



Wichita-Sedgwick County Metropolitan Area Planning Department

June 3, 2014

Burning Barrel Artisan Ales, LLC c/o Scott Riffel
1707 N. Waterfront Pkwy
Wichita, KS 67206

Ferris Consulting c/o Greg Ferris
PO Box 573
Wichita, KS

RE: CON2014-14 – City Conditional Use to permit a Nightclub in the City (micro-brewery with music and outdoor food and beverage service) in CBD Central Business District zoning within 300 feet of a park, generally located east of S. Greenwood and south of Douglas (156 S. Greenwood).

Dear Applicants:

At its regular meeting on **June 3, 2014**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the following conditions:

1. The site shall be developed in conformance with an approved site plan to include a 6-foot screening fence along the north property line.
2. No outside loudspeakers or outdoor entertainment is permitted.
3. Live music and outdoor service hours are limited to 10 pm Sunday through Thursday evenings and midnight on Friday and Saturday evenings.
4. The establishment shall be open to serve the public no earlier than 10:00 AM on any day and shall close to the public no later than 10:00 PM Monday through Thursday, and will close to the public no later than midnight Friday through Sunday.
5. The establishment shall serve only beer and wine to the public, no distilled spirits shall be served to the public.
6. The Conditional Use for a Nightclub is permitted only in conjunction with a microbrewery on the site.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 **F** 316.268.4390

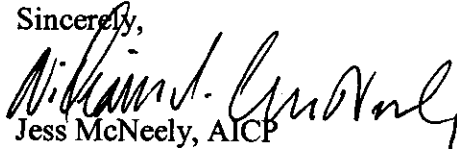
www.wichita.gov

RE: CON2014-14 – City Conditional Use to permit a Nightclub in the City (micro-brewery with music and outdoor food and beverage service) in CBD Central Business District zoning within 300 feet of a park, generally located east of S. Greenwood and south of Douglas (156 S. Greenwood).

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

Sincerely,



Jess McNeely, AICP
Senior Planner

Copies to: Lavonta Williams, WCC CM I
Alana Haynes, NA I
Tom Stolz, MABCD
J. R. Cox, MABCD
Steve Warshbarath, 2564 Wheatridge 67223
Carrie Ulrich, 155 S. Hydraulic 67211
Tammy O'Dell, 1603 E. English 67211
Monica Flynn, 201 Lulu 67211
Dan Voorhis, 132 S. Greenwood 67211
Leon Moeder, 122 S. Hydraulic 67211
Shane Gross, 4004 E. English 67218
Anthony Jacobs, 151 N. Rock Island 67202
David Martin, 722 S. Broadview 67218

RESOLUTION No. 14-163

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHTCLUB IN THE CITY WITHIN 300 FEET OF A PARK ON APPROXIMATELY 0.16 ACRES ZONED CBD CENTRAL BUSINESS DISTRICT (CBD), GENERALLY LOCATED ONE BLOCK WEST OF HYDRAULIC AND ONE BLOCK SOUTH OF DOUGLAS (156 S. GREENWOOD), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

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

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow a Nightclub in the City within 300 feet of a park on approximately 0.16 acres zoned CBD Central Business District (CBD).

Case No. CON2014-00014

A Conditional Use to allow a Nightclub in the City within 300 feet of a park on approximately 0.16 acres zoned CBD Central Business District (CBD) described as:

Lots 30 and 32, Fannie Avenue, Hyde's Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

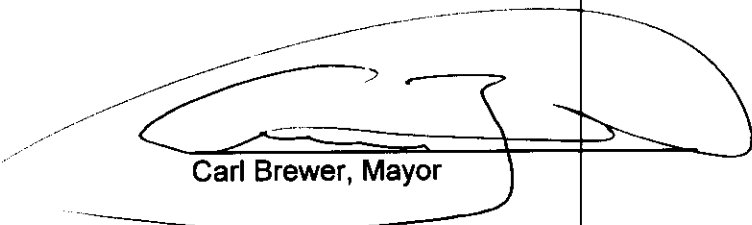
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5. The establishment shall serve only beer and wine to the public, no distilled spirits shall be served to the public.
6. The Conditional Use for a Nightclub is permitted only in conjunction with a microbrewery on the site.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

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

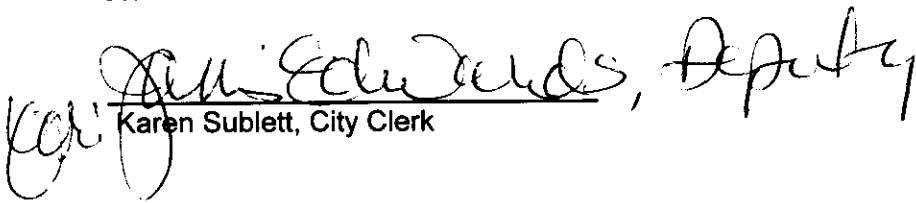
ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

June 3, 2014



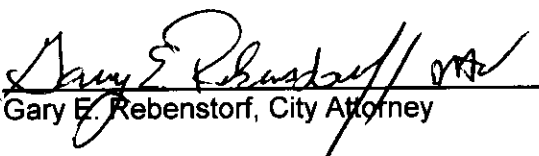
Carl Brewer, Mayor

ATTEST:



Karen Sublett, City Clerk

Approved as to form:



Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
June 3, 2014

TO: Mayor and City Council

SUBJECT: CON2014-00014 – City Conditional Use to permit a Nightclub in the City (micro-brewery with music and outdoor food and beverage service) in CBD Central Business District zoning within 300 feet of a park, generally located east of South Greenwood and south of Douglas (156 South Greenwood) (District I)

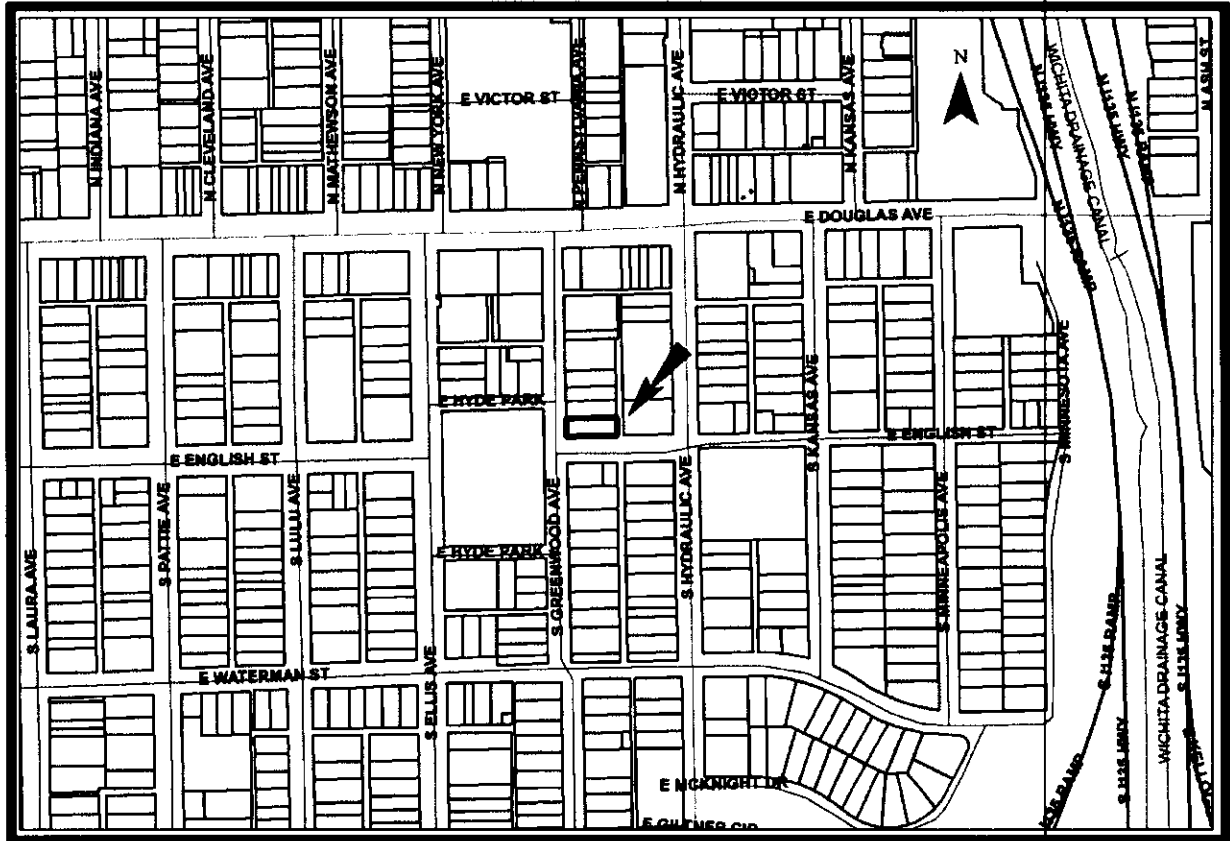
INITIATED BY: Metropolitan Area Planning Department *JLS DM*

AGENDA: Planning (Non-consent)

MAPC Recommendation: The MAPC recommended denial of the request (4-4)

DAB Recommendation: District Advisory Board I recommended approval of the request (11-0) subject to staff and applicant recommended conditions.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to conditions.



Background: The application area, 156 South Greenwood, is located at the northeast corner of East English and South Greenwood, one block southwest of the Douglas and Hydraulic intersection, in CBD Central Business District (CBD) zoning. The site is developed with a metal building and limited parking. The County Tax Assessor lists "warehouse-office combination" as the current land use. The applicant intends to develop a micro-brewery on the site with music and outdoor food and beverage service on a patio fronting South Greenwood. The applicant's plans (see attached) demonstrate indoor seating for 71 and outdoor seating for 24 patrons, brewery and kitchen space, and four alley accessed parking spaces (including one ADA space). The CBD zone has no parking requirements.

Nightclub in the City is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a Nightclub in the City in the CBD zoning district by right, but requires a Conditional Use if the property is located within 300 feet of a church, park, school or residential zoning district. The application area is 65 feet from Hyde Park, measured property line to property line across South Greenwood, triggering the Conditional Use requirement. Hyde Park has a playground, a community building, and 13 parking spaces. Four residential buildings are within 300 feet of the site; the residential buildings are also zoned CBD and therefore do not trigger the Conditional Use requirement for a nightclub.

All surrounding properties are also zoned CBD. A multi-family residential building is due north of the site, with two single-family residences and a warehouse further north. South of the site, across English, are a duplex and a funeral home with single and multi-family dwellings further south. East of the site, across an alley, are retail and office uses fronting Hydraulic. West of the site, across Greenwood, is Hyde Park, a printing facility and offices. This area was zoned LI Limited Industrial (LI) until 2005 when an area-wide rezoning expanded the CBD zoning district along the Douglas Street corridor from Washington Avenue to I-135.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held on April 24, 2014, a motion to approve the request subject to conditions failed (4-4); therefore the action of the MAPC was to deny the request. Several citizens spoke at the MAPC hearing both opposed to and in support of the request. Opposed neighboring property owners cited concerns regarding safety, parking, noise and compatibility with the park and surrounding properties. Supportive neighboring property owners indicated an opinion that the proposed micro-brewery would be a positive addition to the area.

District Advisory Board (DAB) I heard the request on May 5, 2014. Supportive and opposed property owners spoke at the DAB with similar comments heard at the MAPC hearing. The DAB voted (11-0) to recommend approval of the request subject to the following staff and applicant recommended conditions:

- (1) The site shall be developed in conformance with the approved site plan.
- (2) No outside loudspeakers or outdoor entertainment is permitted.
- (3) Live music and outdoor service hours are limited to 10 pm Sunday through Thursday evenings and midnight on Friday and Saturday evenings.
- (4) The establishment shall be open to serve the public no earlier than 10:00 AM on any day and shall close to the public no later than 10:00 PM Monday through Thursday, and will close to the public no later than midnight Friday through Sunday.
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- (6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The Parks and Recreation Department Director, Doug Kupper, submitted an e-mail stating opposition to the request based on concerns with parking and compatibility with the park. Three protest petitions from neighboring property owners were filed. The protests account for 18% of the property within the 200-

The Parks and Recreation Department Director, Doug Kupper, submitted an e-mail stating opposition to the request based on concerns with parking and compatibility with the park. Three protest petitions from neighboring property owners were filed. The protests account for 18% of the property within the 200-foot legal notification area surrounding the application site. The applicant filed an appeal of the MAPC denial; therefore the City Council has the final authority to make a decision regarding the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The application has been approved by the Law Department.

Recommendation/Actions: It is recommended that the City Council: 1) adopt the findings of the MAPC and deny the Conditional Use (simple majority vote required); 2) approve the request subject to the DAB I recommended conditions by making alternate findings (two-thirds majority vote required); or 3) return the application to the MAPC for further consideration (simple majority vote required).

Attachments:

- Applicant's letter, site plan and elevation drawings
- E-mail from Doug Kupper
- Protest petitions and protest map
- DAB I memo
- MAPC minutes

PROJECT INFORMATION & CODE DATA

OWNER

Turning Stone Artisan Alas, LLC
1707 N. Washington Hwy
Wichita, KS 67204
Contact: Andy Boyd
email: aboyd@turningstone.net

ARCHITECT

Stadium Architecture
807 N. Wood, Suite 30
Wichita, KS 67203
p: 316.295.6663
Contact: Tony Jacobs
email: tony@stadiumarch.com

GENERAL CONTRACTOR

Commence Construction
2222 Southwest Blvd.
Wichita, KS 67203
p: 316.262.6664
Contact: Robb Morrison
email: robb@commence.com

ENGINEERING

Travis Group
336 N. Wood
Wichita, KS 67202
p: 316.297.7999
Contact: Travis Roux
email: travis.roux@travisgroup.net

APPLICABLE CODES

THE INTERNATIONAL BUILDING CODE, 2004
THE NATIONAL ELECTRICAL CODE, 2011
THE INTERNATIONAL MECHANICAL CODE, 2004
THE INTERNATIONAL FIRE CODE, 2004
AMERICAN WITH DISABILITIES ACT (2010 ADAAG)

LEGAL DESCRIPTION

LOTS 28-32 FAYNE AVE, HYDRE ADDITION, SEDGWICK
COUNTY, KANSAS

ZONING

CBD Central Business District

OCCUPANCY GROUP

A-2 Tavern (brewpub)

OCCUPANCY LOADS

OCCUPANCY TYPE: A2-TAVERN
OCCUPANT LOAD: 97 OCC.
(90 OCC. + 7 EMPLOYEES)

OCCUPANCY SEPARATIONS

NONE

GENERAL INFORMATION

FOOD HANDLING: ON SITE
WATER SUPPLY: MUNICIPAL
SEWAGE TREATMENT: MUNICIPAL
HVAC SYSTEM: FORCE AIR
FUEL: NATURAL GAS

PLUMBING FIXTURES

OCCUPANCY TYPE: A2-TAVERN
OCCUPANT LOAD: 90 OCC. + 7 EMPLOYEES
97 OCC.

TABLE 2902.1 REQUIRED PLUMBING FIXTURES PROVIDED

MALE
48 OCC. AT 1 PER 40 OCC. = 1 WC 1 WC, 1
URINAL
48 OCC. AT 1 PER 75 OCC. = 1 LAV 1 LAV
FEMALE
48 OCC. AT 1 PER 40 OCC. = 1 WC 2 WC
48 OCC. AT 1 PER 75 OCC. = 1 LAV 1 LAV

OUTDOOR SEATING: 24 OCC. - 16" = 8 OCC.
FIRST 14 OCC. DOES NOT APPLY TO FIXTURE
CALCULATIONS

ADDITIONAL 4 MALE OCC. AND 4 FEMALE OCC. DO
NOT INCREASE NUMBER OF REQUIRED FIXTURES

FIRE SPRINKLERS

NONE

FIRE ALARM SYSTEM

NONE

FIRE EXTINGUISHERS

ONE FIRE EXTINGUISHER WITHIN 75-FT OF ALL AREAS

FIRE RESISTANCE RATING REQUIREMENTS - II B

STRUCTURAL FRAME
INCLUDING COLUMNS, GIRDERS, BEAMS, TRUSSES 0 hours
BEARING WALLS 0 hours
EXTERIOR BEARING WALLS 0 hours
INTERIOR BEARING WALLS 0 hours
NON-BEARING WALLS 0 hours
EXTERIOR NON-BEARING WALLS 0 hours
INTERIOR NON-BEARING WALLS 0 hours
FLOOR CONSTRUCTION
INCLUDING SUPPORTING BEAMS AND JOISTS 0 hours
ROOF CONSTRUCTION
INCLUDING SUPPORTING BEAMS AND JOISTS 0 hours

SITE INFORMATION

REQUIRED PARKING:
CBD EXEMPTION

PROVIDED PARKING: 4 SPACES TOTAL
1 ACCESSIBLE SPACE

DRAWING SHEETS

architectural

A1 site plan and code data
A2 floor plan, door and partition types

mechanical

M1 hvac plan
M2 details, schedules, & legends

plumbing

P1 plumbing floor plan - waste & vent
P2 plumbing floor plan - domestic water & gas

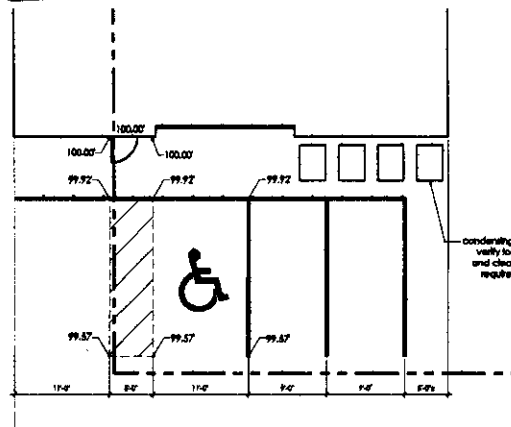
electrical

E1 schedules, notes, panel layout
E2 power plan
E3 lighting plan

APPROVED

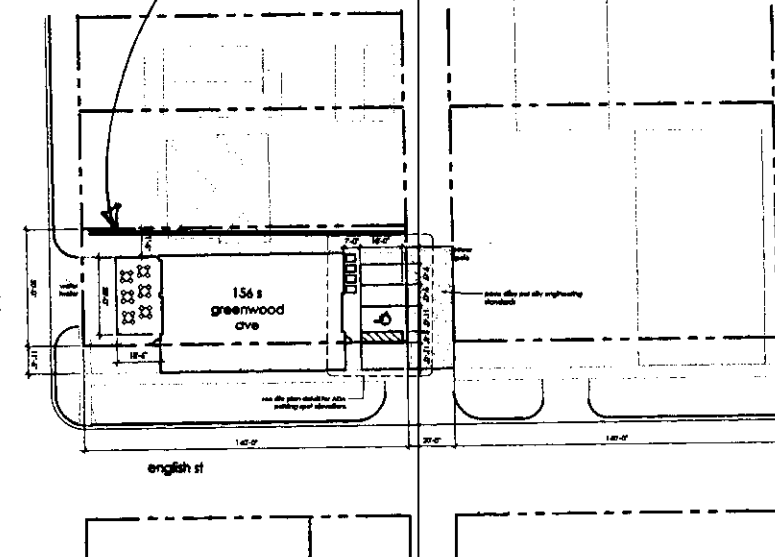
Date: 6-12-14

CON 2014-14 SITE PLAN



hyde park pl n

15 DOORWOOD ST



site plan