-E.w of the UZC.
- (4) Trash receptacles shall be screened
- (5) The site shall be developed and maintained in conformance with the approved site plan.
- (6) No outside loudspeakers or outdoor entertainment is permitted.
- (7) The site shall maintain all necessary licenses for a nightclub in the city.
- (8) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (9) 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:

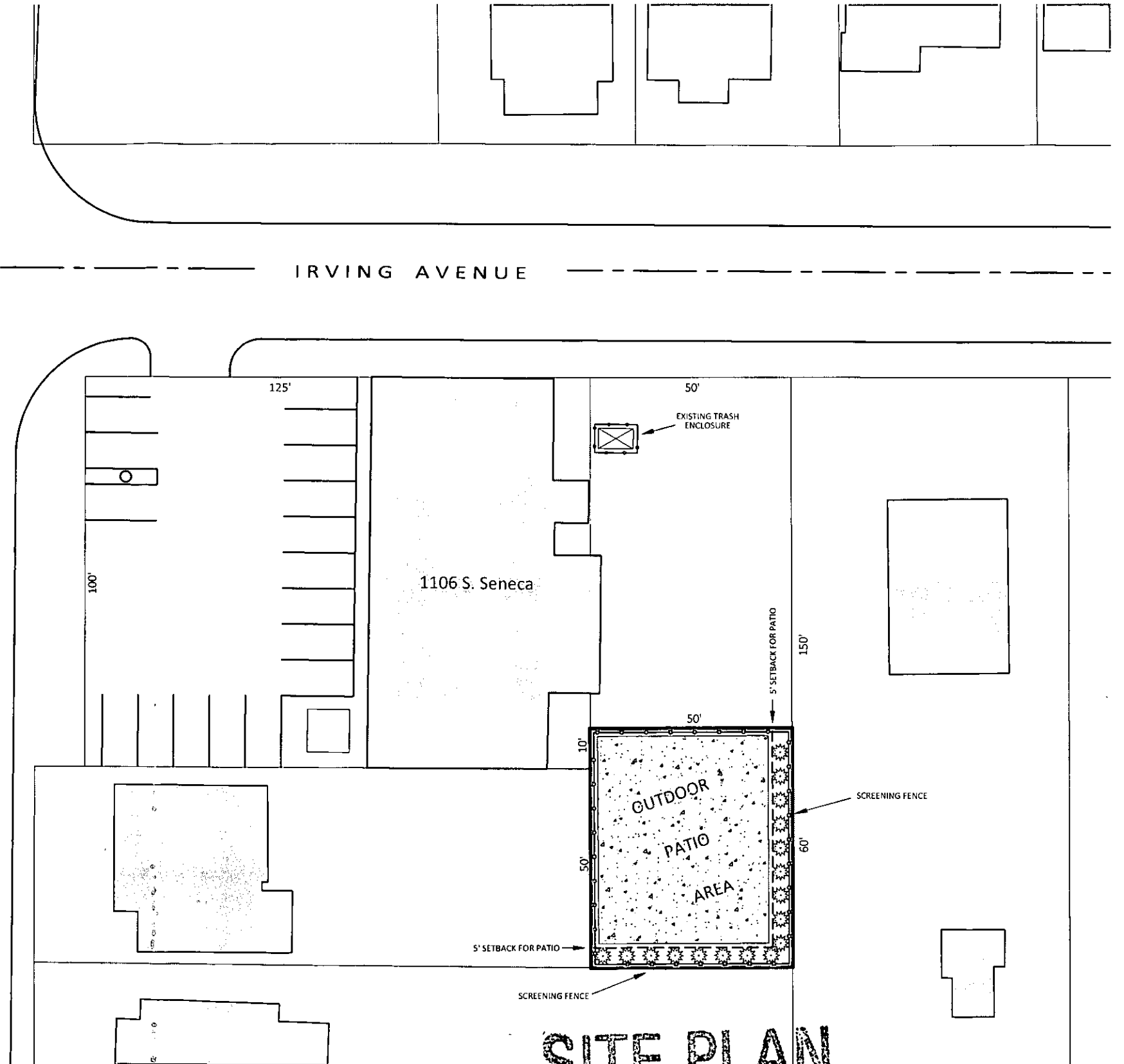
1. **The zoning, uses and character of the neighborhood:** Property west of the subject site is zoned LC and is developed with a commercial brick building in which the existing drinking establishment is located. Properties north, south and east of the site are zoned MF-29 and are developed with single-family residences.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property has access to West Irving Avenue, a local street with 60 feet of right-of-way and on-street parking on both sides of the Street. The subject property is served by municipal utilities that can accommodate the demand of additional development.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The site will be developed with adequate screening to accommodate the use. Sufficient parking is available for the site.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Established Central Area. The Plan promotes infill development that maximizes public investment in existing and planned infrastructure and services. The plan also encourages mixed-use redevelopment of existing commercial centers and along arterial streets.
5. **Impact on Community Facilities:** Existing road facilities are adequate. Any increased demand on community facilities can be addressed during the development.

Staff Report
Attachment: Site Plan




 SCALE: 1" = 30'

CON2017-22 SITE PLAN 1106 SOUTH SENECA



SITE PLAN

APPROVED 7/25/17 BY 

REVISED: 06/12/17



BAUGHMAN