



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

W.G. Enterprises, LLC
8100 E. 22nd St. N
BLDG 1700-2
Wichita, KS 67226

October 17, 2024

Chad Jimenes
151 N. Rock Island
Suite 1B
Wichita, KS 67202

RE: CON2024-00035 –Amend CON2012-00044 to increase square footage of restaurant (4800 E. Douglas Ave.).

Dear Applicant;

At its regular meeting on **October 15, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was **APPROVAL** of the request with the following conditions:

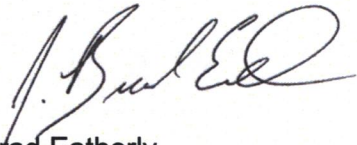
- (1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.
- (2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away from all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.
- (3) The site plan shall also show the off-site shared parking on Lot 19, Block 8, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Metropolitan Area Building and Construction Department. Solid screening shall be provided along the north side of Lot 19, Block 8, East Boulevard Addition.
- (4) A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.
- (5) No outside speakers or televisions are allowed associated with a restaurant's outside seating, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than 7,291 square feet and that shall include all storage, kitchen and bathroom areas.
- (6) All trash receptacles or similar type of receptacles shall have 6-foot-tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.
- (7) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- (8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting

onto Glendale from the parking lot or any abutting properties.

- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (10) 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,



Brad Eatherly
Current Plans
Senior Planner

Copies to: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Bill and Gloria Ryan 130 North Glendale St. Wichita, KS 67208
Patricia Hileman 139 South Fountain Wichita KS 67218
Arthur Allen 120 N. Oliver Wichita, KS 67208



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

***UPDATED LETTER* PREVIOUS LETTER FAILED TO REMOVE SPEAKER AND TELEVISION LANGUAGE**

W.G. Enterprises, LLC
8100 E. 22nd St. N
BLDG 1700-2
Wichita, KS 67226

September 17, 2024

Chad Jimenes
151 N. Rock Island
Suite 1B
Wichita, KS 67202

RE: CON2024-00035 –Amend CON2012-00044 to increase square footage of restaurant (4800 E. Douglas Ave.).

Dear Applicant,

At its regular meeting on **September 12, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request to increase the square footage of the restaurant.

This application will be presented to the Wichita City Council on **Tuesday, October 1, 2024**, beginning at 9:00 a.m.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Bill and Gloria Ryan 130 North Glendale St. Wichita, KS 67208
Patricia Hileman 139 South Fountain Wichita KS 67218
Arthur Allen 120 N. Oliver Wichita, KS 67208

Applicant Proposed Amendment to the Conditional Use.

Staff modifications to Conditional Use in red.

- (1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.
- (2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.
- (3) The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition.
- (4) A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.
- (5) ~~Outdoor speakers and televisions shall be allowed on Lot 19, Block 8, East Boulevard Addition, provided use of the outdoor speakers and televisions shall cease by 10:00p.m.~~ No outside speakers or televisions area allowed associated with a restaurant's outside sitting, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than **7,291** square feet and that shall include all storage, kitchen and bathroom areas.
- (6) All trash receptacles or similar type of receptacles shall have 6-foot-tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.
- (7) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- (8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties.
- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (10) 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.



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

W.G. Enterprises, LLC
8100 E. 22nd St. N
BLDG 1700-2
Wichita, KS 67226

July 11, 2024

Chad Jimenes
151 N. Rock Island
Suite 1B
Wichita, KS 67202

RE: CON2024-00035 –Amend CON2012-00044 to permit outdoor speakers and televisions and increase square footage of restaurant (4800 E. Douglas Ave.).

Dear Applicant,

At its regular meeting on **July 11, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request for outdoor speakers/televisions and increasing the square footage of the restaurant.

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

This application will be presented to the Wichita City Council on **Tuesday, August 13, 2024**, beginning at 9:00 a.m.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly

**Current Plans
Senior Planner**

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Bill and Gloria Ryan 130 North Glendale St. Wichita, KS 67208
Patricia Hileman 139 South Fountain Wichita KS 67218

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

RESOLUTION NO. 24-407

WHEREAS, CZACH Investments, 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 amend CON2012-00044 to allow an expansion of a restaurant, on property legally described as:

Parcel 1: Lot 17, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said lot on the south, EXCEPT the west 10 feet thereof for street.

AND

Parcel 2: Lot 18, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas.

AND

Parcel 3: Lot 19, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said lot on the east, and together with the South Half of the vacated alley adjoining said lot on the north.

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 September 12, 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 amend CON2012-00044 to allow an expansion of a restaurant, generally located within one block north of East Douglas Avenue and one block east of North Oliver Avenue (115 N Glendale), legally described as:

Parcel 1: Lot 17, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said lot on the south, EXCEPT the west 10 feet thereof for street.

AND

Parcel 2: Lot 18, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas.

AND

Parcel 3: Lot 19, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said lot on the east, and together with the South Half of the vacated alley adjoining said lot on the north.

Approved subject to the following conditions:

- (1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.
- (2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away from

all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.

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- (5) No outside speakers or televisions are allowed associated with a restaurant's outside seating, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than 7,291 square feet and that shall include all storage, kitchen and bathroom areas.
- (6) All trash receptacles or similar type of receptacles shall have 6-foot-tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.
- (7) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- (8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties.
- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (10) 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.

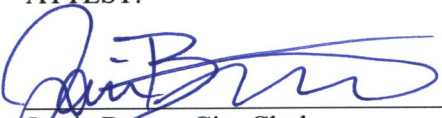
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 15th day of Oct., 2024.



Lily Wu, Mayor, City of Wichita

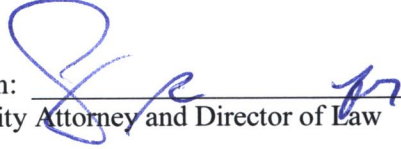
ATTEST:



Jamie Buster, City Clerk

(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



AFFIDAVIT OF PUBLICATION

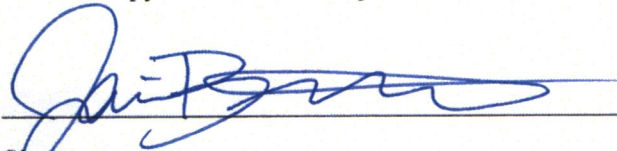
State of Kansas, Sedgwick County, ss:

Jamie Buster, City Clerk

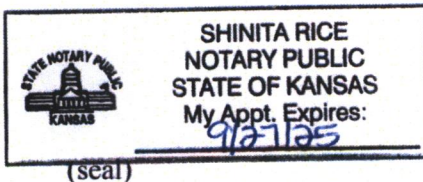
Being first duly sworn, deposes and says:

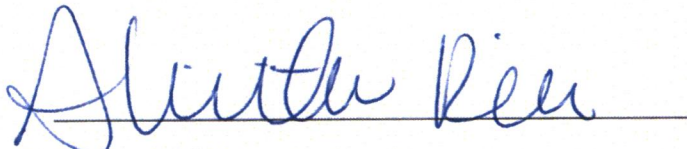
That I, Jamie Buster, City Clerk of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. _____ / Resolution No. 24-407 is a true copy thereof and was published on such website beginning on the 18th day of October, 2024.


Signature

SUBSCRIBED AND SWORN to before me this 18th day of October, 2024




Notary Public

City Clerk's Office

Shinita Rice – City Clerk

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov



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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	559448	Print Legal Ad-IPL01763790 - IPL0176379	OCA 150004	\$131.22	2	78 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 June 6, 2024
(One Time Only)
MAPC/BZA June 27, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 27, 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.

CON2024-00035: Conditional Use Amendment in the City to CON2012-00044 to amend Condition #5 to allow outdoor patio speakers and to increase the allowable restaurant square footage; generally located within one-block north of East Douglas Avenue and one-block east of North Oliver Avenue (115 N. Glendale).

CON2024-00039: Conditional Use request for to re-establish an Entertainment Establishment in the City (night club use of less than 300 capacity) that lost non-conforming status on property zoned LI Limited Industrial, located north of East Harry Street and West of Southeast Boulevard (1544 South Ida Avenue).

PUD2024-00011: Zone Change request in the City from SF-5 Single-Family Residential to PUD to establish the Esparza Addition PUD for a mix of single-family and duplex residential uses and office/warehouse uses; located on the west side of North Amidon Avenue and one-half mile north of West 29th Street North (3258 N. Charles).

ZON2024-00028: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for a duplex on a newly created parcel from lot split; generally located within two blocks south of West Central Avenue and within two blocks west of North West Street (516 N. Tracy).

ZON2024-00029: Zone Change request in the City from GO General Office to NR Neighborhood Retail with an amendment to Protective Overlay #270 to permit a market, cafe and, and personal care services; generally located on the south side of East 34th Street North and one-quarter mile east of North Woodlawn.

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 June 6, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0176379

Jun 6 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

06/06/24

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 06/06/2024 to 06/06/2024.

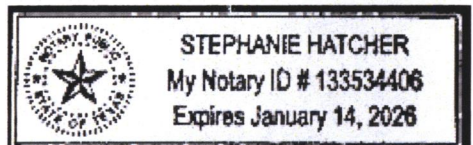
Mary Castro

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

DATED: 06/06/2024

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!

can 2024-35

Site Plan CON | 01
1" = 20'

AS1.2

Condensation Unit 5 mg. Pptn.

SITE PLAN

Page 8

APPROVED 10/15/21 BY ISS



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

CASE NUMBER: CON2024-00035 (City)

APPLICANT/AGENT: W.G. Enterprises, LLC/2011 WFFT (Applicants)/Chad Jimenes (Agent)

REQUEST: Conditional Use Amendment to CON2012-00044 to permit outdoor speakers and televisions and increase square footage of restaurant.

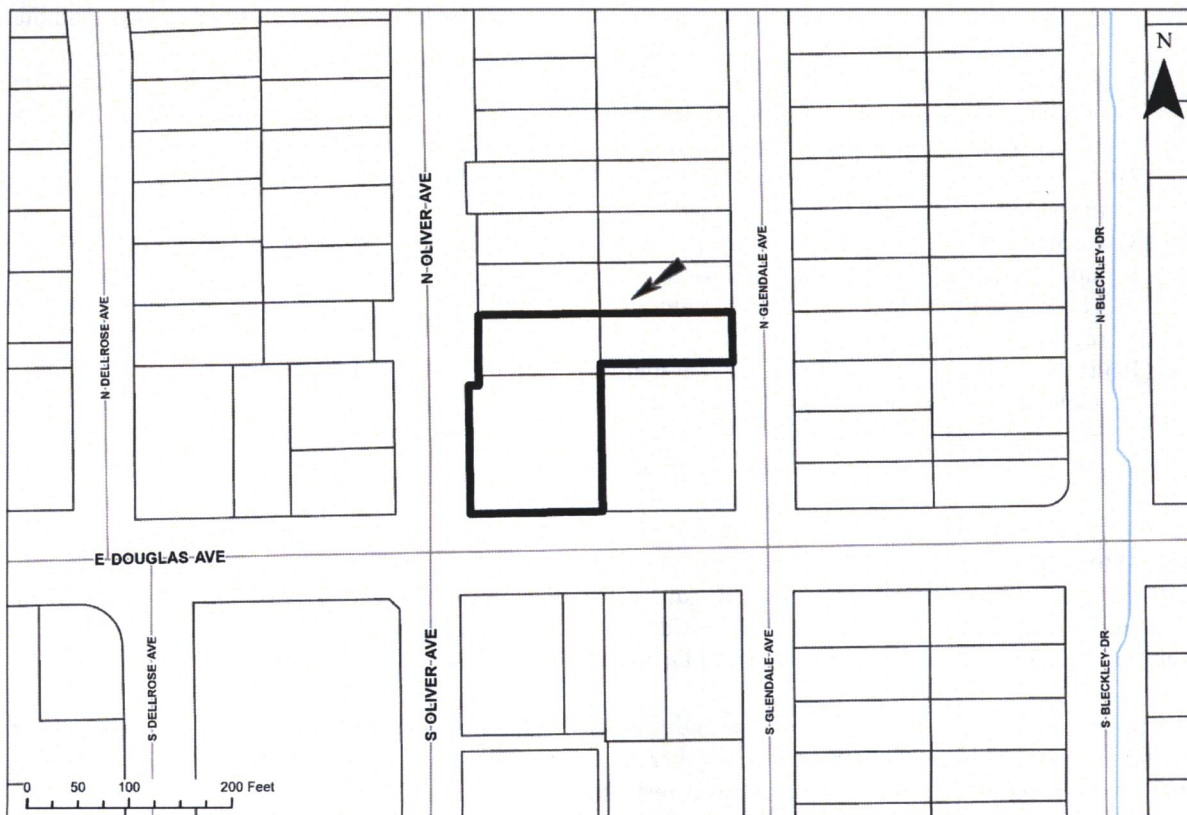
CURRENT ZONING: B Multi-Family Residential District

SITE SIZE: 0.177 acres

LOCATION: Generally located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue).

PROPOSED USE: Amend CON2012-00044 to permit outdoor speakers, televisions, and increase the square footage of the restaurant.

RECOMMENDATION: Approval with conditions.



BACKGROUND: The applicant is requesting an amendment to a Conditional Use for two items:

- 1) to permit Outdoor speakers, televisions, and
- 2) increase the square footage of the restaurant.

The property is zoned B Multi-Family Residential District (B) with a total of 0.177 acres, located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue).

On June 27, 2024, the MAPC reviewed the case and voted to defer the case until the July 11, 2024 scheduled meeting (13-0).

In 2012, the property received a Conditional Use (CON2012-00044) to allow ancillary parking. The conditions pertaining to this property are listed below:

- (1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.
- (2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.
- (3) The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition.
- (4) A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.
- (5) No outside speakers associated with a restaurant's outside sitting, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than 4,399-square foot -square feet and that shall include all storage, kitchen and bathroom areas.
- (6) All trash receptacles or similar type of receptacles shall have 6-foot tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.
- (7) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- (8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties.
- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (10) 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.

In 2013, Lot 19, Block 8, East Boulevard Addition, received an Administrative Adjustment (BZA2013-00007) to increase the size of the restaurant by less than 10 percent, resulting in the approved size of the restaurant from 4,399 square feet to 4,860 square feet. The Administrative Adjustment also limited the number of seats to 209 and reduced the street side setback of a parking lot (Lot 18, Block 8, East Boulevard Addition) zoned B Multi-Family Residential District (B) to eight feet.

The applicant is requesting changes to Condition #5 of the Conditional Use approved in 2012. This amendment would allow outdoor patio speakers and televisions on the east side of the building. This amendment would also increase the allowed restaurant square footage from 4,860 square feet to 7,291

square feet. This is because the applicant is proposing to utilize existing square footage a tenant space next door that formerly was occupied with a retail use. The site will be required to comply with Noise Compatibility standards of the Unified Zoning Code (UZC) Sec. IV-C.6, which states that no sound amplification system for projecting music or human voices shall be permitted on any property zoned NO or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site. The city also has a noise ordinance that is designed to mitigate any significant negative impacts of noise on adjacent properties. The nearest residence to the patio where the speakers and TVs would be located is approximately 200 feet. Based on this proximity, staff is recommending that the speaker and TVs be turned off at 10:00 p.m.

Properties to the north are zoned GO General Office District (GO) and B. The GO-zoned property is developed with an office. The B-zoned property is developed with a single-family residence. The property to the east is zoned LC Limited Commercial District and is developed with a bank. The property to the south, across East Douglas Avenue is zoned LC Limited Commercial District and is developed with stores and a restaurant. The property to the west, across Oliver Avenue, is zoned LC Limited Commercial District and is developed with a strip mall.

CASE HISTORY: In 1930, the property was platted as part of the East Boulevard Addition. In 2012, Lot 18, Block 8 of the East Boulevard Addition received a Conditional Use (CON2012-00044) to allow Ancillary Parking on property zoned B Multi-Family Residential District. This Conditional Use also restricted outside speakers on Lot 19, Block 8 of the East Boulevard Addition and restricted the restaurant to 4,399 square feet in size, including all storage, kitchen, and bathroom areas. In 2013, the property received an Administrative Adjustment (BZA2013-00007) to reduce parking by approximately 11 percent from 77 spaces to 68 spaces and the reduction of the street side setback on the B-zoned parking located on Lot 18, Block 8, East Boulevard Addition to eight (8) feet. Also in 2013, the 20-foot-wide public alley located to the north of the subject site was vacated (VAC2012-00044) with ten feet being applied to the subject site and ten feet being applied to the site to the north.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	General Office building
SOUTH:	LC	Restaurant, Retail store
EAST:	LC	Bank
WEST:	LC	Strip mall

PUBLIC SERVICES: East Douglas Avenue is a paved, four-lane arterial street with a left-hand turn lane directly in front of the subject site, with sidewalks on both sides. North Oliver Avenue is a paved, four lane arterial street with a left-hand turn lane directly west of the subject site, with sidewalks on both sides. Wichita Transit does provide regular bus service along both East Douglas Avenue and North Oliver Avenue with a bus stop at the southwest corner of Douglas and Oliver Avenues. The site is served by municipal water and sanitary sewer services.

CONFORMANCE TO PLANS/POLICIES: The request is in conformance with the following plans:

The Community Investments Plan: The Map identifies the subject area as appropriate for Commercial uses, which is defined as the “full diversity of commercial land uses typically found in a large urban municipality.” Staff believes that allowing outdoor speakers and televisions on the outdoor patio at this location complies with the *Plan*.

The proposed application is not in conformance with the Locational Guidelines of the *Community Investments Plan*. The Locational Guidelines state that “Non-residential uses should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.” The intensity of the use with the outdoor noise next to residential use could have negative impacts. However,

the staff recommended conditions of approval are designed to mitigate negative impacts.

Wichita: Places for People Plan: The requested zone change is in conformance with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the 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.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zone change is in conformance with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The East Douglas Avenue/Oliver Avenue intersection is primarily a commercial intersection. Permitting the addition of outdoor speakers and televisions on the patio and increasing the restaurant square footage are acceptable requests given the location.

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

- (1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.
- (2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.
- (3) The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition.
- (4) A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.
- (5) Outdoor speakers and televisions shall be allowed on Lot 19, Block 8, East Boulevard Addition, provided that use of the outdoor speakers and television shall cease at 10:00pm. The restaurant shall be no larger than 7,291 square feet and that shall include all storage, kitchen and bathroom areas.
- (6) All trash receptacles or similar type of receptacles shall have 6-foot-tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.
- (7) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- (8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties.
- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (10) 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: Properties to the north are zoned GO General

Office District (GO) and B. The GO-zoned property is developed with an office. The B-zoned property is developed with a single-family residence. The property to the east is zoned LC Limited Commercial District and is developed with a bank. The property to the south, across East Douglas Avenue is zoned LC Limited Commercial District and is developed with stores and a restaurant. The property to the west, across Oliver Avenue, is zoned LC Limited Commercial District and is developed with a strip mall.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned B Multi-Family Residential District, which permits several residential and civic and public uses. In 2012, a Conditional Use was granted for ancillary parking. A condition of approval prohibited outdoor speakers and limited the square footage of the restaurant. The Conditional Use also references property that is zoned GC General Commercial District, which permits a vast array of residential, public and civic, and commercial uses and a limited amount of industrial, manufacturing, and extractive uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Conditional Use amendment may negatively impact the adjacent residential dwellings north, east and northwest of the subject property. Permitting outdoor speakers and televisions may create noise pollution; however, the recommended conditions of approval are intended to mitigate these impacts. These measures include: 1) there are noise compatibility and nuisance regulations in the zoning code, 2) there is a City noise ordinance. These measures should mitigate the possible negative impacts associated with this use, and 3) staff is recommending a time limit by which the outdoor speakers and televisions shall be turned off.
4. Length of time subject property has remained vacant as zoned: The subject site is not vacant. The site has been in use for several 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 measures provided by the UZC 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*, as noted above and the *Wichita: Places for People Plan*.
7. Impact of the proposed development on community facilities: It is not anticipated that 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 received two phone calls with concerns of noise and increased traffic and trash in the area.

Attachments:

1. Staff modified Conditions of Approval
2. Site Plan
3. Public Comment
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Site Photos

Applicant Proposed Amendment to the Conditional Use.

Staff modifications to Conditional Use in red.

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- (9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
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From: [Heather Clotfelter](#)
To: [Eatherly, Brad](#)
Subject: CON2024-00035
Date: Wednesday, June 26, 2024 4:58:45 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I understand The Hill, CON2024-00035, would like add outdoor speakers to the establishment. Given that the establishment is within 500ft of fifty one residences, which will be negativity impacted due to noise pollution, the proposed outdoor speakers should be denied per Sedgwick County Unified Zoning Code.

Sedgwick County Unified Zoning Code, Article IV - Site Development Standards

C. Compatibility Standards

2. Applicability

b. Noise.

Compatibility standards for noise shall apply to all Uses in NO and more intensive base zoning Districts when such Uses are located on Zoning Lots that are within 500 feet of any property zoned MH or more restrictive.

6.0.

Compatibility noise standards.

No sound amplification system for projecting music or human voices shall be permitted on any property zoned NO or more intensive if the music and/or voices can be heard within any residential zoning District that is located within a 500-foot radius of the subject site.

Thank you,

Heather

Clotfelter
College Hill Resident

From: [Susan Miner](#)
To: [Eatherly, Brad](#)
Subject: Opposition to the Hill application
Date: Tuesday, June 25, 2024 1:43:04 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Eatherly,
I oppose the Hill's application for permission to use outdoor speakers and TVs and to expand its serving area without providing additional parking. These changes would negatively impact neighboring residential properties with sound intrusion and increased on street parking on adjacent residential streets. The proposed sound limits mentioned in the approval requirements are neither adequate nor effectively enforceable to protect neighbors from objectionable sound pollution. The Hill management needs to abide by its previous agreement not to use outdoor speakers rather than using that as a wedge to accomplish this disruption now.

Respectfully, Susan Miner
Sent from my iPhone

From: [K Monaco](#)
To: [Eatherly, Brad](#)
Cc: [Rieth, Christina](#)
Subject: CON2024-00035 Comments for
June 27, 2024 MAPC
Date: Wednesday, June 26, 2024 4:23:34 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Eatherly,

The noise amplification via television and speakers proposed in CON2024-00035 is not allowed per the Sedgwick County Unified Zoning Code (shown below), as there are fifty-one residences located within 500 feet of the applicant's property line. I respectfully ask that the proposed outdoor television and speakers be denied.

Sedgwick County Unified Zoning Code, Article IV -
Site Development Standards

C. Compatibility Standards

2. Applicability

b. Noise.

Compatibility standards for noise shall apply to all Uses in NO and more intensive base zoning Districts when such Uses are located on Zoning Lots that are within 500 feet of any property zoned MH or more restrictive.

6.0.

Compatibility noise standards.

No sound amplification system for projecting music or human voices shall be permitted on any property zoned NO or more intensive if the music and/or voices can be heard within any residential zoning District that is located within a 500-foot radius of the subject site.

Kind regards, Kyra Monaco
College Hill Resident



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	DELANO OVERLAY
																											



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

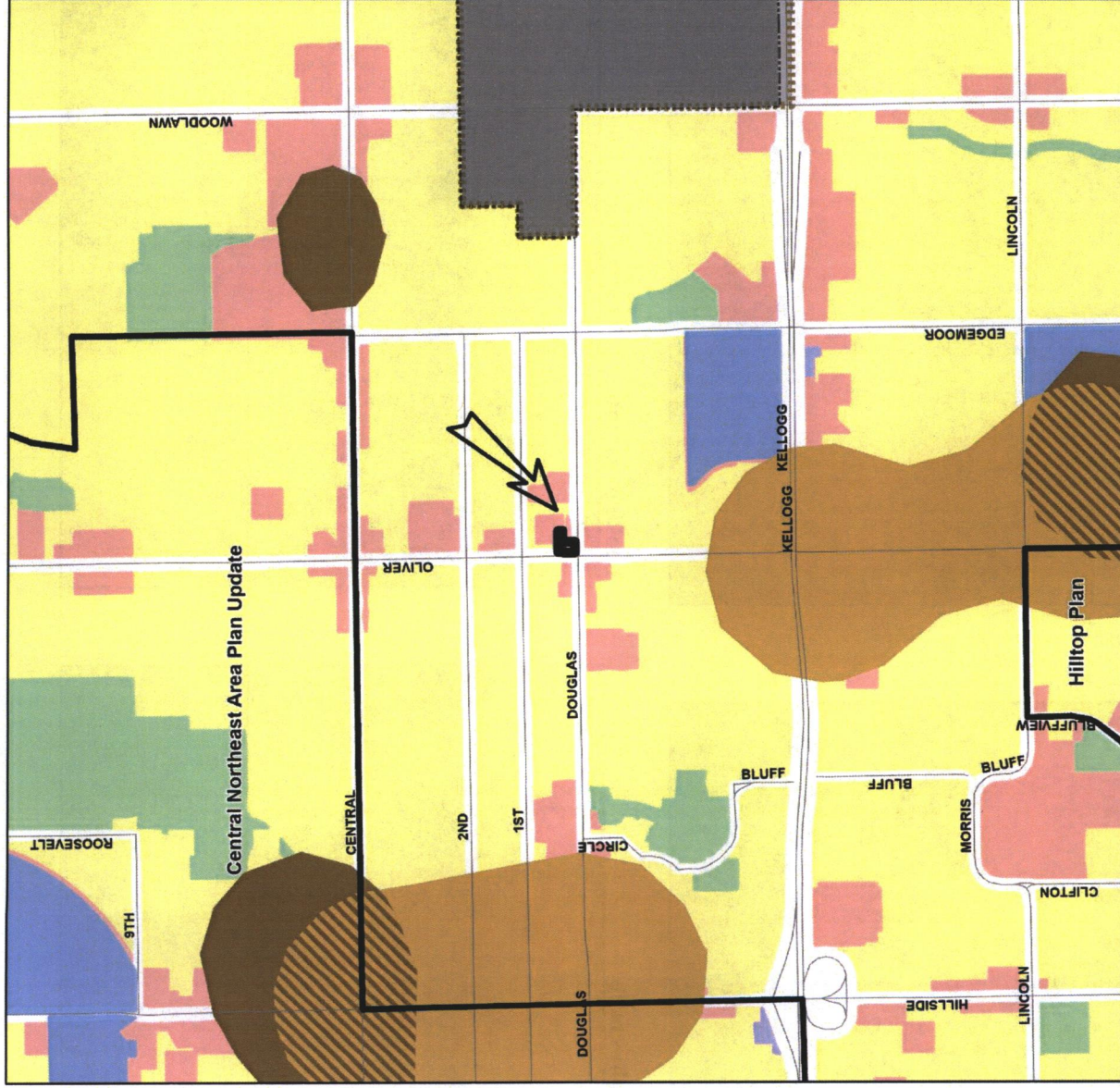
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

LAND USE

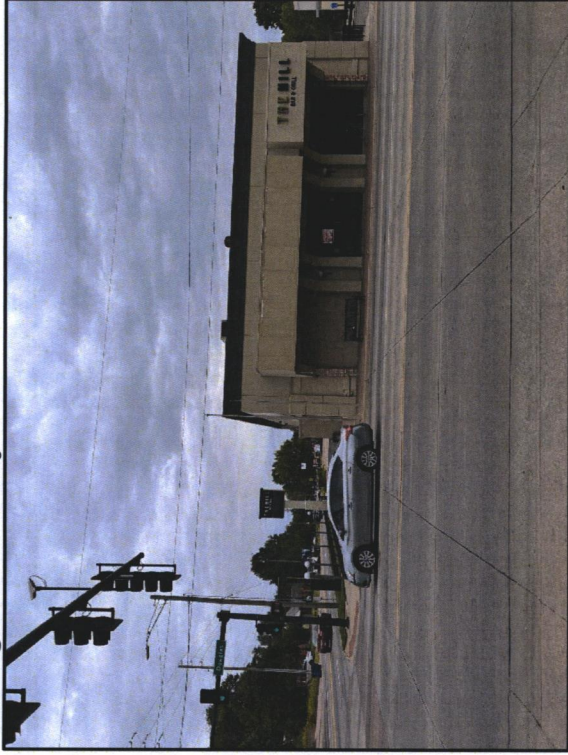
- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood & Area Plans



City of Wichita, Kansas
Metropolitan Area Planning Commission
2015
This map is a conceptual representation of future growth and is not intended to be used for legal purposes. It is subject to change without notice.



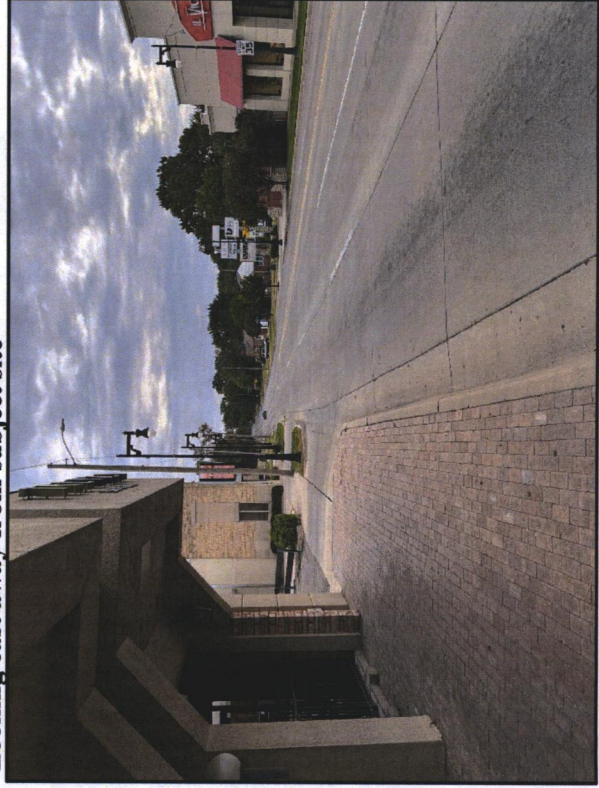
Looking north into subject site



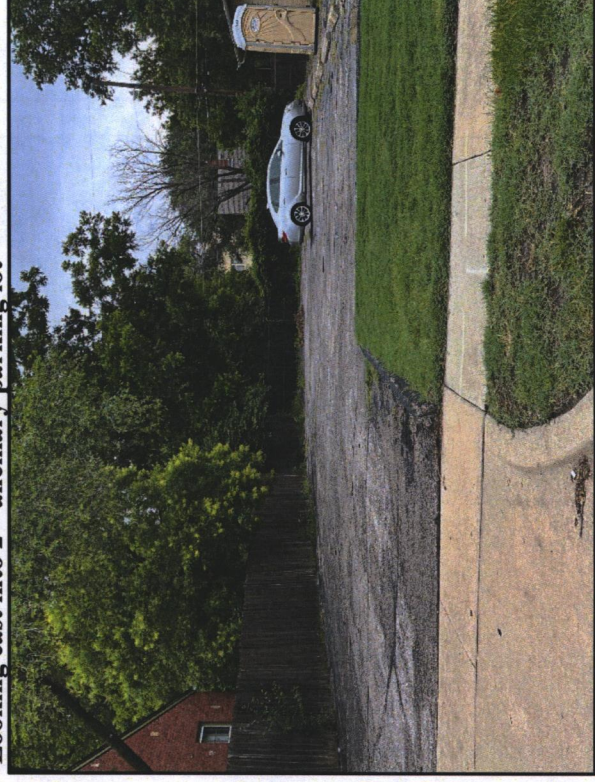
Looking south away from subject site



Looking east away from subject site



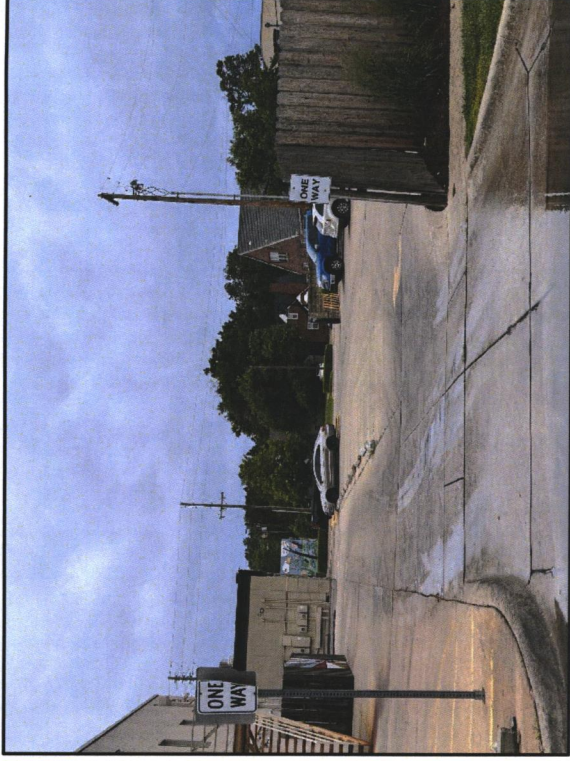
Looking east into 2nd ancillary parking lot



Looking west away from subject site



Looking west into ancillary parking lots



Looking west at patio



Looking east into ancillary parking lot

