

OCA 150004

ORDINANCE NO. 50-447

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

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

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

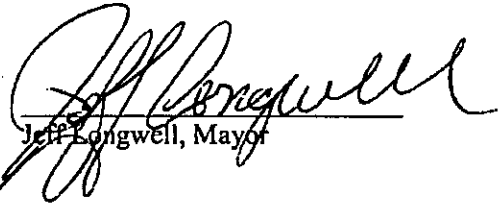
Case No. ZON2017-00001

City zone change from B Multi-Family Residential District to LC Limited Commercial District described as:

Lot 1, Lutheran Student Center Addition, Wichita, Sedgwick County, Kansas

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

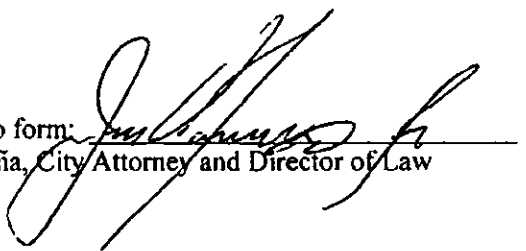
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

STAFF REPORT
 MAPC March 23, 2017
 DAB I April 3, 2017

CASE NUMBER: ZON2017-00001 and CON2017-00001

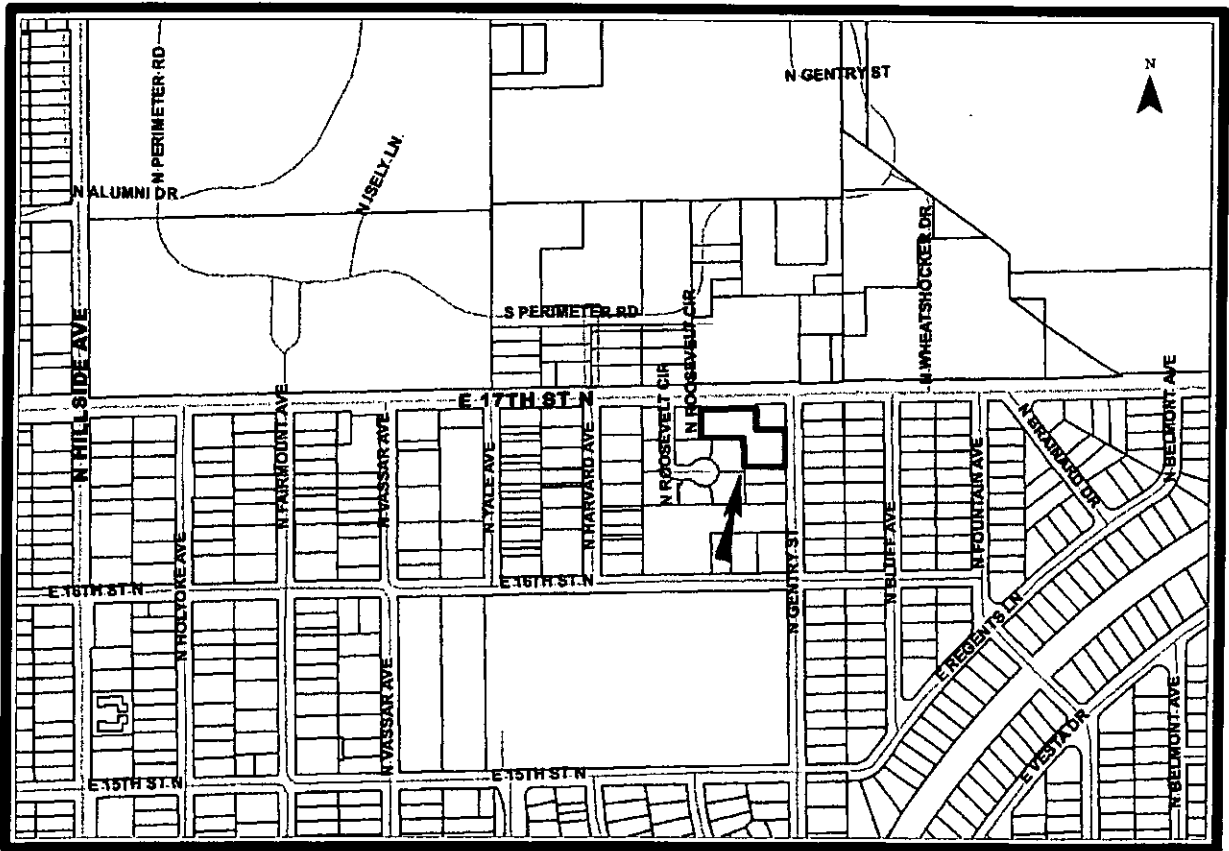
APPLICANT/AGENT: University Lutheran Ministry, John Tape-Director/Studium Architects, Anthony Jacobs

REQUEST: Rezone to LC Limited Commercial District and Conditional Use for an Entertainment Establishment

CURRENT ZONING: B Multi-Family Residential District

SITE SIZE: Approximately 0.835-acres

LOCATION: Generally located on the south side of East 17th Street North and east of North Hillside Road (3815 East 17th Street North)



BACKGROUND: The applicant is requesting a change in zoning from B Multi-Family Residential District (B) to LC Limited Commercial (LC), and a Conditional Use for an Entertainment Establishment for a 0.835-acre site located on the south side of East 17th Street North and east of North Hillside Road. The property address is 3815 East 17th Street North. The purpose of the rezoning is to allow the remodeling of the multi-purpose room at the Lutheran Student Center into a coffee shop with a renovated kitchen, new restroom facilities and an outdoor patio. The new coffee shop operation would include food and beverage preparation and service. No alcohol will be served at the premises. The project site plan also includes a new parking lot with 23-parking spaces adjacent to the existing parking lot of the student center.

The existing Lutheran Student Center is zoned B, and is used for campus ministry services at Wichita State University for the Lutheran Church. The rezoning to LC is necessary to allow the conversion of the facility to the permitted use of a coffee shop/restaurant and the parking lot construction.

The Conditional Use application was filed in order to allow an entertainment establishment within 300 feet of a single-family zoning district. The coffee shop may provide occasional live entertainment.

A project site plan was submitted with the application. The site plan is attached, and is summarized as follows for compliance with the *Unified Zoning Ordinance (UZC)*:

- a. **Parking**-The proposed coffee shop/restaurant use requires one parking space for every three seats. The floor plan indicates 109-seats in the dining area and lounge. This capacity would require 36-parking spaces. There are 18-spaces in the existing parking lot. The applicant proposes a new parking lot adjacent to the existing lot. This new parking lot would have 23 spaces, providing a total of 40-parking spaces. This meets the parking requirements for the use.

There are 36-seats located on the outdoor patio. The *UZC* exempts outdoor seating on the patio from the required parking calculation.

- b. **Setbacks**-The site plan includes a patio addition on the east and south sides of the existing building. This patio will provide seasonal outdoor seating. The patio is located in the required front building setback. The *UZC* permits a patio in required setbacks.

As stated, a proposed parking lot expansion will provide additional parking for the facility. There is a requirement for street frontage landscaping in the front setback along North Gentry Street.

SURROUNDING DEVELOPMENT: North of the subject property is Saint Paul Parish and the Wichita State University campus. South of the site are single-family homes on North Gentry Street. A restaurant and tavern and apartments are east of the property. West of the site are additional apartments.

CASE HISTORY: The property is platted as Lot 1 Lutheran Student Center Addition, 1976.

ADJACENT ZONING AND LAND USE:

NORTH:	B-Multi-family	Institutional
SOUTH:	B-Multi Family	Single-family residential
EAST	LC Limited Commercial	Commercial/Multi-family apartments
WEST:	MF 29 Multi-Family	Multi-family apartments

PUBLIC SERVICES: East 17th Street North is a fully improved arterial street along the south side of the Wichita State University State campus. North Gentry Street is a north/south residential street. The subject property has all municipal utilities available to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as residential and employment mix on the Future Growth Map Concept Map. The proposed land use is consistent with the future mixed use category for this area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

- a. The rezoning and conditional use shall be implemented and developed as shown on site AS1.1 by Studium Architecture.
- b. A landscape plan shall be submitted that meets the requirements of Wichita Landscape Ordinance, 28.06, and the screening requirements of the Unified Zoning Code.
- c. The Conditional Use for live entertainment shall not permit outdoor concerts or entertainment on the outdoor patio.
- d. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** North of the subject property is Saint Paul Parish and the Wichita State University campus. South of the site are single-family homes on North Gentry Street. A restaurant/tavern and apartments are east of the property. West of the site are additional apartments.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The existing zoning on the subject property is B Multi Family. The existing Lutheran Student Center and the proposed coffee shop/restaurant are not appropriate uses in this existing zoning classification. The rezoning to LC is necessary in order to allow the Lutheran Student Center to be converted to the coffee shop/restaurant and the related parking expansion.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed LC zoning district is consistent with zoning along the commercial and mixed use corridor of East 17th Street North. The proposed rezoning will not have any detrimental impact on nearby property. The proposed Conditional Use for an Entertainment Establishment will not have any adverse impact on surrounding properties. The live entertainment will be inside the coffee shop, not on the outdoor patio. The facility is not designed to be a concert venue, the Conditional Use permit will allow occasional live entertainment to complement the coffee shop environment.

It should be noted that the property to the east, The Field House, received a Conditional Use approval for a nightclub in the city in 2015 (CON2015-00027).

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as residential and employment mix on the Future Growth Map Concept Map. The proposed land use is consistent with the future mixed use category for this area.
- (5) **Impact of the proposed development on community facilities:** All public improvements and infrastructure are available and the proposed rezoning and plan have been reviewed and found that there will be no negative impact on existing community facilities.