Wichita-Sedgwick County Metropolitan Area Planning Department

August 15, 2018

Julia Scott
Swell Spark
43 Kansas Avenue
Kansas City, KS 66105

RE: **CON2018-00022** - City Conditional Use for Nightclub in the City within 300 feet of a church in LC Limited Commercial zoning district; generally located south of West Douglas Avenue and west of McLean Avenue (535 W. Douglas Ave.)

Dear Applicant:

At its regular meeting on **June 21, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

Kyle C Kobe

Kyle C Kobe
Associate Planner

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV
Michael Tokarz, 8111 E 32nd St N, Suite 101, Wichita, KS 67226

CONDITIONAL USE RESOLUTION NO. CON2018-00022

WHEREAS, Julia Scott with Swell Spark (Agent), on behalf of Douglas 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 for a Nightclub in the City, on property zoned LC Limited Commercial at 535 West Douglas Avenue and legally described as:

> Even Lots 134 to 140, inclusive, and the West Five Feet of Lot 142 on Chicago, not Douglas Ave. West Wichita Addition to Wichita, Sedgwick County, Kansas

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 21, 2018, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a Nightclub in the City, on property zoned LC Limited Commercial at 535 West Douglas Avenue and legally described as:

> Even Lots 134 to 140, inclusive, and the West Five Feet of Lot 142 on Chicago, not Douglas Ave. West Wichita Addition to Wichita, Sedgwick County, Kansas

Subject to the following conditions:

A. The Conditional Use permits a "nightclub in the city," which shall be maintained and operated in compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.
B. If additional parking is needed the applicant will secure a parking agreement with the property owner of the property directly in front of or behind the subject site.
C. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, 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 the Conditional Use null and void.

Adopted this 21st Day of June 2018

METROPOLITAN AREA PLANNING COMMISSION

Joseph A. Johnson, Chair MAPC

ATTEST:

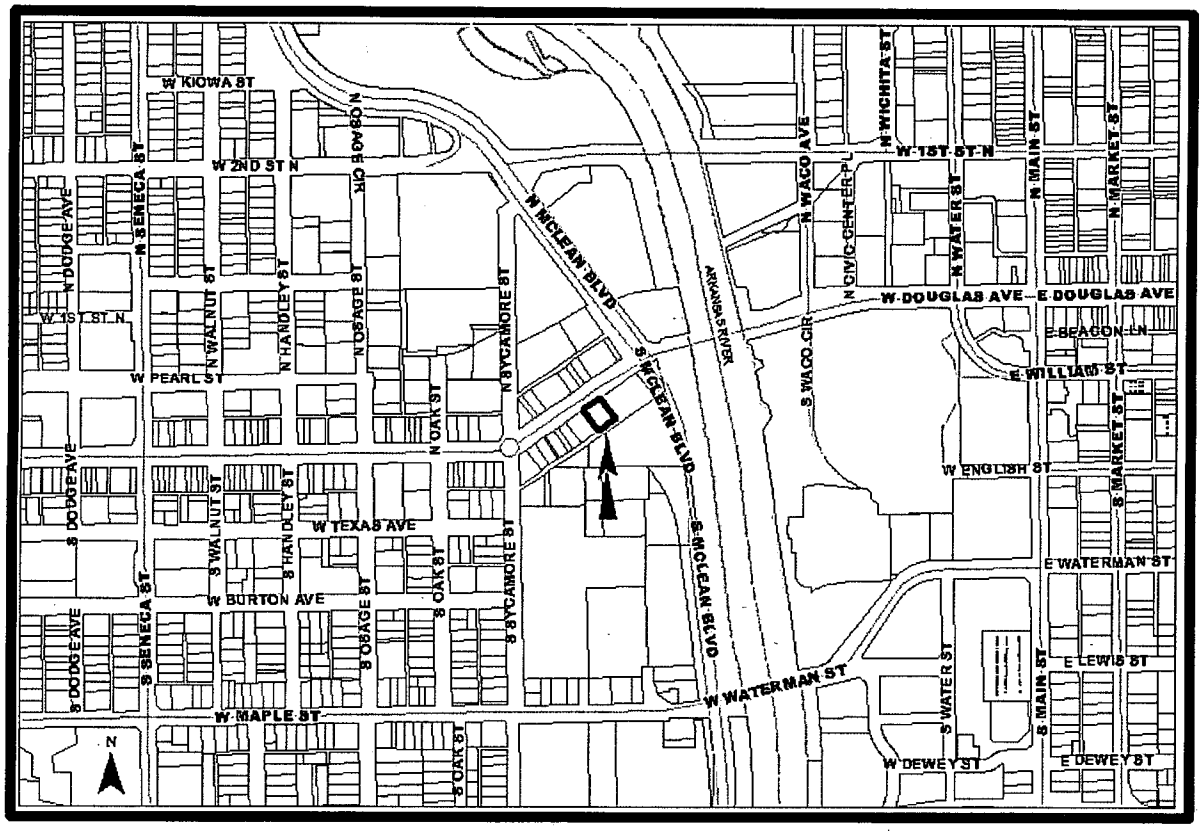
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT
DAB IV 7-2-18
MAPC 6-21-18

CASE NUMBER:	CON2018-00022
AGENT:	Julia Scott with Swell Spark
APPLICANT:	Blade and Timber (Applicant), Douglas, LLC (Landlord)
REQUEST:	Nightclub in the City
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	0.10 acres
LOCATION:	South of West Douglas Avenue and west of McLean Avenue (535 W. Douglas Ave.)
PROPOSED USE:	Nightclub in the City



BACKGROUND: This application is to permit a Nightclub in the City on property zoned LC Limited Commercial. Per the Unified Zoning Code (UZC, Article II, Section II-B.9.b) an establishment that provides any combination of alcohol, live entertainment or dancing is defined as a "nightclub in the city." A "nightclub in the city" is permitted by right in the LC district unless the nightclub is located within 300 feet of church, place of worship, public park, public or parochial school or residential zoning district. If a "nightclub in the city" is proposed to be located within 300 feet of the previously noted uses, the nightclub is no longer allowed by right and requires Conditional Use approval. The Metropolitan Baptist Church is located at 525 West Douglas Avenue, less than 100 feet from the subject site.

The proposed use for the site is a "Blade and Timber" franchise that offers customers alcoholic beverages as well as the unique feature of axe throwing. The proposed use would feature several lanes, individually walled off, down which customers throw axes at targets on the wall in front of them. The applicant has provided some images to show how the site looks and functions, which are provided as attachments.

The property to the north, across Douglas, is zoned GC General Commercial and has surface parking and a shared office building. East and west of the site along West Douglas Avenue is zoned LC Limited Commercial and is developed as downtown row storefronts. South of the property is zoned LC Limited Commercial and primarily features surface parking.

The LC Limited Commercial district would ordinarily require off street parking as well as setback requirements. However, the site is already developed in a manner more reminiscent of CBD Central Business District zoning, which requires neither. Given the nature of the surrounding development, the availability of on street parking in front of the business, off street parking located in the rear of the business (which would be accessible to the applicant via a parking agreement with the property owners), and the fact that the applicant has indicated on their site plan that the operation is to take place entirely indoors; staff recommends approval of this conditional use per the site plan provided by the applicant.

Staff has received no indication of concern or opposition from any members of the community at the time of this writing.

CASE HISTORY: The property was platted in the, West Wichita Addition, Wichita, Sedgwick County, Kansas on August 5, 1872.

ADJACENT ZONING AND LAND USE:

NORTH:	GC;	surface parking, shared office space
SOUTH:	LC;	surface parking, Lawrence Dumont Stadium
EAST:	LC;	downtown row storefronts
WEST:	LC;	downtown row storefronts

PUBLIC SERVICES: The application area is served by all standard public utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Unified Zoning Code (UZC) allows for Nightclubs in the City by right in Limited Commercial (LC), provided they are more than 300 feet from a church, park, school, or residential zoning. The UZC provides for the approval of Nightclubs in the City by Conditional Use in the event uses are located within such a proximity.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investment Plan*, identifies this site as appropriate for "residential and employment mix." These areas are described as being suitable to be developed or redeveloped under the concept of mixed

use areas. This site conforms to this designation.

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

A. The Conditional Use permits a "nightclub in the city," which shall be maintained and operated in compliance with all applicable codes, including but not limited to zoning, building, fire and health, and in substantial compliance with the approved site plan.
B. If additional parking is needed the applicant will secure a parking agreement with the property owner of the property directly in front of or behind the subject site.
C. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the north, across Douglas, is zoned GC General Commercial and has surface parking and a shared office building. East and west of the site along West Douglas Avenue is zoned LC Limited Commercial and is developed as downtown row storefronts. South of the property is zoned LC Limited Commercial and primarily features surface parking.

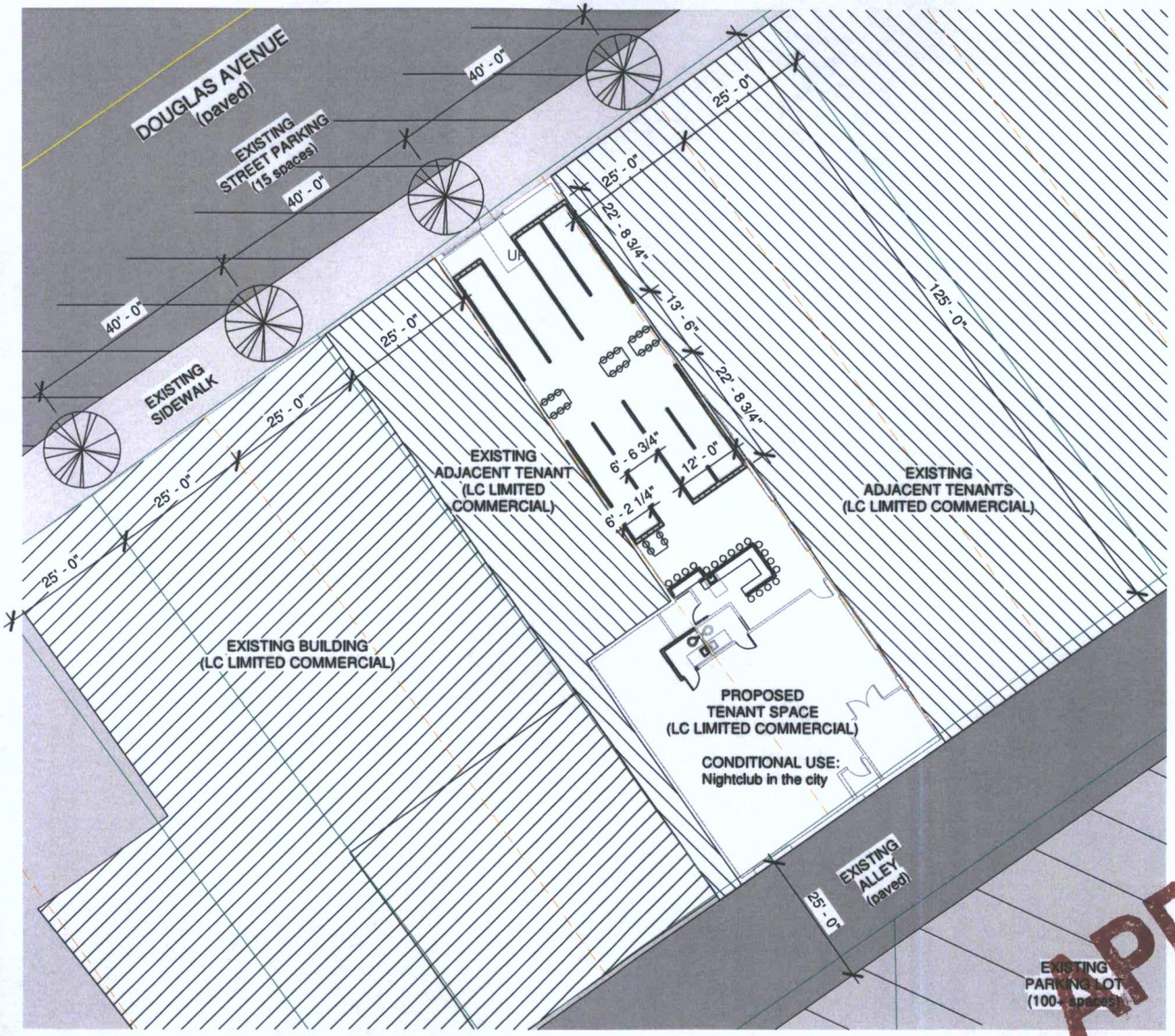
2. The suitability of the subject property for the uses to which it has been restricted: Any number of permitted by right uses could be economically viable at this location. As currently zoned, the site could be used as a drinking establishment restaurant, which could be an economically viable use. The UZC allows for Nightclubs in the City, provided a Conditional Use is approved.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The LC district permits a "nightclub in the city" by right except for the separation requirements noted above. There are other night clubs located in the downtown area. Approval of the request should not negatively impact nearby properties much like one would find with other business near existing downtown nightclubs in the city.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Unified Zoning Code (UZC) allows for Nightclubs in the City by right in Central Business District (CBD), provided they are more than 300 feet from a church, park, school, or residential zoning. The UZC provides for the approval of Nightclubs in the City by Conditional Use in the event uses are located within such a proximity.

   The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investment Plan*, identifies this site as appropriate for "residential and employment mix." These areas are described as being suitable to be developed or redeveloped under the concept of mixed use areas. This site conforms to this designation.

5. Impact of the proposed development on community facilities: Infrastructure and community services are in place to accommodate the proposed use.



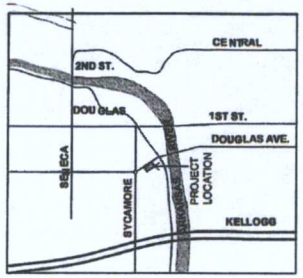
1 SITE PLAN
1" = 20'-0"

N

KEY LEGEND

PARCEL BOUNDARY

LOT BOUNDARY



SITE LOCATION MAP

N

APPROVED

Date: 12 July 2018

Catalyst
Build Co.

43 Kansas Avenue
Kansas City, KS 66105
913.730.5733
www.catalystbuild.com

Ryan Stamer
Construction Manager
913.636.5867
stamer@catalystbuild.com

BLADE & TIMBER
535 W DOUGLAS AVE

DRAWING INFORMATION

Issue Date:	04/26/18
Issued For:	
Designed By:	SRG
Drawn By:	SRG
Project Manager:	
Project Number:	201

S100

SITE PLAN

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