



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

PV Woodlawn Partners, LLC
1707 N Waterfront Pkwy
Wichita, KS 67206

May 8, 2024

Judah Craig
6135 E. 13th St.
Wichita, KS 67208

RE: CON2024-00010 –A Conditional Use request to allow outdoor dining, located southwest corner of East 13th Street North and North Woodlawn Boulevard (6135 East 13th Street North).

Dear Applicant;

At its regular meeting on **May 7, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was **APPROVAL** of the request with the following conditions:

- 1) No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.
- 2) Residents within the care of this facility are prohibited from having personal vehicles at the facility.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 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 Article VIII of the Unified Zoning Code, may, 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,

Brad Eatherly
Current Plans
Senior Planner

Copies to: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD



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

PV Woodlawn Partners, LLC
1707 N Waterfront Pkwy
Wichita, KS 67206

March 28, 2024

Judah Craig
6135 E. 13th St.
Wichita, KS 67208

RE: CON2024-00010 –A Conditional Use request to allow outdoor dining, located southwest corner of East 13th Street North and North Woodlawn Boulevard (6135 East 13th Street North).

Dear Applicant,

At its regular meeting on **March 28, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request for the outdoor dining.

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 April 11, 2024. 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 **April 11, 2024, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) I on **Monday, April 1, 2024**, beginning at 6:00 p.m. at the Atwater Neighborhood Resource Center (2755 E 19th Street N). For more information on this meeting, please contact Community Services Representative for District I, Maddy Campbell at (316) 268-4583 or rejohnson@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, May 7, 2024**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Brandon Johnson, Council Member District I
Maddy Campbell, CSR, District I
MABCD

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

RESOLUTION NO. 24-171

WHEREAS, PV Woodlawn Partners, LLC, 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 Entertainment Establishment to bring The Candle Club into conformance and to permit Outdoor Patio on property within 200 feet of a residentially zoned district on property zoned LC Limited Commercial District, legally described as:

Lot 18, EXCEPT the north 150 feet of the east 150 feet thereof, Block A, McEwen Fifth Addition, Wichita, Sedgwick County, Kansas; Together with the vacated alley between Lots 18 and Lots 11 through 17 inclusive; and EXCEPT commencing at the Northeast corner of Lot 18, Blk A, McEwen Fifth Addition; thence West along the north line of said Lot 18, 150 feet for a Point of Beginning; thence South at right angles, 150 feet; thence East at right angles, 150 feet more or less to a point on the East line of said Lot 18; thence South, along the East line of said Lot 18, 10 feet; thence West, parallel with the North line of said Lot 18, 200 feet; thence North, parallel with the East line of said Lot 18, 105 feet; thence West, parallel with the North line of said Lot 18, 39 feet; thence North, parallel with the East line of said Lot 18, 55 feet to the North line of said Lot 18; thence East, along the North line of said Lot 18, 89 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 March 28, 2024, 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 Entertainment Establishment to bring The Candle Club into conformance and to permit Outdoor Patio on property within 200 feet of a residentially zoned district on property zoned LC Limited Commercial District, located on the southwest corner of East 13th Street North and North Woodlawn Boulevard (6135 East 13th Street North), legally described as:

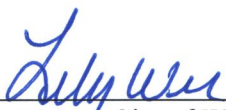
Lot 18, EXCEPT the north 150 feet of the east 150 feet thereof, Block A, McEwen Fifth Addition, Wichita, Sedgwick County, Kansas; Together with the vacated alley between Lots 18 and Lots 11 through 17 inclusive; and EXCEPT commencing at the Northeast corner of Lot 18, Blk A, McEwen Fifth Addition; thence West along the north line of said Lot 18, 150 feet for a Point of Beginning; thence South at right angles, 150 feet; thence East at right angles, 150 feet more or less to a point on the East line of said Lot 18; thence South, along the East line of said Lot 18, 10 feet; thence West, parallel with the North line of said Lot 18, 200 feet; thence North, parallel with the East line of said Lot 18, 105 feet; thence West, parallel with the North line of said Lot 18, 39 feet; thence North, parallel with the East line of said Lot 18, 55 feet to the North line of said Lot 18; thence East, along the North line of said Lot 18, 89 feet to the Point of Beginning.

Approved subject to the following conditions:

- 1) This Conditional Use shall apply only to the property located at 6135 East 13th Street North.
- 2) There shall be no outdoor entertainment on the premises.
- 3) No amplified music nor speakers shall be allowed on the patio.
- 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 of the UZC.
- 5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing 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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 7th day of May, 2024.



Lily Wu, Mayor, City of Wichita

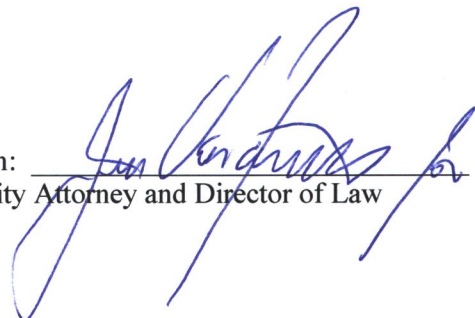
ATTEST:



Jamie Buster, City Clerk

(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
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The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
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The Sacramento Bee
San Luis Obispo Tribune
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Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	550513	Print Legal Ad-IPL01724140 - IPL0172414	RES#24-171	\$121.14	2	72 L

Attention: LaTosha Alvarez

CITY OF WICHITA/CLERKS OFFICE

455 N MAIN ST FL 13

WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON
May 10, 2024

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 24-171

WHEREAS, PV Woodlawn Partners, LLC, 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 Entertainment Establishment to bring The Candle Club into conformance and to permit Outdoor Patio on property within 200 feet of a residentially zoned district on property zoned LC Limited Commercial District, legally described as:

Lot 18, EXCEPT the north 150 feet of the east 150 feet thereof, Block A, McEwen Fifth Addition, Wichita, Sedgwick County, Kansas; Together with the vacated alley between Lots 18 and Lots 11 through 17 inclusive; and EXCEPT commencing at the Northeast corner of Lot 18, Blk A, McEwen Fifth Addition; thence West along the north line of said Lot 18, 150 feet for a Point of Beginning; thence South at right angles, 150 feet; thence East at right angles, 150 feet more or less to a point on the East line of said Lot 18; thence South, along the East line of said Lot 18, 10 feet; thence West, parallel with the North line of said Lot 18, 200 feet; thence North, parallel with the East line of said Lot 18, 105 feet; thence West, parallel with the North line of said Lot 18, 39 feet; thence North, parallel with the East line of said Lot 18, 55 feet to the North line of said Lot 18; thence East, along the North line of said Lot 18, 89 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 March 28, 2024, 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 Entertainment Establishment to bring The Candle Club into conformance and to permit Outdoor Patio on property within 200 feet of a residentially zoned district on property zoned LC Limited Commercial District, located on the southwest corner of East 13th Street North and North Woodlawn Boulevard (6135 East 13th Street North), legally described as:

Lot 18, EXCEPT the north 150 feet of the east 150 feet thereof, Block A, McEwen Fifth Addition, Wichita, Sedgwick County, Kansas; Together with the vacated alley between Lots 18 and Lots 11 through 17 inclusive; and EXCEPT commencing at the Northeast corner of Lot 18, Blk A, McEwen Fifth Addition; thence West along the north line of said Lot 18, 150 feet for a Point of Beginning; thence South at right angles, 150 feet; thence East at right angles, 150 feet more or less to a point on the East line of said Lot 18; thence South, along the East line of said Lot 18, 10 feet; thence West, parallel with the North line of said Lot 18, 200 feet; thence North, parallel with the East line of said Lot 18, 105 feet; thence West, parallel with the North line of said Lot 18, 39 feet; thence North, parallel with the East line of said Lot 18, 55 feet to the North line of said Lot 18; thence East, along the North line of said Lot 18, 89 feet to the Point of Beginning.

Approved subject to the following conditions:

This Conditional Use shall apply only to the property located at 6135 East 13th Street North.

There shall be no outdoor entertainment on the premises.

No amplified music nor speakers shall be allowed on the patio.

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 of the UZC.

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

Adopted on 7th day of May 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0172414

May 10 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

05/10/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 05/10/2024 to 05/10/2024.

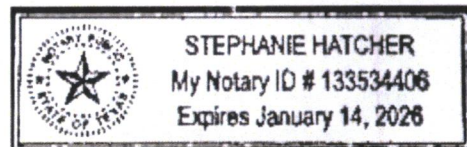
Mary Castro

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

DATED: 05/10/2024

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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
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The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
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The Modesto Bee
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	527836	Print Legal Ad-IPL01628410 - IPL0162841		\$141.30	2	84 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

OCA 150004

Published in The Wichita Eagle on March 7, 2024

(One Time Only)
MAPC/SEA March 26, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 28, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2024-00010: Request in the City for a Conditional Use for Entertainment Establishment to bring existing Candle Club into conformance and permit new outdoor patio on property zoned LC Limited Commercial, located on the southwest corner of East 13th Street North and North Woodlawn Blvd (6135 E. 13th Street). CUP2024-00004: CUP Amendment in the City to CUP DP-319 Providence Square Community Unit Plan to reduce the side setback of Parcel 1A for outdoor storage and increase area of outdoor storage, generally located on the northwest corner of East 13th Street North and North Oliver Avenue.

VAC2024-00009: Vacation request in the City to vacate the west half of Nelson Street Right-of-Way, generally located adjacent to property north of West Ponderosa Street and within one-quarter mile east of North West Street (3534 West Ponderosa Street).

VAC2024-00010: Vacation request in City to vacate a portion of a side yard setback on the south side of the property generally located at the northeast corner of E. Central Ave. and N. Armour Dr. (508 N. Armour Dr.).

VAC2024-00011: Request in the City to vacate a drainage right-of-way from 35 feet to 15 feet to allow for expansion of the existing structure on property zoned LI Limited Industrial District, generally located on the east side of South Hoover Road, within one-half mile north of K-42 (2550 South Hoover).

ZON2024-00012: Zone change request in the City from LI Limited Industrial District to CBD Central Business District to match zoning of nearby properties, generally located on the west side of North Oak Street, within 200 feet north of West Douglas Avenue (115 & 121 North Oak Street).

ZON2024-00013: Zone change request in the City from TF-3 Two-Family Residential District to B Multi-Family District to construct a multi-unit property, generally located on the east side of North Lorraine Avenue, within 550 feet north of East 2nd Street North.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick 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:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>.

WITNESS MY HAND on March 7, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0162841

Mar 7 2024

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

1 insertion(s) published on:

03/07/24

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 03/07/2024 to 03/07/2024.

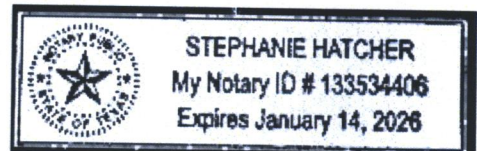
Stefani Beard

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

DATED: 03/07/2024

Stephanie Hatcher

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

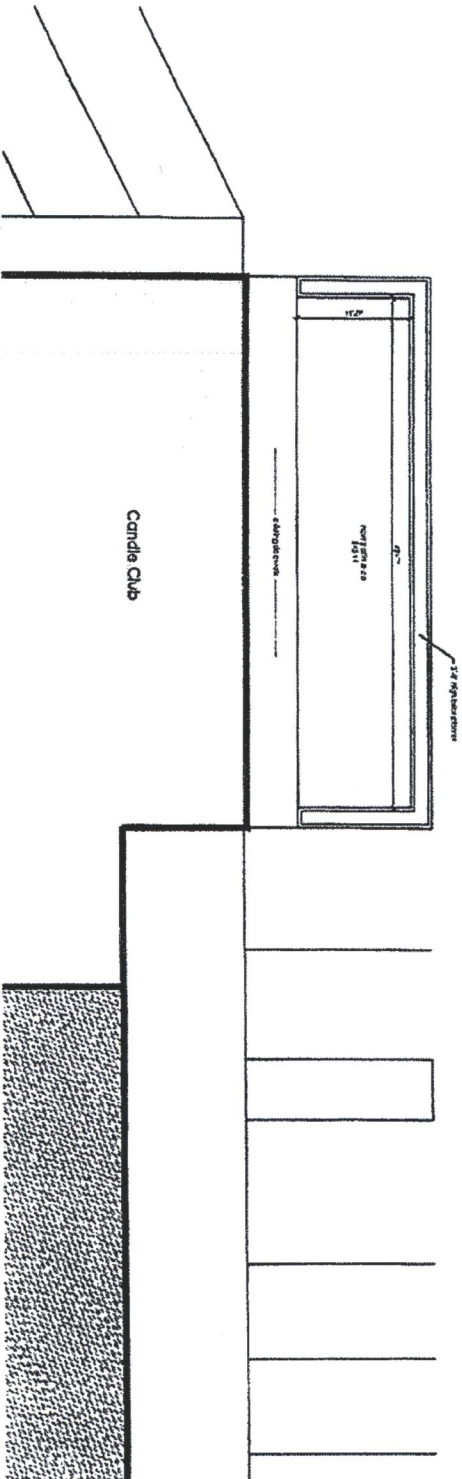


Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

13th



Woodroom



dimensioned patio plan
3/16/19

181 N. Rock Island, Suite 18
Wichita, Kansas 67202
316.288.4848 info@studiuminc.com

STUDIUM

SITE PLAN

Candle Club New Patio Area 12.08.23
Judea Craig
316-200-8629

APPROVED
JSC
8/14/24

STAFF REPORT

MAPC: March 28, 2024

DAB 1: April 1, 2024

CASE NUMBER: CON2024-00010 (City)

APPLICANT/AGENT: PV Woodlawn Partners LLC (Applicant)/ Judah Craig (Agent)

REQUEST: Conditional Use request in the City for an Entertainment Establishment to bring The Candle Club into conformance and to permit an outdoor patio on the property within 200 feet of a residentially zoned district.

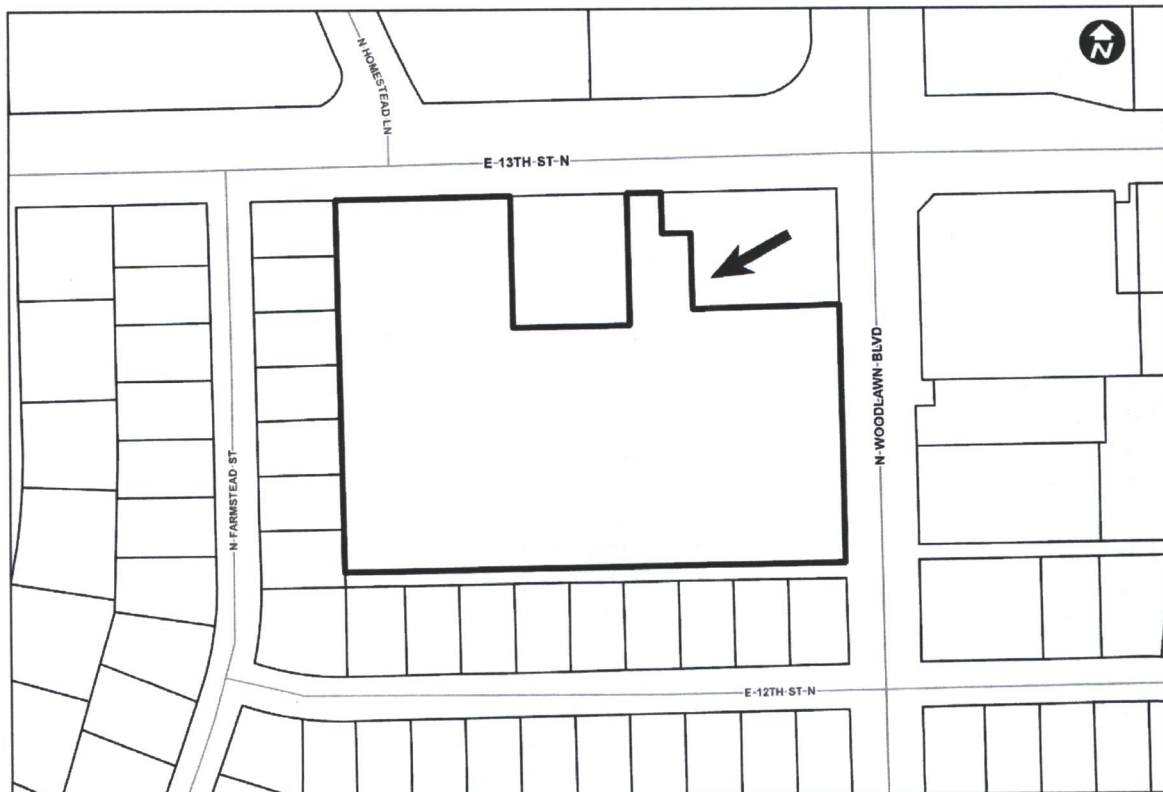
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 6.60 acres

LOCATION: Located on the southwest corner of East 13th Street North and North Woodlawn Boulevard (6135 East 13th Street North).

PROPOSED USE: Outdoor patio within 200 feet of a residentially zoned district.

RECOMMENDATION: Approval with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to permit Entertainment Establishment which will bring the existing establishment into conformance with the Unified Zoning Code (UZC) and to permit an outdoor patio within 200 feet of a residentially zoned property, on property zoned LC Limited Commercial District (LC) with a total of 6.60 acres, located on the southwest corner of East 13th Street North and North Woodlawn Boulevard.

The Candle Club has existed as an Entertainment Establishment since 1960. It is now requesting to permit an outdoor patio for dining. With the request, the establishment is also seeking to come into conformance with the UZC. Section III-D.6.w of the UZC requires a Conditional Use for an Entertainment Establishment when it is 200 feet from a church or place of worship; public park; public or parochial school; or residential zoning district. The subject properties abut TF-3 Two Family Residential District (TF-3) zoning to the west.

Any outdoor service of food or drink as an accessory part of the Entertainment Establishment shall also be considered a Conditional Use and shall be subject to the following requirements:

- (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.

The subject site is within a commercial shopping center. Properties to the north, across East 13th Street North are zoned SF-5 Single-Family Residential District (SF-5) and are developed with single-family dwellings. Properties to the south are zoned TF-3 and are developed with single-family dwellings. Properties to the east, across North Woodlawn Boulevard, are zoned LC and are developed with a bank, a vehicle repair center, and a retail store. Properties to the west are zoned TF-3 and are developed with single-family dwellings.

CASE HISTORY: On May 21, 1956, the subject site was platted as part of the McEwen 5th Addition. In July of 2017, a Conditional Use (CON2017-00017) was approved for the portion of the site addressed as 6147 East 13th Street North to allow a Nightclub (Banquet Facility).

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-family dwellings
South:	TF-3	Single-family dwellings
East:	LC	Bank, Vehicle Repair Center, Retail Store

West:

TF-3

Single-family dwellings

PUBLIC SERVICES: The site has direct access to East 13th Street North, a paved, four-lane arterial with a sidewalk on the south side and North Woodlawn Boulevard, a paved four-lane arterial with sidewalks on both sides. Wichita Transit serves the subject properties at the southwest and northeast corners of East 13th Street North and North Woodlawn Boulevard. 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 with the 2035 Future Growth Concept Map element of the *Community Investments Plan* based. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Commercial." This category is described as, "areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial, and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types."

The proposed application is in conformance with the Locational Guidelines of the *Community Investments Plan*. Under the heading "Design" Locational Guidelines 1.e states that "Non-residential uses should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses." The proposed conditions should help mitigate any adverse impacts on nearby residential uses.

The Wichita: Places for People Plan: The requested Conditional Uses are in 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 in conformance with the nodal development pattern. The subject site is between two identified nodes. The Plan identifies the intersection of East 13th Street and North Woodlawn Boulevard as a Neighborhood Hub. 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. A Neighborhood Hub provides a range of goods and services that can satisfy the daily needs of the surrounding neighborhoods. Development is of a smaller scale, with individual spaces typically less than 2,500 square feet in size, and with multiple small businesses providing retail, commercial, and office opportunities for tenants such as coffee shop or café, dry cleaner, tailor, restaurants, insurance offices or a bank. The subject site is located on the southwest corner of the intersection of this Neighborhood Hub; therefore, the Conditional Use request is appropriate for this location.
- **Current Condition:** The requested Conditional Use is in conformance with the area designation of the Plan as it is identified as an Area of Stability. Areas of Stability are defined as, "those areas of the ECA that exhibit less stress, or fewer economic, connectivity, and walkability issues. Areas of Stability should require fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared toward continuing the area's momentum and strengthening the established context." The Candle Club is an established private club who is seeking to come into conformance with the code by acquiring the Conditional

Use. The outdoor patio is considered an accessory use to the club and is an appropriate use for the subject site.

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

1. This Conditional Use shall apply only to the property located at 6135 East 13th Street North.
2. There shall be no outdoor entertainment on the premises.
3. No amplified music nor speakers shall be allowed on the patio.
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 of the UZC.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing 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:

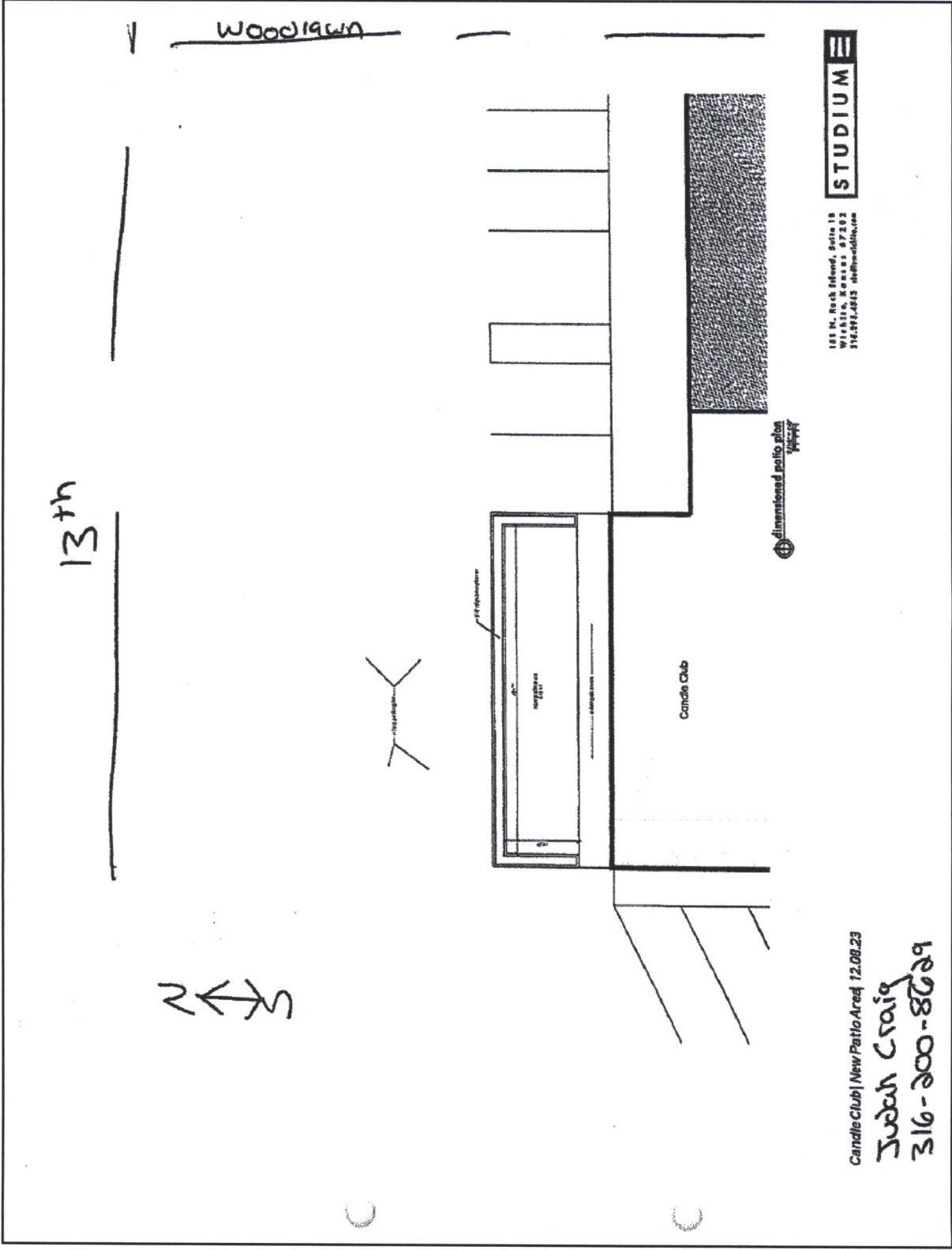
1. The zoning, uses and character of the neighborhood: The subject site is within a commercial shopping center. Properties to the north, across East 13th Street North are zoned SF-5 Single-Family Residential District (SF-5) and are developed with single-family dwellings. Properties to the south are zoned TF-3 and are developed with single-family dwellings. Properties to the east, across North Woodlawn Boulevard, are zoned LC and are developed with a bank, a vehicle repair center, and a retail store. Properties to the west are zoned TF-3 and are developed with single-family dwellings.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial, which permits a vast array of commercial development. Additionally, the club has existed for over sixty years. A Conditional Use (CON2017-00017) was permitted to allow a Nightclub (Banquet Facility) at the neighboring suite addressed as 6147 East 13th Street North.
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 and south of the property with noise pollution. The distance between the proposed outdoor patio and the residences to the west is approximately 60 feet. 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 not vacant. The site has been used as a private club for over 60 years.
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 the request represents a gain to the public in that it contributes to support economic opportunity in the area. Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare based on the required conditions of approval provided to mitigate possible noise pollution. 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 conformance to the *Community Investments Plan and Wichita: Places for People Plan*, as noted above.
7. Impact of the proposed development on community facilities: The proposed use should not have

negative impacts on community facilities.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:

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

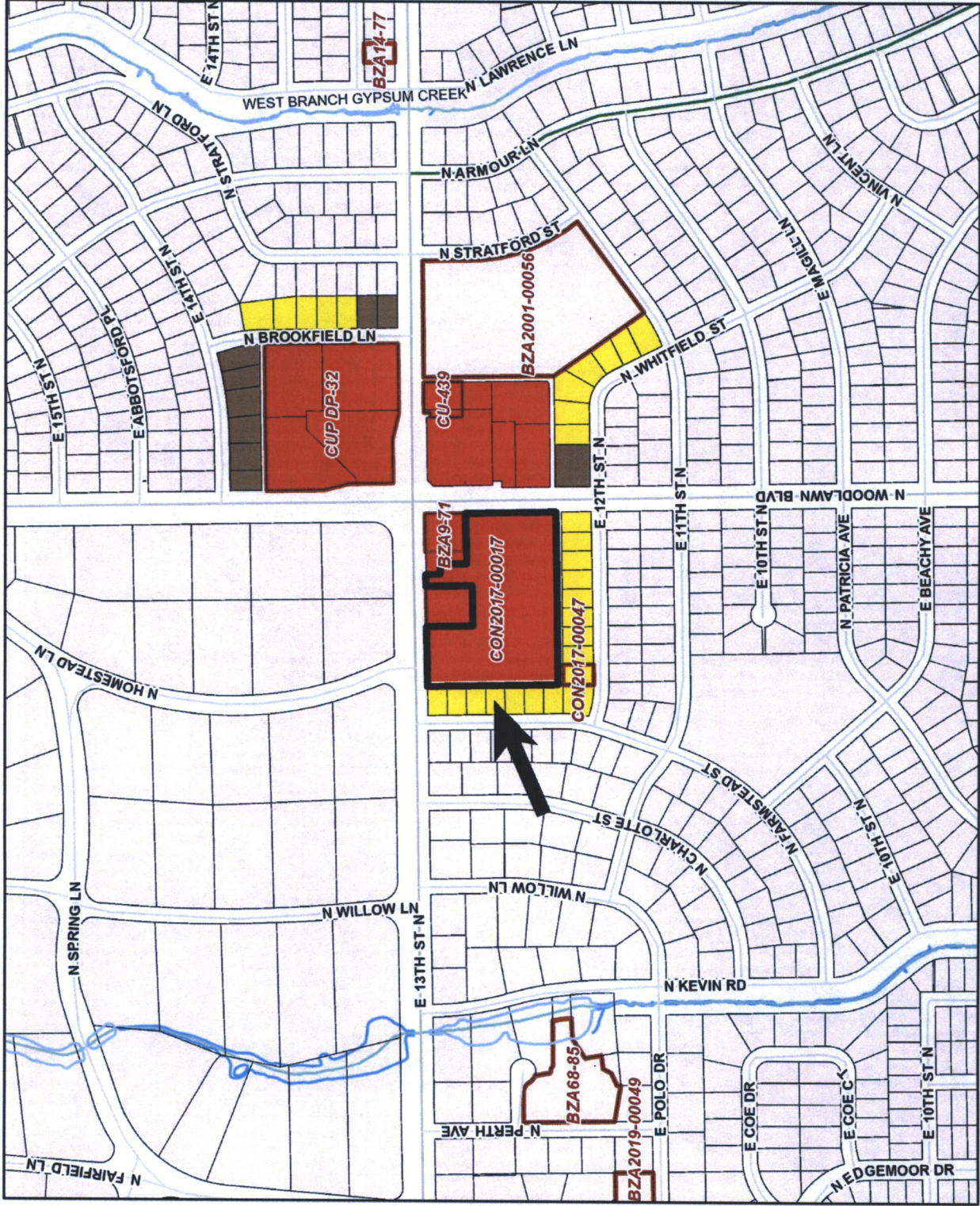




ZONING



RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN	HISTORIC	DELANO	YES



Legend

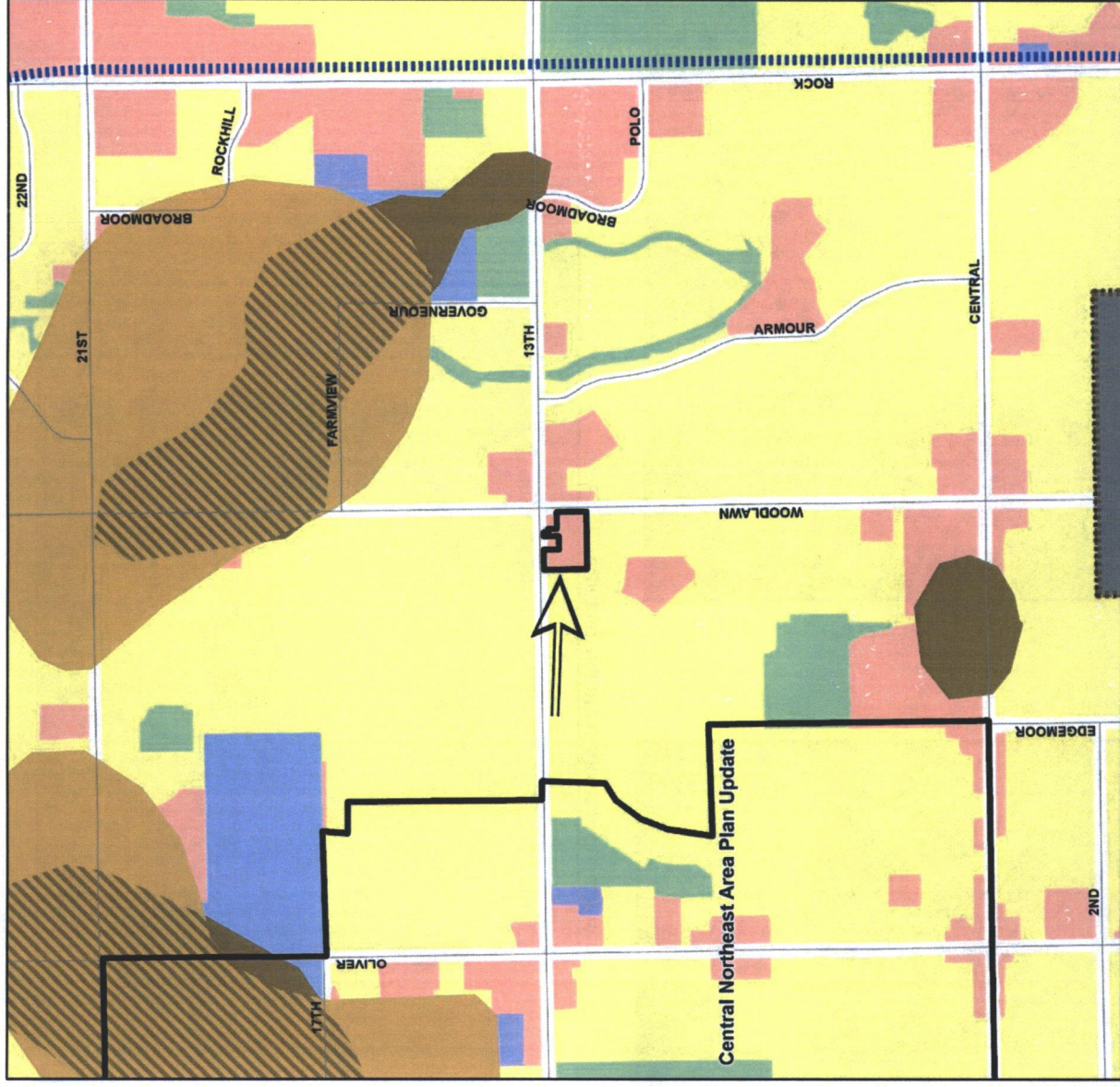
- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

Statistical Development Areas

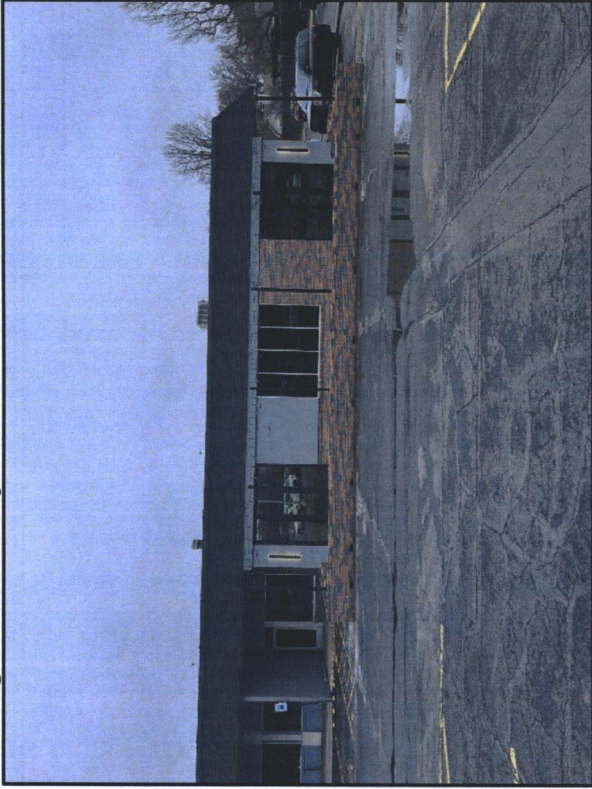
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood/Area Plans



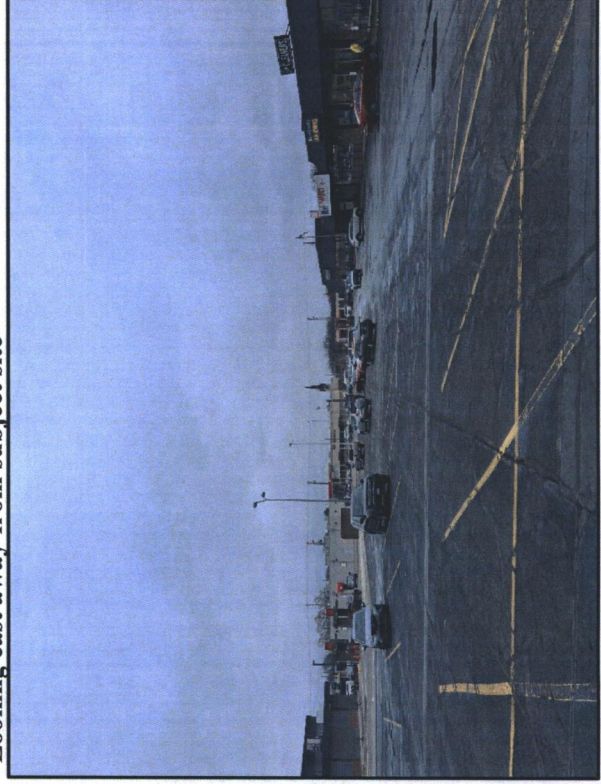
Looking south into subject site



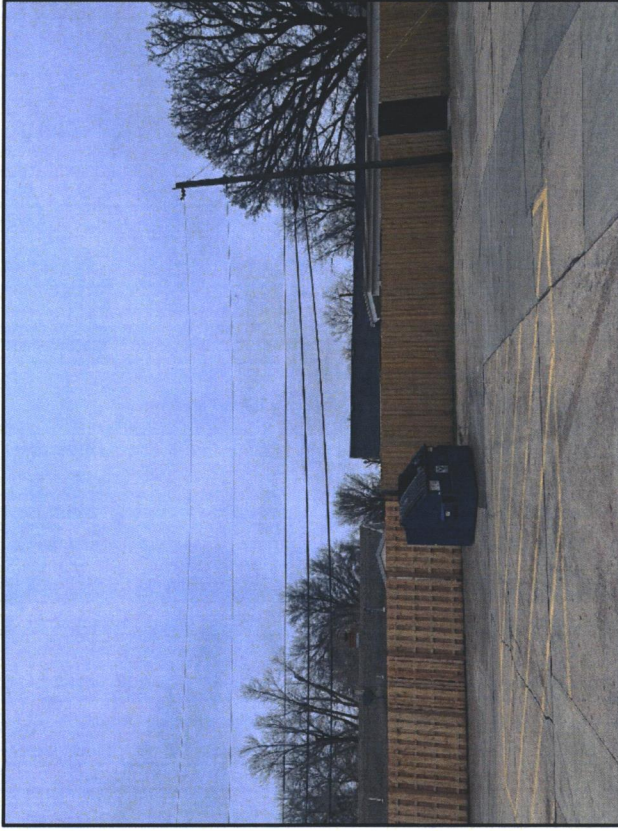
Looking north away from subject site



Looking east away from subject site



Looking south away from subject site



Looking west away from subject site

