



Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2023

Huong T. Vo
2720 Rivera
Wichita, KS 67211

RE: CON2023-00007: Conditional Use request for Nightclub in the City on property zoned LC Limited Commercial; located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue (1628 South George Washington).

Dear Applicant;

At its regular meeting on **June 6, 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:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. 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.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. No outdoor consumption of alcohol.
6. Operation of the Nightclub in the City shall be limited to:
5:00 p.m to 12:00 a.m Sunday through Thursday, and
5:00 p.m to 2:00 a.m Friday and Saturday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans, Associate Planner

Copies to: MABCD
Mike Hoheisel, Councilmember District III
Rebecca Johnson, CSR District III



Wichita-Sedgwick County Metropolitan Area Planning Department

April 27, 2023

Huong Vo
2720 Rivera Street
Wichita, KS 67211

RE: CON2023-00007: Conditional Use request for Nightclub in the City on property zoned LC Limited Commercial; located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue (1628 South George Washington).

Dear Applicant;

At its regular meeting on **April 27, 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:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. 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.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. No outdoor consumption of alcohol.
6. Operation of the Nightclub in the City shall be limited to: 5:00 p.m to 12:00 a.m Sunday through Thursday, and 5:00 p.m to 2:00 a.m Friday and Saturday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on May 11, 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 **May 11, 2023 at 5:00 p.m.**

As a reminder, on **Wednesday, May 3, 2023**, the District III Advisory Board (DAB) will consider this item. This meeting is held at the WATER Center, located at 101 East Pawnee, and begins at 6:30 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 Board of County Commissioners on **Tuesday, June 6, 2023** beginning at 9:00 a.m.

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

Sincerely,

A handwritten signature in cursive script that reads "Christina Rieth".

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
 Councilmember Mike Hoheisel, District Advisory Board III
 Rebecca Johnson, CSR District III
 Marilyn and Donald Grommesh, 3101 East Wilma, Wichita, KS 67211
 Brent Hurst, *via email*

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

RESOLUTION NO. 23-249

WHEREAS, Huong T. Vo, 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 Nightclub in the City on property zoned LC Limited Commercial District located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue, legally described as:

A tract in the North Half of the Northeast Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 40.0 feet on the East line of said Northeast Quarter; thence West parallel to the North line of said Northeast Quarter, 315.35 feet to the point of beginning; thence South 128.8 feet; thence Southeast 267.85 feet; thence Southwest 68.1 feet; thence Southeast 8.2 feet; thence Southwest 90.0 feet to the Easterly right-of-way line of George Washington Boulevard; thence Northwest 356.77 feet; thence Northeast 110.70 feet; thence North 110.0 feet to a point 40.0 feet South of the North line of said Northeast Quarter; thence East 62.0 feet to the beginning, EXCEPT for a tract described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 40.0 feet on the East line of said Northeast Quarter; thence West parallel to the North line of said Northeast Quarter, 315.35 feet to the point of beginning; thence South 128.8 feet; thence Northwest 43.25 feet; thence Southwest 42.64 feet; thence North 100 feet to a point 40.0 feet South of the North line of said Northeast Quarter; thence East 62.0 feet to the point of beginning.

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 April 27, 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 Nightclub in the City on property zoned LC Limited Commercial District located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue, legally described as:

A tract in the North Half of the Northeast Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 40.0 feet on the East line of said Northeast Quarter; thence West parallel to the North line of said Northeast Quarter, 315.35 feet to the point of beginning; thence South 128.8 feet; thence Southeast 267.85 feet; thence Southwest 68.1 feet; thence Southeast 8.2 feet; thence Southwest 90.0 feet to the Easterly right-of-way line of George Washington Boulevard; thence Northwest 356.77 feet; thence Northeast 110.70 feet; thence North 110.0 feet to a point 40.0 feet South of the North line of said Northeast Quarter; thence East 62.0 feet to the beginning, EXCEPT for a tract described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 40.0 feet on the East line of said Northeast Quarter; thence West parallel to the North line of said Northeast Quarter, 315.35 feet to the point of

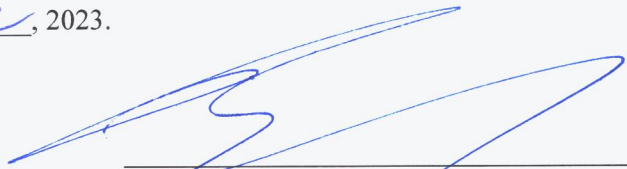
beginning; thence South 128.8 feet; thence Northwest 43.25 feet; thence Southwest 42.64 feet; thence North 100 feet to a point 40.0 feet South of the North line of said Northeast Quarter; thence East 62.0 feet to the point of beginning.

Approved subject to the following conditions:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. 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.
3. The parking lot shall be kept free of all trash and debris.
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6. Operation of the Nightclub in the City shall be limited to:
5:00 p.m to 12:00 a.m Sunday through Thursday, and
5:00 p.m to 2:00 a.m Friday and Saturday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

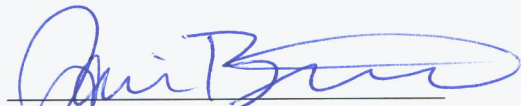
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 16th day of June, 2023.



Brandon J. Whipple, Mayor, City of Wichita

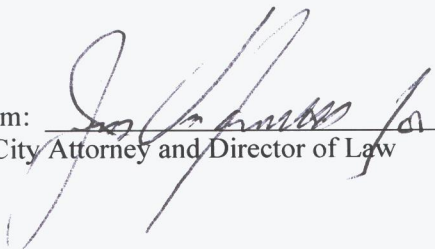
ATTEST:



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
32522	430851	Print Legal Ad-IPL01263250 - IPL0126325		\$137.55	2	82 L

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

JMBuster@wichita.gov

LEGAL PUBLICATION RESOLUTION NO. 23-249

WHEREAS, Huong T. Vo, 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 Nightclub in the City on property zoned LC Limited Commercial District located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue, 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 April 27, 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 Nightclub in the City on property zoned LC Limited Commercial District located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue, legally described as:

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Approved subject to the following conditions:

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

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.

The parking lot shall be kept free of all trash and debris.

No loitering, congregating or excessive noise shall be permitted in the parking lot.

No outdoor consumption of alcohol.

Operation of the Nightclub in the City shall be limited to:

5:00 p.m. to 12:00 a.m. Sunday through Thursday, and

5:00 p.m. to 2:00 a.m. Friday and Saturday.

If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

Adopted on 6th day of June, 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

IPL0126325

Jun 9 2023

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

1 insertion(s) published on:

06/09/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 06/09/2023 to 06/09/2023.

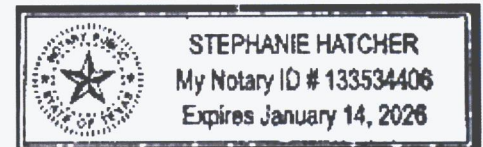
Stefani Beard

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

DATED: 09/05/2023

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
16399	404244	Print Legal Ad-IPL01167740 - IPL0116774		\$208.84	3	83 L

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

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on April 6, 2023
(One Time Only)
MAPC/BZA April 27, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 27, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00004: Conditional Use request in the City for a Tavern/Drinking Establishment on property zoned LC Limited Commercial; generally located on the southwest corner of East Douglas Avenue and South Oliver Avenue (4717 E Douglas).
CON2023-00007: Conditional Use request for Nightclub in the City on property zoned LC Limited Commercial; located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue (1628 South George Washington).
CON2023-00008: Conditional Use request in the City for interior salvage on property zoned LI Limited Industrial District; generally located south of West Mariposa Lane and East of South Ridge Road (1515 South Yucca).
CUP2023-00011: Minor Amendment in the City to DP-4, Plaza West Shopping Center, for distance between freestanding signs, located on the west side of North West Street and south of West Central Avenue (601 North West Street).
PUD2023-00003: Zone Change request in the City from LI Limited Industrial and GI General Industrial to PUD to permit custom development standards for a travel/truck stop, RV overnight parking, EV charging, and custom sign standards; generally located on the northwest corner of East 21st Street North and I-135.
VAC2023-00008: Vacation in the City of front building setback on property zoned TF-3 Two-Family Residential, located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).
ZON2023-00011: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located west of South Laura Avenue and approximately 75 feet south of East Scott Avenue (2507 South Laura Avenue).
ZON2023-00012: Zone change request in the City from LI Limited Industrial and LC Limited Commercial to TF-3 Two-Family Residential; generally located on the northeast corner of the West 29th Street North and North West Street (3350 North West Street).
ZON2023-00013: Zone change request in the City of Wichita from B-Multi-family to OW Office Warehouse; generally located approximately 219 feet south of East 3rd Street North, on Pennsylvania Avenue (342 North Pennsylvania).
ZON2023-00015: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District; generally located on the west side of North Elizabeth Street and within 150 feet south of West 2nd Street North (247 North Elizabeth).

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=a0k3bW0ySjBnbFJQTFYyOXMvVDhXUj09>

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/4089866967>

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 April 6, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0116774

Apr 6 2023

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

1 insertion(s) published on:

04/06/23

STATE OF KANSAS)

SS

County of Sedgwick)

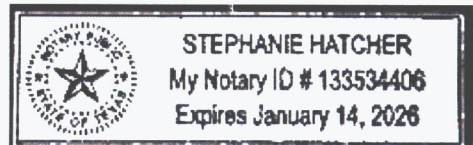
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 04/06/2023 to 04/06/2023.

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

DATED: 04/06/2023

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: April 27, 2023

DAB III: May 3, 2023

<u>CASE NUMBER:</u>	CON2023-00007
<u>APPLICANT/AGENT:</u>	Huong Vo (Applicant), Maria del Carmen Garcia (Agent)
<u>REQUEST:</u>	Nightclub in the City
<u>CURRENT ZONING:</u>	LC Limited Commercial District
<u>SITE SIZE:</u>	1.18 acres
<u>LOCATION:</u>	Generally located on the east side of South George Washington Boulevard, within 150 feet south of East Harry Street (1628 South George Washington Boulevard).
<u>PROPOSED USE:</u>	Event center that permits live entertainment and alcohol.
<u>RECOMMENDATION:</u>	Approval with Conditions



BACKGROUND: The applicant is requesting a Conditional Use for a Nightclub in the City on an unplatted property located on the east side of South George Washington Boulevard, within 150 feet south of East Harry Street (1628 South George Washington Boulevard). The subject site is 1.18 acres in size and is zoned LC Limited Commercial District. The site is developed with a strip mall that includes a music shop, an insurance agency, and a salon. The suite that where applicant proposes to have the Nightclub in the City is currently vacant.

The applicant is requesting the Conditional Use in order to permit live entertainment and alcohol in the same space. 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. The need for the Conditional Use at this location is due to the requested land use and the proximity of MF-29 Multi-Family Residential District zoning, which is located approximately 278 feet southwest of the subject site.

The applicant has indicated that the proposed Nightclub in the City will be an event center where alcohol may be consumed and there will be live entertainment. Therefore, Nightclub in the City will be an accessory use to an event center. Security will be provided on site. The site plan demonstrates that there are 50 parking spaces on the northwest side of the strip mall and an additional 15 parking spaces on the southeast side of the strip mall. The suite shares parking with multiple tenants within the strip mall. However, the agent for the applicant has indicated that the other businesses operate mostly during the day, and the proposed event center will operate in the evening. Per the Unified Zoning Code, Nightclub in the City requires one parking space per two occupants. Therefore, the proposed Nightclub in the City will have a maximum capacity of 130 persons.

The subject property is surrounded by commercially zoned properties on all sides. Therefore, it does not require landscaping per the Wichita Landscape Ordinance. A landscaped street yard and parking lot screening are not required because there is existing parking on site, and they are not expanding upon existing parking.

The character of the neighborhood is commercial and high-density residential. Properties to the north are zoned LC Limited Commercial District and are developed with a retail store and a convenience store. The convenience store also abuts the subject site on the west side. Property southeast of the subject site is zoned LC Limited Commercial District and is developed with a grocery store. Property to the west, across South George Washington Boulevard, is zoned GC General Commercial District and is developed with a manufacturing facility. Properties to the east are zoned LC Limited Commercial District and are developed with a convenience store (that also abuts the property to the north) and a brewery. There are apartment complexes in MF-29 Multi-Family Residential District zoning approximately 278 feet southwest from the subject property.

CASE HISTORY: The subject property is unplatted. The property is exempt from the platting process because it will not expand the existing building by more than 30 percent. The applicants are occupying a vacant space. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail store, convenience store
SOUTH:	GC, MF-29, LC	Manufacturing facility, apartment complex, grocery store
EAST:	LC	Manufacturing facility
WEST:	GC	Convenience store, brewery

PUBLIC SERVICES: The property has access to South George Washington Boulevard, a paved, five-lane arterial street with no sidewalks. Wichita Transit provides regular bus service within one-tenth of a mile northwest of the subject site, at the northwest corner of East Harry Street and South George Washington Boulevard. Municipal water and sewer already serve the subject site.

CONFORMANCE TO PLANS/POLICIES: The request is in conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for “Industrial” land uses. The *Plan* identifies “Industrial” as “*areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality... Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses.*” The one-story strip mall serves as a buffer from the higher intensity industrial uses from the high-density residential uses.

The request is also in conformance with the Locational Guidelines of the Comprehensive Plan. A general Development Pattern Guideline states: “*Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development.*” The subject site has municipal services in place and a vacant suite that will serve the maximum number of occupants. Additionally, the Locational Guidelines’ General Development Pattern states that “*Higher-density residential uses and neighborhood-serving retail and office uses should buffer lower-density residential uses from major commercial and employment centers and industrial uses.*” At this particular site, there are several buffers that separate this use from low-density residential. A major arterial street, South George Washington Boulevard, separates the subject site from MF-29 Multi-Family Residential District zoning and apartment complexes. From there, the high-density residential zoning serves as a transition to low-density residential zoning further southwest of the subject site. To the east, South Hillside Avenue, an arterial street, provides an additional buffer between the commercial uses and the TF- 3 zoning.

The request is in conformance with the *Wichita: Places for People Plan*. The subject site is located near East Harry Street and South George Washington Boulevard, which the *Wichita: Places for People Plan* identifies as a Community Core. According to the *Plan*, a Community Core is defined as “*a commercial or mixed-use center of between 80,000 and 250,000 square feet, occurring on 6 to 12 congruent blocks within a community, arranged around one or more centralized nodes or along a distinct corridor.*” The requested Conditional Use will expand upon an existing business in a one-story strip mall, which fits the scale around the existing neighborhood.

The *Places for People Plan* also identifies this site as an “Area of Opportunity”, which the *Plan* identifies as “*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 information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

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

3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. No outdoor consumption of alcohol.
6. Operation of the Nightclub in the City shall be limited to:
5:00 p.m to 12:00 a.m Sunday through Thursday, and
5:00 p.m to 2:00 a.m Friday and Saturday.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is commercial and high-density residential. Properties to the north are zoned LC Limited Commercial District and are developed with a retail store and a convenience store. The convenience store also abuts the subject site on the west side. Property southeast of the subject site is zoned LC Limited Commercial District and is developed with a grocery store. Property to the west, across South George Washington Boulevard, is zoned GC General Commercial District and is developed with a manufacturing facility. Properties to the east are zoned LC Limited Commercial District and are developed with a convenience store (that also abuts the property to the north) and a brewery. There are apartment complexes in MF-29 Multi-Family Residential District zoning approximately 278 feet southwest from the subject property.
2. The suitability of the subject property for the uses to which it has been restricted: The site is suitable for a wide variety of LC Limited Commercial District uses allowed by the current zoning. In this case, the Conditional Use is only required because of the proposed use being located within 300 feet of residential district zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate the removal of restrictions will detrimentally affect nearby property. The conditions of approval, such as the operating hours and prohibiting outdoor consumption of alcohol, are designed to mitigate possible detrimental impacts to nearby surrounding properties.
4. Length of time subject property has remained vacant as zoned: The subject site is not vacant. The property has been developed as a small strip mall since 1954.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of economic opportunity for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan* and the *Places for People Plan*, as discussed in the staff report.
7. Impact of the proposed development on community facilities: It is not anticipated that the Conditional Use will have significant negative impacts on community facilities.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff received one comment from the public via email that was in opposition to the proposed Conditional Use. Comments are attached to the end of this report.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Pictures
6. Comments

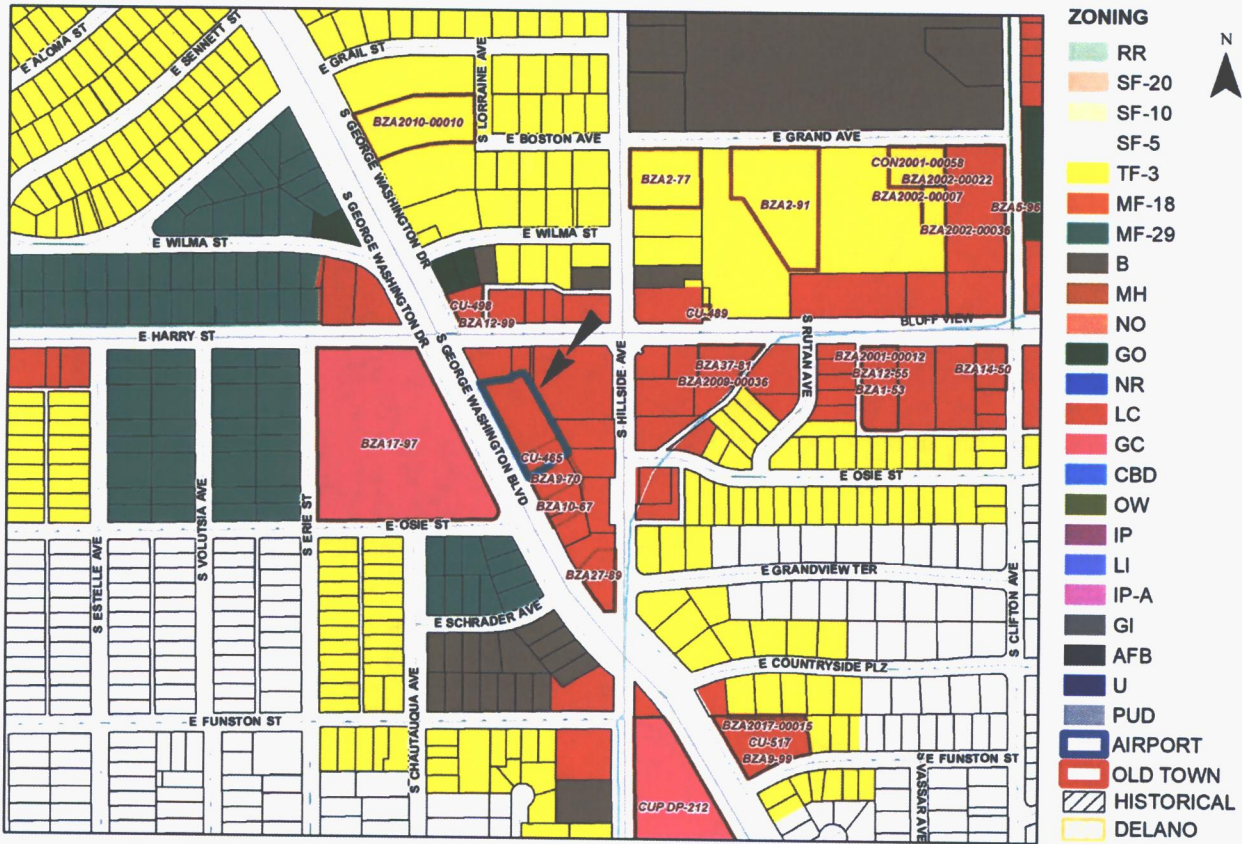


SITE PLAN
1628 S GEORGE WASHINGTON BLVD

15 PARKING SPACES
50 PARKING SPACES
PARKING TOTAL: 65 SPACES







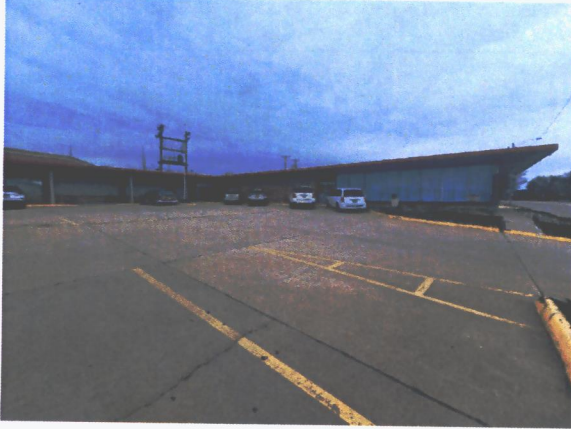
**2035 Wichita
Future Growth
Concept Map**

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 south towards site



Looking northeast towards site



Looking north away from site



Looking west away from site



Looking south away from site



From: brent_ralinwood.com
To: [Rieth, Christina](#)
Subject: Re: Protest petition
Date: Wednesday, April 12, 2023 9:44:59 PM
Attachments: [image001.png](#)
[Outlook-k2h3grnj.png](#)
[Protest Petition - Case CON2023-00007.pdf](#)
[Map of Nightclub area.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina,

Thank you for visiting with me and sending me the paperwork to protest the petition. I have attached the executed protest petition, addresses and legal descriptions of my properties. I also attached a map with some detail on the type of structures around the proposed site and the likely parking areas that will be used for this site.

I own the Plaza Apartments located at approximately 1711 S. George Washington Boulevard. This property is across the street (and a bit South) of the proposed nightclub location. Plaza consists of 26 brick multi-family buildings (101 units). I bought these in 2018. I have been improving them by upgrading both the interiors and exteriors over time. They still need some work but we have brought the units back to life (so to speak) and are nearly always 100% occupied. The properties provide housing to lower income people including single moms and kids. There are many other multi-family properties nearby. I am very concerned about putting any kind of nightclub near these homes due to the potential for injury, noise, trash and crime.

I have a lot of experience with this same situation. I own the Sandstone Apartments on Oliver Street. About three years ago a tenant of an office building across the street put an illegal "private" nightclub in the building. Very quickly it turned into a mess. Loud music until three or four in the morning causing a lot of stress for our residents, fights in the parking areas including some on our property, cars getting broken into and several shootings that took place. Not to mention all the needles, broken bottles, glass and other trash scattered all over that we had to pick up every morning. It was a nightmare! I had to engage my attorney and work for quite some time to finally get that shut down.

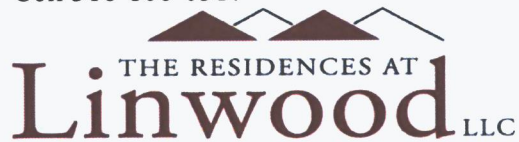
People do not realize it's not the club itself...the owner usually takes care of the safety of the property and staff, that just makes good business sense. Once they leave the club the owner has no cost or burden to monitor what the patrons do after they leave. It's everything outside the club that the neighbors have to deal with. The inebriated patrons, the loud music and cars at two or three in the morning, fights, crime, and all the bottles, broken glass and other trash they leave behind on the streets. If I had not been through this, I would not know how bad it can get. "Private club" or not private. .it does not matter; the party will go on the same either way. As I mentioned if the club is located in a larger retail area with a big parking lot (like the Wichita Mall for example) that takes care of 99% of the issues as residents are far away from all the ruckus...but this area is close to several residential areas with dozens and dozens of families very nearby and patrons will undoubtedly be parking right in front of or adjacent to their homes.

PLEASE think this through carefully before making a decision on this.

Unfortunately, I will be out of town on April 27th but I will make sure my manager attends this hearing.

Thank you,

Brent Hurst
The Residences at Linwood LLC
2008 S. Hydraulic
Wichita Ks 67211
Office 316-267-0977
Cell 316-806-0317



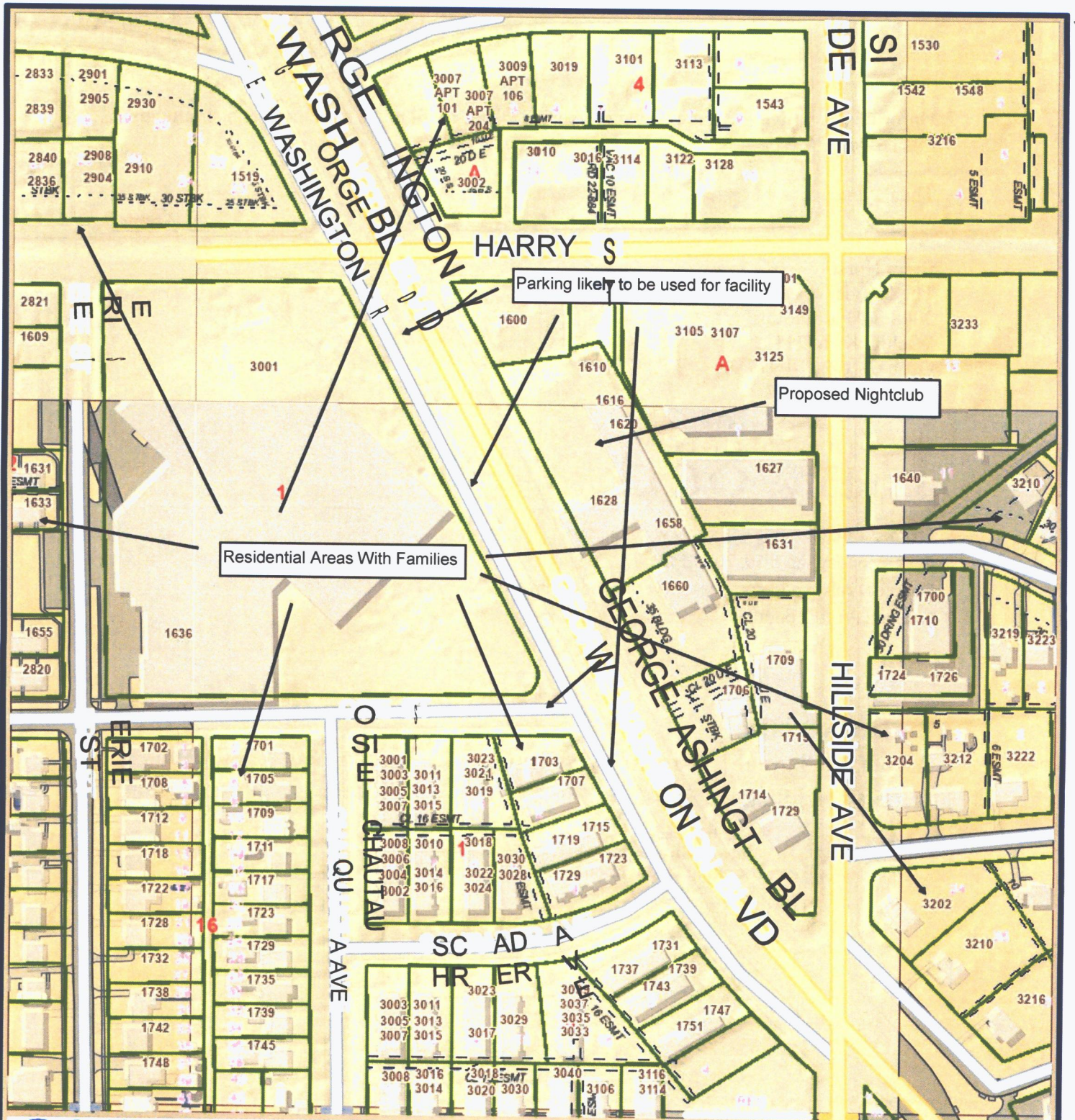
From: Rieth, Christina <CRieth@wichita.gov>
Sent: Monday, April 10, 2023 1:06 PM
To: brent@ralinwood.com <brent@ralinwood.com>
Subject: Protest petition

Christina Rieth

Associate Planner | Historic Preservation
crieth@wichita.gov | 316-268-4392



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



Geographic Information Services
Sedwick County...
working for you

Date: 4/12/2023

It is understood that the Sedwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

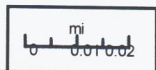
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My Map

Sedwick County, Kansas



1:2,257





15 PARKING SPACES

50 PARKING SPACES

PARKING TOTAL: 65 SPACES

SITE PLAN

1628 S GEORGE WASHINGTON BLVD

SITE PLAN

APPROVED 1/25/09 CMR