

AMENDED COMMUNITY UNIT PLAN WEST CENTER

GENERAL PROVISIONS

1. Sign Control - Advertising signs shall be permitted along Central and Tyler Road. No sign shall exceed 30 feet in height and shall not be placed so as to project over any public right of way. No signs shall be permitted adjacent to the east and south property lines. Signs shall be constructed in accordance with Sec. 28.04.139 of Wichita Zoning Ordinance. See Admin. Adjustments dated 09/25/04. *Admin Adjustment dated 11-16-05 for reduced spacing on Parcel 2.*
2. Maximum building coverage shall not exceed 30% by parcels, and in no event shall exceed 30% of the total site. *For reduced spacing on Parcel 1-A.*
3. Total net land area - 271,363 square feet or 6.23 acres.
4. Curb cuts - The maximum number of curb cuts along Central Avenue shall not exceed three, and the maximum number along Tyler Road shall not exceed three.
5. Parcels 1-A, 1-B, and 1-C, were part of the original Parcel 1 of West Center C.U.P. approved by the Board of City Commissioners, October 4, 1966. This amended C.U.P. reflects administrative adjustments made and street right-of-way dedicated since the original approval. The walls originally required along the east and south lines of the C.U.P. are no longer required because of zone changes on the adjacent properties. The only portion of the C.U.P. that has been formally amended is that area in Parcel 1-A.

PARCEL NO. 1-A

- | | |
|--|---|
| A. Total Area | 87,996 Square Feet |
| B. Maximum Land Coverage By Buildings 30% | 26,399 Square Feet |
| C. Maximum Gross Floor Area 45% | 39,598 Square Feet |
| D. Maximum Building Height | 40 Feet |
| E. Parking Ratio Per Zoning Requirements | |
| F. Building Setbacks As Shown on Plan | |
| G. Proposed Uses: | Retail Sales, General and Professional Offices, Restaurants, Personal Services, and Similar Uses. Nightclub in the City, shall be accessory to a restaurant use and subject to supplemental use regulations in Section III-D.6.w of the Unified Zoning Code. Associated establishment shall cease operation by 11:00pm Sunday through Wednesday, and 2:00am Thursday through Saturday. Outdoor entertainment is prohibited except for within the confines of the attached patio. |
| H. A parking layout and circulation plan shall be submitted to the City Traffic Engineer for review and approval prior to the issuance of any additional building permits on Parcel 1-A. | |

PARCEL NO. 1-B

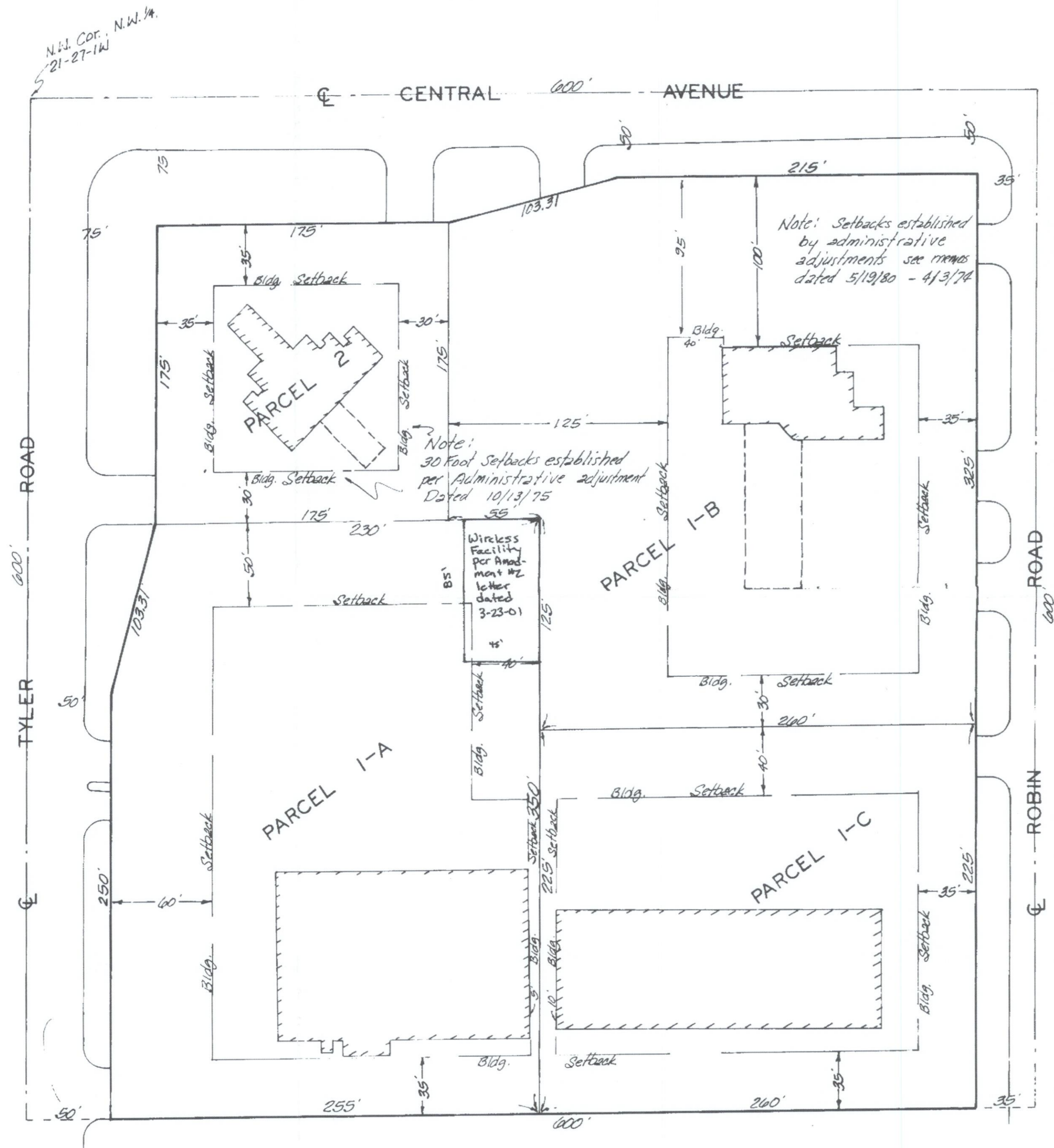
- | | |
|---|---|
| A. Total Area | 94,245 Square Feet |
| B. Maximum Land Coverage By Buildings 30% | 28,273 Square Feet |
| C. Maximum Gross Floor Area 30% | 28,273 Square Feet |
| D. Maximum Building Height | 35 Feet |
| E. Parking Ratio Per Zoning Requirements | |
| F. Building Setback, As Shown On Plan | |
| G. Proposes Uses: | Shopping Center, Super Market, Department Stores, and Other Similar Uses Permitted in "L-C" Zoning. |

PARCEL NO. 1-C

- | | |
|---|---|
| A. Total Area | 58,497 Square Feet |
| B. Maximum Land Coverage By Buildings 30% | 17,549 Square Feet |
| C. Maximum Gross Floor Area 30% | 17,549 Square Feet |
| D. Maximum Building Height | 35 Feet |
| E. Parking Ratio Per Zoning Requirements | |
| F. Building Setbacks As Shown On Plan | |
| G. Proposes Uses: | Shopping Center, Super Market, Department Stores, and Other Similar Uses Permitted in "L-C" Zoning. |

PARCEL NO. 2

- | | |
|---|--|
| A. Total Area | 30,625 Square Feet |
| B. Maximum Gross Floor Area | 9,000 Square Feet |
| C. Maximum Land Coverage By Buildings 30% | 9,187.5 Square Feet |
| D. Building Setbacks As Shown On Plan | |
| E. Maximum Building Height | 35 Feet |
| F. Parking Ratio Per Zoning Requirements | |
| G. Proposes Uses: | Service Station or Small Drive-In Type Facilities. |



Note: Setbacks moved entirely per Administrative Adjustment Dated 10/19/75

DP-19 Amendment #3
APPROVED CUP
MAPC 10-21-2021 CUP2021-52
Prep Sus 1/14/2022
Copy 2 of 4

DP-19 Amendment #2
APPROVED CUP
MAPC 3-8-01 DM

DP-19 (AMENDMENT #1)
APPROVED CUP
MAPC 6-14-84
BCC 1-10-84

Revised 6-27-84
5-31-84

Revised per CUP2021-52 dated October 21, 2021



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2021

Michel Khovry
2219 N McLean
Wichita, KS 67204

RE: CUP2021-00052: City request to amend Community Unit Plan CUP DP-19 to allow a restaurant/bar with entertainment (defined as Night Club in the City), on LC Limited Commercial zoned Parcel 1-A generally located southeast of North Tyler Road and West Central Avenue (602 N Tyler Rd).

Dear Applicants;

At its regular meeting on **October 21, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

1. The amendment shall apply only to Parcel 1-A.
2. Nightclub in the City expanded uses shall apply only to those ancillary uses associated with the restaurant.
3. Nightclub in the City shall adhere supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.
4. The hours of operation of the establishment shall be limited to 11:00pm Sunday through Wednesday and 2:00am Thursday through Saturday.
5. Outdoor entertainment is prohibited except for within the confines of the attached patio.
6. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
7. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No protests were file against this case, therefore, the action of the MAPC is final.
If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Bryan Frye, City Council District V
Cory Buchta, CSR District V
Pedro Guevara, 9209 W 18th Street North, Wichita, KS 67212

MAPC RECOMMENDED CUP TEXT FOR DP-19

Parcel 1-A: Total Net Area: 87,996 Square Feet
Maximum Land Covered by Building: 30 percent - 26,399 Square Feet
Maximum Gross Floor Area: 45 percent – 39,598 Square Feet
Maximum Building Height: 40 Feet
Parking Ration per Zoning Requirements
Building Setbacks are shown on Plan
Proposed Uses: Retail Sales, General and Professional Offices, Restaurants, Personal Services, and Similar Uses. **Nightclub in the City, shall be accessory to a restaurant use and subject to supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.**
Associated establishment shall cease operation by 11:00pm Sunday through Wednesday, and 2:00am Thursday through Saturday.



Wichita-Sedgwick County Metropolitan Area Planning Department

October 22, 2021

Michel Khovry
2219 N McLean
Wichita, KS 67204

RE: CUP2021-00052: City request to amend Community Unit Plan CUP DP-19 to allow a restaurant/bar with entertainment (defined as Night Club in the City), on LC Limited Commercial zoned Parcel 1-A generally located southeast of North Tyler Road and West Central Avenue (602 N Tyler Rd).

Dear Applicants;

At its regular meeting on **October 21, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

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2. Nightclub in the City expanded uses shall apply only to those ancillary uses associated with the restaurant.
3. Nightclub in the City shall adhere supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.
4. The hours of operation of the establishment shall be limited to 11:00pm Sunday through Wednesday and 2:00am Thursday through Saturday.
5. Outdoor entertainment is prohibited except for within the confines of the attached patio.
6. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
7. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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 4, 2021. 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 4, 2021 at 5:00 p.m.

This case is scheduled for consideration by the Wichita City Council on **Tuesday, November December 7, 2021, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

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,



Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Bryan Frye, City Council District V
Cory Buchta, CSR District V
Pedro Guevara, 9209 W 18th Street North, Wichita, KS 67212

MAPC RECOMMENDED CUP TEXT FOR DP-19

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Associated establishment shall cease operation by 11:00pm Sunday through Wednesday, and 2:00am Thursday through Saturday.

RESOLUTION No. CUP2021-00052

A RESOLUTION AUTHORIZING AN AMENDMENT TO DP-19 TO PERMIT NIGHT CLUB IN THE CITY ON PARCEL 1-A; ON PROPERTY ZONED LC LIMITED COMMERCIAL; GENERALLY LOCATED ON THE EAST SIDE OF NORTH TYLER ROAD AND ONE-BLOCK SOUTH OF WEST CENTRAL AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 1.4-acre property zoned LC Limited Commercial (“LC”) legally described below:

CUP2021-00052
DP-19

Lot Two (2), Hattrup Addition, Wichita, Sedgwick County, Kansas, except Beginning at the Northeast corner of said Lot 2, thence S00°35’00”W (Assumed) along the East line of said Lot 2, 9.30 feet; thence N44°42’30”W, 13.09 feet to a point on the North line of said Lot 2; thence N90°00’00”E along the North line of said Lot 2. 9.30 feet to the point of beginning.

General Provisions for DP-19 Shall be amended as follows:

GENERAL PROVISIONS – West Center Community Unit Plan

1. Sign Control: Advertising signs shall be permitted along Central and Tyler Road. No Sign shall exceed 30 feet in height and shall not be placed so as to project over any public right-of-way. No signs shall be permitted adjacent to the east and south property lines. Signs shall be constructed in accordance with Sec. 28.04.139 of Wichita Zoning Ordinance. (See Administrative Adjustment dated 9/25/2001 for reduced spacing on Parcel 1-A; Administrative Adjustment dated 11/16/2005 for reduced spacing on Parcel 2).
2. Maximum building coverage shall not exceed 30 percent by parcel, and in no event shall it exceed 30% of the total site.
3. Total next land area – 271,363 square feet or 6.23 acres.
4. Curb cuts – The maximum number of curb cuts along Central Avenue shall not exceed three, and the maximum number along Tyler Road shall not exceed three.
5. Parcels 1-A, 1-B, and 1-C, were part of the original Parcel #1 of West Center C.U.P. approved by the Board of County Commissioners, October 4, 1966. This amended C.U.P. reflects administrative adjustments made and street right-of-way dedicated since the original approval. The walls originally required along the east and south lines of the C.U.P. are no longer required because of zone changes on the adjacent properties. The only portion of the C.U.P. that has been formally amended is that area of Parcel 1-A.

Parcel 1-A:

- A. Total Net Area: 87,996 Square Feet
- B. Maximum Land Covered by Building: 30 percent - 26,399 Square Feet

- C. Maximum Gross Floor Area: 45 percent – 39,598 Square Feet
- D. Maximum Building Height: 40 Feet
- E. Parking Ration per Zoning Requirements
- F. Building Setbacks are shown on Plan
- G. Proposed Uses: Retail Sales, General and Professional Offices, Restaurants, Personal Services, and Similar Uses. Nightclub in the City, shall be accessory to a restaurant use and subject to supplemental use regulations in Section III-D.6.w of the Unified Zoning Code. Associated establishment shall cease operation by 11:00pm Sunday through Wednesday, and 2:00am Thursday through Saturday. (Per Amendment Dated 11/4/2021).
- H. A Parking layout and circulation plan shall be submitted to the City Traffic Engineer for review and approval prior to the issuance of any additional building permits on Parcel 1-A.

Parcel 1-B:

- A. Total Net Area: 94,245 Square Feet
- B. Maximum Land Covered by Building: 30 percent – 28,273 Square Feet
- C. Maximum Gross Floor Area: 30 percent – 28,273 Square Feet
- D. Maximum Building Height: 35 Feet
- E. Parking Ration per Zoning Requirements
- F. Building Setbacks are shown on Plan
- G. Proposed Uses: Shopping Center, Super Market, Department Stores, and Other Similar Uses Permitted in the “L-C” Zoning.

Parcel 1-C:

- A. Total Net Area: 58,497 Square Feet
- B. Maximum Land Covered by Building: 30 percent – 17,549 Square Feet
- C. Maximum Gross Floor Area: 30 percent – 17,549 Square Feet
- D. Maximum Building Height: 35 Feet
- E. Parking Ration per Zoning Requirements
- F. Building Setbacks are shown on Plan
- G. Proposed Uses: Shopping Center, Super Market, Department Stores, and Other Similar Uses Permitted in the “L-C” Zoning.

Parcel 2:

- A. Total Net Area: 30,625 Square Feet
- B. Maximum Gross Floor Area: 9,000 Square Feet

- C. Maximum Land Coverage By Buildings: 30 percent – 9,187.5 Square Feet
- D. Building Setbacks are shown on Plan
- E. Maximum Building Height: 35 Feet
- F. Parking Ration per Zoning Requirements
- G. Proposed Uses: Service Station or Small Dive-In Type Facilities.

The amendment is hereby GRANTED, subject to the following conditions:


1. The amendment shall apply only to Parcel 1-A.
2. Nightclub in the City expanded uses shall apply only to those ancillary uses associated with the restaurant.
3. Nightclub in the City shall adhere supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.
4. The hours of operation of the establishment shall be limited to 11:00pm Sunday through Wednesday and 2:00am Thursday through Saturday.
5. Outdoor entertainment is prohibited except for within the confines of the attached patio.
6. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
7. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan Amendment shall be shown on the “Official Zoning District Map” on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Adopted this 4th Day of November 2021

METROPOLITAN AREA PLANNING COMMISSION



William M. Johnson, Chairman

TTEST:



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	142136	WIC-9-30-21	OCA 150004	\$117.60	1	14.00 in

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

Copy of ad content
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In The STATE OF KANSAS
 In and for the County of Sedgwick

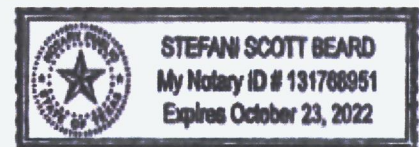
No. of Insertions: 1
 Beginning Issue of: 09/30/2021
 Ending Issue of: 09/30/2021

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 09/30/2021 to 09/30/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 06/14/2022

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!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 30, 2021 (326918) (One Time Only)

MAPC/BZA October 21, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 21, 2021 no earlier than 1:00 p.m., the Wichita-Sedgewick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meetings will be held virtually; public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meetings or items on this notice, please call the Wichita-Sedgewick County Metropolitan Area Planning Department at (316) 2684421.

CON2021-00043 - City Conditional Use to permit salvage yard for a low/impound lot on property zoned L1 Limited Industrial generally located on the west side of North Broadway and within one-half mile south of East 37th Street North (3527 N Broadway).

CUP2021-00050 - City Community Unit Plan amendment to allow restaurant/bar with entertainment (defined as Night Club in the City), generally located on the east side of North Amidon Avenue and within one-quarter mile south of West 21st Street North (2106 North Amidon).

CUP2021-00051 - City request for a mixed use Community Unit Plan on LC Limited Commercial zoned property generally located on the northeast corner of West 47th Street South and South Meridian Avenue (associated with ZON2021-45).

CUP2021-00052 - City request to amend Community Unit Plan CUP DP-19 to allow a restaurant/bar with entertainment (defined as Night Club in the City), on LC Limited Commercial zoned Parcel 1-A generally located southeast of North Tyler Road and West Central Avenue (602 N Tyler Rd).

VAC2021-00041 - City Vacation of a portion of platted setback on property zoned SF5 Single-Family Residential to allow for the construction of a porch, generally located northwest of North Amidon and West 25th Street North (2659 North Charles Avenue).

ZON2021-00043 - City zone change from SF-5 Single-Family Residential to GO General Office for multiple properties on North Edwards between W Elm and W Murdock, generally located within one-quarter mile north of West Central Avenue and one-block west of North McLean Blvd.

ZON2021-00044 - City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located within one-quarter mile east of Zoo Boulevard and two blocks south of West 9th Street North.

ZON2021-00045 - City zone change from SF-5 Single-Family Residential to LC Limited Commercial (associated with CUP2021-00051) to form new CUP, generally located on the northeast corner of West 47th Street South and South Meridian 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 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 as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDEGWICK 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 in-person at the Wichita City Hall Building (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 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 messages (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.

Table with 2 columns: Field (Email, Mailing Address, Phone, Fax) and Value (Planning@wichita.gov, Wichita-Sedgewick County Metropolitan Area Planning Department, Attn: Scott Wadde, 271 W 3rd Street - Suite 201, Wichita, KS 67202, 316.268.4421, 316.858.7764)

Participate Remotely 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 Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitchchall. 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.

WITNESS MY HAND on September 30, 2021

Scott Wadde, Secretary

WichitaSedgewick County

Metropolitan Area Planning Commission

STAFF REPORT
MAPC: October 21, 2021
DAB V: November 1, 2021

CASE NUMBER: CUP2020-00052 (City)

APPLICANT/AGENT: Michel G Khoury (owner) / Pedro Guevara (agent/ restaurateur)

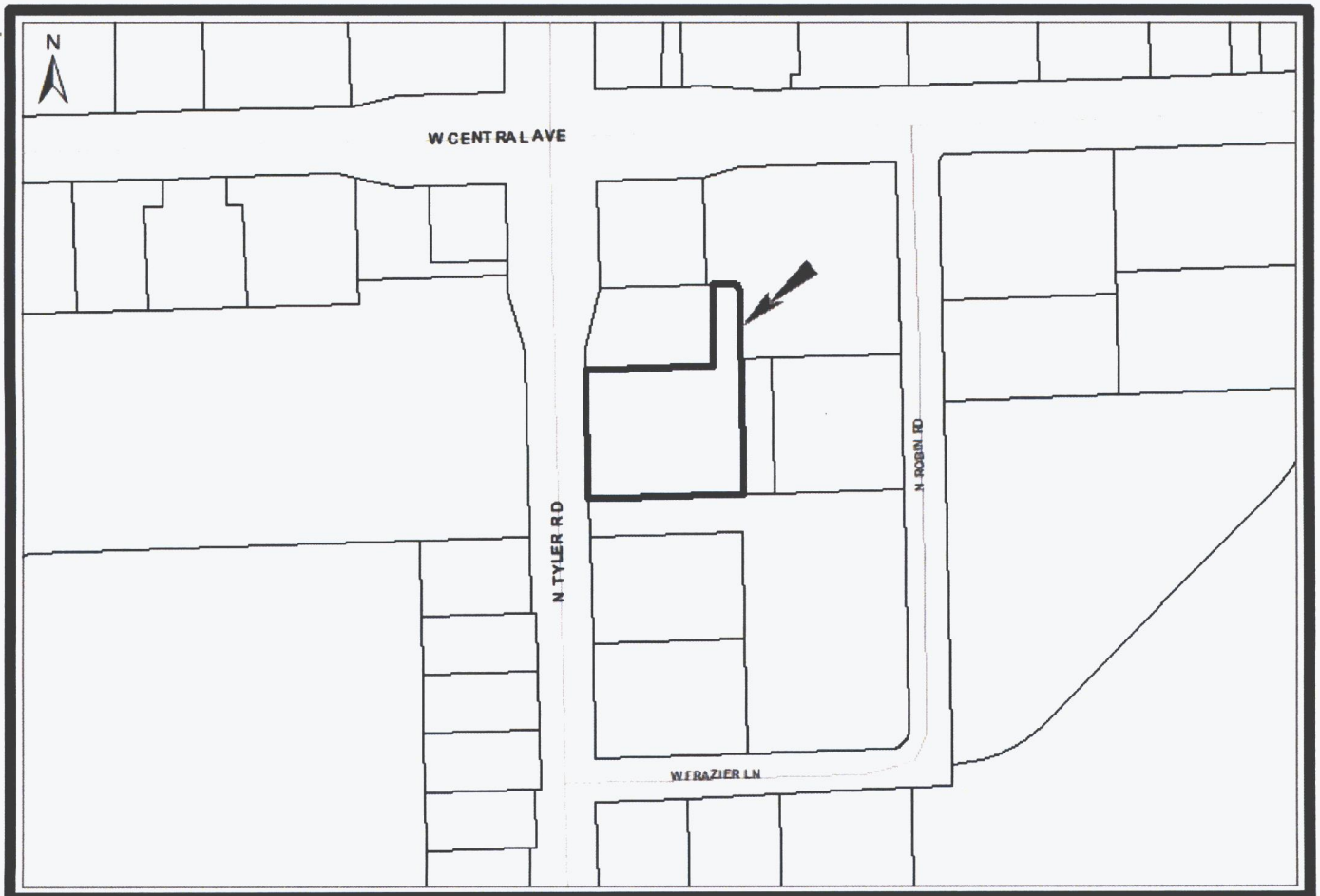
REQUEST: Amendment #4 to CUP DP-19

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 1.4 acres

LOCATION: On the east side of North Tyler Road, one block south of West Central Avenue (602 N Tyler Road).

PROPOSED USE: To add Night Club in the City as a permitted use for Parcel 1-A



BACKGROUND: The applicant is requesting an amendment to the West Center Community Unit Plan, CUP DP-19 to add Night Club in the City as a permitted use on Parcel 1-A. The property is zoned LC Limited Commercial and located on the east side of North Tyler Road, one-block south of West Central Avenue (602 North Tyler Road). The building is occupied by Puerto Vallarta Mexican Restaurant. The restaurant serves alcohol and would like to provide entertainment, such as live music. Therefore, by definition, this is considered a Nightclub in the City, by the Unified Zoning Code (UZC).

If this property was not located in the CUP, the applicant would be required to apply for a conditional use permit for the requested use. The Section III-D.6.w of the Unified Zoning Code requires a conditional use for Night club in the City when it is within 300 feet of a church or place of worship; public park; public or parochial school; or residential zoning district. An SF-5 Single-Family zoned property is located southwest of the subject site. An amendment to the CUP acts in lieu of a conditional use because the public hearing process is the same.

Property to the north and east is zoned LC Limited Commercial, within the same CUP DP-19, and is developed commercial uses including a fast food restaurant, banks, and retail uses. Property to the south is zoned LC and is developed with a self-storage warehouse. Property to the west, across North Tyler, is zoned LC and is developed with a large retail commercial shopping center.

The applicant is requesting the following amendment to CUP DP-19 indicated by bold font:

Parcel 1-A: Total Net Area: 87,996 Square Feet
 Maximum Land Covered by Building: 30 percent - 26,399 Square Feet
 Maximum Gross Floor Area: 45 percent – 39,598 Square Feet
 Maximum Building Height: 40 Feet
 Parking Ration per Zoning Requirements
 Building Setbacks are shown on Plan
 Proposed Uses: Retail Sales, General and Professional Offices, Restaurants, Personal Services, and Similar Uses. **Nightclub in the City, subject to conditions, per CUP2021-00052.**

CASE HISTORY: In 1966, the original DP-19 was approved by City Council and the property was originally platted as part of the West Center Addition. In 1986, the property was replatted as part of the Hatstrup Addition.

ADJACENT ZONING AND LAND USE:

North:	LC with CUP DP-19	Fast food restaurant
South:	LC	Warehouse self-storage
West:	LC with CUP DP-19	Retail uses
East:	LC	Retail uses

PUBLIC SERVICES: All municipal services are in place and can accommodate the required services to the site. The site has direct access to North Tyler Road, a paved, five-lane arterial street with sidewalks on both sides. The site also has cross-lot access to North Robin Road, a paved, two-way local street with no sidewalks. North Robin provides access from West Central Avenue and North Tyler Road to the subject CUP in addition to the multi-family residential develop to the east. Wichita Transit has bust stop on West Central Avenue within one-quarter mile to the north.

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 follows: “*Encompasses 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.*”

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the amendment to CUP DP-19 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

1. The amendment shall apply only to Parcel 1-A.
2. Nightclub in the City expanded uses shall apply only to those ancillary uses associated with the existing restaurant.
3. Nightclub in the City shall adhere supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.
4. The hours of operation of the establishment shall be limited to 11:00pm Sunday through Thursday and 2:00am Friday and Saturday.
5. Outdoor entertainment is prohibited except for within the confines of the attached patio.
6. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
7. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north and east is zoned LC Limited Commercial, within the same CUP DP-19, and is developed commercial uses including a fast food restaurant, banks, and retail uses. Property to the south is zoned LC and is developed with a self-storage warehouse. Property to the west, across North Tyler, is zoned LC and is developed with a large retail commercial shopping center.
2. The suitability of the subject property for the uses to which it has been restricted: The CUP is located at a major arterial intersection and is appropriately zoned “LC” Limited Commercial. The additional use at this site is suitable with the governing language of the CUP.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed CUP amendment should not detrimentally impact nearby property owners to any greater extent than allowed in LC Limited Commercial zoning and uses existing in the area.
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 the request represents a gain to the public in that it contributes to support economic opportunity in the area. Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare.
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*. 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 follows: *“Encompasses 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.”*

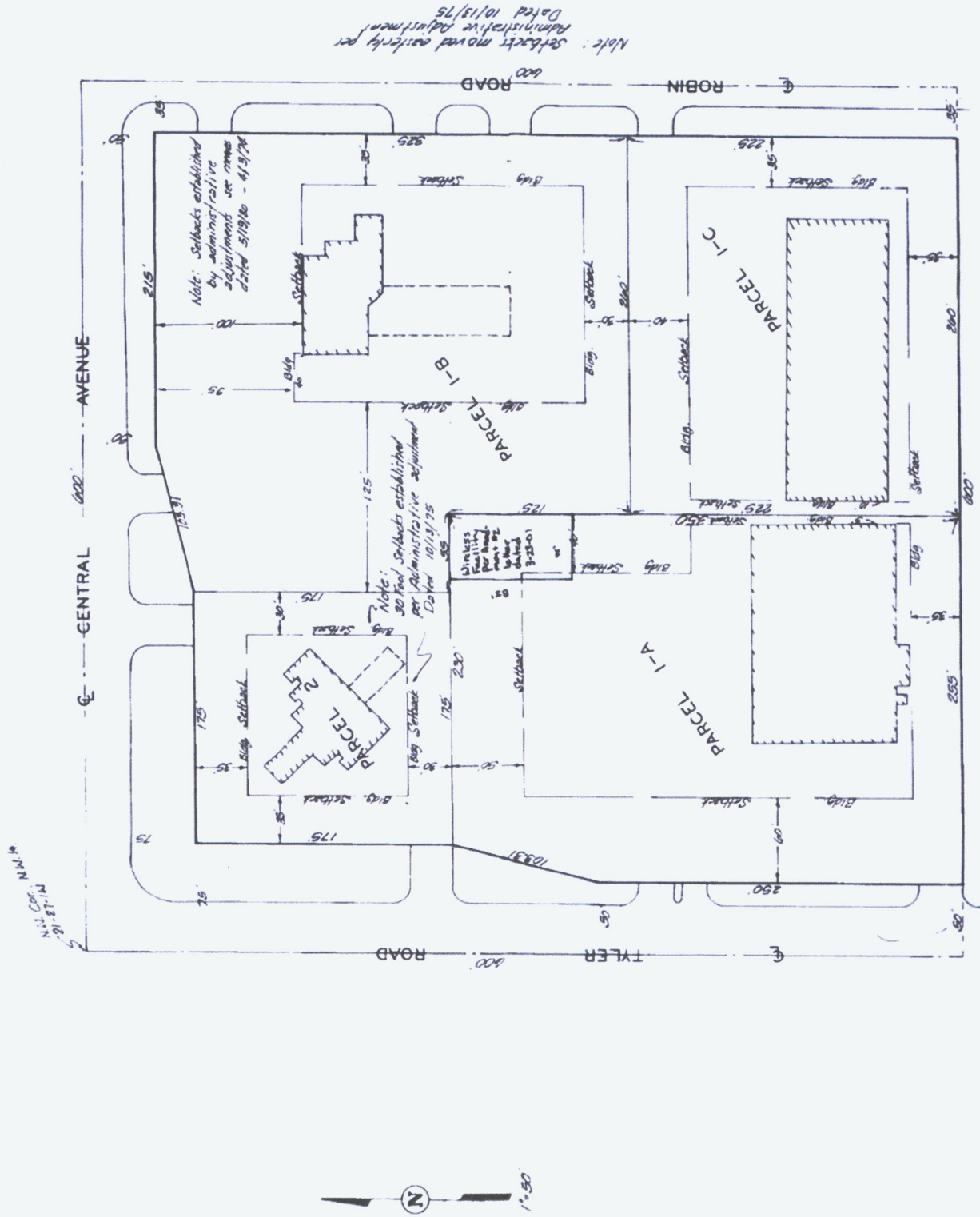
6. Impact of the proposed development on community facilities: The proposed use should have not negative impacts on community facilities.

Attachments:

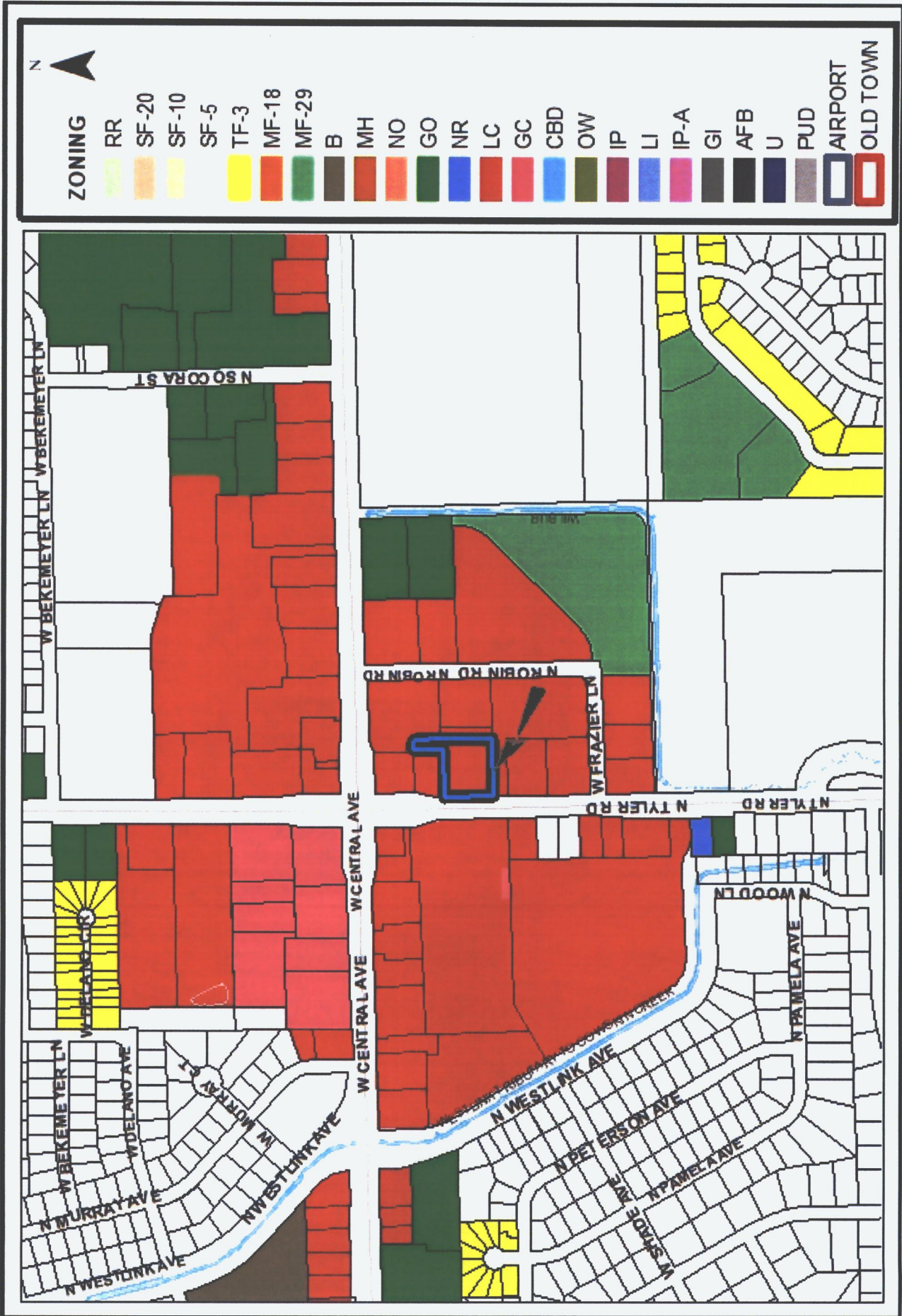
1. Recommended CUP amendment language
2. CUP DP-19 Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Planning Staff Recommended Amended Language to CUP DP-19

Parcel 1-A: Total Net Area: 87,996 Square Feet
Maximum Land Covered by Building: 30 percent - 26,399 Square Feet
Maximum Gross Floor Area: 45 percent – 39,598 Square Feet
Maximum Building Height: 40 Feet
Parking Ration per Zoning Requirements
Building Setbacks are shown on Plan
Proposed Uses: Retail Sales, General and Professional Offices, Restaurants, Personal Services, and Similar Uses. **Nightclub in the City, shall be accessory to a restaurant use and subject to supplemental use regulations in Section III-D.6.w of the Unified Zoning Code.**





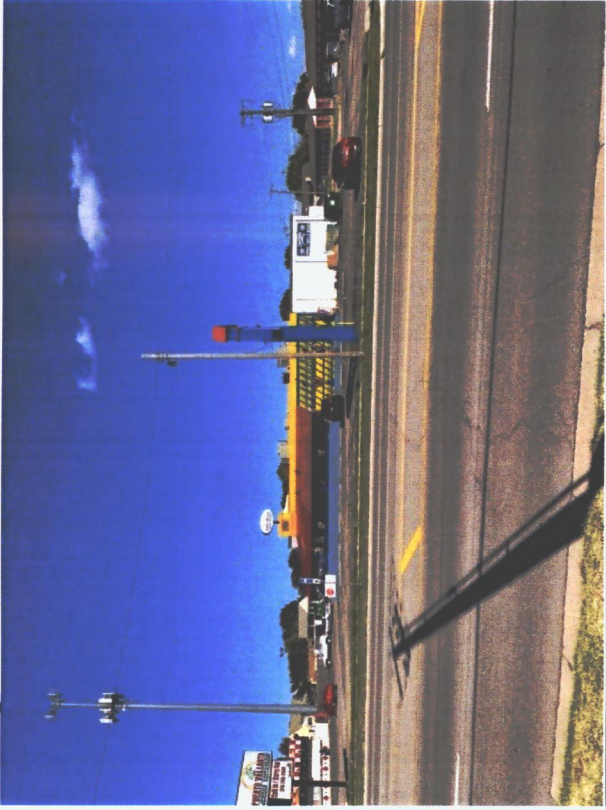


2035 Wichita Future Growth Concept Map

- 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 at site



Looking east away from site



Looking north away from site



Looking southeast away from site



Looking northwest away from site



Looking southwest away from site



Looking west away from site

