



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 11, 2023

Pars Investment, LLC  
337 Puerta De Lomas  
Fallbrook, CA 92028

Ferris Consulting  
Attn: Greg Ferris  
PO Box 573  
Wichita, KS 67201

**RE: CON2023-00020:** Conditional Use Request in the City to permit Nightclub in the City and Mobile Food Truck on property zoned LC Limited Commercial; generally located on the southeast corner of West 21<sup>st</sup> Street North and North Waco Avenue (366 W. 21<sup>st</sup> Street North).

Dear Applicant;

At its regular meeting on **July 11, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

- A. The Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:
1. Nightclub in the City's shall apply only to those ancillary uses associated with an Event Center.
  2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
  3. No music or alcohol consumption shall be allowed outside the building at any time.
  4. The hours of operation shall be
    - i. 9:00 a.m. to 10:00 p.m. Monday through Thursday
    - ii. 9:00 a.m. to 12:00 a.m. (midnight) Friday and Saturday
    - iii. 8:00 a.m. to 10:00 p.m. Sunday
  5. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.
  6. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
  7. 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, sign code, building, fire, health codes or licensing requirements.
  8. The parking lot shall be kept free of all trash and debris.
  9. No loitering, congregating or excessive noise shall be permitted in the parking lot.
  10. 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

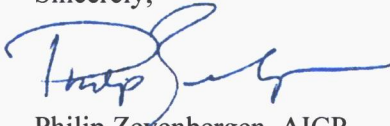
of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

B. The Conditional Use for a Mobile Food Unit in the City (food truck) be **APPROVED** subject to the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,



Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to:           MABCD  
                          Maggie Ballard, Council Member District VI  
                          Ana Lopez, CSR District VI



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 9, 2023

Pars Investment, LLC  
337 Puerta De Lomas  
Fallbrook, CA 92028

Ferris Consulting  
Attn: Greg Ferris  
PO Box 573  
Wichita, KS 67201

**RE: CON2023-00020:** Conditional Use Request in the City to permit Nightclub in the City and Mobile Food Truck on property zoned LC Limited Commercial; generally located on the southeast corner of West 21<sup>st</sup> Street North and North Waco Avenue (366 W. 21<sup>st</sup> Street North).

Dear Applicant;

At its regular meeting on **June 8, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

- A. The Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:
1. Nightclub in the City's shall apply only to those ancillary uses associated with an Event Center.
  2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
  3. No music or alcohol consumption shall be allowed outside the building at any time.
  4. The hours of operation shall be
    - i. 9:00 a.m. to 10:00 p.m. Monday through Thursday
    - ii. 9:00 a.m. to 12:00 a.m. (midnight) Friday and Saturday
    - iii. 8:00 a.m. to 10:00 p.m. Sunday
  5. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.
  6. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
  7. 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, sign code, building, fire, health codes or licensing requirements.
  8. The parking lot shall be kept free of all trash and debris.
  9. No loitering, congregating or excessive noise shall be permitted in the parking lot.

10. 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.

B. The Conditional Use for a Mobile Food Unit in the City (food truck) be **APPROVED** subject to the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, 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 June 22, 2023. 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 **June 22, 2023, at 5:00 p.m.**

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, July 11, 2023,** beginning at 9:00 a.m.

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

Sincerely,



Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: MABCD  
Maggie Ballard, Council Member District VI  
Ana Lopez, CSR District VI

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-294

**WHEREAS**, Pars Investments, L.L.C. (Owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a Night Club in the City as an ancillary use to an Event Center in the City and Mobile Food Unit in the City as a Principal Use on property zoned LC Limited Commercial District located on the southeast corner of West 21<sup>st</sup> Street North and North Waco Avenue (355 West 21<sup>st</sup> Street North), legally described as:

The North 226.82 feet of Lot 1, Block 1, Constance M. Kenney Addition, Wichita, Sedgwick County, Kansas, EXCEPT the North 10 feet thereof.

**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 June 8, 2023, 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 a Night Club in the City as an ancillary use to an Event Center in the City and Mobile Food Unit in the City as a Principal Use on property zoned LC Limited Commercial District located on the southeast corner of West 21<sup>st</sup> Street North and North Waco Avenue (355 West 21<sup>st</sup> Street North), legally described as:

The North 226.82 feet of Lot 1, Block 1, Constance M. Kenney Addition, Wichita, Sedgwick County, Kansas, EXCEPT the North 10 feet thereof.

A. The Conditional Use for a Night Club in the City (Event Center) be approved subject to the following conditions:

1. Nightclub in the City shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation shall be
  - i. 9:00 a.m. to 10:00 p.m., Monday through Thursday
  - ii. 9:00 a.m. to 12:00 p.m., on Friday and Saturday
  - iii. 8:00 a.m. to 10:00 p.m. on Sunday
5. Security shall be required for any event larger than 30 people.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.


8. 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, sign code, building, fire, health codes or licensing requirements.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. 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.

B. The Conditional Use for a Mobile Food Unit in the City (food truck) be approved subject to the following conditions:


1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 other remedies set forth in the UZC, 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.

Adopted on this 11<sup>th</sup> day of July, 2023.

  
 \_\_\_\_\_  
 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  
 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	421232	Print Legal Ad-IPL01228220 - IPL0122822	OCA 150004	\$221.44	3	88 L

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

MHEBERT@wichita.gov

## LEGAL PUBLICATION

OCA 150004  
 Published in The Wichita Eagle on May 18, 2023  
 (One Time Only)

MAPC/BZA June 8, 2023  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 8, 2023, at 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) 2684421.

BZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N. Elizabeth).

CON2023-00020: Request in the City for a Conditional Use to permit Nightclub in the City and Mobile Food Unit on property zoned LC Limited Commercial District; generally located on the southeast corner of West 21st Street North and North Waco Avenue (366 W. 21st St. N.)

CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial; generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N. Mead).

CUP2023-00016: CUP Minor Amendment in the City to CUP DP-268 to allow on-site advertising on an off-site billboard; generally located on the northwest side of West Kellogg Drive, within 300 feet west of North Tyler Road.

VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

VAC2023-00017: Vacation request in the City for a portion of a platted 20-foot alley; generally located between North Santa Fe and North St. Francis and between East Pine Street and East Murdock Avenue (abutting 700 N. St. Francis).

VAC2023-00018: Vacation request in the City of a portion of complete access control to open a new access point and close an existing access point on property zoned LC & GC with PO-36; generally located on the west side of North Maize Road, within one-quarter mile north of West 21st Street North.

ZON2023-00021: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Hillside Avenue and within one-half mile north of East 45th Street North.

ZON2023-00026: Zone change request in the City from SF-5 Single-Family Residential District to GC General Commercial District with Protective Overlay #411; generally located on the north side of West Maple Street, within 500 feet west of North Tyler Road (8924 W. Maple St.).

ZON2023-00027: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 N. Tyler Rd.).

ZON2023-00028: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to permit development of duplexes on property; generally located on the east side of South Maize Road, within one-half mile north of West 31st Street South (2816 S. Maize Rd.).

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

Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=e0k3bW0ySElnbFJQTDFvY0xPVDBXUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile  
 +16699006833,4089866967#...094136# US (San Jose)

+17193594580,4089866967#...094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

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 316.858.7764

WITNESS MY HAND on May 18, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0122822

May 18 2023

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

1 insertion(s) published on:

05/18/23

STATE OF KANSAS)

SS

County of Sedgwick)

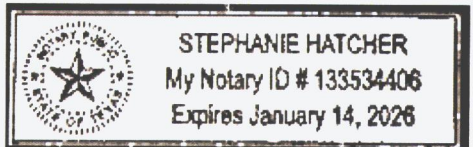
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 05/18/2023 to 05/18/2023.

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

DATED: 06/22/2023

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
32522	443388	Print Legal Ad-IPL01310820 - IPL0131082		\$144.27	2	86 L

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

LAlvarez@wichita.gov

### LEGAL PUBLICATION

OCA 180004

PUBLISHED IN THE WICHITA EAGLE ON July 14, 2023  
 BE IT ORDAINED BY THE GOVERNING BODY  
 OF THE CITY OF WICHITA, KANSAS.

WHEREAS, Pars Investments, L.L.C. (Owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a Night Club in the City as an ancillary use to an Event Center in the City and Mobile Food Unit in the City as a Principal Use on property zoned LC Limited Commercial District located on the southeast corner of West 21st Street North and North Waco Avenue (355 West 21st Street North), legally described as:

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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 June 8, 2023, 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 a Night Club in the City as an ancillary use to an Event Center in the City and Mobile Food Unit in the City as a Principal Use on property zoned LC Limited Commercial District located on the southeast corner of West 21st Street North and North Waco Avenue (355 West 21st Street North), legally described as:

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1. Nightclub in the City shall apply only to those ancillary uses associated with an Event Center.

2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.

3. No music or alcohol consumption shall be allowed outside the building at any time.

4. The hours of operation shall be:  
 i. 9:00 a.m. to 10:00 p.m., Monday through Thursday  
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5. Security shall be required for any event larger than 30 people.

6. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.

7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.

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B. The Conditional Use for a Mobile Food Unit in the City (food truck) be approved subject to the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday - Thursday and by 12:00 a.m. Friday and Saturday.

2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.

3. Development of the site shall be in general conformance with the approved site plan.

4. 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 UZC, 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.

Adopted on this 11th day of July, 2023.  
 Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk  
 (SEAL) Approved as to form.  
 Jennifer Megan a, City Attorney and Director of Law  
 IPL0131082  
 Jul 14 2023

In The STATE OF KANSAS  
 In and for the County of Sedgwick  
 1 insertion(s) published on:  
 07/14/23

STATE OF KANSAS)

SS

County of Sedgwick)

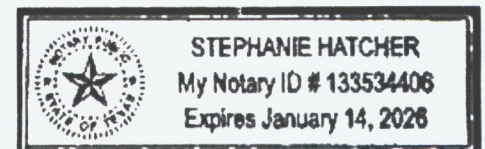
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 07/14/2023 to 07/14/2023.

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

DATED: 07/14/2023

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!



**STAFF REPORT**  
MAPC: June 8, 2023  
DAB VI: June 12, 2023

CASE NUMBER: CON2023-00020 (City)

APPLICANT/AGENT: Pars Investment, LLC (Applicant)/ Ferris Consulting (Agent)

REQUEST: Nightclub in the City and Mobile Food Unit in the City as a Primary Use

CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.47 acres

LOCATION: Generally located on the southeast corner of North Waco Avenue and West 21<sup>st</sup> Street North (355 West 21<sup>st</sup> Street North).

PROPOSED USE: To permit an Event Center which may provide entertainment and alcohol and Food Truck as a Primary Use.

RECOMMENDATION: Approve with Conditions



**BACKGROUND:** The applicant is requesting two things:

1. a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined as “Nightclub in the City”); and
2. a Conditional Use to permit a Mobile Food Unit in the City (food truck) to be a primary use.

The subject site is zoned LC Limited Commercial District and is generally located on the southeast corner of North Waco Avenue and West 21<sup>st</sup> Street North (355 West 21<sup>st</sup> Street North). The property is developed with a retail shopping center. The requested Conditional Uses are for separate uses on the same site.

Event Center/ Night Club in the City

The Event Center provides space to be rented out on an occasional basis. The Unified Zoning Code definition of “Nightclub in the City,” is applied because of the possible provision of entertainment and alcohol at these events. The need for the Conditional Use at this location is due the proximity of the TF-3 Two-Family Residential District on the west side of North Waco Avenue and the B Multi-Family Residential District abutting to the southeast. 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.

Properties to the north are zoned LC Limited Commercial District and developed with retail, an insurance office, and a vacant building which was the former location of KPTS Channel 8 broadcasting studio. Properties to the west are zoned LC District and TF-3 Two-Family Residential District. The LC-zoned properties are developed with a retail store and single-family residences. The TF-3-zoned properties are developed with single-family residences. Properties to the east are zoned LC District and TF-3 District and are developed with a mix of single-family and duplex residences. Property to the south is split-zoned with GO General Office District on the west half and B Multi-Family Residential District on the east half. The site is developed with two apartment buildings.

The site plan indicates that the proposed Event Center would occupy a tenant space in the southwest corner of the structure facing North Waco Avenue. The property does not have an outdoor patio, so all events will be conducted inside the building. Though the property to the south of the proposed Event Center space is zoned GO General Office District, it is developed with apartments. Because of the zoning district, Section IV-B of the UZC does not require screening along this property line. The distance between the wall of the subject building and the nearest apartment building is approximately 35 feet.

The applicant proposed the following conditions of approval as part of the application:

1. No music or alcohol consumption shall be allowed outside the building at any time.
2. The hours of operation shall be
  - a. 9:00 a.m. to 10:00p.m., Monday through Thursday
  - b. 9:00 a.m. to Midnight, on Friday and Saturday
  - c. 8:00 a.m. to 10:00 p.m. on Sunday
3. Security shall be required for any event larger than 30 people.
4. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.
5. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the “A” scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.

Given the proximity of 35 feet to the apartment buildings south of the site, staff is recommended alternate hours of operation which would cease at 8:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday.

In 2004, an Administrative Adjustment (BZA2004-00092) was approved reducing the parking requirement for the site from 71 to 65 spaces. Section IV-A of the UZC states the parking requirement for this use is one space per two occupants. The Event Center use cannot occupy required off-street parking spaces for other uses during their normal business hours. There are approximately 20 parking spaces directly abutting the portion of the building where the Event Center space is proposed. Therefore, parking for the Event Center will be limited during the times it is open when other businesses in the shopping center have normal business hours.

**Mobile Food Unit in the City**

The applicant would also like to permit a Mobile Food Unit in the City (food truck). Section III-D.6.00 of the Unified Zoning Code (UZC) states the following: *Mobile Food Unit in the City, as defined by the Code, shall be allowed as an Accessory Use to a Public and Civic Use, as defined by the Code, in any zoning District; as an Accessory Use within the LC, OW, and IP Districts; as a Principal Use in the LC District with Conditional Use approval; and as an Accessory Use or Principal Use within the GC, CBD, LI, and GI Districts. The Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.*

If approved, the Conditional Use would permit a food truck to be placed on the property at all times, provided that the space on which the food truck is placed does not take up any required off-street parking spaces for the other on-site uses. The total number of parking spaces for all uses on-site is 65. Off-street parking for the Mobile Food Unit in the City use shall be provided based on a parking study, to be prepared by the applicant, to be review and approved by the Zoning Administrator.

The site plan does not indicate the location of the food truck. A site visit identified that a food truck typically parks on the northeast corner of the site. Based on the proximity to residential uses to the east, staff is recommending conditions of approval to help mitigate possible negative impacts associated with noise (likely from a generator providing power to the unit).

**CASE HISTORY:** In 1976, the subject property was platted as part of the Constance M. Kenny Addition. As stated above, in 2004, an Administrative Adjustment was approved reducing the parking requirement from 71 to 65 spaces.

**ADJACENT ZONING AND LAND USE:**

North:	LC	Retail and office
South:	GO and B	Multi-Family Residential
West:	LC and TF-3	Retail and single-family residences
East:	LC and TF-3	Single-family and duplex residences

**PUBLIC SERVICES:** West 21<sup>st</sup> Street North is a paved, three-lane arterial street with sidewalks on both sides. North Waco Avenue is a paved, three-lane arterial street with sidewalks on both sides. North Fairview Avenue is a paved, two-way local street with sidewalks on both sides. Wichita Transit provides regular bus service along North Waco Avenue and West 21<sup>st</sup> Street in this area. All municipal services are in place and can accommodate the required services to the site.

**CONFORMANCE TO PLANS/POLICIES:** The following plans govern development on the subject site:

*Community Investments Plan:* 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” land use. This category is described as “areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.” Rather than designating specific intensities and types for the different “Commercial” areas, the Plan suggests that existing development and neighborhood context should serve as a guide for what is appropriate for each unique location.

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA further emphasize that development should occur where its scale is “appropriate for its context.” An event center that may provide entertainment and alcohol could create detrimental impacts such as noise to the residential development to the south. There is no outdoor space for events at this location, so events will be contained inside the building. The proposed conditions of approval for hours of operation are designed to mitigate possible negative impacts. Locational Guidelines in the ECA also promote using higher density residential as a buffer between higher intensity commercial uses and lower intensity residential uses. The multi-family development south of the subject site buffer the commercial uses along West 21<sup>st</sup> Street from the lower density residential farther south on the block.

The Wichita: Places for People Plan: The requested Conditional Uses are in partial conformance with the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (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.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is key to realizing this vision.

- Nodal Development: The requested Conditional Use is not in conformance with the nodal development pattern. The subject site is between two identified nodes. The Plan identifies the intersection of West 21<sup>st</sup> Street and North Amidon Avenue as a Neighborhood Hub. The Plan identifies the intersection of West 21<sup>st</sup> Street and North Broadway as a Community Core. Nodes are identified to accommodate the highest intensity of uses, and the intensity of use should decrease the farther the property is away from the node. The subject site is approximately one-third of a mile from the intersection of West 21<sup>st</sup> Street and North Broadway. The development pattern along West 21<sup>st</sup> Street has a concentrated level of commercial development between North Broadway and North Waco with abutting residential uses directly behind the commercial strip. These uses have co-existed near each other for some time. The intensity of the proposed uses could create possible negative impacts to surrounding residential development. However, the conditions of approval are designed to help mitigate possible negative impacts.
- Current Condition: The requested Conditional Use is in partial conformance with the area designation of the Plan as it is identified as an Area of Opportunity. Areas of Opportunity are defined 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.” The proposed uses are an example of private investment in this Area of Opportunity. Though the proposed Event Center use contributes to economic development in the area, more appropriate uses that could help redefine and reinvigorate the area would be neighborhood serving uses that promote walkable development. Such uses could include neighborhood serving retail, personal services, or restaurants to which local residents could walk. An Event Center is regionally oriented that and is generally auto-oriented. The food truck is an example of something that is neighborhood serving to which nearby residents or business employees could walk to and contributes to the walkable development in the area.

21<sup>st</sup> Street North Corridor Revitalization Plan. The requested zoning is in partial conformance with the goals of the *21<sup>st</sup> Street North Corridor Revitalization Plan*. Goal #1 states: “Increase the long-term economic renewal, vitality, and sustainability of the 21<sup>st</sup> Street North Corridor Revitalization Plan Area.” Within this goal, the plan encourages infill of existing vacant or underutilized sites within one mile of the plan area boundary. However, the requested zone change is not in conformance with the *Plan*’s Preferred Land Use Map. This map identifies the site as appropriate for neighborhood retail uses. An Event Center goes beyond

the intended uses in a neighborhood retail category as those uses are designed to be more compatible with nearby residential uses. Permitting of a food truck is in line with the neighborhood retail category of this Plan.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends

A. The Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:

1. Nightclub in the City's shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation shall be
  - i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
  - ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
  - iii. 8:00 a.m. to 8:00 p.m. on Sunday
5. Security shall be required for any event larger than 30 people.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the south and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. 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, sign code, building, fire, health codes or licensing requirements.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. 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.

B. The Conditional Use for a Mobile Food Unit in the City (food truck) be **APPROVED** subject to the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, 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: Properties to the north are zoned LC Limited Commercial District and developed with retail, an insurance office, and a vacant building which was the former location of KPTS Channel 8 broadcasting studio. Properties to the west are zoned LC

District and TF-3 Two-Family Residential District. The LC-zoned properties are developed with a retail store and single-family residences. The TF-3-zoned properties are developed with single-family residences. Properties to the east are zoned LC District and TF-3 District and are developed with a mix of single-family and duplex residences. Property to the south is split-zoned with GO General Office District on the west half and B Multi-Family Residential District on the east half. The site is developed with two apartment buildings.

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 District. In this case, the Conditional Use is only required because of the proposed Event Center use being located within 300 feet of a residential zoning district and the Conditional Use request for the food truck would permit it to be a principal use. A food truck is permitted as an accessory use by-right in the current zoning. Mitigating factors, such as limited hours of operation and restricting outdoor music make it suitable for live music and entertainment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may have detrimental effects on the residential uses to the west, east, and south of the property with noise pollution. This distance between the proposed event center and the apartment buildings to the south is approximately 35 feet. The Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.w. and the staff recommended conditions are designed to mitigate the possible negative impacts on surrounding properties.
4. Length of time subject property has remained vacant as zoned: The subject site is developed with a commercial retail center. It is unknown how long the tenant space for the proposed Event Center has been unoccupied.
5. 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 due to the proposed mitigating factors identified in the conditions of approval. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in partial conformance with the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: The proposed use may produce an increase in traffic in the area during events. But given the size and scale of the proposed use, it is not anticipated to have detrimental effects on community facilities.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has received one comment in opposition to this request citing possible negative impacts such as noise and unruly behavior near residential dwellings.

Attachments:

- |   |                 |
|---|-----------------|
| 1. Supplementary Use Regulations—Event Center/ Night Club in the City | 3. Aerial Map   |
| 2. Site Plan  | 4. Zoning Map   |
|   | 5. Land Use Map |
|   | 6. Site Photos  |

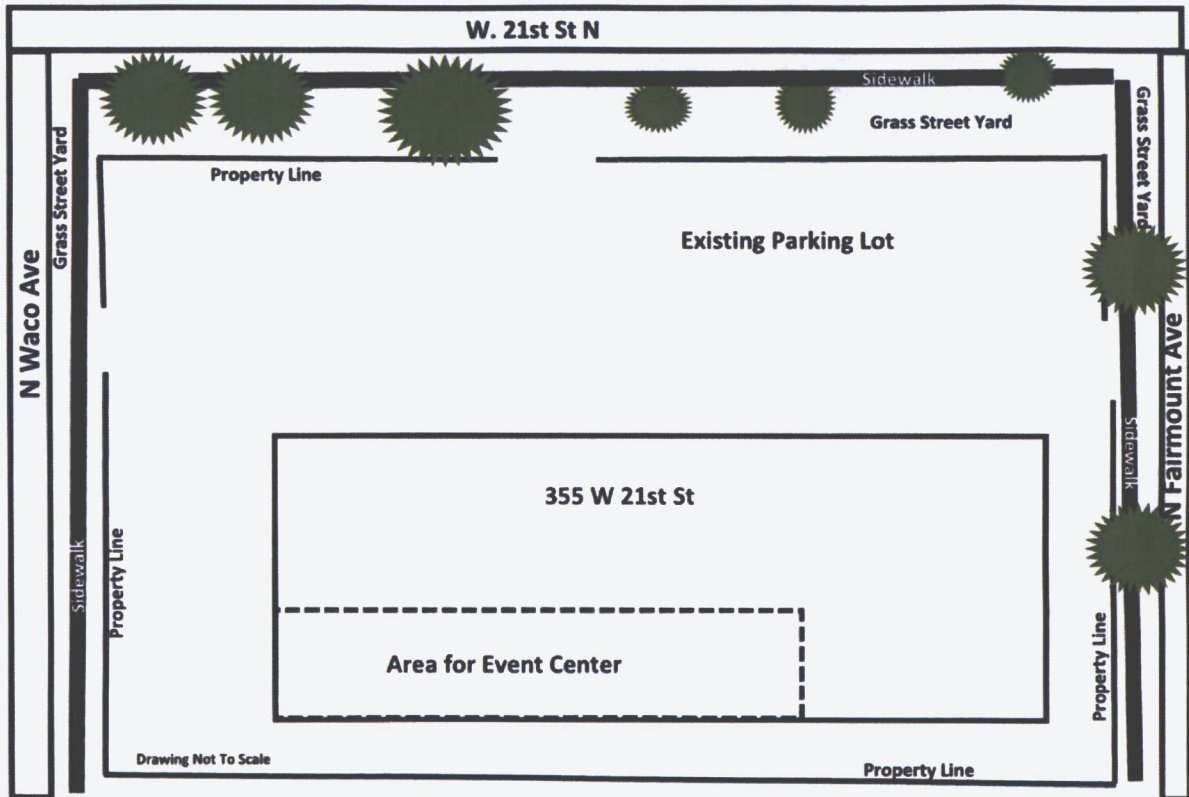
### **Section III-D.6.w of the Unified Zoning Code, Supplementary Use Regulations**

**w. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City.** Although listed as permitted Uses in some Districts, Taverns, Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City, when considered Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Event Centers in the City, Teen Clubs in the City and Entertainment Establishments, when not considered as Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on which the Tavern, Drinking Establishment, club, Nightclub, Entertainment Establishment, Event Center or Teen Club is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern, Drinking Establishment, club, Nightclub business, Entertainment Establishment, Event Center or Teen Club shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted Uses in those districts that allow Sexually Oriented Businesses in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern or Drinking Establishment, club or Nightclub shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations.

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 a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.
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 Sec. 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 Sec. 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.

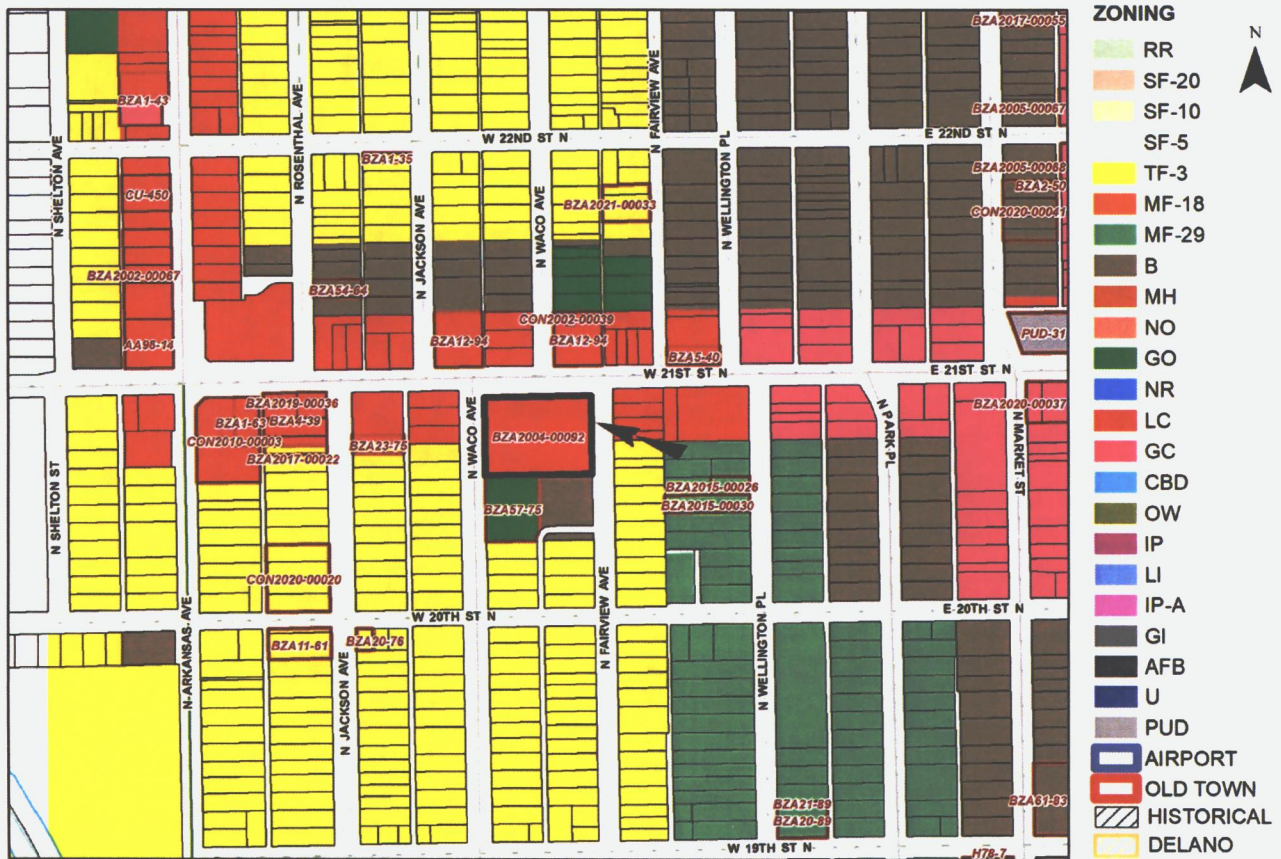
Site Plan



**Site Plan Conditional Use  
355 W. 21st St. North**






Ferris Consulting 04-17-23





**2035 Wichita  
Future Growth  
Concept Map**



**Legend**

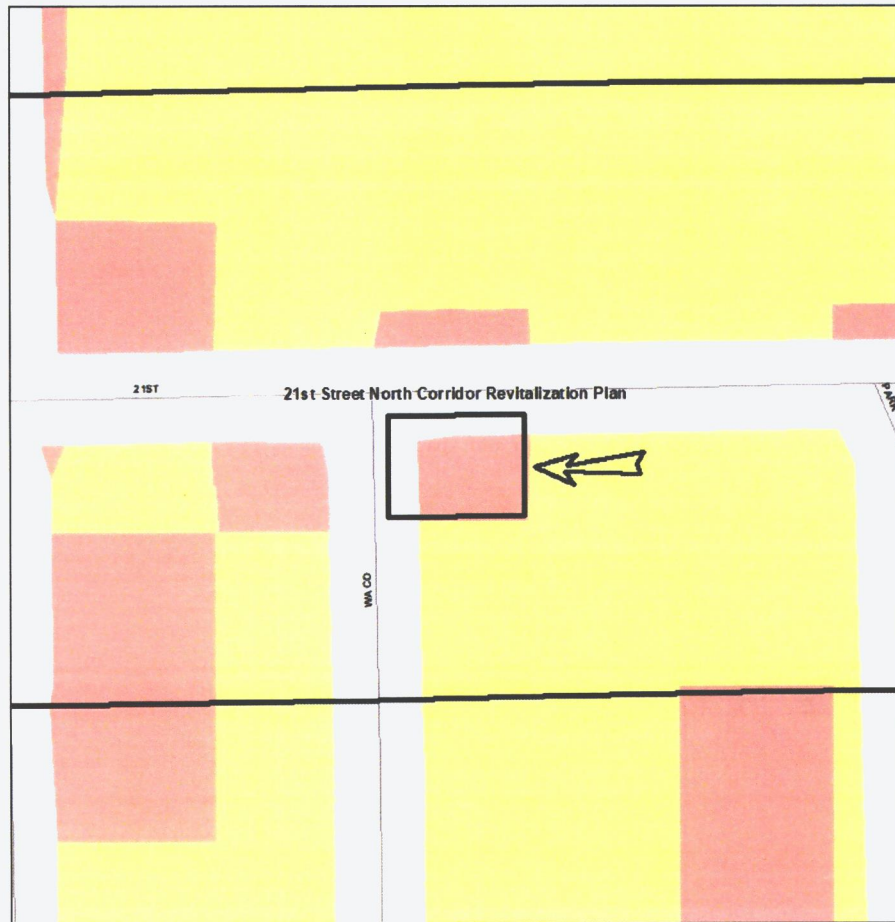
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

**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 southeast at and away from site



Looking east at site



Looking east at space between proposed Event Center and Apartments

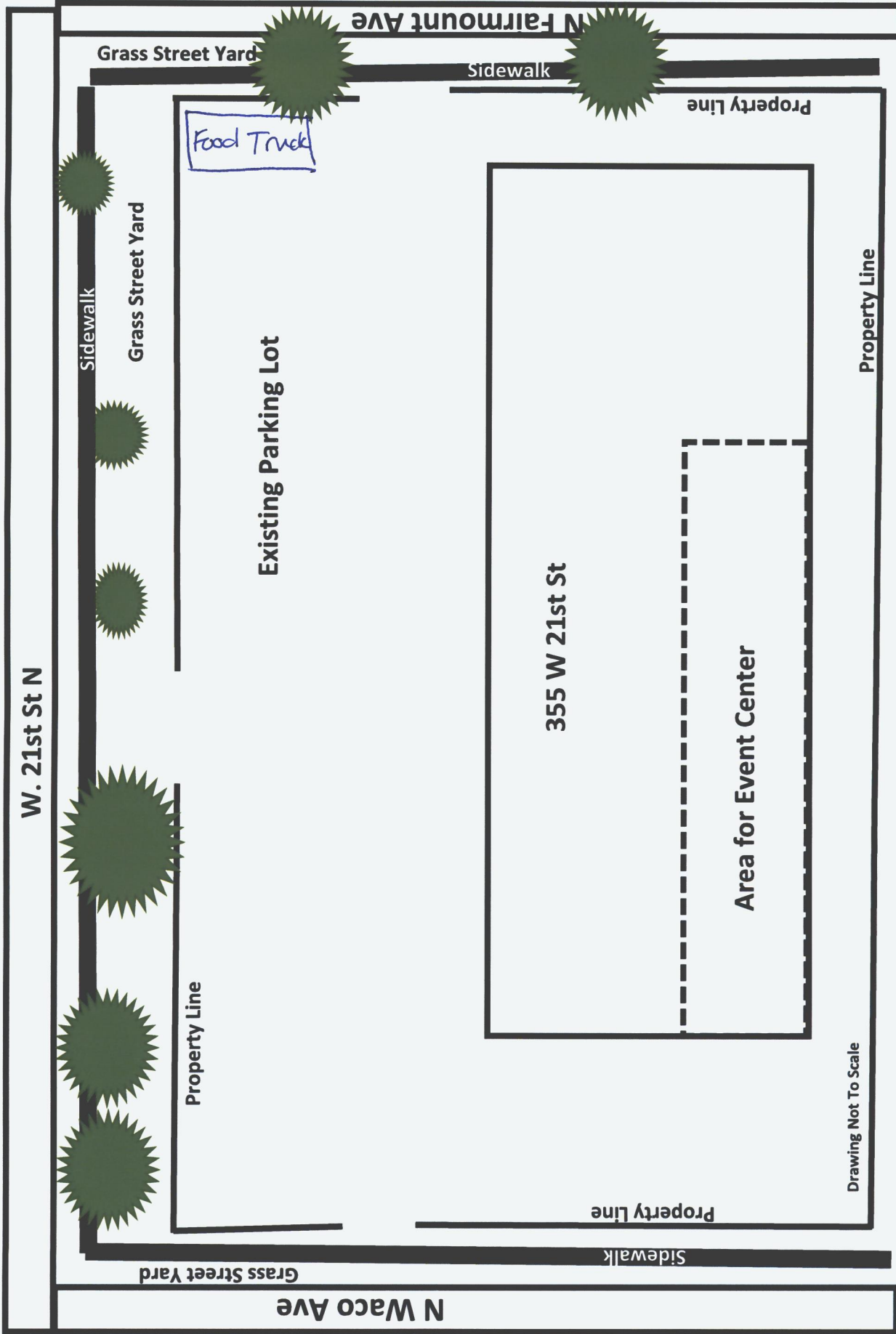


Looking northeast away from site



Looking southwest away from site





**Site Plan Conditional Use**  
**355 W. 21st St. North**

**SITE PLAN**

**APPROVED**  
*[Signature]*  
 04/13/20  
 05/13/20