



Wichita-Sedgwick County Metropolitan Area Planning Department

January 4, 2023

William Mitchell
150 North Market Street
Wichita, KS 67202

Maria Carolina Narvaez
1212 South Rock Road
Wichita, KS 67207

RE: CON2022-00044: Conditional Use request in the City to amend CON2011-00015 to allow an Event Center in the City; Generally located on the east side of South Rock Road, within one-quarter mile north of Eat Harry Street (1210 South Rock Road).

Dear Applicant;

At its regular meeting on **December 1, 2022**, 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 following conditions:

1. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to, zoning, landscaping, sign code, building, fire, health codes or licensing requirements.
2. Construction of improvements shall be completed within one year of approval of the Conditional Use by the governing body.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. No outside loudspeakers or entertainment, including dancing, shall be permitted.
6. Operation of the Nightclub in the City shall be limited to:
 - Monday: 9:00 a.m.-10:00 p.m.
 - Tuesday: 9:00 a.m.-10:00 p.m.
 - Wednesday: 9:00 a.m.– midnight
 - Thursday: 9:00 a.m.– midnight
 - Friday: 9:00 a.m.- Saturday 2:00 a.m.
 - Saturday: 9:00 a.m.- Sunday 2:00 a.m.
 - Sunday: 9:00 a.m. – 10:00 p.m.
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 the Conditional Use null and void.

No protests were received against this application. Therefore, the decision of the Planning Commission is final. Please see the enclosed resolution.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Becky Tuttle, District II
Cory Buchta, CSR District II



Wichita-Sedgwick County Metropolitan Area Planning Department

December 2, 2022

William Mitchell
150 North Market Street
Wichita, KS 67202

Maria Carolina Narvaez
1212 South Rock Road
Wichita, KS 67207

RE: CON2022-00044: Conditional Use request in the City to amend CON2011-00015 to allow an Event Center in the City; Generally located on the east side of South Rock Road, within one-quarter mile north of Eat Harry Street (1210 South Rock Road).

Dear Applicant;

At its regular meeting on **December 1, 2022**, 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 following conditions:

1. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to, zoning, landscaping, sign code, building, fire, health codes or licensing requirements.
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 - Sunday: 9:00 a.m. – 10:00 p.m.
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 the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 15, 2022. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by December 15, 2022 at 5:00 p.m.

If no valid protests or appeals opposing the action of the MAPC are filed with the City Clerk by **5:00 p.m. on Thursday, December 15, 2022**, the action of the MAPC will be considered final.

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Becky Tuttle, District II
Cory Buchta, CSR District II

CONDITIONAL USE RESOLUTION NO. CON2022-00044

WHEREAS, TDFW, LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request an amendment to Conditional Use CON2011-00015 to expand the location and hours of operation for "Nightclub in the City" on property zoned LC Limited Commercial District, located at 1208, 1210 and 1212 South Rock Road, legally described as:

Lot 3, EXCEPT the South 25 feet of the West 200 feet thereof, Triple J 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 December 1, 2022, 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 amend Conditional Use CON2011-00015 to expand the location and hours of operation for "Nightclub in the City" on property zoned LC Limited Commercial District, located at 1208, 1210 and 1212 South Rock Road, legally described as:

Lot 3, EXCEPT the South 25 feet of the West 200 feet thereof, Triple J Addition, Wichita, Sedgwick County, Kansas.

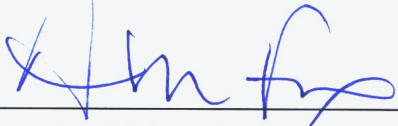
Approved subject to the following conditions:

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3. Construction of improvements shall be completed within one year of approval of the Conditional Use by the governing body.
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8. 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 the Conditional Use null and void.

Adopted this 30th Day of December 2022.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Ann M. Fox, Chairperson



Scott Wadle, Secretary



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	344843	Print Legal Ad-IPL00974790 - IPL0097479		\$150.99	2	90 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION

Published in The Wichita Eagle on November 10, 2022
(One Time Only)

MAPC/BZA December 1, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 1, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2022-00044: Conditional Use in the City to amend CON2011-00015 to allow Event Center in the City; generally located on the east side of South Rock Road, within one-quarter mile north of East Harry Street (1210 South Rock Road).

CUP2022-00047: Request in the City for an amendment to Community Unit Plan DP-169 to permit Vehicle Repair, General (with ZON2022-62, zone change from LC to GC General Commercial); generally located on the west side of South Oliver Avenue and within one-quarter mile south of East Pawnee Avenue.

ZON2022-00060: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to build a duplex residence; located approximately 200 feet north of West 1st Street on North Hoover Street.

ZON2022-00061: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial on property located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian).

ZON2022-00062: Zone change request in the City from LC Limited Commercial to GC General Commercial (with CUP2022-00047) to permit Vehicle Repair, General on property; generally located on the west side of South Oliver Avenue and within one-quarter mile south of East Pawnee Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at 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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Please join my meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141 @ 67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time 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: Planning@wichita.gov

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

WITNESS MY HAND on November 10, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0097479

Nov 10 2022

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

No. of Insertions: 1

Beginning Issue of: 11/10/2022

Ending Issue of: 11/10/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, 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 11/10/2022 to 11/10/2022.

M. Hayley

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

DATED: 11/10/2022

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

Jerome Tang explains why three K-State basketball players will redshirt this season

BY KELLIS ROBINETT
krobinett@wichitaeagle.com

MANHATTAN

The Kansas State men's basketball team was down three players during its 93-59 blowout victory over Texas-Rio Grande Valley on Monday at Bramlage Coliseum.

Turns out, that was by design.

K-State basketball coach Jerome Tang announced

afterward that Jerrell Colbert, Tai Manning and Anthony Thomas will all sit out this season with a redshirt, which will allow each of them to preserve a year of college eligibility. Tang thinks removing them from the active roster in the short term will create value for the Wildcats in the long run.

"I'm excited," Tang said. "I think this moves our program ahead two years, because we're going

to have a great scout team. Every practice is going to be their game day and they are going to get after it. It was something that was very successful for us while I was at Baylor. I'm very thankful to have the kind of young men who can see the big picture and are willing to buy into it."

It was surprising to see three healthy K-State scholarship players watch Monday's game from the

bench in street clothes. Former coaches Bruce Weber and Frank Martin rarely chose to redshirt more than one player in any given season. When they did, the decision was often based on injuries.

But Tang thinks everyone will benefit from Colbert, Manning and Thomas taking a year off to develop behind the scenes. His hope is that they can all significantly help the Wildcats as they

mature.

Colbert, a 6-foot-10 LSU transfer, might have the highest ceiling of the group. The sophomore forward played well for K-State during its closed scrimmage against Southern Illinois and then had five points, five blocks and one rebound in just eight minutes of action during an exhibition win over Washburn.

He would have had to share playing time with senior Abayomi Iyola and David N'Guessan this season. Perhaps he will have a bigger role in future seasons.

Manning, a 6-foot-7 forward, will also look to crack the rotation next season as a redshirt freshman. Thomas, a sophomore guard, was going to

be lost in the shuffle this year. This move could give him more opportunities in the future.

Tang said all three players willingly chose to sit out and redshirt. "They all understand that this is going to help their career," Tang said. "We are going to be able to pour into them. I was excited about them making that decision. It was their choice. I gave them the option to. Good business is when both people win. I didn't see a win for them on a night-in, night-out basis if they chose to play, but I gave them the option to play or the option to redshirt. We laid out a plan for them."

Kellis Robinett:
@KellisRobinett

FROM PAGE 16

BASKETBALL

defense was distracted by the movement, which allowed center Quincy Ballard to set the ball screen and allow Porter to attack UCA's center.

WSU ran the play three straight times and got points on all three.

"I knew coming back this year that I was going to have to do two times more than what I did last year," Porter said.

3. DOES WICHITA STATE HAVE A REBOUNDING PROBLEM?

The only box-score blemish for the Shockers from their 24-point season-opening victory was an outmatched Central Arkansas squad grab 16 offensive rebounds and score 13 second-chance points.

There were enough clips of WSU failing to box out or losing out on 50-50 balls to give Brown and the WSU coaching staff plenty of examples to show in the film room this week.

4. WALTON RELISHES ROLE AS WSU'S NEW DEFENSIVE STOPPER

Earning a comparison to Dexter Dennis, the AAC Defensive Player of the Year last season, tells you about the defensive potential of Jaykwan Walton, the 6-foot-7 bundle of energy and long limbs who made his Shockers debut on Monday.

"He reminds me so much of Dex," said Porter, who played two seasons with Dennis. "The similarities are there."

5. WICHITA STATE NEWCOMERS SURPASS IMPRESSIVE COMPANY IN DEBUT

A total of 10 players made their Shockers debut in Monday's game, as the group of newcomers combined to score 54 points in a record-setting performance.

The total tops the previous record of 50 points set in the 1979 season opener by a group of nine first-year Shockers that included Antoine Carr, Cliff Livingston and Randy Smithson. The mark was tied in the 2015 opener by newcomers that featured Landry Shamer, Markis McDuffie and Antoine Gray.

6. LESS (THREE) IS MORE FOR THE SHOCKERS THIS SEASON

Coach Isaac Brown has vowed to have a better handle on the point distribution for his team this season.

Brown believes WSU's offensive efficiency can climb by exchanging some of those three-point attempts for the shot attempts near the basket. Through one game at least, the Shockers listened to their coach: WSU still didn't shoot a great percentage on three-pointers (29%), but the team only took 21 total out of their 64 field-goal attempts for a 33% three-point rate.

"We talked about it before the game that we wanted to play inside-out," Brown said. "The guys did a tremendous job of driving the basketball."

7. WICHITA STATE SHOWS PROGRESS IN TRANSITION

There were times last season when a veteran WSU squad looked like rookies in transition, throwing the ball away and fubbing layups. The Shockers won't be confused for the Showtime Lakers, but they did put forth a promising effort in transition considering nine of 11 scholarship players who logged minutes were making their WSU debut.

By The Eagle's count, WSU scored 28 points on 25 transition possessions, which equates to a good-not-great 1.12 points per chance.

8. SHOCKERS CLAMP DOWN ON DEFENSE

After an 11-0 run to start the game, WSU hit a lull and allowed Central Arkansas to stick around in the game, trailing 16-12, after seven minutes.

That's when WSU delivered one of the most dominant defensive stretches in recent memory. The Shockers held UCA to just nine points in 24 possessions (0.38 points per possession) in the final 13 minutes of the first half.

WSU registered three straight defensive stops, known as a "kill" inside the program, a total of seven times in the first half and 10 for the game. The Shockers had one stretch where they produced a defensive stand without giving up points 14 times in a 15-possession span.

9. A TEACHING MOMENT FOR A YOUNG POINT GUARD

First-year point guard Shammah Scott still has a trick or two to learn before he can follow in the long line of WSU point guards to execute the program's staple play call of "Jacksonville."

The play relies on the point guard demonstrating the proper timing and pace to either pass or dribble the ball to the side of the floor at the exact moment a big man underneath is coming off of a back screen. When executed correctly, WSU almost always scores two points off the play.

Brown dialed up the play call for Scott midway through the second half, but the first run-through will have to serve as a lesson to learn from for the sophomore. Scott was pressured bringing the ball up the floor, which sped up his tempo and affected the timing of the play. The point guard had already reached his destination well before the screen in the paint had occurred.

So when James Rojas, the intended target, broke free underneath the basket, Scott had dribbled too close and the timing was



Wichita State's Quincy Ballard, left, Craig Porter, middle and Jalen Ricks fight for a rebound against Central Arkansas' Camren Hunter during the first half of their season-opening game on Monday night.

thrown too far off to make the play work. It should be an easy fix in the film room.

10. TAKING CARE OF BUSINESS WITH THE BALL

One of the reasons why

WSU won the AAC championship in the 2020-21 season was because of how well that team took

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classifed.kansas.com

Legals

LEGAL PUBLICATION

Published in The Wichita Eagle on November 10, 2022

One Time Only

MAPOCZA December 1, 2022

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ZON2022-0006: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial on property located on the west side of South Meridian Avenue and 500 feet south of West Pennine Avenue (2639 South Meridian). ZON2022-0007: Zone change request in the City from LC Limited Commercial to GC General Commercial with CLP2022-00047 to permit Vehicle Repair, General on property, generally located on the west side of South Oliver Avenue and within one-quarter mile south of East Pennine Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section 1 of the Wichita-Sedgewick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at 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 at its next meeting.

Options to participate (see below):
1) Participate virtually.
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Participate Virtually: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/651544141>. You can also dial in using your phone. United States: +1 671.717.311-311. Access Code: 651-544-141.

Join from a video-conferencing room or system:
Dial in or type: 671.217.95.2 or 671.217.95.2885 (544141). Or dial directly: 651-544-141 (671.217.95.2 or 671.217.95.2885 (544141)).

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

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Planning Department: 271 W. Third Street, Suite 201, Wichita, KS 67202. Phone: 316.268.4421. Fax: 316.268.7154. Email: Planning@wsu.gov. Mailing Address: Wichita-Sedgewick County Metropolitan Area Planning Department, Attn: Scott Wade, 271 W. Third Street, Suite 201, Wichita, KS 67202. Phone: 316.268.4421. Fax: 316.268.7154. Email: Planning@wsu.gov. WITNESS MY HAND on November 10, 2022. Scott Wade, Secretary, Wichita-Sedgewick County Metropolitan Area Planning Commission. PLO2022-077 Nov 10 2022

Legals

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Participate Virtually: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/651544141>. You can also dial in using your phone. United States: +1 671.717.311-311. Access Code: 651-544-141.

Join from a video-conferencing room or system:
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Send in-Person: You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have no previously submitted recorded audio or video comments. If you have any written or verbal comments, you must bring them to the meeting. Please bring a printed copy of your comments to the meeting. Comments received after the submission deadline will be shared with the MAPC, prior to or during the meeting.

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 ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.). The comment should include information 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.

Planning Department: 271 W. Third Street, Suite 201, Wichita, KS 67202. Phone: 316.268.4421. Fax: 316.268.7154. Email: Planning@wsu.gov. Mailing Address: Wichita-Sedgewick County Metropolitan Area Planning Department, Attn: Scott Wade, 271 W. Third Street, Suite 201, Wichita, KS 67202. Phone: 316.268.4421. Fax: 316.268.7154. Email: Planning@wsu.gov. WITNESS MY HAND on November 10, 2022. Scott Wade, Secretary, Wichita-Sedgewick County Metropolitan Area Planning Commission. PLO2022-077 Nov 10 2022

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Animals

Dogs

AAC French Bulldog Puppies Black Brindle with white chest markings. 7/15/22, 24 lbs, LTD on vaccine & wormers. Family raised. \$1650. Call/text after 5pm 316-841-5212

Service Directory

Home & Business Improvement

Conveys seamless guttering, gutter replacement, covers, and repair. Free estimates. 316-841-5212

Landscaping/Landscaping/Tree

Tree work, leaf clean-up, junk removal, positive drainage, 7 days week 980-8587

Miscellaneous

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Real Estate

Real Estate

Real Estate

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STAFF REPORT

MAPC: December 1, 2022

DAB II: December 12, 2022

CASE NUMBER: CON2022-00044

APPLICANT/AGENT: William Mitchell (applicant)/ Maria Carolina Narvaez (agent)

REQUEST: Amend CON2011-00015 to amend hours of operation for a new Event Center in the City (defined as Night Club in the City).

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.68 acres

LOCATION: East side of Rock Road within one-quarter mile north of Harry Street (1210 South Rock Road).

PROPOSED USE: Event Center that may provide alcohol and entertainment.

RECOMMENDATION: Approval with Conditions



BACKGROUND: The applicant is requesting to amend Conditional Use CON2011-00015 which permits Night Club in the City on the subject site located on the east side of South Rock Road, within one-quarter mile north of East Harry Street. The subject site is zoned LC Limited Commercial District and is developed as a strip commercial center with a night club on the upper floor and two restaurants, a hair salon, and pawn shop on the lower level. The applicant is requesting to amend the Conditional Use CON2011-00015 in order to:

1. Clarify that an Event Center in the City (considered Night Club in the City) is permitted at 1210 South Rock Road under the current Conditional Use, and
2. Amend the hours of operation to allow events to occur during daytime hours.

An Event Center in the City is defined as: *premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.* An Event Center in the City is considered a “Night Club in the City” by definition in the Unified Zoning Code if there is provision of alcohol or entertainment such as live music, dancing, DJs, etc. In 2011, the original Conditional Use approval applied to the entire site on which the subject site is located even though its purpose was to permit a traditional night club on the upper floor at 1208 South Rock Road. Therefore, the request for an Event Center that is considered a Night Club located at 1210 South Rock Road is already permitted on the site.

Section III-D.6.w of the Unified Zoning Code requires Event Centers, and those considered Night Clubs in the City, to be a Conditional Use if they are within 300 feet of residential zoning, a church/place of worship, public or parochial school, or a public park to determine if the particular site is suitable for the operation of a such a venue. As previously mentioned, the upper floor has been part of a two-story nightclub operation previously, although the operation is now closed and the applicant is seeking to establish an event center that will be rented out to patrons who are hosting events that may include the provision of alcohol and entertainment. Other restaurant and personal care services are located in the same strip center and share the parking lot. In 1979, a Variance was approved to permit the required screening for this site to be located on the abutting apartment property on the east side of the drainage ditch. Therefore, the screening requirement for this commercial site abutting residential zoning is met.

The subject property was zoned commercially prior to the adoption of the Wichita Landscape Ordinance, therefore it is not required to provide a landscape buffer along the east property line abutting the B Multi-Family District.

The applicant is requesting to amend the condition of the original Conditional Use that designated the hours of operation to begin at 8:00 p.m. because the applicant would like to be able to host events during the day. The original conditions approved in 2011 are listed below with the applicant’s requested **amendments shown in red.**

Amended CON2011-00015 Conditions of Approval

1. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, landscaping, sign code, building, fire, health codes or licensing requirements.
2. A revised site plan shall be provided within 60 days of approval of the Conditional Use by the governing body to indicate the location and method of screening of the trash receptacles, location of lighting, parking spaces, location and method of screening, landscaping, and other site requirements per the Unified Zoning Code and Landscape Ordinance.
3. Construction of improvements shall be completed within one year of approval of the Conditional Use by the governing body.

4. The parking lot shall be kept free of all trash and debris.
5. No loitering, congregating or excessive noise shall be permitted in the parking lot.
6. No outside loudspeakers or entertainment, including dancing, shall be permitted.
7. Operation of the Nightclub in the City shall be limited to:
 - Monday: 9:00 a.m.-10:00 p.m.
 - Tuesday: 9:00 a.m.-10:00 p.m.
 - Wednesday: ~~8:00 p.m.~~ 9:00 a.m.- midnight
 - Thursday: ~~8:00 p.m.~~ 9:00 a.m.- midnight
 - Friday: ~~8:00 p.m.~~ 9:00 a.m.- Saturday 2:00 a.m.
 - Saturday: ~~8:00 p.m.~~ 9:00 a.m.- Sunday 2:00 a.m.
 - Sunday: 9:00 a.m. - 10:00 p.m.
8. 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 the Conditional Use null and void.

The original nightclub that this Conditional Use applied to is no longer in business. The requested amendment to the hours of operation would allow the Event Center (defined as Night Club in the City) to host events during the day.

Properties to the north and south are zoned LC Limited Commercial District and developed with commercial uses such as fast-food restaurants and a title loan facility. Properties to the west are zoned LC and GC General Commercial District. The LC-zoned land is developed with a tire service center and fast-food restaurants. The GC-zoned property is developed with warehouse self-storage. Properties to the east are zoned B Multi-Family residential and are developed with apartment buildings. These uses are separated from the commercial subject site by a drainage ditch and the apartments' parking lots. The apartment development buffers the single-family residential development to the east from the commercial development to the west.

CASE HISTORY: In 1973, the property was platted as part of the Triple J Addition. In 1979, a Variance (BZA58-79) was approved to permit the required screening fence to be located on adjacent residential property on the east side of the drainage ditch. In 2011, the original Conditional Use (CON2011-000015) for Night Club in the City was approved. The premises for the Night Club was 1208 South Rock Road on the upper floor of the subject building. However, the Conditional Use was applied to the entire property and was not restricted only to the 1208 South Rock Road address.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, SF-5	Personal care, restaurants, drainage ditch, single-family residential
SOUTH:	LC	Personal care, restaurants, retail, convenience store
EAST:	B, SF-5	Drainage ditch, garden apartments, single-family residential
WEST:	LC, GC	Restaurants, tire store, mini-storage warehouse

PUBLIC SERVICES: South Rock Road is a paved, five-lane arterial with sidewalks on both sides. Wichita Transit provides regular bus service along South Rock Road at this location in addition to regular service along East Harry Street within one-quarter mile to the south. Municipal water and sewer already serve the subject site.

CONFORMANCE TO PLANS/POLICIES: The request is in conformance with The Community Investments Plan. The Community Investment Plan (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for “Commercial” land uses. This category supports the full diversity of commercial development found in a large urban municipality. The request is not adding a new use to the site, but permitting an event space to operate during daytime hours. Whereas the previous use was a traditional night club restricted to nighttime hours on certain days only.

The request is also in conformance with the locational guidelines of the Comprehensive Plan. A general Development Pattern guidelines states: *Higher-density residential uses and neighborhood-serving retail and office uses should buffer lower-density residential uses from major commercial and employment centers and industrial uses.* Immediately east of the property is a drainage ditch which abuts a strip of multi-family residential apartment buildings. These buildings buffer the commercial uses on the subject site from the lower-density residential dwellings east of the apartments.

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

1. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to, zoning, landscaping, sign code, building, fire, health codes or licensing requirements.
3. Construction of improvements shall be completed within one year of approval of the Conditional Use by the governing body.
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 - Friday: 9:00 a.m.- Saturday 2:00 a.m.
 - Saturday: 9:00 a.m.- Sunday 2:00 a.m.
 - Sunday: 9:00 a.m. – 10:00 p.m.
8. 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties to the north and south are zoned LC Limited Commercial District and developed with commercial uses such a fast-food restaurants and a title loan facility. Properties to the west area zoned LC and GC General Commercial District. The LC-zoned land is developed with a tire service center and fast-food restaurants. The GC-zoned property is developed with warehouse self-storage. Properties to the east are zoned B Multi-Family residential and are developed with apartment buildings. These uses are separated from the commercial subject site by a drainage ditch and the apartments’ parking lots. The apartment development buffers the single-family residential development to the east from the commercial development to the west.

2. The suitability of the subject property for the uses to which it has been restricted: The building could be remodeled to be used for a wide variety of LC uses allowed by the current zoning. In 2011, a Conditional Use was approved to permit Night Club in the City on the entire site, included the subject portion of the building. The original Conditional Use had restriction regarding no outdoor speakers or entertainment in addition to restricted hours of operation as discussed in the staff report.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Nightclubs have been licensed and operated from the bottom floor and the top floor, addressed as 1206 and 1208 South Rock Road at least since the mid-1990s. Currently, there are no traditional nightclubs operating on-site. The proposed conditions spell out that outside noise, loudspeakers, congregating, trash and debris are prohibited and parking lot screening and landscaping near the residential area is requested. These requirements should help mitigate the past conflicts from the nightclub patrons' activities spilling over into the parking lots and surrounding neighborhoods.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan* as discussed in the staff report.
5. Impact of the proposed development on community facilities: It is not anticipated that the Conditional Use will have significant negative impacts on community facilities.

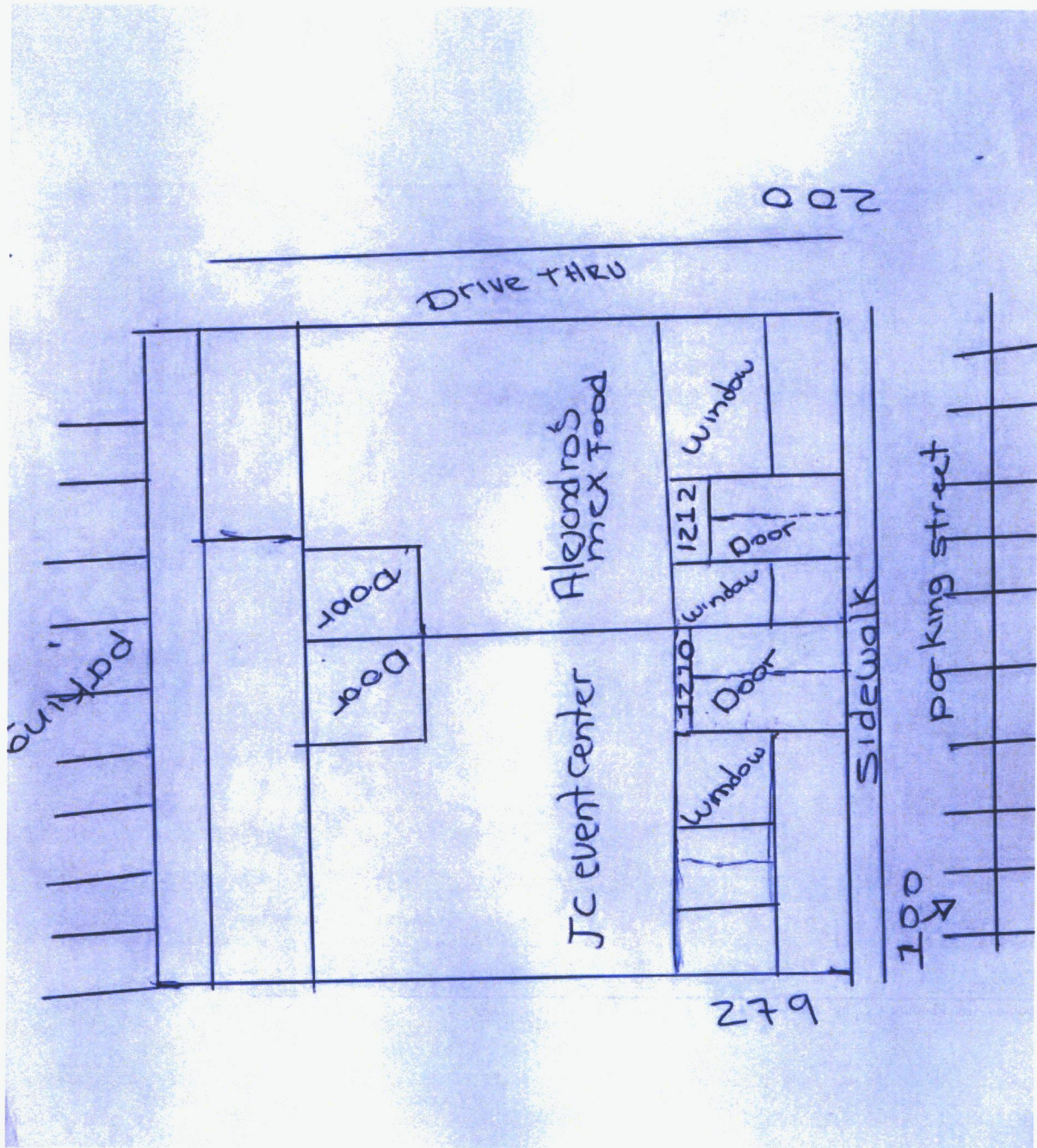
Attachments:

1. CON2011-00015 conditions of approval
2. Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Pictures

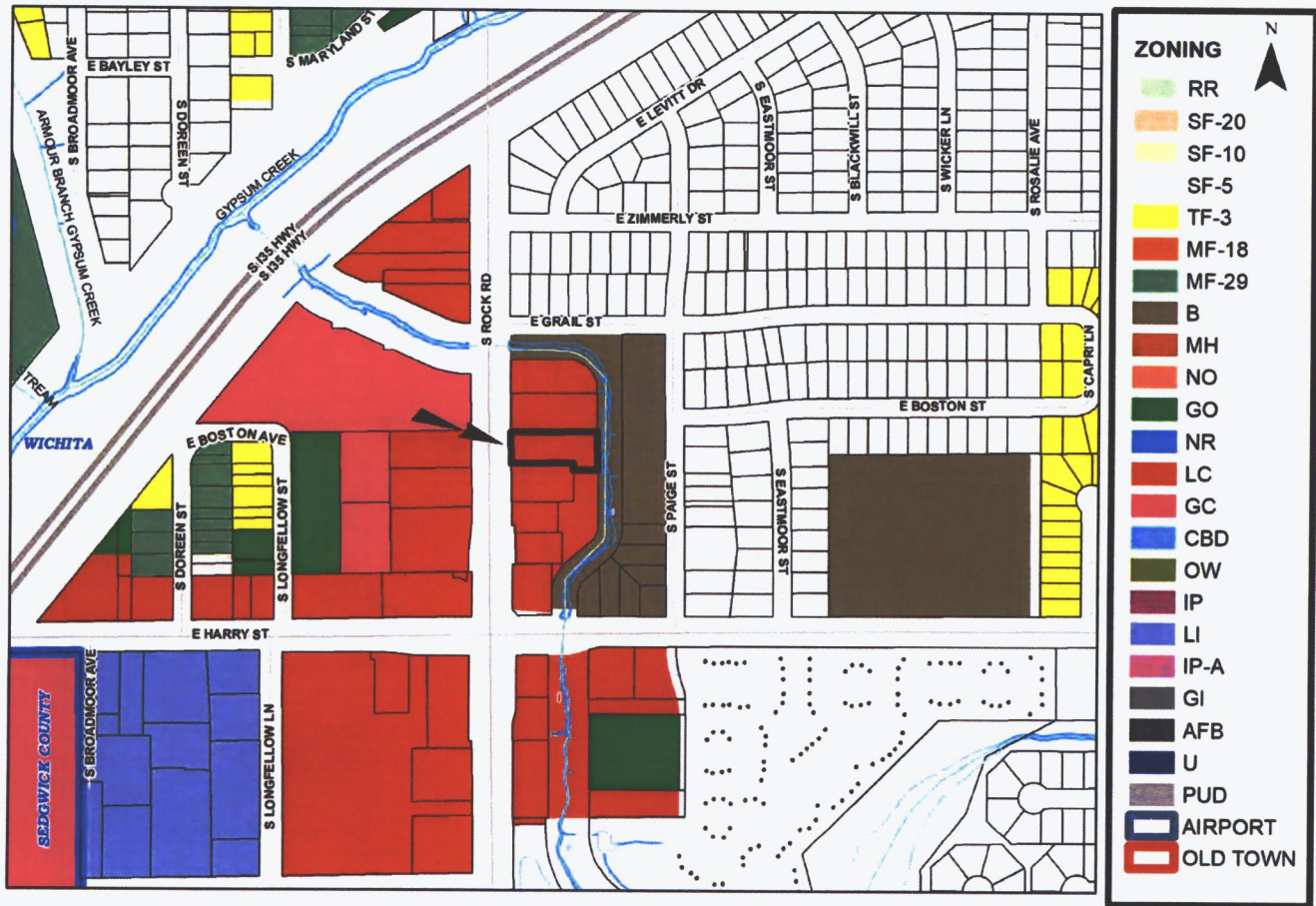
Original CON2011-00015 Conditions of Approval

1. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, landscaping, sign code, building, fire, health codes or licensing requirements.
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 - Thursday: 8:00 p.m. to midnight
 - Friday: 8:00 p.m. to Saturday 2:00 a.m.
 - Saturday: 8:00 p.m. to Sunday 2:00 a.m.
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 the Conditional Use null and void.

Site Plan Submitted by Applicant







2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Map prepared by the Metropolitan Area Planning Commission
on behalf of the City of Wichita, Kansas
in cooperation with the Kansas Department of Transportation
and the Kansas Department of Social Services
in accordance with the provisions of the
Kansas State Constitution and the
Kansas State Statutes.



Looking northeast at site



Looking northeast behind site



Looking southeast away from site



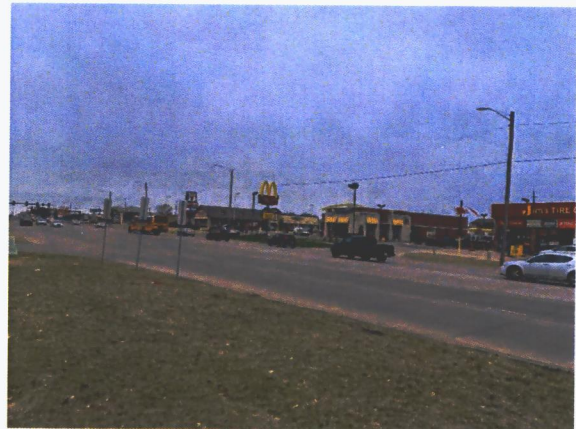
Looking northeast away from site

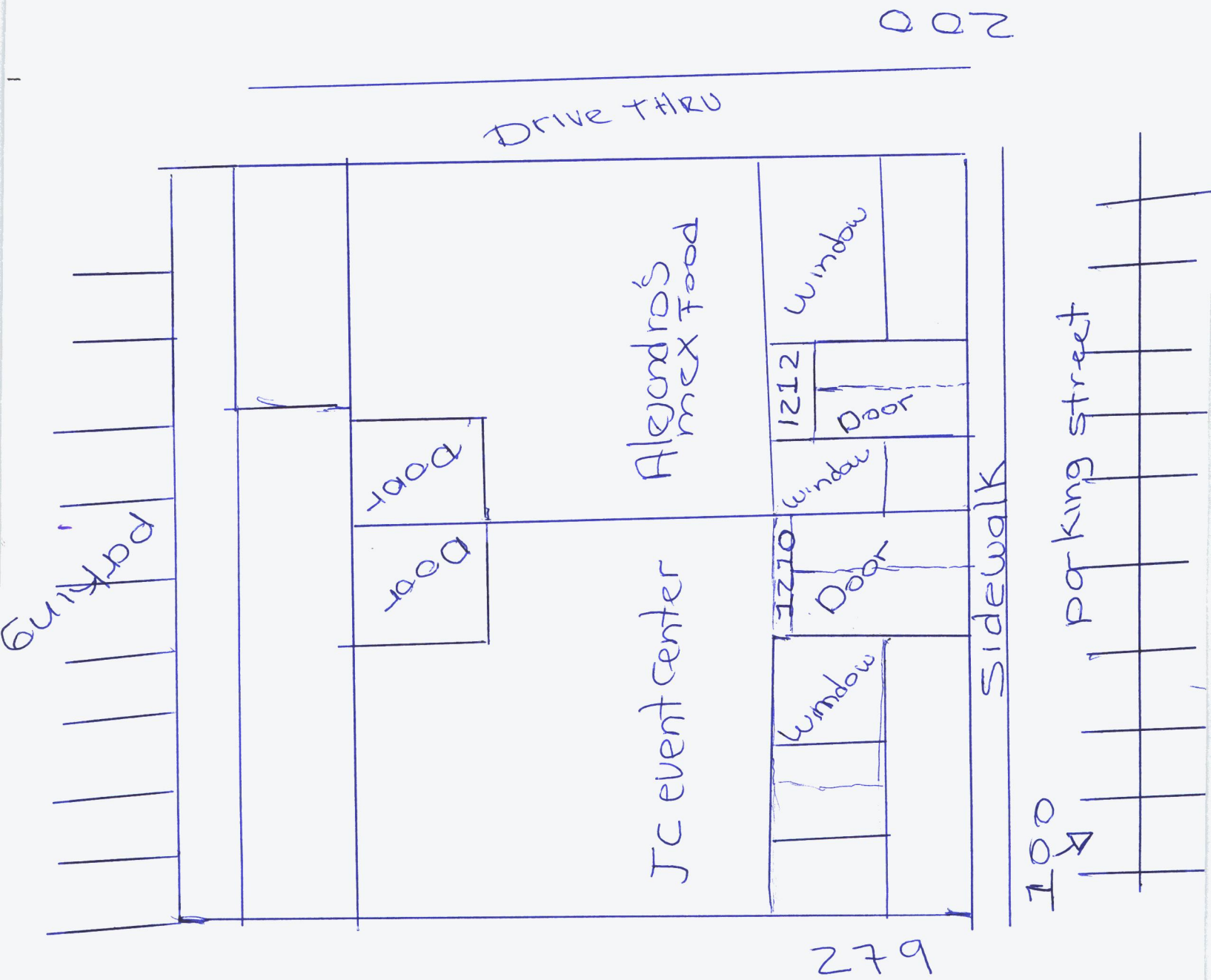


Looking northwest away from site



Looking southwest away from site





SITE PLAN

APPROVED 11/1/25 BY [Signature]