



Wichita-Sedgwick County Metropolitan Area Planning Department

March 21, 2023

Red Carpet, LLC
4925 West Central
Wichita, KS 67212

Melanie and Mitchell Collins
224 S Ceymarie Cir
Wichita, KS 67209

Patrick Hughs
1635 N Waterfront Parkway, Ste. 200
Wichita, KS 67206

RE: CON2022-00057: Conditional Use request in the City to permit an Event Center with live music/entertainment and alcohol (defined as Night Club in the City) on property zoned LC Limited Commercial; located approximately 0.40 miles east of North Hoover Ave. and on the south side of West Central Ave. (4925 W. Central Ave.).

Dear Applicant;

At its regular meeting on **February 9, 2023** the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including speakers on any patio whether enclosed or unenclosed.
5. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
6. The parking lot shall be kept free of all trash and debris.
7. No loitering, congregating or excessive noise shall be permitted in the parking lot.
8. 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.

No protests were received against this case. Therefore, the MAPC decision is final.

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,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a large, stylized initial "P" and a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
 Maggie Ballard, Councilmember District VI
 Ana Lopez, CSR District VI



Wichita-Sedgwick County Metropolitan Area Planning Department

February 10, 2023

Red Carpet, LLC
4925 West Central
Wichita, KS 67212

Melanie and Mitchell Collins
224 S Ceymarie Cir
Wichita, KS 67209

Patrick Hughs
1635 N Waterfront Parkway, Ste. 200
Wichita, KS 67206

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Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on February 23, 2023** 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 located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **February 23, 2023 at 5:00 p.m.**

If there are no protests, the MAPC's approval is final. If there are protests, this application will be presented to the Wichita City Council on **Tuesday, March 14, 2023** beginning at 9:00 a.m.

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,

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Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
 Maggie Ballard, Councilmember District VI
 Ana Lopez, CSR District VI

CONDITIONAL USE RESOLUTION NO. CON2022-00057

WHEREAS, Red Carpet, 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 to permit live music and entertainment as accessory to an Event Center defined as Nightclub in the City on property zoned LC Limited Commercial District located on the south side of West Central Avenue, approximately 0.40 miles east of North Hoover Avenue (4925 West Central Avenue), legally described as:

East 55.25 feet of Lot 3 and the West 9.35 feet of Lot 4, Block B, Kell Hawkins 2nd Addition, Wichita, Sedgwick County, Kansas.

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 February 9, 2023, 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 to permit live music and entertainment as accessory to an Event Center defined as Nightclub in the City on property zoned LC Limited Commercial District located on the south side of West Central Avenue, approximately 0.40 miles east of North Hoover Avenue (4925 West Central Avenue), legally described as:

East 55.25 feet of Lot 3 and the West 9.35 feet of Lot 4, Block B, Kell Hawkins 2nd Addition, Wichita, Sedgwick County, Kansas.

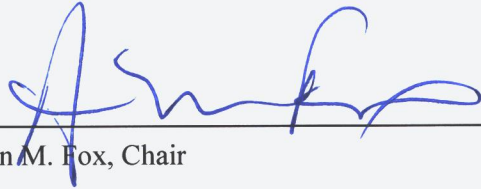
Approved subject to the following conditions:

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Adopted this 23rd Day of February 2023.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Ann M. Fox, Chair



Scott A. Wadle, Secretary



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	370865	Print Legal Ad-IPL01055960 - IPL0105596	OCA 150004	\$167.79	2	100 L

Attention: MANDY HEBERT
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on January 19, 2023
 (One Time Only)
 MAPC/BZA February 9, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 9, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-00055: Conditional Use request in the City to allow Multi-Family density (with ZON2022-00076 to allow TF-3 zoning); located within one-block south of West 31st Street and one-quarter mile west of South Broadway. (3255 South Waco).

CON2022-00056: Conditional Use request in the City to permit a carwash on property zoned GC General Commercial District; generally located on the southwest corner of East Kellogg Drive and South Greenwich Road (11051 East Kellogg Drive).

CON2022-00057: Conditional Use request in the City to an Event Center with live music/entertainment and alcohol (defined as Night Club in the City) on property zoned LC Limited Commercial; located approximately 0.40 miles east of North Hoover Ave and on the south side of West Central Avenue (4925 W Central Ave).

DER2022-00013: Amendment to Article 3-102 of the Wichita-Sedgwick County Subdivision Regulations Pertaining to Extraterritorial Subdivision Regulation Authority for Derby.

VAC2022-00036: Vacation request in the City to vacate access control and building setback; generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street).

ZON2022-00076: Zone Change request in the City from SF-5 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional duplexes (with CON2022-00055 for multi-family density); located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 S Waco).

ZON2022-00077: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northeast corner of North 63rd Street South and South Clifton Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Topic: Wichita-Sedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=e0k3bW0ySElnbFJOTDFVbXp-VjRkUj09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,4089866967#...094136# US (San Jose)

+1193594560,4089866967#...094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email: Planning@wichita.gov

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on January 19, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0105596

Jan 19 2023

In The STATE OF KANSAS
 In and for the County of Sedgwick

1 insertion(s) published on:

01/19/23

STATE OF KANSAS)

SS

County of Sedgwick)

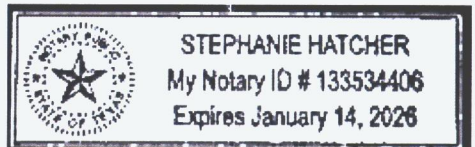
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 01/19/2023 to 01/19/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 01/19/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

KU basketball bench struggles in key moments vs. K-State

BY SHREYAS LADDDHA
sladdh@ktar.com

MANHATTAN

Kansas basketball coach Bill Self had no choice. Star KU freshman Graydy Dick had committed his fifth and final foul with 1:31 left in overtime on Tuesday at Bramlage Coliseum.

Dick sauntered over to the bench and joined fellow starters KJ Adams and Kevin McCullar, who had also fouled out.

As K-State forward Keyontae Johnson sank both free throws to tie the score at 40-all, Kansas' lineup at game point looked bizarre:

The lineup featured point guards Dajuan Harris and Bobby Pettiford, combo guard Joseph Yesufu, forward Jalen Wilson and center Zach Clemence.

The trio of Pettiford, Yesufu and Clemence averaged 15.7, 12.4 and 5.7 minutes per game, respectively, this year.

Self hasn't trusted his bench all season long. Often, KU plays only seven or eight players in its rotation. When bench players play, it's usually for dire situations ... or in garbage time. Kansas ranks 343rd in the country in bench minutes percentage (22.7%), per KenPom.

On Tuesday, it finally caught up with the Jayhawks. The trio struggled in the clutch moments in Kansas' 83-82 overtime loss to K-State at Bramlage Coliseum.

They combined for only seven points while shooting 3-for-7 from the floor.

On the game's final play, KU had the ball down one (83-82) with 11 seconds left. Coming off a timeout, Pettiford in-



BY BEN SUDG, @suds@ktar.com

KU coach Bill Self speaks with his team during the first half of Tuesday night's Big 12 Conference game at Bramlage Coliseum. KSU beat KU 83-82 in overtime.

bounded the ball to Harris. Harris then drove, but the Wildcats collapsed onto him and the KU guard lost the ball. Harris dove on the floor to try to regain possession, but Ismael Massoud came away with the ball as the clock expired.

"We talked about what exactly to do," Self said of the final play. "Bobby's never thrown it in side-out (meaning in a sideline-out-of-bounds setting). When we called timeout with (11 seconds) left in overtime, we didn't get the ball to the guy we wanted to."

"Then at the end we tried to run some fake stuff just to throw the ball to J-Will on the block, and I thought he was open. Bobby makes the safe play and throws it to Juan. But he's never been in that situation before. I really don't know what you can say at game point like that to three guys that hadn't been out there before. I mean, they've just got to play. We practice stuff, but they haven't been out there in those situations before."

The lack of experience wasn't the only issue, though. KU's most viable scoring option behind

Wilson — and possibly the next two — sat on the bench.

Everyone in the arena knew the primary option would be Wilson for the final shot, and the Wildcats wisely put extra attention on him. The minute Harris received the ball and began to drive, it was a win for K-State.

The other options didn't inspire much confidence. Earlier in regulation, with 1:21 left in a tie game, Clemence received a pass in the post and went up for the bucket. K-State guard Markquis Nowell stole the ball and converted the other way.

Perhaps one plausible option would've been Yesufu. As Harris drove, Yesufu was open in the corner. Still, putting the ball in a player's hands who averages 3.8 points per game is a tall order.

Despite a tough loss, Wilson didn't make any excuses. "It's very difficult seeing guys getting fouled out like that," Wilson said. "No matter who's out there, we've got to find a way to come out with a win and have success."



BY JEREMIAH WICK, @WICK13@KTAR.COM

Senior guard Marcus Zeigler helped the Wichita Heights boys basketball team defeat Kapaua Mt. Carmel for the first time since 2019 in Tuesday's 5F-36 win.

FROM PAGE 1B

CITY LEAGUE

ing two defenders. "When you have guys who have been part of state championship success, they're pretty mature and they understand there are many ways to win a game."

Sure enough, right out of halftime Zeigler passed ahead to Williams on a fastbreak for a layup and foul. A minute later, Zeigler again found Williams in transition for a bucket. A four-point halftime advantage was stretched to 31-18 before Kapaua had to call for timeout to regroup.

Williams, a promising recruit in the class of 2024, scored all 16 of his team-high points in the second half, while adding 14 rebounds, five assists and a block in a complete performance. Zeigler added eight points, six re-

bounds, three assists and a steal.

Up against a talented center in Kapaua 6-foot-6 senior Will Anciaux, Heights managed to limit his impact by the stout defense played inside by senior Jordan Okon.

The Crusaders managed to close to within 37-31 in the first two minutes of the fourth quarter, but Zeigler followed with two free throws and Williams found Qyree Holt in the corner for a three to double-digits, 42-32, within the minute. Kapaua never threatened again.

Auer was particularly pleased with his team's rebounding effort, as his assistants tracked that the Falcons grabbed 85% of available defensive rebounds against Kapaua with a team effort put

forth by Williams, Zeigler, Okon, Holt, Amalachi Wilkins (five blocks), Jordan Alford and Chase Robinson.

"Those were two of the best defensive teams in the state of Kansas and baskets were hard to come by," Auer said. "We knew it was going to be a low-scoring game and we made some plays on defense that allowed us to finally get some transition buckets in the second half. It was a great team effort and a heck of a City League battle."

Taylor Eldridge, 316-268-6270, @tayloreldridge

By Wichita Eagle
XTRA SPORTS
The latest sports news with recaps, commentary and analysis beyond the game.
kansas.com/edit/xtsports

classifieds FIND BUY SELL
classifids.kansas.com

Legals

LEGAL PUBLICATION
Published in The Wichita Eagle Thursday January 19, & Thursday January 26, 2023
Sealed bids will be received in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, prior to TEN O'CLOCK A.M., FRIDAY, FEBRUARY 3, 2023. Request for Formal Bid Form MUST be used to submit your bid unless you are submitting your bid on our website at 1 (https://eforms.wichita.gov) using your secure login/username.

LEGAL PUBLICATION
NOTICE OF NEW BRANCH LOCATION
Legacy Bank, 3711 N. Dodge Rd., Wichita, Kansas has filed an application with the State Bank Commissioner and the FDC for permission to establish a branch, known as the East Harry Branch, located at 7711 E. Harry St., Wichita, Kansas. The State Bank Commissioner considers a number of factors in deciding whether to approve the application. Any person wishing to comment on this application may file his or her comments, in writing, with the State Bank Commissioner, at 100 SW Jackson Street, Suite 300, Topeka, Kansas 66603 and file at the same address and are available for public inspection during regular business hours. Photocopies will be made available upon request. Comments will be considered if received on or before February 6, 2023. Public comments may be submitted to disclosure@ksba.com or the Kansas Open Records Act, K.S.A. 45-2012 for information about submitting a request for records. Please refer to: http://www.ksba.com/ksba/openrecords/openrecords-requests/ PLO10089 Jan 19, 2023

LEGAL PUBLICATION
NOTICE OF PUBLIC HEARING
IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS LAKEVIEW LOAN SERVICES, LLC, PLAINTIFF Case No. 2022-CV-00222-CM Div No. KS-A 80 Mortgage Foreclosure TERRI SPECKHARDT, et al.; DEFENDANTS NOTICE OF SUIT The State of Kansas, THE HEIRS AND EXECUTORS OF TERRI L. SPECKHARDT and the unknown heirs, administrators, devisees, trustees, creditors, and assigns of each of the defendants as may be deemed, the unknown spouses of the defendants, the unknown officers, successors, trustees, creditors and assigns of each defendant as are existing, disclosed or dormant corporations, the unknown guarantors and trustees of such of the defendants as are mortgagors or are in anywise under legal disability; and all other persons who are or may be concerned: You are hereby notified that a petition has been filed in the District Court of Sedgewick County, Kansas, by Lakeview Loan Servicing, LLC for judgment in the sum of \$1,222,149.00, including costs and other relief, judgment that plaintiff's lien is a first lien on the said real property and sale of said property to satisfy the indebtedness, said property described as follows, to wit: LOT 47, BLOCK ONE, WHEPSEG BROOK ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, commonly known as 5555 East Brookview Court, Wichita, Kansas 67220 and you are hereby notified to plead to said petition in said Court at Wichita, Kansas on or before the 18th of February, 2023. Should you fail therein judgment and decree will be entered. If you cause upon said petition THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION CONTAINED HEREIN WILL BE USED FOR THAT PURPOSE. LOGS LEGAL GROUP LLP Attorneys for Plaintiff 6811 Shawnee Mission Parkway, Suite 300 Overland Park, KS 66202 (913) 831-3000 Fax No. (913) 831-3320 Our File No. 22-0102934 Jan 5, 12, 19 2023

LEGAL PUBLICATION
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Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA KS 67202

MEMO INVOICE	
Order No.:	370865
Memo Date:	01/19/2023
Bill-To Account:	16399
Sales Rep:	Hayley Martin

Dates	Order No.	Description	Product	Size	Billed Units	Times Run	Net Amount
01/19/2023 - 01/19/2023	370865	Print Legal Ad-IPL01055960 IPL0105596 PO: OCA 150004	WIC-Wichita Eagle Legal Legals & Public Notices CLS	2 x 100 L	200 L	1	\$167.79

 Please Return This Portion With Your Payment (Thank You)

McClatchy Company LLC
 PO Box 510150
 Livonia MI 48151

*** MEMO INVOICE ***

CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA KS 67202

MEMO INVOICE	
Order No.:	370865
Account No.:	16399
Account Name:	CITY OF WICHITA/PLANNING DEPT
Order Amount:	\$167.79

Email questions to ssccreditandcollections@mcclatchy.com

McClatchy Company LLC
 PO Box 510150
 Livonia MI 48151

Conditional Use—Site Plan

Zoning/License Change

within 200' of residential

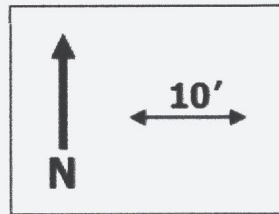
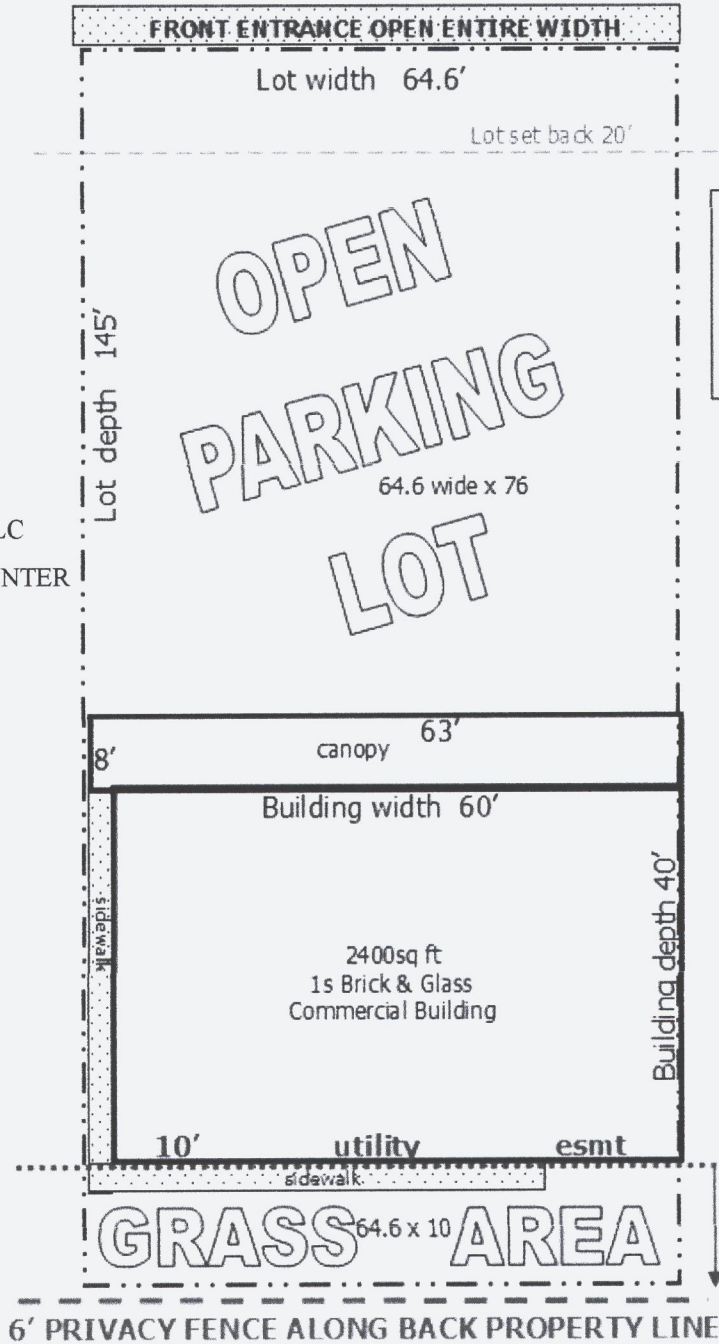
ZONED SF-5 RESIDENTIAL
DEVELOPED AS A CHURCH

ZONED LC
DEVELOPED AS A STRIP CENTER

CENTRAL AVE

SITE PLAN

APPROVED 2/23/23 BY *[Signature]*



ZONED LC
STRIP CENTER

ZONED LC
STRIP CENTER

Red Carpet LLC
4925 W CENTRAL
WICHITA, KS. 67212

Melanie Collins, CEO
(316) 650-5926

E 55.25 FT LOT 3 & W 9.35 FT LOT 4
BLOCK B KELL HAWKINS 2ND. ADD.

Existing conditions:

Licensed for Assembly
Zoned LC

Current Structure is concrete block with brick overlay on walls
Spray foam and Sound deadening Insulation in/on ceilings.

ZONED LC
DEVELOPED MULTI FAMILY RESIDENTIAL



STAFF REPORT
MAPC: February 9, 2023
DAB VI: February 13, 2023

CASE NUMBER: CON2022-00057 (City)

APPLICANT/AGENT: Red Carpet, LLC; Melanie and Mitchell Collins (Applicants)/ Patrick Hughes (Agent)

REQUEST: Nightclub in the City

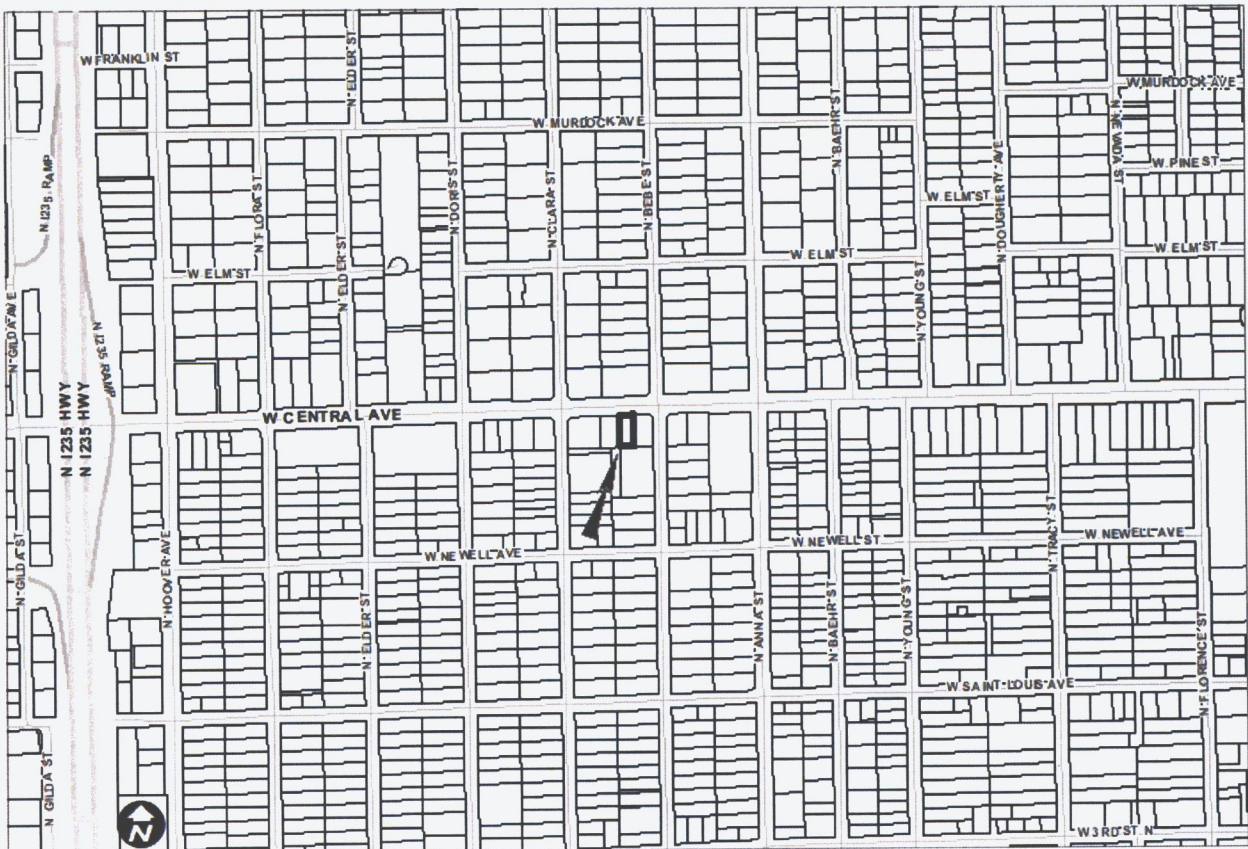
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 0.22 acres

LOCATION: Generally located on the south side of West Central Avenue, one-half mile west of North West Street (4925 West Central Avenue).

PROPOSED USE: To permit an Event Center which may provide entertainment and alcohol.

RECOMMENDATION: Approve with Conditions



BACKGROUND: The applicant is requesting a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined as “Nightclub in the City”) on property zoned LC Limited Commercial District. The property is generally located on the south side of West Central Avenue, one-half mile west of North West Street (4925 West Central Avenue). The property is developed as the west half of a larger retail strip center. The eastern half of the building is under different ownership and developed as a laundromat. The Event Center is currently operating and was given a notice of violation. If approved, the requested Conditional Use will bring the use into in compliance.

The Event Center provides space to be rented out on an occasional basis. The Unified Zoning Code definition of “Nightclub in the City,” is applied because of the possible provision of entertainment and alcohol at these events. The need for the Conditional Use at this location is due the proximity of SF-5 Single-Family Residential zoning and a church/place of worship adjacent on the north side of West Central Avenue. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for “Nightclub in the City” when it is within 300 feet of residential zoning district.

Property to the north is zoned SF-5 Single-Family Residential District and is developed with a church/place of worship. Property to the east is zoned LC Limited Commercial District and developed with a laundromat. Property to the south is zoned LC and developed with apartments. Property to the west is zoned LC and developed with commercial retail.

The property does not have an outdoor patio, so all events will be conducted inside the building. The attached site plan indicates a six-foot privacy fence on the rear of the property separating the building from the apartments to the south. However, a site visit determined that the fence between the two properties is a chain-link fence. Staff is recommending the fence been upgraded to an eight-foot solid screening fence as a condition of approval. This is due to the proximity of the residential dwellings to the south and a solid screening fence may help mitigate any noise pollution coming through the building wall. Though the property to the south is zoned LC Limited Commercial District, it is developed with apartments. The distance between the rear wall of the subject building and the nearest apartment building is approximately 35 feet. Section IV-B of the UZC does not require screening along this property line because the property to the south is zoned commercially. Given the nature of the request and the immediate context, staff is recommending standards above and beyond the requirements of the UZC.

The attached site plan does not indicate the number of parking spaces on the site. A site visit determined there are 17 parking spaces. Section IV-A of the UZC states the parking requirement for this use is one space per two occupants. The capacity of the building is unknown, but based on the parking requirement, the capacity for events is limited to 34. The parking area of the subject property does have barriers to separate it from the parking area of the property to the east. The two properties are under separate ownership and the parking of the laundromat cannot be used to meet the off-street parking requirement without a shared parking agreement.

CASE HISTORY: In 1941, the subject property was platted as part of the Kell Hawkins 2nd Addition.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Church
South:	LC	Multi-Family Residential
West:	LC	Retail
East:	LC	Laundromat

PUBLIC SERVICES: West Central Avenue is a paved, four-lane arterial street with sidewalks on both sides. Wichita Transit serves this site with a bus stops located within a quarter mile east and west of the site. All municipal services are in place and can accommodate the required services to the site.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Commercial” land use. This category is described as “areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.” Rather than designating specific intensities and types for the different “Commercial” areas, the Plan suggests that existing development and neighborhood context should serve as a guide for what is appropriate for each unique location.

West Central Avenue is developed primarily with strip commercial developments fronting West Central Avenue with residential uses behind. In the immediate vicinity, the commercial development along West Central is comprised of retail, personal care services, financial institutions, and a tire repair shop. This portion of West Central Avenue has fewer commercial uses fronting either side of West Central Avenue and has more lower-intensity uses (such as residential and a church) than other portions of the street east and west of the subject site.

Additionally, the *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA further emphasize that development should occur where its scale is “appropriate for its context.” An event center that may provide entertainment and alcohol could create detrimental impacts such as noise to the residential development to the south. There is no outdoor space for events at this location, so events will be contained inside the building. The proposed conditions of approval for hours of operation and a screening fence are designed to mitigate possible negative impacts. Locational Guidelines in the ECA also promote using higher density residential as a buffer between higher intensity commercial uses and lower intensity residential uses. The multi-family development south of the subject site buffer the commercial uses along West Central Avenue from the lower density residential farther south on the block.

The Wichita: Places for People Plan: The requested Conditional Use is in partial conformance with the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike, and through transit - in balance with automobiles.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is key to realizing this vision.

- **Nodal Development:** The requested Conditional Use is not in conformance with the nodal development pattern. The subject site is between two identified nodes. The Plan identifies the intersections of West Central Avenue and North West Street and West Central Avenue and North Ridge Road as a Community Core nodes. Nodes are identified to accommodate the highest intensity of uses, and the intensity of use should decrease the farther the property is away from the node. The subject site is approximately one-half mile from the intersection of West Central/North West Street and one mile from the intersection of West Central/North Ridge Road. The development pattern along West Central Avenue indicates a decrease in the intensity of commercial activity at the subject site as discussed above. The intensity of the proposed use could create possible negative impacts to surrounding residential development and would be more appropriate nearer to either identified Community Core nodes where commercial activity is more prevalent.
- **Current Condition:** The requested Conditional Use is in partial conformance with the area designation of the Plan as it is identified as an Area of Opportunity. Areas of Opportunity are defined as, “those areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically, and socially.” The proposed

Event Center is an example of private investment in this Area of Opportunity. Though the proposed use contributes to economic development in the area, more appropriate uses that could help redefine and reinvigorate the area would be neighborhood serving uses that promote walkable development. Such uses could include neighborhood serving retail, personal services, or restaurants to which local residents could walk. An Event Center is regionally oriented that and is generally auto-oriented.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED** subject to the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 a.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including speakers on any patio whether enclosed or unenclosed.
5. The applicant shall install an eight (8)-foot screening fence along the rear property line prior the issuance of any licenses or permits.
6. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
7. The parking lot shall be kept free of all trash and debris.
8. No loitering, congregating or excessive noise shall be permitted in the parking lot.
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 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
Property to the north is zoned SF-5 Single-Family Residential District and is developed with a church/place of worship. Property to the east is zoned LC Limited Commercial District and developed with a laundromat. Property to the south is zoned LC and developed with apartments. Property to the west is zoned LC and developed with commercial retail.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LC Limited Commercial District. In this case, the Conditional Use is only required because of the proposed use being located within 300 feet of a residential zoning District and church/place of worship. Mitigating factors, such as limited hours of operation and restricting outdoor music make it suitable for live music and entertainment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may have detrimental effects on the multi-family housing immediately south of the property with noise pollution. This distance between buildings is approximately 35 feet. The Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.w. and the staff recommended conditions are designed to mitigate the possible negative impacts on surrounding properties.
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 this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare due to the proposed mitigating factors identified in the conditions of approval. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in partial conformance with the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.
6. Impact of the proposed development on community facilities: The proposed use may produce an increase in traffic in the area during events. But given the size and scale of the proposed use, it is not anticipated to have detrimental effects on community facilities.

Attachments:

1. Supplementary Use Regulations
2. Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Attachment 1, Section III-D.6.w of the Unified Zoning Code, Supplementary Use Regulations

w. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City. Although listed as permitted Uses in some Districts, Taverns, Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City, when considered Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Event Centers in the City, Teen Clubs in the City and Entertainment Establishments, when not considered as Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on which the Tavern, Drinking Establishment, club, Nightclub, Entertainment Establishment, Event Center or Teen Club is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern, Drinking Establishment, club, Nightclub business, Entertainment Establishment, Event Center or Teen Club shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted Uses in those districts that allow Sexually Oriented Businesses in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern or Drinking Establishment, club or Nightclub shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations.

1. No additional Parking Spaces or restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but Parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.
2. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.
3. The outdoor area shall be screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by Screening in accordance with the requirements of Sec. IV-B.
4. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential Uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.
5. The outdoor Use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.

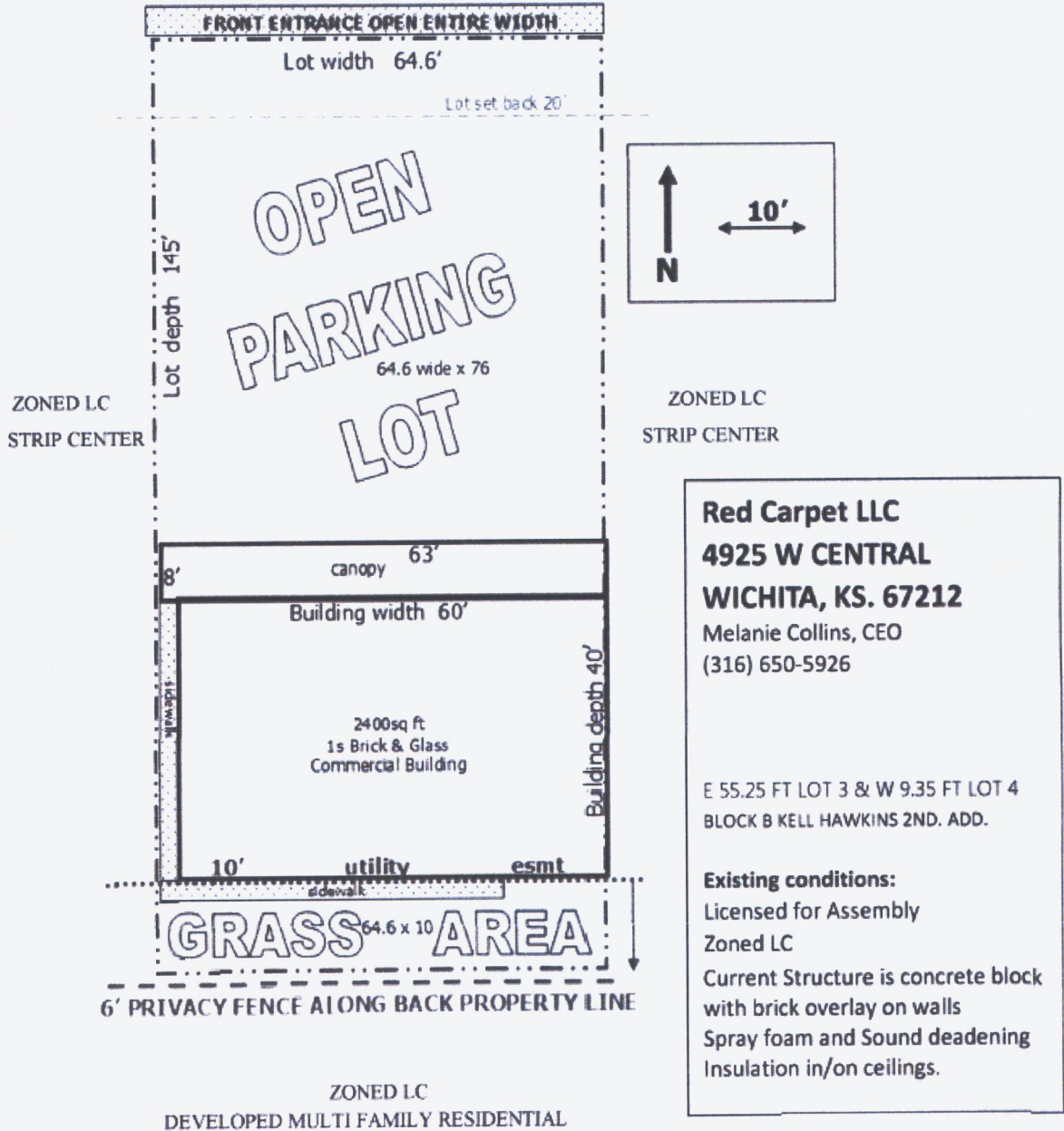
Attachment 2. Site Plan

Conditional Use—Site Plan
Zoning/License Change
within 200' of residential

ZONED SF-5 RESIDENTIAL
DEVELOPED AS A CHURCH

ZONED LC
DEVELOPED AS A STRIP CENTER

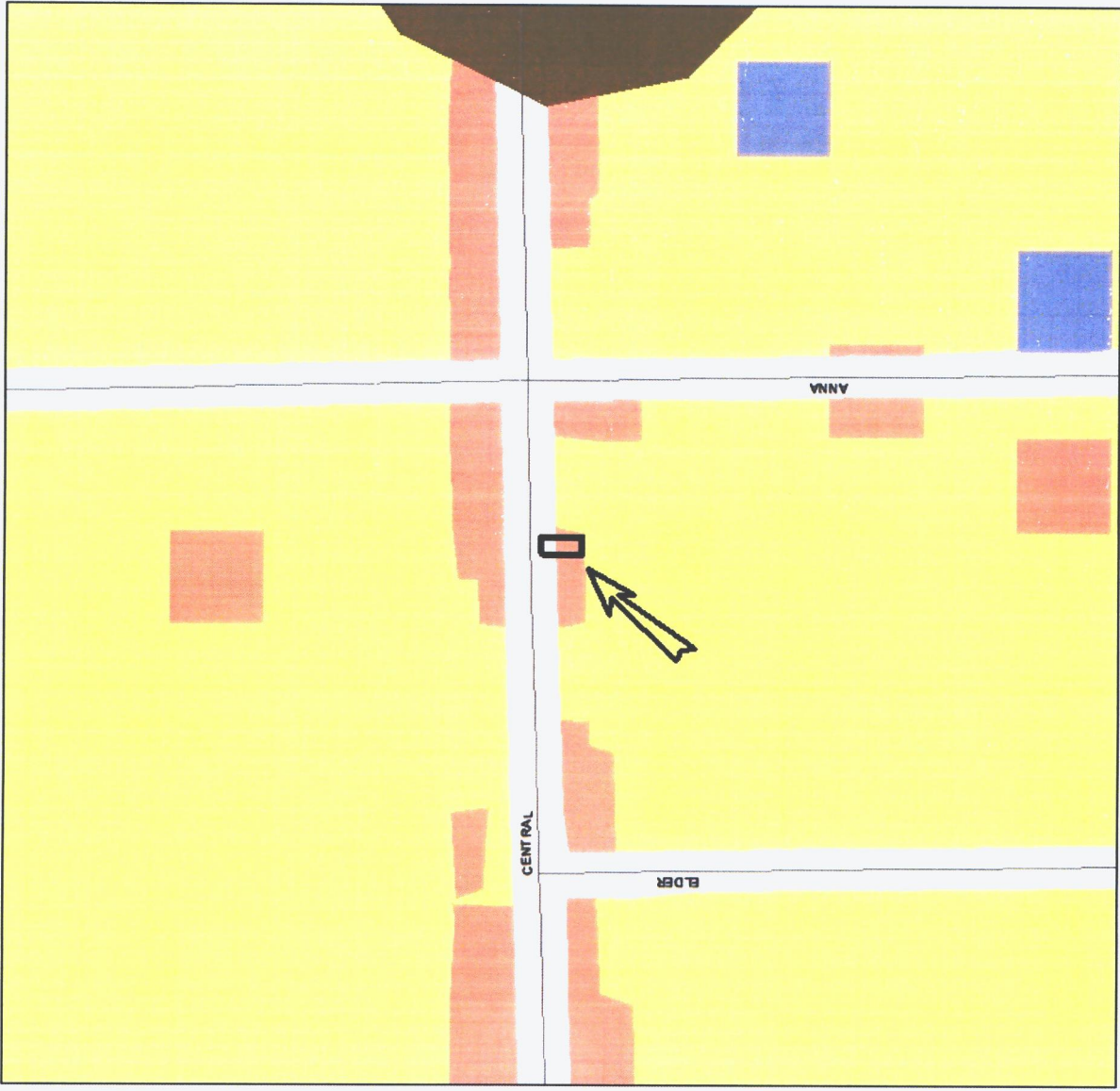
CENTRAL AVE



Attachment 3. Aerial Map



Attachment 5. Land Use Map



2035 Wichita
Future Growth
Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas

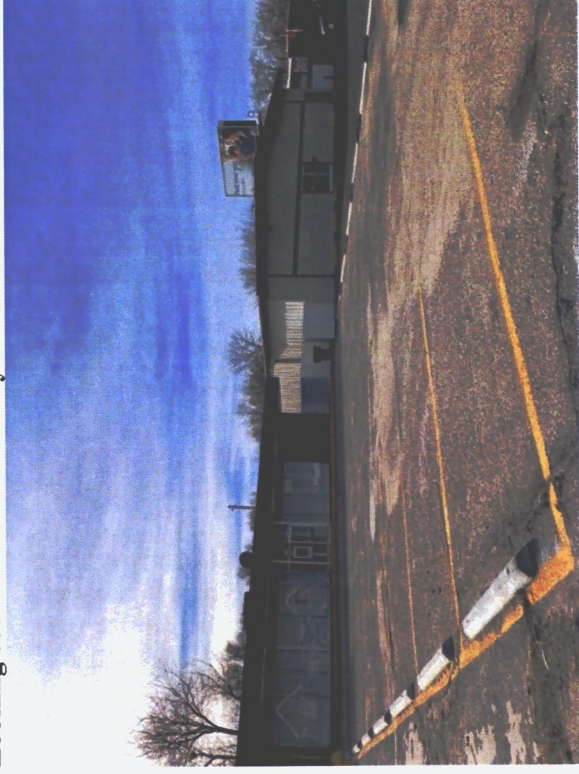


Attachment 6. Site Photos

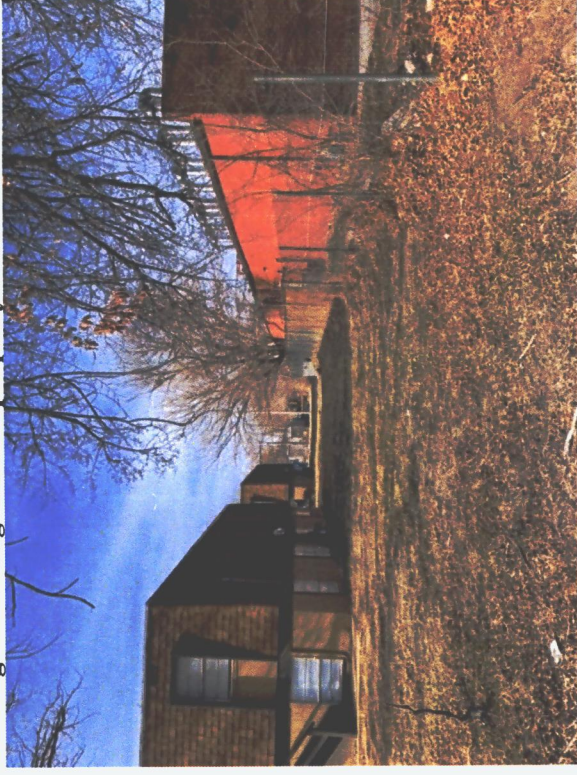
Looking southwest at site



Looking southwest at and away from site



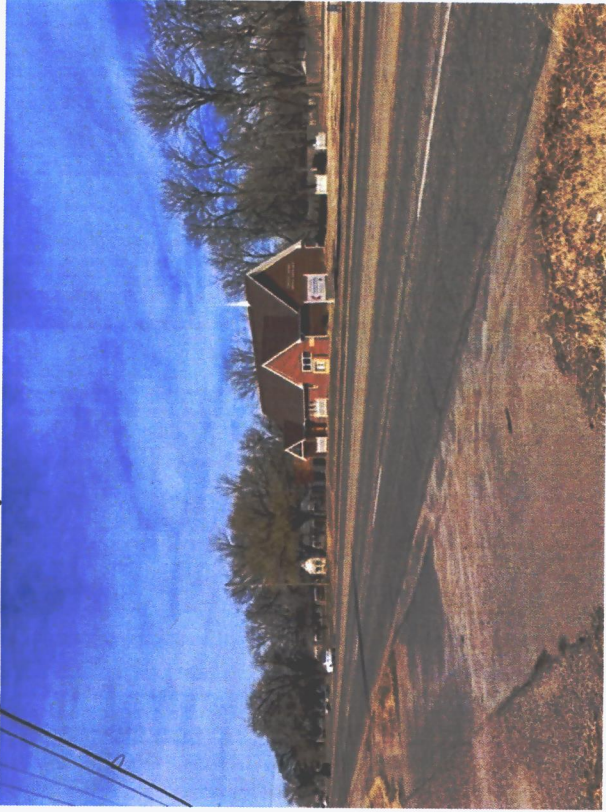
Looking west along the rear property line



Looking north at rear property line



Looking northwest away from site



Looking northeast away from site



Looking east away from site

