



Wichita-Sedgwick County Metropolitan Area Planning Department

September 20, 2019

Leon Moeder
122 South Hydraulic
Wichita, KS 67211

Alex Thomas
220 South Green
Wichita, KS 67211

RE: CON2019-00031 - City request to approve a Conditional Use Permit to permit a tavern and drinking establishment on property zoned CBD Central Business District on the north side of East Douglas Avenue ½ block east of North Hydraulic Avenue (1716 East Douglas Avenue).

Dear Applicants:

At its regular meeting on September 5, 2019, 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. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC I, Brandon Johnson, Mail Stop 1-13
Kameelah Alexander, CSR I, Mail Stop 1-135
Paul Hays, MABCD, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71
Tina Henry, MAPD

CONDITIONAL USE RESOLUTION NO. CON2019-00031

WHEREAS, Leon Moeder, (Owner), and Alex Thomas (Tenant) 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 Tavern and Drinking Establishment on property zoned CBD, Central Business District, at 1716 East Douglas Avenue, and legally described as:

Lots 15 on Douglas, Mosbacher's Addition to City of 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 September 5, 2019, 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 permit a Tavern and Drinking Establishment on property zoned CBD, Central Business District, at 1716 East Douglas Avenue, and legally described as:

Lots 15 on Douglas, Mosbacher's Addition to City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The project shall be completed and maintained in compliance with the provisions applicable to taverns and drinking establishments in the Unified Zoning Code, as found in Article III, Section III-D(6)(w) as noted above, namely:
 - A. No restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.
 - B. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.
 - C. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.
 - D. The outdoor use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use.
4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 5th Day of September, 2019

METROPOLITAN AREA PLANNING COMMISSION



Charles A. Warren, Chair MAPC

ATTEST:



Dale Miller, Secretary

A 7-0

Note needed
change in conditions

AGENDA ITEM NO. 52



STAFF REPORT
MAPC: September 5, 2019
DAB I: September 9, 2019

CASE NUMBER: CON2019-00031

APPLICANT/OWNER: Leon Moeder – Moeder & Associates (Owner/Applicant) – Alex M Thomas (Tenant/Agent)

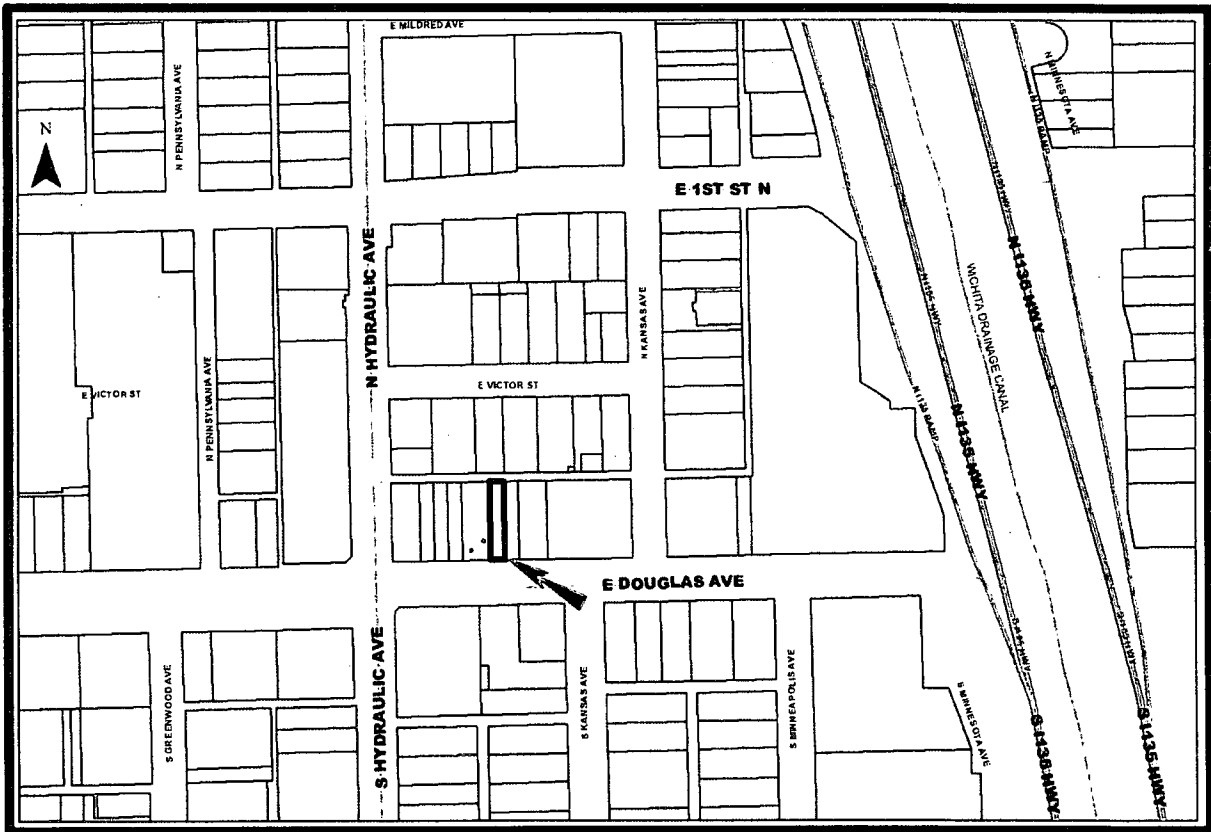
REQUEST: Conditional Use to permit a Drinking Establishment

CURRENT ZONING: CBD Central Business District (CBD)

SITE SIZE: 0.08 acres

LOCATION: North side of East Douglas Avenue approximately 200 East of Hydraulic Avenue (1716 East Douglas Avenue)

PROPOSED USE: Drinking Establishment



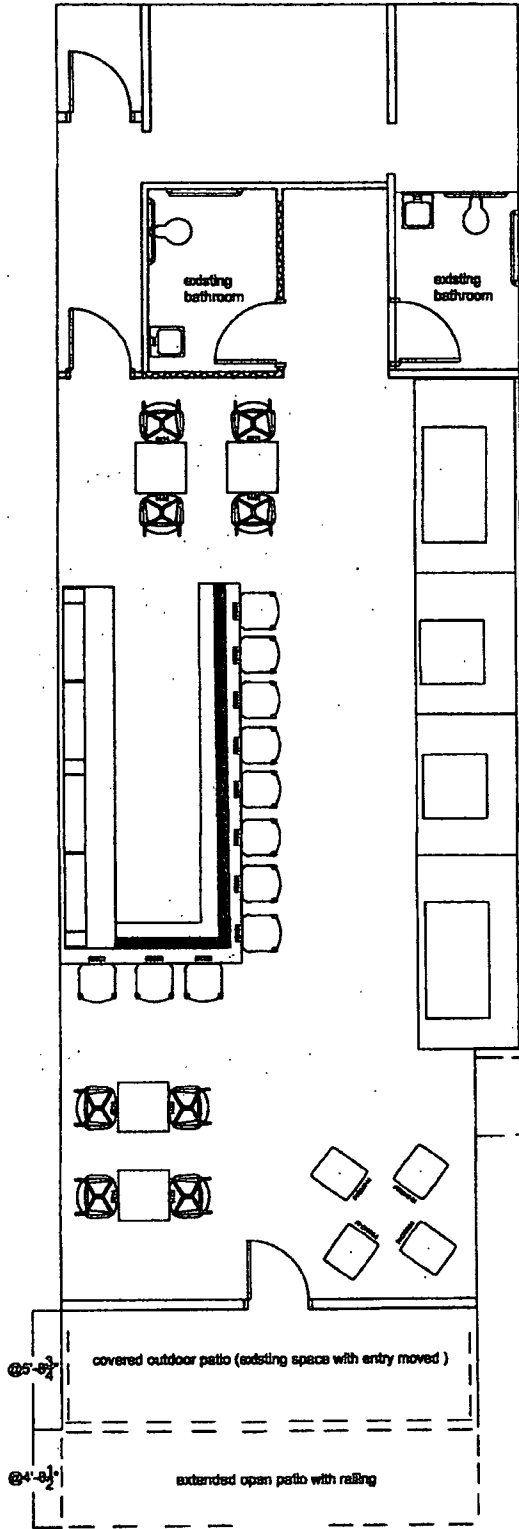
PUBLIC SERVICES: East Douglas Avenue is a fully improved four-lane arterial with on-street parallel parking permitted adjacent to the subject property. All public utilities are extended to the property.

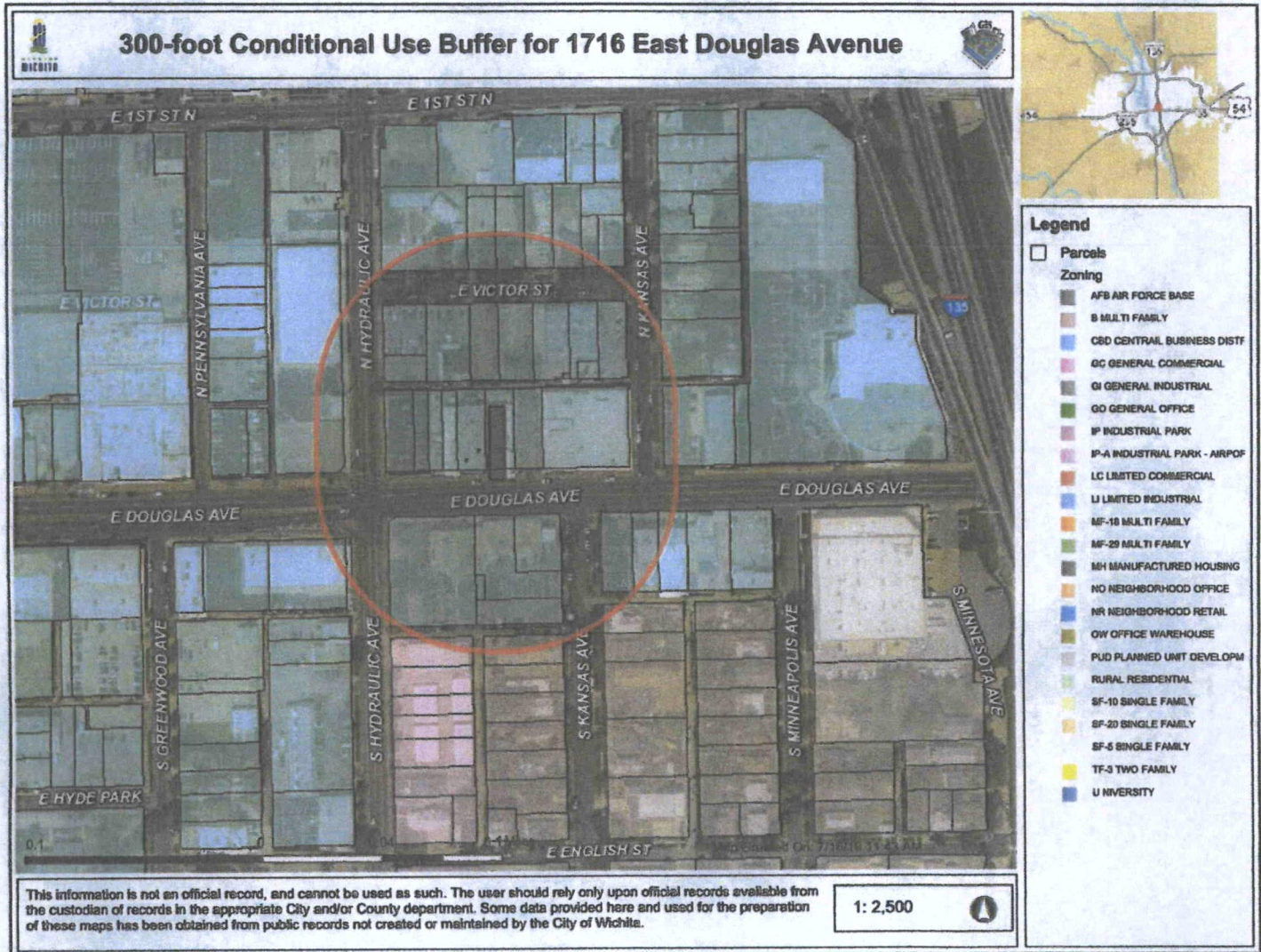
CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies the site as appropriate for “New Employment” development. In areas, like the proposed site, that are in proximity to other established eating establishments, the Community Investments Plan indicates that it is appropriate to develop New Employment areas with convenience retail centers.

The site is located within the Established Central Area of the Community Investments Plan. The Wichita Urban Infill Strategy is focused on the Established Central Area – comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Increased levels of infill redevelopment throughout the Established Central Area is a major policy goal of the Community Investments Plan. One of the strategies to promote infill redevelopment is to support regulatory changes, like the proposed conditional use for the drinking establishment, to support urban-scale infill projects.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The ~~accessory apartment~~ ^{project} shall be completed and maintained in compliance with the provisions applicable to taverns and drinking establishments in the Unified Zoning Code, as found in Article III, Section III-D(6)(w) as noted above, namely:
 - A. No restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.
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**TITLE: LAVA & TONIC TIKI BAR
(DRINKING ESTABLISHMENT)**

DESCRIPTION: LAVA & TONIC IS WICHITA'S FIRST IMMERSIVE TIKI BAR EXPERIENC. FRUITY RUM BASED DRINKS AND ISLAND DECOR WILL TAKE CUSTOMERS ON A JOURNEY TO ISLAND LIFE

