



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Eaton Place Best Living LLC
6911 South 66th Avenue
Suite 100
Tulsa, OK 74133

May 28, 2024

RE: CON2024-00014 – Conditional Use request in the City to allow an Entertainment Establishment in the City (events with music and alcohol associated with retail store) within 300 feet of a public park, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

Dear Applicant,

On May 14, 2024, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request, subject to the following conditions:

1. Entertainment Establishment in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Hours of operation are in accordance with Section 3.30.050 of the City Code, which prohibits entertainment on the premise between 2:00am and noon.
3. The requested Conditional Use shall be in conformance with the approved site plan.
4. 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 matter, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Kim Edgington, 2632 North Cardinal Lane, Wichita, KS 67204
Janelle King, 523 East Douglas Avenue, Wichita, KS 67202
Zach Wiggins, c/o Martin Pringle, 645 East Douglas Avenue, Wichita, KS 67202



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Eaton Place Best Living LLC
6911 South 66th Avenue
Suite 100
Tulsa, OK 74133

April 11, 2024

RE: CON2024-00014 – Conditional Use request in the City to allow an Entertainment Establishment in the City (events with music and alcohol associated with retail store) within 300 feet of a public park, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

Dear applicant,

At its regular meeting on **April 11, 2024**, 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. Entertainment Establishment in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Hours of operation are in accordance with Section 3.30.050 of the City Code, which prohibits entertainment on the premise between 2:00am and noon.
3. The requested Conditional Use shall be in conformance with the approved site plan.
4. 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.

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 **April 25, 2024**. 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 **April 25, 2024**, at 5:00 p.m.

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, May 14, 2024**, 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 316-268-4421.

Sincerely,



Christina Rieth
Current Plans
Associate Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Kim Edgington, 2632 North Cardinal Lane, Wichita, KS 67204
Janelle King, 523 East Douglas Avenue, Wichita, KS 67202
Zach Wiggins, c/o Martin Pringle, 645 East Douglas Avenue, Wichita, KS 67202

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

RESOLUTION NO. 24-192

WHEREAS, Eaton Place Best Living 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 an Entertainment Establishment in the City on property zoned CBD Central Business District, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue, legally described as:

Lots 69 and 71, on Douglas Avenue, in the Common areas and facilities of Eaton Place Condominiums, in N.A. English's Addition to Wichita, Sedgwick County, Kansas, together with the vacated East-West alley lying South of and adjacent to said Lots.

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 April 11, 2024, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit an Entertainment Establishment in the City on property zoned CBD Central Business District, generally located on the southwest corner of East Douglas Avenue and Saint Francis Avenue, legally described as:

Lots 69 and 71, on Douglas Avenue, in the Common areas and facilities of Eaton Place Condominiums, in N.A. English's Addition to Wichita, Sedgwick County, Kansas, together with the vacated East-West alley lying South of and adjacent to said Lots.

Approved subject to the following conditions:

1. Entertainment Establishment in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Hours of operation are in accordance with Section 3.30.050 of the City Code, which prohibits entertainment on the premises between 2:00am and noon.
3. The requested Conditional Use shall be in conformance with the approved site plan.
4. 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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 14th day of May, 2024.



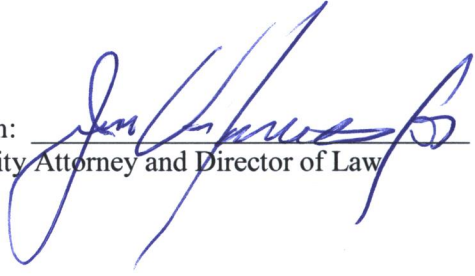
Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk

(SEAL)



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



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
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The Telegraph - Macon
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Miami Herald
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The Modesto Bee
The Sun News - Myrtle Beach
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The Sacramento Bee
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The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
3252	553130	Print Legal Ad-IPL01735640 - IPL0173564	RES#24-192	\$89.22	2	53 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON
May 17, 2024
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 24-192

WHEREAS, Eaton Place Best Living 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 an Entertainment Establishment in the City on property zoned CBD Central Business District, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue, legally described as:

Lots 69 and 71, on Douglas Avenue, in the Common areas and facilities of Eaton Place Condominiums, in N.A. English's Addition to Wichita, Sedgwick County, Kansas, together with the vacated East-West alley lying South of and adjacent to said Lots.

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 April 11, 2024, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit an Entertainment Establishment in the City on property zoned CBD Central Business District, generally located on the southwest corner of East Douglas Avenue and Saint Francis Avenue, legally described as:

Lots 69 and 71, on Douglas Avenue, in the Common areas and facilities of Eaton Place Condominiums, in N.A. English's Addition to Wichita, Sedgwick County, Kansas, together with the vacated East-West alley lying South of and adjacent to said Lots.

Approved subject to the following conditions:

Entertainment Establishment in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.

Hours of operation are in accordance with Section 3.30.050 of the City Code, which prohibits entertainment on the premises between 2:00am and noon.

The requested Conditional Use shall be in conformance with the approved site plan.

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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 14th day of May 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0173564

May 17 2024

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

1 insertion(s) published on:

05/17/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth 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 05/17/2024 to 05/17/2024.

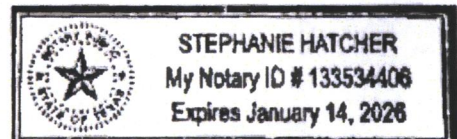
Mary Castro

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

DATED: 05/17/2024

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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
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The Charlotte Observer
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Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	532634	Print Legal Ad-IPL01649120 - IPL0164912		\$158.10	2	94 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on March 21, 2024
(One Time Only)

MAPC/BEA April 11, 2024

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 11, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00009: Variance request in the City to reduce the front setback from 25 feet to approximately 12 feet to allow construction of a front porch on the property zoned SF-6 Single-Family Residential District, located on West 31st Street South and 129 feet west of South Osage Avenue (812 West 31st Street South).

CON2024-00012: Conditional Use request in the City to allow an Entertainment Establishment (cabaret-type club/nightclub with the provision of alcohol); located one-quarter mile east of South Webb Road and north of I-35 (10001 East Kellogg Drive, Suite #2).

CON2024-00013: Conditional Use request in the City to waive compatibility standards for 105-foot telecommunications tower with 6-foot lightning rod on property zoned Limited Industrial, generally located on the west side of South Mosley Avenue, within one-quarter mile north of East Harry Street (1325 South Mosley).

CON2024-00014: Conditional Use request in the City to allow an Entertainment Establishment (events with music and alcohol associated with retail store) within 300 feet of a public park, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

CUP2024-00005: CUP Amendment in the City to CUP DP-357 to change parcel boundaries, rename to "OneRise" and to modify use to permit Correctional Placement Residence and Correctional Facility for State Mental Health Hospital (with ZON2024-00014), located at the northwest corner of S. Meridian Ave and W. MacArthur Rd.

PLU2024-00004: Zone change request in the City from TF-3 Two-Family Residential and MF-16 Multi-Family Residential to the PLD to allow multi-family residential with non-standard building setbacks; generally located on the east side of North Hillside Avenue and within one-half mile south of East 53rd Street North.

VAC2024-00012: Vacation request in the city of Control Access, generally located on the south side of East Stafford Street and within one-quarter mile of South Southeast Boulevard.

VAC2024-00013: Vacation request in the City to vacate a portion of the platted setback and platted utility easement along Polo Street, generally located at the northwest corner of Polo Street and West 12th Street North (2033 West 12th Street North).

ZON2024-00014: Zone Change request in the City from GC General Commercial to LI Limited Industrial with CUP2024-05, generally located the north side of West MacArthur Road and within one-half mile west of South Meridian 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 Wichita-Sedgwick 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:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available.

To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>

WITNESS MY HAND on March 21, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0164912

Mar 21 2024

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

1 insertion(s) published on:

03/21/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 03/21/2024 to 03/21/2024.

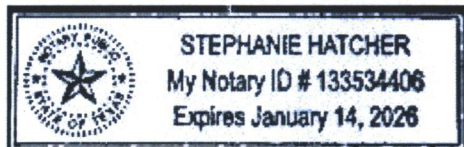
Mary Castro

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

DATED: 03/21/2024

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!



STAFF REPORT
MAPC: April 11, 2024
DAB I: April 1, 2024

CASE NUMBER: CON2024-00014 (City)

APPLICANT/AGENT: City of Wichita, Eaton Place Best Living LLC (Applicants)/Janelle King c/o The Workroom, Zach Wiggins c/o Martin Pringle, Kim Edgington (Agents)

REQUEST: Entertainment Establishment in the City

CURRENT ZONING: CBD Central Business District

SITE SIZE: 0.14 acres

LOCATION: Generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

PROPOSED USE: Entertainment Establishment in the City.

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to permit Entertainment Establishment in the City on property zoned CBD Central Business District (CBD). The property is located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue). The property is developed with a mixed-use building known as the Eaton Hotel, which features commercial space on the first floor and apartments on the subsequent floors. The commercial space that the applicant will occupy is currently vacant. The lease area will be occupied by a retail store, but the owner of the store would like to have occasional events for which alcohol and entertainment may be provided.

On January 2, 2024, the Wichita City Council approved changes to the Unified Zoning Code (UZC) to define "Entertainment Establishment in the City" as a venue that allows alcohol and live entertainment with a maximum capacity of less than 300 persons. Section III-D.6.w of the Unified Zoning Code (UZC) requires a Conditional Use for Entertainment Establishment in the City when the site is within 300 feet of a public park. The need for the Conditional Use at this location is due to the requested land use and the proximity of Naftzger Park, which is located immediately east of the subject site, across South Saint Francis Avenue. The site does not have access to outdoor space and is therefore not subject to the Supplementary Use Regulations listed in Section III-D.6.w of the UZC.

The applicant proposes no structural changes to the existing building. The subject site is individually listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places, and the National Register of Historic Places as the Eaton Hotel, and it is a Key Contributing structure in the East Douglas Avenue Historic District. Any modifications to the structure shall require review and approval by the Wichita Historic Preservation Board prior to the issuance of building permits, in accordance with KSA 75-2724.

The site is zoned CBD, so this site will not be subject to any off-street parking requirements. This site has access to on-street parking as well as an attached garage to the south. The subject site is exempt from the Wichita landscaping requirements because the renovation of the non-residential building will not increase the value of the property by more than 50 percent, will not increase the square footage of the building by more than 30 percent, will does not alter the parking. The subject site is also exempt from the provisions of the Wichita Landscape Ordinance because it is in CBD zoning.

The character of the neighborhood is commercial and high-density residential. Properties to the north, south, east and west are all zoned CBD. Property north of the subject site is developed with a child care agency. Property south of the subject site is developed with a parking garage attached to the subject site. Property east of the subject site is a public park. Property west of the site is a tobacco shop.

CASE HISTORY: On December 12, 1871, the N.A. English's Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North: CBD	Child care agency
South: CBD	Parking garage
East: CBD	Public park
West: CBD	Tobacco shop

PUBLIC SERVICES: The site has access to East Douglas Avenue and South Saint Francis Avenue. East Douglas Avenue is a five-lane arterial street with sidewalks on each side, and South Saint Francis Avenue is a two-way local street with sidewalks on each side. Municipal services, such as water and sewer, already serve the site. Wichita Transit stops on the southeast corner of South Saint Francis Avenue, which is across the street from the subject site.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance with *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 primarily appropriate for Residential/Employment Mix, which is defined as *“areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses 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 applicant is requesting to utilize an existing indoor space for Entertainment Establishment in the City, which limits the impacts on surrounding properties in regards to noise and visual blight.

The building is located within Wichita’s Established Central Area (ECA), where the Development Pattern aims to “promote mixed-use redevelopment of existing commercial centers and along arterial streets.” The subject site is situated in an existing commercial center, along East Douglas Avenue, an arterial street.

The Land Use Compatibility guidelines states that “Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas.” The subject site is located within the downtown area and is not located near any existing lower-intensity development.

The proposed Conditional Use is also in conformance with the *Wichita Places for People Plan*. The subject site is located within an Area of Stability, which the *Plan* defines as “locations within the ECA that exhibit less stress, or fewer economic, connectivity and accessibility issues than the Areas of Opportunity. Areas of Stability require fewer interventions and potentially less public investment to maintain a stable development environment and community. Improvements should be targeted to support development momentum and strengthen the established physical context.” There are multiple properties within two blocks of the subject site that feature live music and/or alcohol. The requested Conditional Use will support development momentum.

The proposed Conditional Use is also in conformance with the Downtown Master Plan. *Project Downtown: The Master Plan for Wichita* identifies “[leveraging] Wichita’s historic buildings as development assets” as a first-priority initiative. The requested Conditional Use will utilize an unoccupied space and remain sympathetic to the building’s historic fabric.

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. Entertainment Establishment in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Hours of operation are in accordance with Section 3.30.050 of the City Code, which prohibits entertainment on the premise between 2:00am and noon.
3. The requested Conditional Use shall be in conformance with the approved site plan.
4. 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.

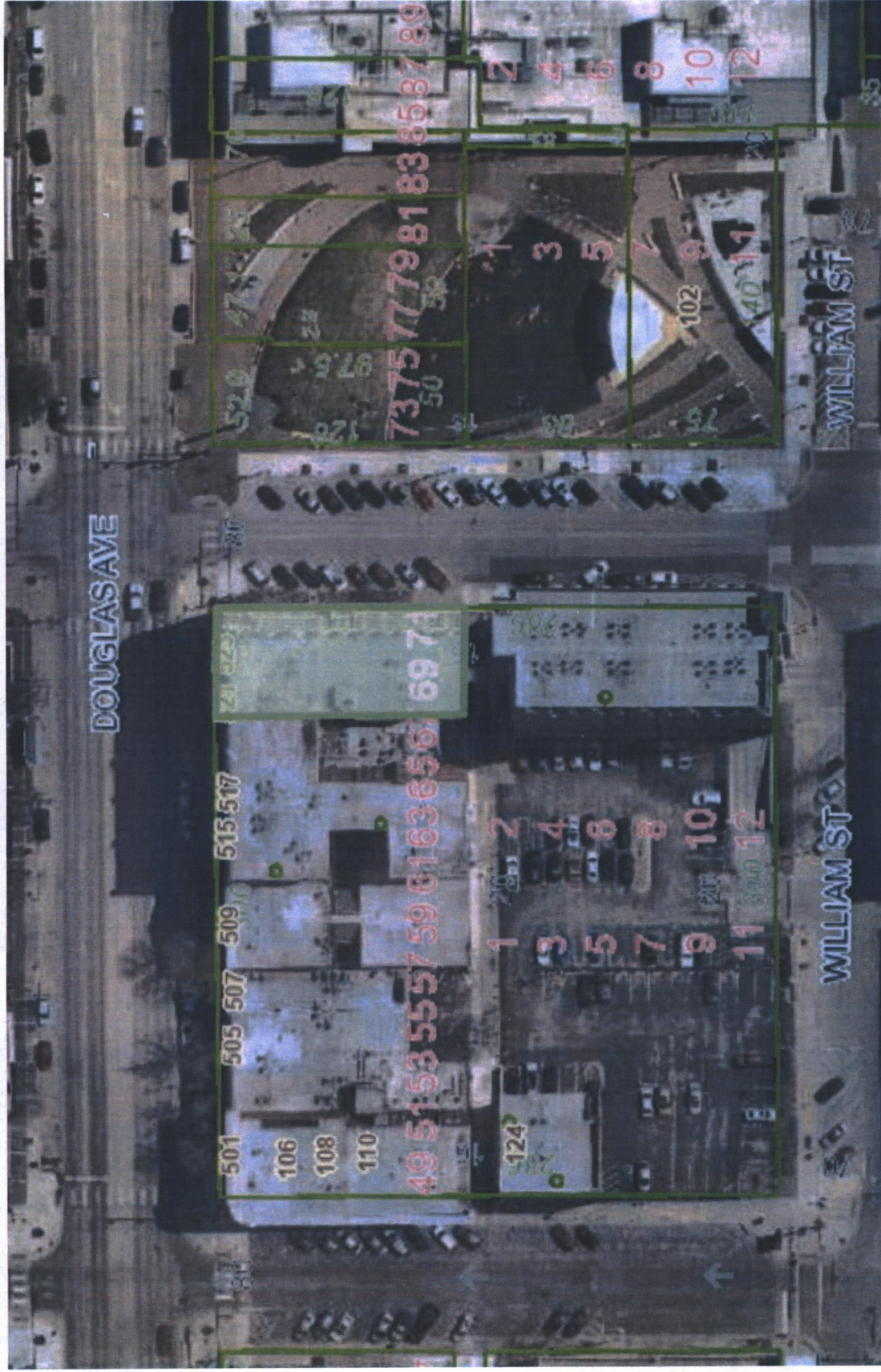
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is commercial and high-density residential. Properties to the north, south, east and west are all zoned CBD. Property north of the subject site is developed with a child care agency. Property south of the subject site is developed with a parking garage attached to the subject site. Property east of the subject site is a public park. Property west of the site is a tobacco shop.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned CBD, which allows Entertainment Establishment in the City. A Conditional Use is required for Entertainment Establishment in the City in CBD zoning when the property is within 200 feet of a public park. The subject site is directly across the street from a public park, across South Saint Francis Avenue.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate the removal of restrictions to have any detrimental effects on nearby properties. The absence of outdoor space on site limits possible negative impacts associated with Entertainment Establishment in the City, such as noise and visual blight.
4. Length of time subject property has remained vacant as zoned: The space within the mixed-use building has been unoccupied for approximately two years.
5. 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 represents a gain to the public in that it contributes to support economic opportunity in the area. Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare based on the required conditions of approval provided to mitigate possible noise pollution. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Downtown Master Plan*, as noted above.
7. Impact of the proposed development on community facilities: The proposed use should not have negative impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:

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

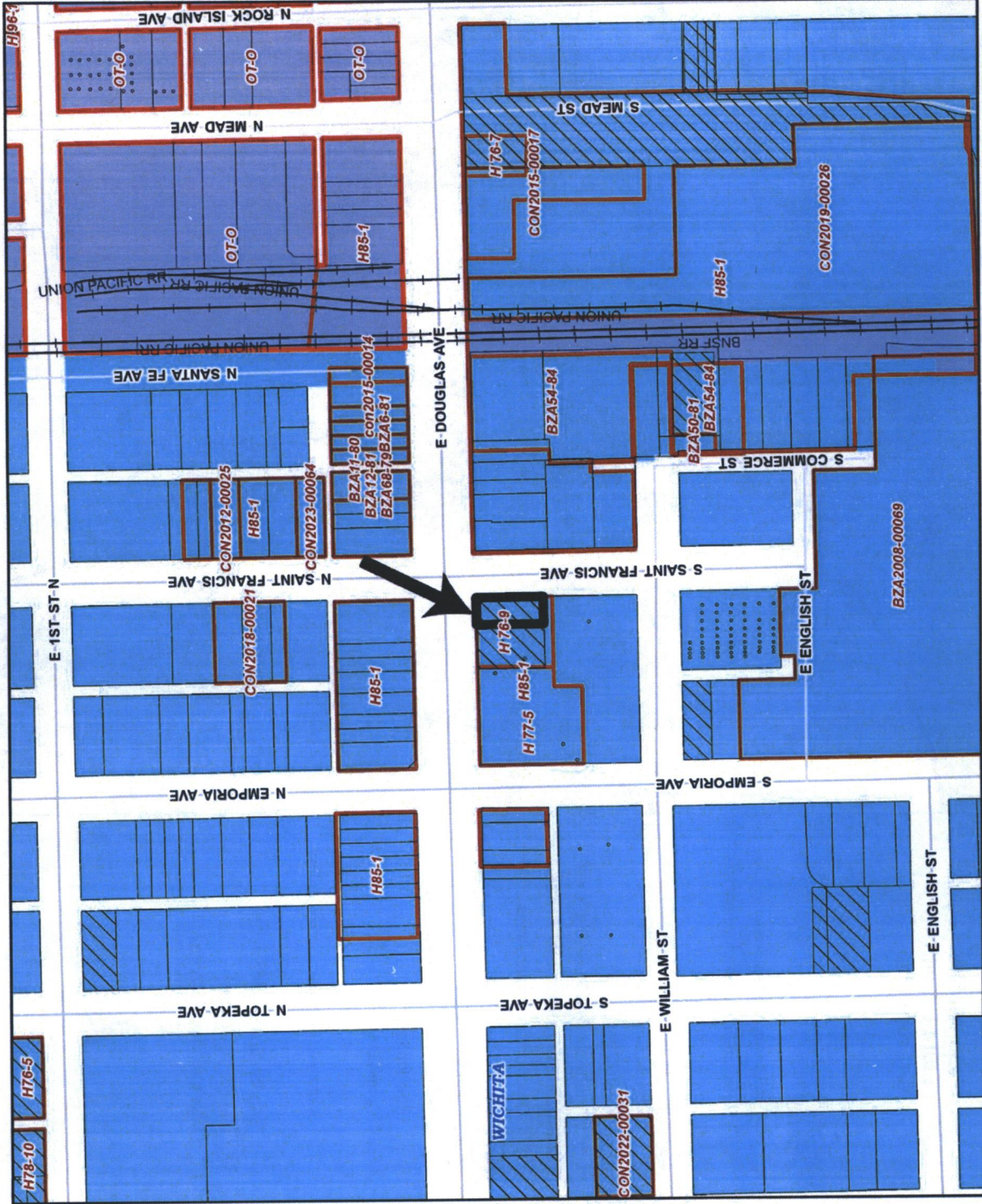




ZONING

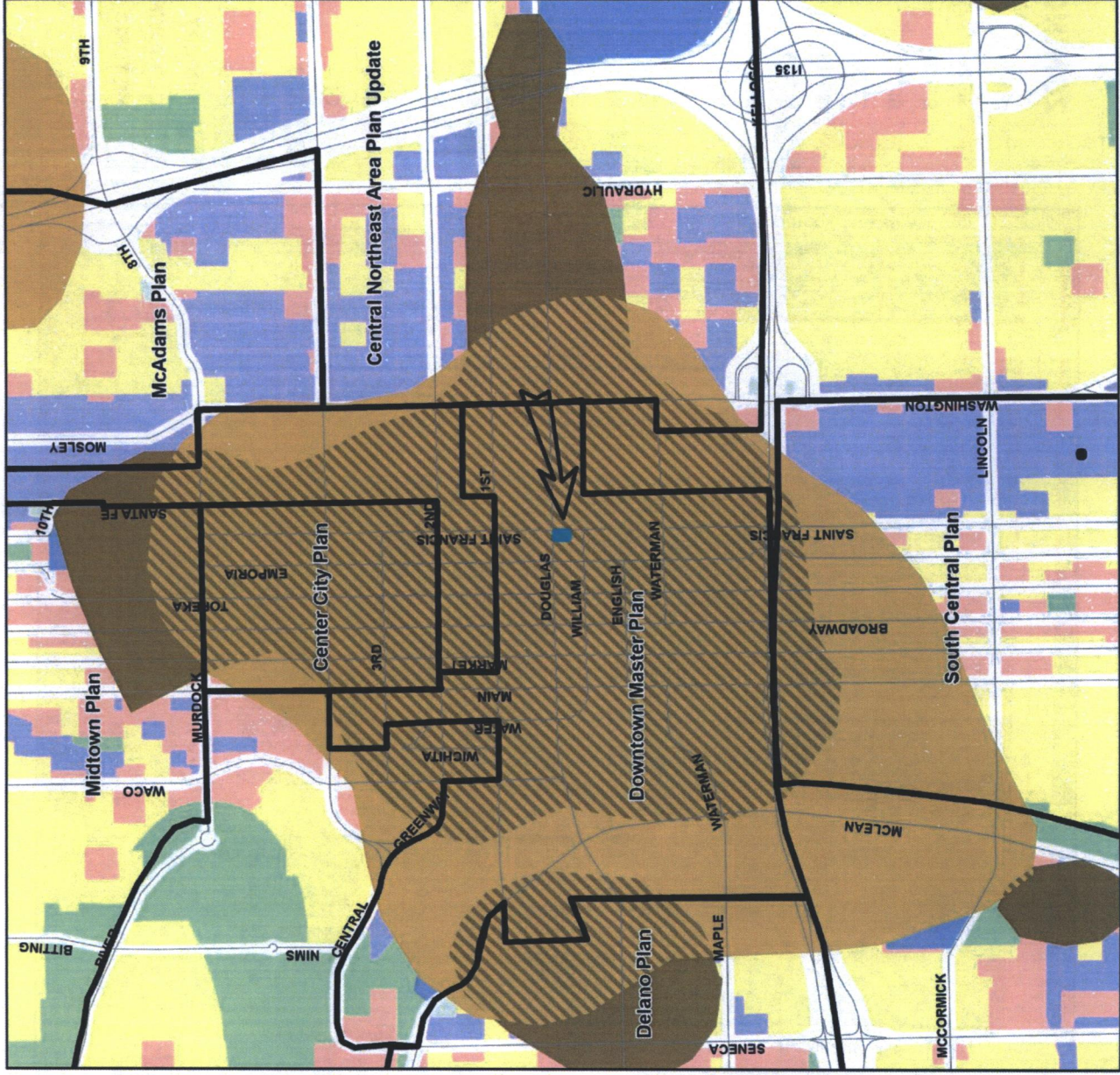


RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN	HISTORIC	DELANO	YES



2035 Wichita Future Growth Concept Map

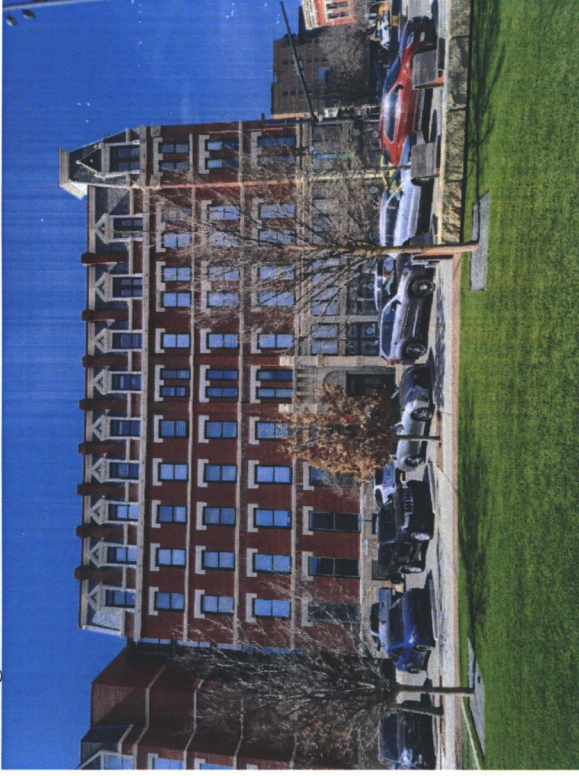
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas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



Looking south towards site



Looking west towards site



Looking east away from site



Looking north away from site





NO CHANGES TO EXTERIOR.
 ANY CHANGES MUST BE REVIEWED
 BY WICHITA HISTORIC PRESERVATION BOARD.

SITE PLAN

APPROVED 5-15 BY CMR