



Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2021

Talal Timsah
2024 N Woodlawn Blvd
Wichita, KS 67208

RE: CON2021-00002: City Conditional Use for a drinking establishment within 300 feet of a park on property zoned CBD Central Business District; generally located on the south side of West Douglas Avenue and one block east of South Seneca Street (1001 W Douglas Ave).

Dear Applicant;

At its regular meeting on **February 18, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to the conditions in the enclosed resolution.

No protest petitions were filed against this application. Therefore, the MAPC's decision is final.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Jeff Blubaugh, City Council District IV
Rebecca Fields, CSR District IV
Ken and Danielle Harmon, Alzavino Wine Tavern, 3900 N Sage Ct., Maize, KS 67101

CONDITIONAL USE RESOLUTION NO. CON2021-00002

WHEREAS, 1001 W Douglas Investments, LLC, Owners pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow a Drinking Establishment within 300 feet of a park on property zoned CBD Central Business District described as:

Lot 20, on Chicago now Douglas Avenue, West Wichita Addition, 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 February 18, 2021, 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 Drinking Establishment within 300 feet of a park on property zoned CBD Central Business District described as:

Lot 20, on Chicago now Douglas Avenue, West Wichita Addition, Wichita, Sedgwick County Kansas.

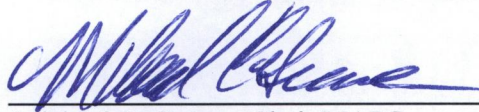
Approved subject to the following conditions:

1. The use shall comply with the provisions applicable to taverns and drinking establishments for outdoor service of food and drink in the Unified Zoning Code, as found in Section III-D(6)(w):
 - 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. Any applicable modification to the exterior of the building shall be reviewed and approved by the Delano Review Committee prior to issuance of any building permits.
3. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Construction Department.

4. 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.
5. 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.

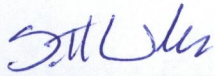
Adopted this 18th Day of February 2021.

METROPOLITAN AREA PLANNING COMMISSION



Michael C. Greene, Chair MAPC

ATTEST:



Scott Wadle, Secretary



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004859737		OCA 150004	\$109.20	1	13.00 In

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 01/28/2021

Ending issue of: 01/28/2021

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, 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 1/28/2021 to 01/28/2021.

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

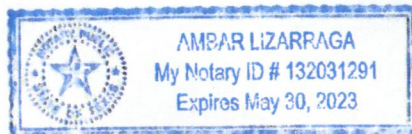
V Rodela

Signature of Principal Clerk
DATED: 2/25/2021

Cmb

Notary Public Dallas County, Texas

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON JANUARY 20, 2021 (4857737)
(One Time Only)

MAPC/BZA February 18, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 18, 2021 at 10:00 AM, the Metropolitan Area Planning Commission (MAPC) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways. Those without technology options can participate by going to Century II - Room 1015 - 725 West Douglas Avenue, Wichita, Kansas 67202 (located at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Metropolitan Area Planning Department at (316) 264-4171.

PUD2020-0014
City PUD zoning district to create PUD 402 Falcon Field Addition to allow ADUs in a traditional neighborhood development with some exceptions, generally located one-half mile west of North Main Street on the north side of East 43rd Street North.

BZA2021-0001
City Variance for 3 new signs on a new apartment building with existing office on B Main Family Center. Generally located within 1500 feet East of North Main Street on the south side of East 7th Street North (3607 E 17th St).

BZA2021-0002
City variance to reduce the number of parking spaces to 120 spaces on a property zoned L1 Limited Industrial, generally located north of I-49 on the east side of South Hoover Road (2820 S Hoover Rd).

BZA2021-0003
City Variance to allow a 60-foot lot sign and a 6-foot rear setback on a property zoned G1 General Industrial, generally located northwest of East 27th Street North and North Hydraulic Avenue (3705 North Hydraulic).

BZA2021-0004
City Variance to allow 350 square foot sign on a property zoned G1 Office Warehouse, generally located one-half mile east of South Greenwood Road on the north side of East Kellogg Drive (1705 East Kellogg).

CON2021-0001
City Conditional Use Adjustment to CU-501 to allow Self-storage in Limited Commercial (LC) zoning and adjust the site plan for building expansion. Generally located on the north side of West Atlantic Street and within one-half mile West of South West Street (4600 W Main).

CON2021-0002
City Conditional Use for a drinking establishment within 200 feet of a park on a property zoned C20 Central Business District, generally located on the south side of West Douglas Avenue and one block east of South Seneca Street (1601 W Douglas).

CON2021-0003
City Conditional Use to allow personal care services on a property zoned G1 General Office in the DeSoto Overlay East District, generally located on the south side of McLellan Boulevard, west of the West Side Athletic Park of Allentown and McLellan (655 North Allentown).

VAC2021-0001
City Vacation of a 10-foot utility easement and 25-foot utility easement for future construction on property zoned SF-5 Single Family Residential and generally located on the west side of South Hoover Road and within one-quarter mile south of West MacArthur Road (4724 S Gide).

VAC2021-0002
City vacation of a portion of a utility easement by separate instrument for building construction on property zoned LC Limited Commercial, generally located on the west side of North Webb Road and one-half mile south of East 21st Street North (1821 N Webb Road).

ZON2021-0001
City Zone Change from Limited Industrial (LI) to General Commercial (GC) to allow residential use, General located southwest of 17th and Main (625 E 17th St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 725 West Douglas Avenue, Wichita, Kansas 67202. As provided in Section V of the Metropolitan Area Planning Commission Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be aware of 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.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDOGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 3 days prior to the meeting. Please be sure to provide contact info for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff 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.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgewick County Metropolitan Area Planning Department Attn: Scott Wadde 725 W. 9th Street - Suite 201 Wichita, KS 67202
Phone	316.264.4171
Fax	316.264.7744

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/657546141>
You can also dial in using your phone.
United States: +1 (971) 317-3112

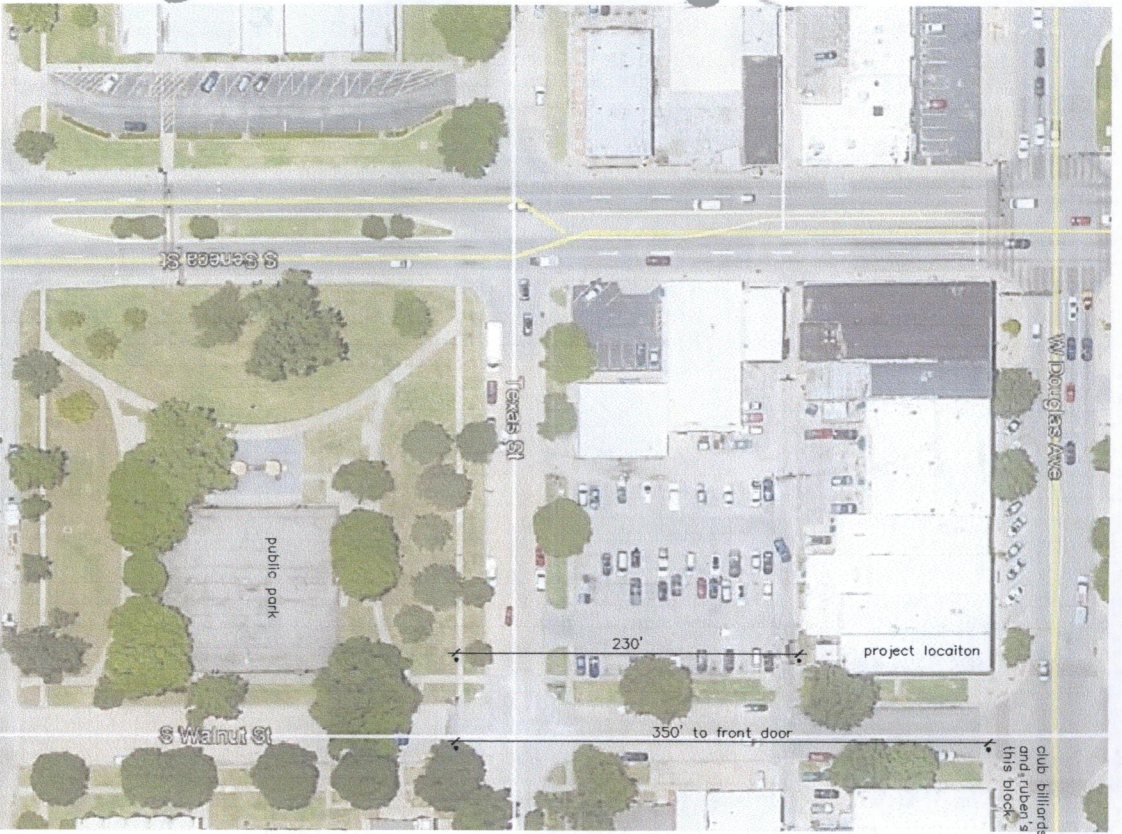
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or wrocmsh.goto.com
Meeting ID: 651 544 141
Or dial directly: 651.544.0141 or 67.217.95.2 or 67.217.95.2556514141

New to GoToMeeting? Get the app now and be ready when your first meeting starts!
<https://global.gotomeeting.com/join/651544141>

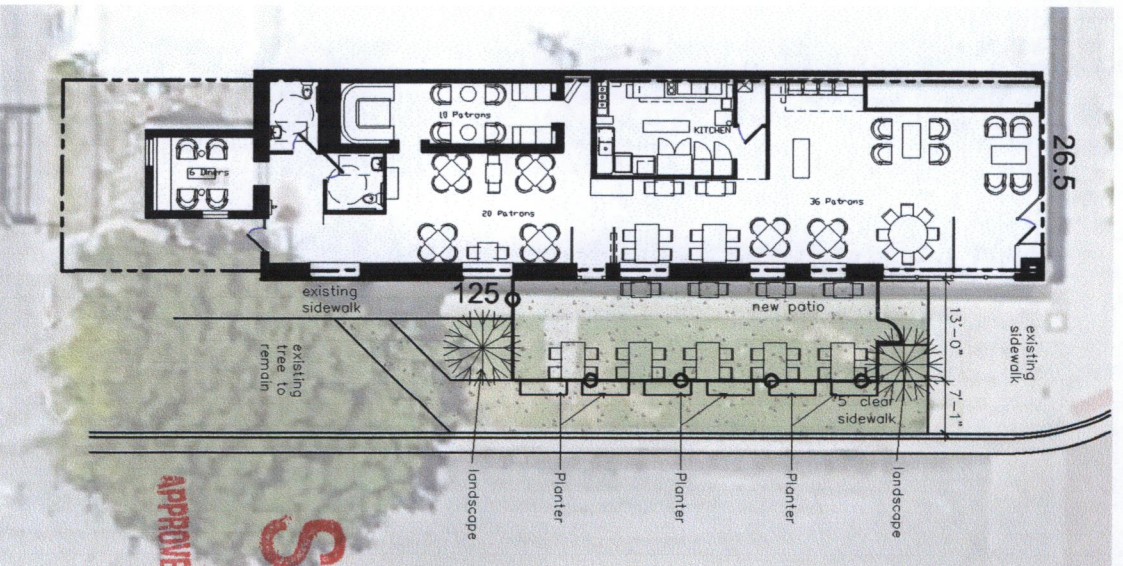
Attend a Virtual Connection Site In-Person

You may also participate in the hearing by going to meeting room 1015 at Century II (725 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (264-4644) by Jan. 3 days prior to the meeting.

WITNESS MY HAND on January 25, 2021
Scott Wadde, Secretary
Wichita-Sedgewick County
Metropolitan Area Planning Commission



1
N vicinity map n.t.s.



2
N site layout 1/6" = 1'-0"

conditional use

Owner (Ken and Danielle Harmon) are requesting a conditional use to allow a drinking establishment within 300' of a public park.

Legal: lot 20 Chicago (now Douglas) block west Wichita addition.

Total lot area: .117 acres

Property address: 1001 W. Douglas, Wichita KS

1001 W. Douglas

314.442.0265
314.442.0265
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SITE PLAN

APPROVED

3/5/21 BY

[Signature]

FOR REVIEW - January 8, 2021

