



Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2022

Global PDR Solutions, LLC
Attn: Hamendra Bhakta
5600 West Central Avenue
Wichita, KS 67212

RE: CON2022-00041: Conditional Use request in the City for a Conditional Use to permit live music and entertainment (defined as Night Club in the City) associated with a restaurant on property zoned LC Limited Commercial, located on the north side of West Central Avenue and on the east side of North Hoover Avenue (5536 West Central).

Dear Applicant;

At its regular meeting on **December 6, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including on any patio whether enclosed or unenclosed.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Maggie Ballard, District VI
Baughman Company, attn: Phil Meyer, 315 South Ellis Street, Wichita, KS 67211



Wichita-Sedgwick County Metropolitan Area Planning Department

November 4, 2022

Global PDR Solutions, LLC
Attn: Hamendra Bhakta
5600 West Central Avenue
Wichita, KS 67212

RE: CON2022-00041: Conditional Use request in the City for a Conditional Use to permit live music and entertainment (defined as Night Club in the City) associated with a restaurant on property zoned LC Limited Commercial, located on the north side of West Central Avenue and on the east side of North Hoover Avenue (5536 West Central).

Dear Applicant;

At its regular meeting on **November 3, 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. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including on any patio whether enclosed or unenclosed.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is 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 November 17, 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 **November 17, 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, November 17, 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.

Christina Keith

Copies to: MABCD
Maggie Ballard, District VI
Ana Lopez, CSR District VI
Baughman Company, attn: Phil Meyer, 315 South Ellis Street, Wichita, KS 67211
Kim Henderson, *via email*

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.RESOLUTION NO. 22-548

WHEREAS, Global PDR Solutions LLC, Owner, 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 permit live music and entertainment (defined as Nightclub in the City) associated with a restaurant, on property Zoned LC Limited Commercial District located on north side of West Central Avenue and on the east side of North Hoover Avenue, legally described as:

Lots 4 and 5, Block B, Patterson Gardens Addition to the 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 November 3, 2022, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit live music and entertainment (defined as Nightclub in the City) associated with a restaurant, on property Zoned LC Limited Commercial District located on north side of West Central Avenue and on the east side of North Hoover Avenue, legally described as:

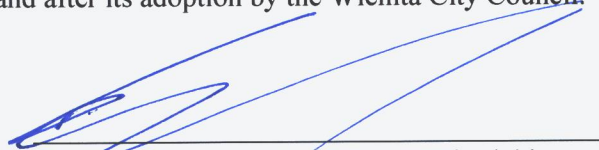
Lots 4 and 5, Block B, Patterson Gardens Addition to the City of Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

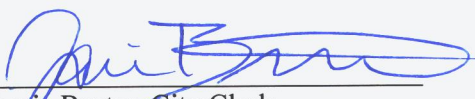
1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including on any patio whether enclosed or unenclosed.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

[Remainder of this page left intentionally blank]

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

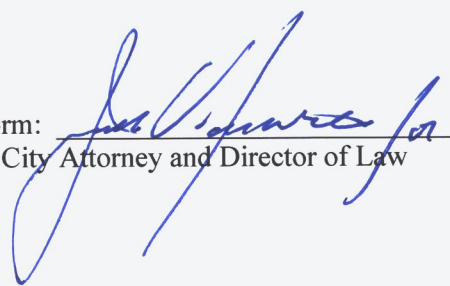

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk

(SEAL)



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



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
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Sun Herald - Biloxi

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	357059	Print Legal Ad-IPL01013240 - IPL0101324		\$88.83	2	53 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS' OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON December 9, 2022
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 22-548

WHEREAS, Global PDR Solutions LLC, Owner, 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 permit live music and entertainment (defined as Nightclub in the City) associated with a restaurant, on property Zoned LC Limited Commercial District located on north side of West Central Avenue and on the east side of North Hoover Avenue, legally described as: Lots 4 and 5, Block B, Patterson Gardens Addition to the 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 November 3, 2022, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit live music and entertainment (defined as Nightclub in the City) associated with a restaurant, on property Zoned LC Limited Commercial District located on north side of West Central Avenue and on the east side of North Hoover Avenue, legally described as: Lots 4 and 5, Block B, Patterson Gardens Addition to the City of Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section II-D.8.w of the Unified Zoning Code.
3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including on any patio whether enclosed or unenclosed.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0101324

Dec 9 2022

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

1 insertion(s) published on:

12/09/22

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose 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 12/09/2022 to 12/09/2022.

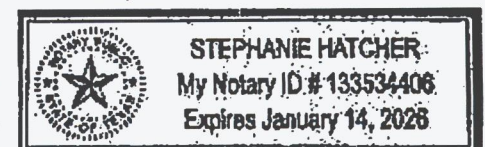
M. Hayley

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

DATED: 12/09/2022

Stephanie Hatcher

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



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



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	330442	Print Legal Ad-IPL00934800 - IPL0093480		\$216.40	3	86 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION

OCA 160004
Published in The Wichita Eagle on October 13, 2022
(One Time Only)
MAPC/BZA November 3, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 3, 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 virtually, public participation is available in multiple ways, those without technology options can participate by going to the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom 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) 2684421.

CON2022-00040: Conditional Use request in the City to permit Wrecking Salvage/ Towing on property (with ZON2022-00055, zone change from GC to LI); generally located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

CON2022-00041: Request in the City for a Conditional Use to permit live music and entertainment (defined as Night Club in the City) associated with a restaurant on property zoned LC Limited Commercial, located on the north side of West Central Avenue and on the east side of North Hoover Avenue (5536 West Central).

CON2022-00042: Request in the City to permit Mobile Food Unit in the City (Food Truck) as a principal use on property zoned LC Limited Commercial, located on the southwest corner of West 13th Street North and North Ridge Road (1337 North Ridge Road).

DER2022-00008: Community Investments Plan Update of population forecast, Wichita Future Growth Concept Map, and financial forecast.

PUD2022-00018: Request in the City to amend Planned Unit Development, PUD-78 to expand multi-family uses on surrounding properties; generally located one block south of East 17th Street North and two blocks east of North Hillside Avenue.

FUD2022-00019: Request in the City to Amend the Equestrian Estates PUD #12 to create a new parcel and permit Warehouse, Self-Storage use on new parcel, located on the southeast corner of East Harry Street and South 127th Street East.

VAC2022-00031: Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb road, within one-quarter mile north of East 13th Street North.

ZON2022-00055: Zone change request in the City from GC General Commercial to LI Limited Industrial (with CON2022-00040) to permit Wrecking Salvage/ Towing on property located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

ZON2022-00056: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential and B Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.

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 (316-2684464) 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 316.856.7764

WITNESS MY HAND on October 13, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0093480

Oct 13 2022

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

No. of Insertions: 1

Beginning Issue of: 10/13/2022

Ending Issue of: 10/13/2022

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 10/13/2022 to 10/13/2022.

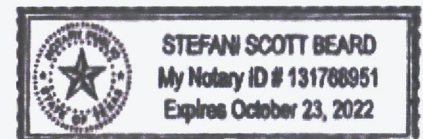
M. Hayley

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

DATED: 10/13/2022

Stefani Beard

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



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





STAFF REPORT
MAPC: November 3, 2022
DAB VI: November 7, 2022

CASE NUMBER: CON2022-00041 (City)

APPLICANT/AGENT: Global PDR Solutions LLC/Hamendra Bhakta (Applicant)
Baughman Company (Agent)

REQUEST: Nightclub in the City

CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 0.93 acres

LOCATION: Generally on the northeast corner of Hoover Avenue and Central Avenue
(5534 West Central Avenue)

PROPOSED USE: To permit Nightclub in the City

RECOMMENDATION: Approve with Conditions



BACKGROUND: The applicant is requesting a Conditional Use to permit Nightclub in the City on property zoned LC Limited Commercial District. The property is generally located on the northeast corner of North Hoover Avenue and West Central Avenue (5534 West Central Avenue). The property is currently developed with two restaurants, vehicle sales, and a roofing company. The applicant seeks to permit live music and entertainment (defined as “Nightclub in the City”) as accessory to the restaurant currently located on the north end of the property.

The need for the Conditional Use at this location is due to the requested land use and the proximity of TF-3 Two-Family Residential District zoning, which is located directly north of the subject property. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for “Nightclub in the City” when it is within 300 feet of residential zoning district. This Conditional Use would permit outdoor service of food and drink as an accessory operation of the restaurant. The live music and entertainment proposed on the subject site shall conform to this Supplementary Use Regulation, which is stated below:

1. No additional Parking Spaces or restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but Parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.
2. 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 the 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.
3. The outdoor area shall be screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by screening in accordance with the requirements of Section IV-B.
4. 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 Section IV-B.4.
5. 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.

Property to the north is zoned TF-3 Two-Family Residential District and is developed with a single-family residential dwelling approximately 100 feet from the subject building. Property to the south is zoned LC Limited Commercial District and is developed with a thrift store. Property to the east is zoned LC Limited Commercial District and is developed with a real estate agency. Property to the west is zoned GC General Commercial District and is developed with an autobody shop.

Wichita’s Landscape Ordinance was passed in order to enhance the attractiveness of the city and improve the quality of life for its citizens and visitors. The ordinance seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views. The property to the north of the subject site, zoned TF-3 Two-Family, is already screened from this commercial property with a row of mature evergreen trees.

The property to the north is developed with a single-family residential dwelling located approximately 100 feet from the proposed Nightclub in the City. As such, staff is recommending conditions that would limit outdoor entertainment, limit hours of operation, and only permit amplified music indoors to mitigate possible negative impacts to the surrounding residential properties.

The site plan demonstrates an existing parking lot on site that will satisfy the restaurant’s parking requirements of one parking space per three seats, as defined in the UZC, Art. IV-Sec. A. The applicant can also have the parking requirements reduced through an Administrative Adjustment.

CASE HISTORY: On August 11, 1949, the Patterson Gardens Addition was created. In 2022, a Conditional Use was granted to allow Vehicle and Equipment Sales on the property (CON2022-00010).

ADJACENT ZONING AND LAND USE:

North:	TF-3	Single-family residential dwelling
South:	LC	Thrift store
West:	GC	Autobody shop
East:	LC	Real estate agency

PUBLIC SERVICES: All municipal services are in place and can accommodate the required services to the site. West Central Avenue is a paved, five-lane arterial with sidewalks on both sides. North Hoover Street is a paved, two-lane local street with no sidewalks. Wichita Transit serves this area on the northeast corner of North Hoover Road and West Central Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Commercial". This category is described as "areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types."

The requested Conditional Use is in conformance with the Locational Guidelines of the *Community Investments Plan*, which "provide a framework for decision-making regarding land use changes so as to: encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among various land uses; and, promote quality of place through design." The Locational Guidelines state that "non-residential uses should provide appropriate screening and buffering from residential uses." The mature row of evergreen trees on the north property line serves as a buffer to mitigate impacts associated with the Nightclub in the City.

The requested Conditional Use is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

The subject property is located within an area identified as an "area of opportunity." The Places for People Plan defines Areas of Opportunity as those "areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private to assist in redefining and reinvigorating the area, physically and socially."

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

1. Nightclub in the City's expanded uses shall apply only to those ancillary uses associated with a restaurant.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.

3. The hours of operation for entertainment on the site are restricted to 8:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
4. There shall be no amplified music outdoors, including on any patio whether enclosed or unenclosed.
5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

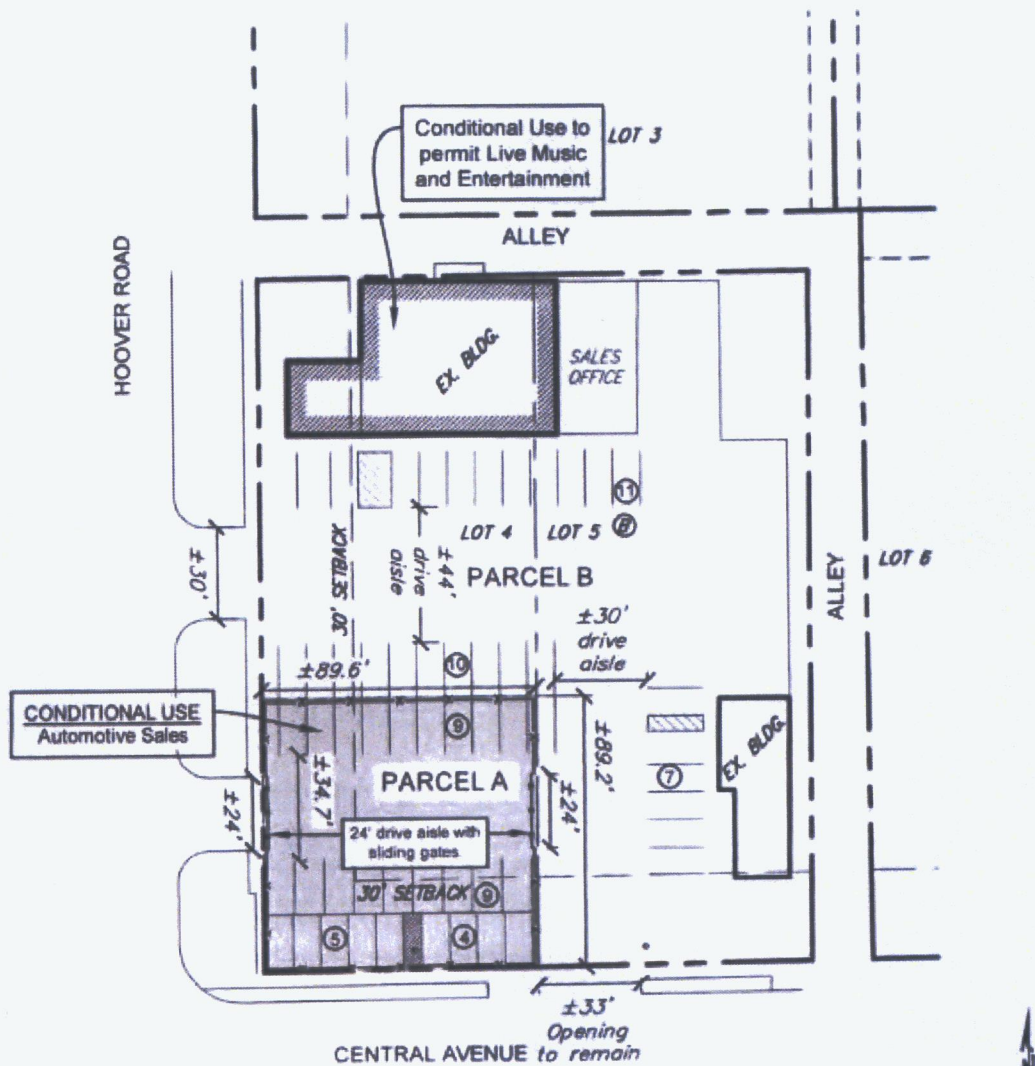
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is zoned TF-3 Two-Family Residential and is developed with a single-family residential dwelling. Property to the south is zoned LC Limited Commercial and is developed with a thrift store. Property to the east is zoned LC Limited Commercial and is developed with a real estate agency. Property to the west is zoned GC General Commercial and is developed with an autobody shop.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LC Limited Commercial. In this case, the Conditional Use is only required because of the proposed use being located within 300 feet of a residential zoning District. Mitigating factors, such as limited hours of operation, landscape buffering, and indoor music make it a more suitable location for music and entertainment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions will not detrimentally affect nearby properties. Nightclub in the City is allowed by Conditional Use and is subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.w. Said regulations, such as the dense row of evergreen trees that serve as a buffer, limiting hours of entertainment, and limiting music to indoor spaces are designed to mitigate possible negative impacts on surrounding properties. In this case, the Conditional Use is only required because of the proposed use and its proximity to residential zoning.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.
6. Impact of the proposed development on community facilities: The proposed use should have not negative impacts on community facilities.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

CONDITIONAL USE SITE PLAN
Patterson Gardens Addition
Lots 4 & 5



SEPT 26, 2022

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 BaughmanCo.com

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2035 Wichita Future Growth Concept Map

Legend

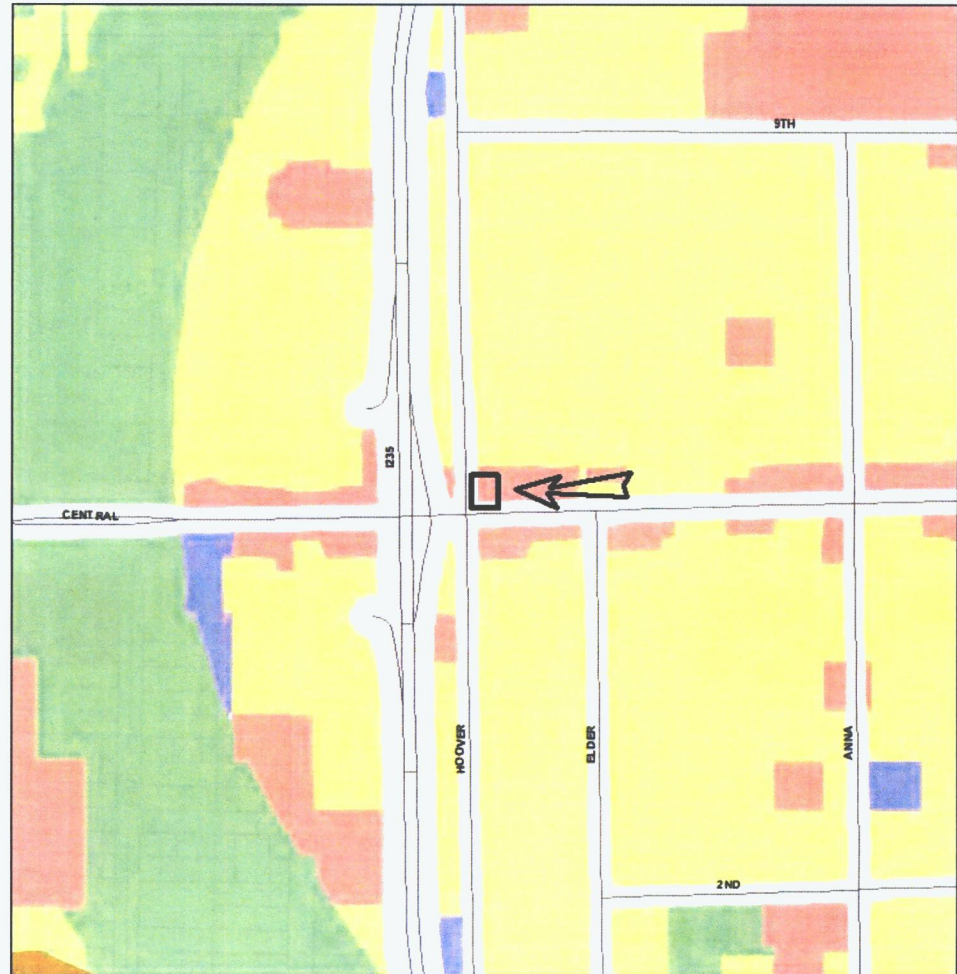
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

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



Looking east towards site



Looking northeast away from site



Looking southeast towards site



Looking west towards adjacent residential structure



Looking west away from site



Looking northeast away from site



Looking north towards site



Looking northeast towards site



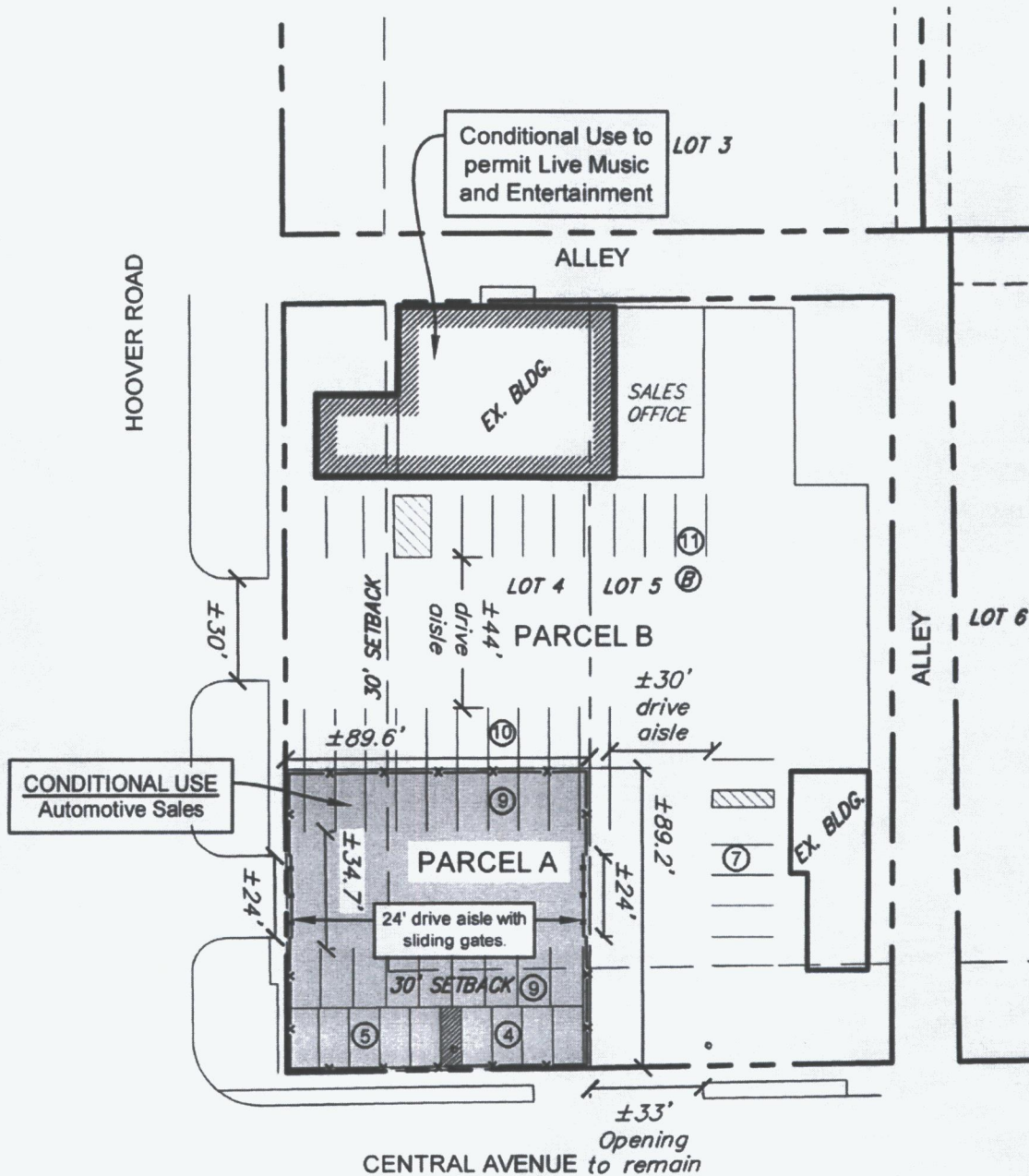
Looking northwest towards site



Looking northwest towards site



CONDITIONAL USE SITE PLAN
Patterson Gardens Addition
 Lots 4 & 5



SITE PLAN

APPROVED 12/20/2022 BY C.M.R.

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