



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

May 9, 2025

TownePlace at NMS, LLC
245 N. Waco Ave
Ste. 400
Wichita, KS 67202

Baughman Company,
P.A.
Attn: Jay Cook
315 S. Ellis Ave
Wichita, KS 67211

RE: CON2025-00040/ZON2025-00006 –A Conditional Use request to allow Entertainment Establishment in the City within 300 feet of residentially zoned property; amend PO #36 to change building coverage/floor area, architectural controls, and screening wall location for a Hotel on Parcel 1D; Generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North.

Dear Applicant;

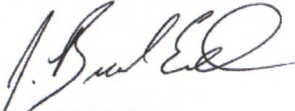
At its regular meeting on **May 6, 2025**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request, with the following conditions and the attached revised PO language:

1. The amendment and conditional use shall only apply to Parcel 1D, except that the screening wall may be built within the 5-foot wall easement within Parcel 1C.
2. The use of Entertainment Establishment shall be an accessory use to a Hotel.
3. Lighting shall be per Provision 10.c of PO #36.
4. Any monument sign shall be permitted based on the Wichita Sign Code and General Provision 13 of PO #36.
5. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 12:00 a.m. and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
6. There shall be no amplified music or speakers outdoors.
7. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
8. The transfer of title of all or any portion of land included within the Conditional Use (or any amendments thereto) does not constitute a termination of the Conditional Use or any portion thereof, but said Conditional Use shall run with the land and be binding upon present owners, their successors and assigns.
9. Development of the site shall be in general conformance with the approved site plan.
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 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,



Brad Eatherly
Current Plans
Senior Planner

Copies to: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V
MABCD

Protective Overlay #36

Parcel 1D

Proposed Uses: All uses permitted in the "LC" Zoning District, including Entertainment Establishment in the City as an Accessory Use to a Hotel, per CON2025-00040; except Taverns and Adult Entertainment as defined by city code.

- Net Area: 1.82 acres +/-; or 79,052 SF
- Maximum Building Coverage: 30% or 23,715 SF
- Maximum Gross Area: 75% or 59,289 SF
- Maximum Building Height: 45 FT
- Maximum Number of Buildings: 1

General Provisions:

8. Parking shall be provided in accordance with the Unified Zoning Code, with the exception of Parcel 1D which will be subject to a Parking Study.

10. Architectural Controls:

d. Parcel 10 shall be exempt from architectural controls, excluding General Provision 10C.

12. A Masonry wall shall be a solid or semi-solid wall constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire) at least six feet in height but not more than eight feet high shall be constructed approximately 40 feet east of the west property line of Parcel 1B and 1C, as shown on the site plan. Construction of the wall will require a building permit. No wall shall be constructed in a utility easement. See Provision 12a.

a. Parcel 1D shall be allowed to construct a masonry wall in the wall easement on the west portion of Parcel 1C.



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

March 27, 2025

TownePlace at NMS, LLC
245 N. Waco Ave
Ste. 400
Wichita, KS 67202

Baughman Company, P.A.
Attn: Jay Cook
315 S. Ellis Ave
Wichita, KS 67211

RE: CON2025-00040/ZON2025-00006 –A Conditional Use request to allow Entertainment Establishment in the City within 300 feet of residentially zoned property; amend PO #36 to change building coverage/floor area, architectural controls, and screening wall location for a Hotel on Parcel 1D; Generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North.

Dear Applicant,

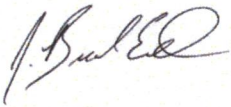
At its regular meeting on **March 27, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request.

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 10, 2025. 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 10, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) V on **Monday, April 7, 2025**, beginning at 6:00 p.m. at the Westlink Library (8515 Bekemeyer St). For more information on this meeting, please contact Community Services Representative for District V, Teresa Veazey at (316) 352-4866 or <mailto:tcveazey@wichita.gov>. This application will be presented to the Wichita City Council on **Tuesday, May 6, 2025**, 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: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V MABCD

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2025-00006

Amend Protective Overlay #36 to change building coverage/floor area, architectural controls, and screening wall location for a Hotel, on property legally described as:

That part of Lot 1, Block 1, Newmarket Square, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of Lot 2, Block 1, Newmarket Square; thence N88°37'11"W a distance of 483.24 feet to the Point of Beginning, also being the P.C. of a curve to the right having a radius of 96.68; thence along said curve through a central angle of 29°57'50" an arc distance of 50.56 feet; thence N58°39'21"W a distance of 125.72 feet to the P.C. of a curve to the right having a radius of 100.00 feet; thence along said curve through a central angle of 11°47'01" an arc distance of 20.57 feet; thence N46°52'20"W a distance of 42.57 feet to the P.C. of a curve to the right having a radius of 50.00 feet; thence along said curve through a central angle of 48°12'59" an arc distance of 42.08 feet; thence N01°20'39"E a distance of 33.00 feet to the P.C. of a curve to the left having a radius of 15.00 feet; thence along said curve through a central angle of 90°00'00" an arc distance of 23.56 feet; thence N88°39'21"W a distance of 193.29 feet to the P.C. of a curve to the left having a radius of 50.00 feet; thence along said curve through a central angle of 90°00'00" an arc distance of 78.54 feet; thence S01°20'39"W, parallel with the West line of said Addition a distance of 151.20 feet; thence S88°37'11"E a distance of 480.51 feet to the Point of Beginning.

Protective Overlay #36

Parcel 1D

Proposed Uses: All uses permitted in the "LC" Zoning District, including Entertainment Establishment in the City as an Accessory Use to a Hotel, per CON2025-00040; except Taverns and Adult Entertainment as defined by city code.

- Net Area: 1.82 acres +/-; or 79,052 SF
- Maximum Building Coverage: 30% or 23,715 SF
- Maximum Gross Area: 75% or 59,289 SF
- Maximum Building Height: 45 FT
- Maximum Number of Buildings: 1

General Provisions:

8. Parking shall be provided in accordance with the Unified Zoning Code, with the exception of Parcel 1D which will be subject to a Parking Study.

10. Architectural Controls:

d. Parcel 10 shall be exempt from architectural controls, excluding General Provision 10C.

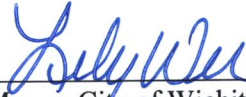
12. A Masonry wall shall be a solid or semi-solid wall constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire) at least six feet in height but not more than eight feet high shall be constructed approximately 40 feet east of the west property line of Parcel 1B and 1C, as shown on the site plan. Construction of the wall will require a building permit. No wall shall be constructed in a utility easement. See Provision 12a.

a. Parcel 1D shall be allowed to construct a masonry wall in the wall easement on the west portion of Parcel 1C.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 13th day of May, 2025.



Lily Wu, Mayor, City of Wichita

ATTEST:

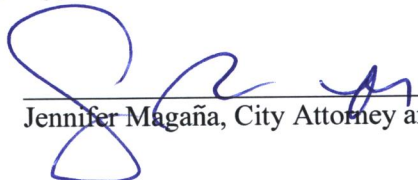


Paul Leeker, City Clerk



Approved as to form:

(SEAL)



Jennifer Magaña, City Attorney and Director of Law

May 9, 2025

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

RESOLUTION NO. 25-198

WHEREAS, TownePlace at NMS, 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 in the City within 300 feet of residentially zoned property generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North, legally described as:

That part of Lot 1, Block 1, Newmarket Square, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of Lot 2, Block 1, Newmarket Square; thence N88°37'11"W a distance of 483.24 feet to the Point of Beginning, also being the P.C. of a curve to the right having a radius of 96.68; thence along said curve through a central angle of 29°57'50" an arc distance of 50.56 feet; thence N58°39'21"W a distance of 125.72 feet to the P.C. of a curve to the right having a radius of 100.00 feet; thence along said curve through a central angle of 11°47'01" an arc distance of 20.57 feet; thence N46°52'20"W a distance of 42.57 feet to the P.C. of a curve to the right having a radius of 50.00 feet; thence along said curve through a central angle of 48°12'59" an arc distance of 42.08 feet; thence N01°20'39"E a distance of 33.00 feet to the P.C. of a curve to the left having a radius of 15.00 feet; thence along said curve through a central angle of 90°00'00" an arc distance of 23.56 feet; thence N88°39'21"W a distance of 193.29 feet to the P.C. of a curve to the left having a radius of 50.00 feet; thence along said curve through a central angle of 90°00'00" an arc distance of 78.54 feet; thence S01°20'39"W, parallel with the West line of said Addition a distance of 151.20 feet; thence S88°37'11"E a distance of 480.51 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 27, 2025, 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 in the City within 300 feet of residentially zoned property generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North, legally described as:

That part of Lot 1, Block 1, Newmarket Square, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of Lot 2, Block 1, Newmarket Square; thence N88°37'11"W a distance of 483.24 feet to the Point of Beginning, also being the P.C. of a curve to the right having a radius of 96.68; thence along said curve through a central angle of 29°57'50" an arc distance of 50.56 feet; thence N58°39'21"W a distance of 125.72 feet to the P.C. of a curve to the right having a radius of 100.00 feet; thence along said curve through a central angle of 11°47'01" an arc distance of 20.57 feet; thence N46°52'20"W a distance of 42.57 feet to the P.C. of a curve to the right having a radius of 50.00 feet; thence along said curve through a central angle of 48°12'59" an arc distance of 42.08 feet; thence N01°20'39"E a distance of 33.00 feet to the P.C. of a curve to the left having a radius of 15.00 feet; thence along said curve through a central angle of 90°00'00" an arc distance of 23.56 feet; thence N88°39'21"W a distance of

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Approved subject to the following conditions:

1. The amendment and conditional use shall only apply to Parcel 1D, except that the screening wall may be built within the 5-foot wall easement within Parcel 1C.
2. The use of Entertainment Establishment shall be an accessory use to a Hotel.
3. Lighting shall be per Provision 10.c of PO #36.
4. Any monument sign shall be permitted based on the Wichita Sign Code and General Provision 12 of PO #36.
5. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 12:00 a.m. and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
6. There shall be no amplified music or speakers outdoors.
7. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
8. The transfer of title of all or any portion of land included within the Conditional Use (or any amendments thereto) does not constitute a termination of the Conditional Use or any portion thereof, but said Conditional Use shall run with the land and be binding upon present owners, their successors and assigns.
9. Development of the site shall be in general conformance with the approved site plan.
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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

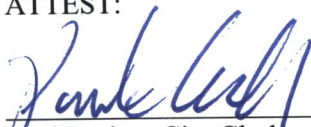
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 16th day of May, 2025.



Lily Wu, Mayor, City of Wichita

ATTEST:



Paul Leeker, City Clerk



(SEAL)

Approved as to form:



Jennifer Magaña, City Attorney
and Director of Law



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Paul Leeker, City Clerk

Being first duly sworn, deposes and says:

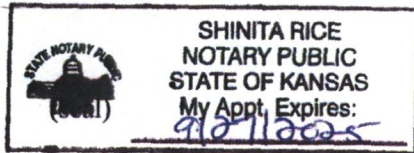
That I, Paul Leeker, City Clerk of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. 52-130 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 16th day of May, 2025.

Signature

SUBSCRIBED AND SWORN to before me this 16th day of May, 2025.

Notary Public



City Clerk's Office

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529

www.wichita.gov

McClatchy

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AFFIDAVIT OF PUBLICATION

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

srice@wichita.gov

Copy of ad content
is on the next page

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

1 insertion(s) published on:
05/18/25

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeeth 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 05/18/2025 to 05/18/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/19/2025

Amy Robbins

Notary Public in and for the state of South Carolina,
residing in Beaufort County



AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 11-03-32

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

ITEMS PUBLISHED ON WISNITA.GOV\LEGAL NOTICES MAY 18, 2022

STAFF REPORT

MAPC: March 27, 2025
 DAB V: April 7, 2025

CASE NUMBER: CON2025-00040 / ZON2025-00006 (City)

OWNER/AGENT: TownePlace at NMS, LLC (Applicant) / Baughman Company P.A. (Agent)

REQUEST: Conditional Use Request to allow Entertainment Establishment in the City within 300 feet of residentially zoned property; amend PO #36 to change building coverage/floor area, architectural controls, and screening wall location for a Hotel on Parcel 1D.

CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.44 acres

LOCATION: Generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North.

PROPOSED USE: Hotel with Entertainment Establishment in the City as accessory use.

RECOMMENDATION: Approval with conditions.



BACKGROUND: The applicant is requesting two items:

- 1) An amendment to Protective Overlay (PO) #36 to change building coverage/floor area, architectural controls, and screening wall location for a Hotel for Parcel 1D;
- 2) a Conditional Use for an Entertainment Establishment in the City within 300 feet of a residential zoning district on property zoned LC Limited Commercial District (LC).

The 1.44-acre site is zoned LC and is generally located one-quarter mile west of North Maize Road and one-quarter mile north of West 21st Street North.

The subject site is located on property that is within a development known as New Market Square. New Market Square is not part of a Community Unit Plan, but rather is subject to the provisions found in PO #36. The applicant is requesting to amend PO #36 to allow Entertainment Establishment in the City as an accessory use to the proposed primary use of Hotel on Parcel 1D. The applicants are also requesting to amend the following items in PO #36:

- 1) to increase the maximum building coverage;
- 2) increase maximum gross area;
- 3) exclude Parcel 1D from architectural controls;
- 4) allow Parcel 1D to have a masonry wall in the wall easement;
- 5) allow Parcel 1D a 50 square foot monument sign; and
- 6) allow parking to be determined subject to a parking study.

On January 2, 2024, the Wichita City Council approved changes to the Unified Zoning Code (UZY) to define "Entertainment Establishment in the City" as a venue that allows alcohol and live entertainment with a maximum capacity of less than 300 persons. Section III-D.6.w of the Unified Zoning Code (UZY) requires a Conditional Use for Entertainment Establishment in the City when the site is within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. The subject site abuts the SF-5 Single-Family Residential District (SF-5) to the west. The subject site is also approximately 175 feet to the northeast of a Church or Place of Worship. The Entertainment Establishment in the City use would be considered accessory to the primary use of Hotel.

According to UZY Sec. IV-A.4, required parking for the use of Hotel or Motel equals one per guest room, plus one per 250 square feet used for retail purposes, professional and service facilities, offices, meeting rooms, recreational spaces. One space is required per five occupants for taverns and drinking establishments, clubs, or restaurants contained within a hotel/motel. PO #36 states that parking shall be provided in accordance with the UZY. The applicant believes that the amount of required parking stalls will be more than can be provided considering the use and size of the lot. Therefore, the applicant is asking for parking to be determined subject to a parking study.

General Provision 10 addresses the architectural controls of PO #36 the provisions state that "*all buildings within Parcels 1A through 9 shall have consistent predominate exterior building materials with consistent architectural character, color, and texture, except in the case of a landscape plan provides for 25% above the minimum number of trees required by the City of Wichita Landscape Ordinance.*" The provisions also state that "*any structure over 400 feet in length shall be designed so as to stagger the front facades, or designed in another manner as approved by the Director of Planning, to break up the visual expanse of the structure.*" Lastly, Provision 10.c of the architectural controls states that "*all lighting shall be shielded to reflect light downward and away from residential areas and that all parking lot lighting shall share consistent lighting design (fixtures, poles, lamps, etc.).*" The applicants have not stated which architectural controls they wish the property to be excluded from or why, but staff believes the property should adhere to Provision 10.c, which addresses the lighting on the property.

The applicant is requesting a 50 square foot monument sign on the subject site. PO #36 states that signs shall be in accordance with Chapter 24.04 of the sign code of the City of Wichita. The PO also states that a monument sign shall be calculated at 0.8 square feet per foot of linear street frontage. The PO cannot allow for more than the Wichita Sign Code allows. Parcel 1D is nearest to North Maize Road. The sign area calculation would be based off the linear footage along North Maize Road. It would be incumbent upon the applicant to indicate that they could construct a 50-foot monument sign and remain within the regulations of the Wichita Sign Code and PO #36.

The applicant is requesting to amend multiple development standards for Parcel 1D. Those changes are indicated

in the table below.

	Max. Building Coverage	Max. Gross Area	Max. Building Height	Max. Number of Buildings
Current Language	25.41% or 20,079 sq. ft.	26.7% or 21,107 sq. ft.	45 feet	1
Proposed Language	30% or 23,715 sq. ft.	75% or 59,289 sq. ft.	45 feet	1

Section IV-C.6 Compatibility Noise standards would apply to the subject site since it is within 500 feet of property zoned MH Manufactured Housing Residential District (MH) or more restrictive. The code states, “No sound amplification system for projecting music or human voices shall be permitted on any property zoned NO or more intensive if the music and/or voices can be heard within any residential zoning District that is located within a 500-foot radius of the subject site.”

Section IV-B.2 of the Unified Zoning Code (UZC) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. The Drawing for PO #36 shows a 5-foot wall easement that runs north-south along the west property line of all properties within the PO’s jurisdiction. However, General Provision #12 states that Parcels 1B, 1C, and 1D shall be constructed approximately 40 feet east of the west property line. An existing masonry wall is currently constructed approximately 40 feet east from the west property line. The applicant would like to demolish this wall and construct a new one within the 5-foot wall easement on the west property line. The applicant’s request would place the new wall on Parcel 1C. An existing masonry wall is constructed along the west property line approximately 500 feet to the north of the north property line of Parcel 1D. If the wall is reconstructed on the west side, the property would be screen appropriately per the minimum screening standards of Section IV-B.3 of the UZC.

The subject site is part of a larger commercial development, with multiple properties under the provisions of PO #36. Properties to the north, east, and south are zoned LC and are developed with General Retail. Property to the west is zoned SF-5 and is developed as Reserve A of the Evergreen Addition and acts as a drainage pond.

CASE HISTORY: On April 26, 1998, the property was platted at part of the Newmarket Square Addition. On January 24, 1996, PO #36 was approved as part of SCZ-0703. There have been several amendments and adjustments to other parcels within the area PO #36 governs. No other zoning cases have been associated with Parcel 1D.

ADJACENT ZONING AND LAND USE:

NORTH:	LC PO -36	General Retail
SOUTH:	LC PO-36	General Retail
EAST:	LC PO-36	General Retail
WEST:	SF-5	Reserve A, Drainage Pond

PUBLIC SERVICES: The subject site has access to North Maize Road and West 21st Street North. North Maize Road is a paved six-lane arterial street with a dedicated turn-lane and with sidewalks on both sides. West 21st Street North is a paved, four-lane arterial street with a dedicated turn-lane and sidewalks on both sides. All municipal services are in place and can accommodate the required services to the site. Wichita Transit serves the site at the southeast corner of the parcel.

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 “New Employment.” This category is described as, “*areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment*”

primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed. The amendments to the PO should not adversely affect neighboring properties. Although the proposed Entertainment Establishment is abutting a residential district and is within 175 feet of a church, staff believes the location is suitable for the proposed use. The established PO and conditions of approval are designed to mitigate possible negative impacts to neighboring properties.

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.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the requests, excluding General Provision 10.c and the request to allow a 50-square-foot monument sign, unless it is allowed by right according to the Wichita Sign Code and Provision 12 of PO #36, and subject to the following conditions:

1. The amendment and conditional use shall only apply to Parcel 1D, except that the screening wall may be built within the 5-foot wall easement within Parcel 1C..
2. The use of Entertainment Establishment shall be an accessory use to a Hotel.
3. Lighting shall be per Provision 10.c of PO #36.
4. Any monument sign shall be permitted based on the Wichita Sign Code and General Provision 12 of PO #36.
5. Entertainment hours shall be between the hours of 12:00 p.m. (noon) and 12:00 a.m. and all Compatibility Noise Standards shall apply per the Unified Zoning Code.
6. There shall be no amplified music or speakers outdoors.
7. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
8. The transfer of title of all or any portion of land included within the Conditional Use (or any amendments thereto) does not constitute a termination of the Conditional Use or any portion thereof, but said Conditional Use shall run with the land and be binding upon present owners, their successors and assigns.
9. Development of the site shall be in general conformance with the approved site plan.
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 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 of approval is based on the following findings:

1. **The zoning, uses and character of the neighborhood.** The subject site is part of a larger commercial development, with multiple properties under the provisions of PO #36. Properties to the north, east, and south are zoned LC and are developed with General Retail. Property to the west is zoned SF-5 and is developed as Reserve A of the Evergreen Addition and acts as a drainage pond.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC Limited Commercial District with PO #36 and is limited to uses permitted in the LC District, excluding Taverns and Adult Entertainment.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** An Entertainment Establishment in the City may only be permitted through a Conditional Use when within 300 feet of a church or place of worship, public park, public or parochial school, or residentially zoned property. The established PO #36 and the proposed conditions of approval are designed to mitigate possible negative

impacts to neighboring properties.

4. **Length of time subject property has remained vacant as zoned:** Parcel 1D has never been developed as part of PO #36. Most, if not all, of the other parcels in the PO have been developed with General Retail, restaurants, etc.
5. **Relative gain to 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 detrimental effects. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to adopted or recognized Plans/Policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested amendment to PO #36 or the Conditional Use will have a significant impact on community facilities. Existing public infrastructure at the site should accommodate the proposed uses.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received no comments regarding these proposals.

Staff Report Attachments:

1. PO #36 Drawing
2. Parcel 1D Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Photos

APPROVED

MAR 17-5-02 SK

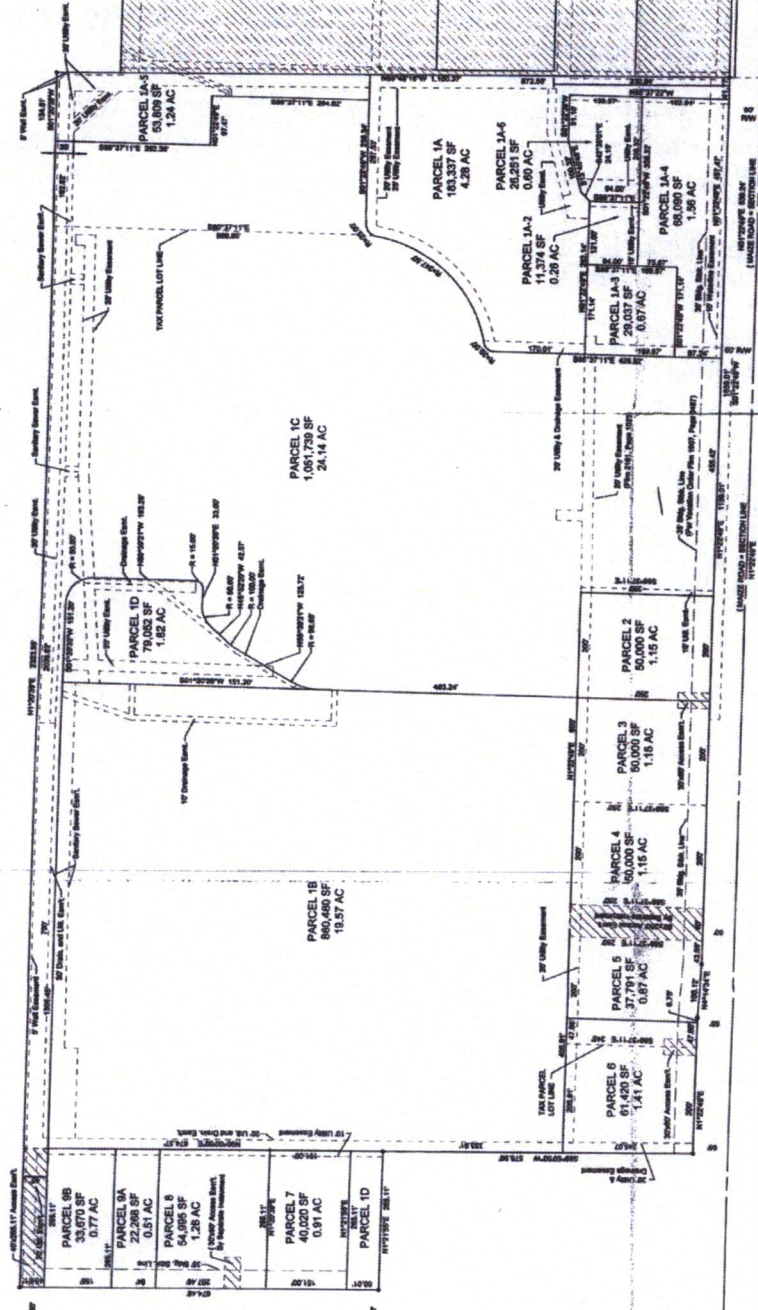
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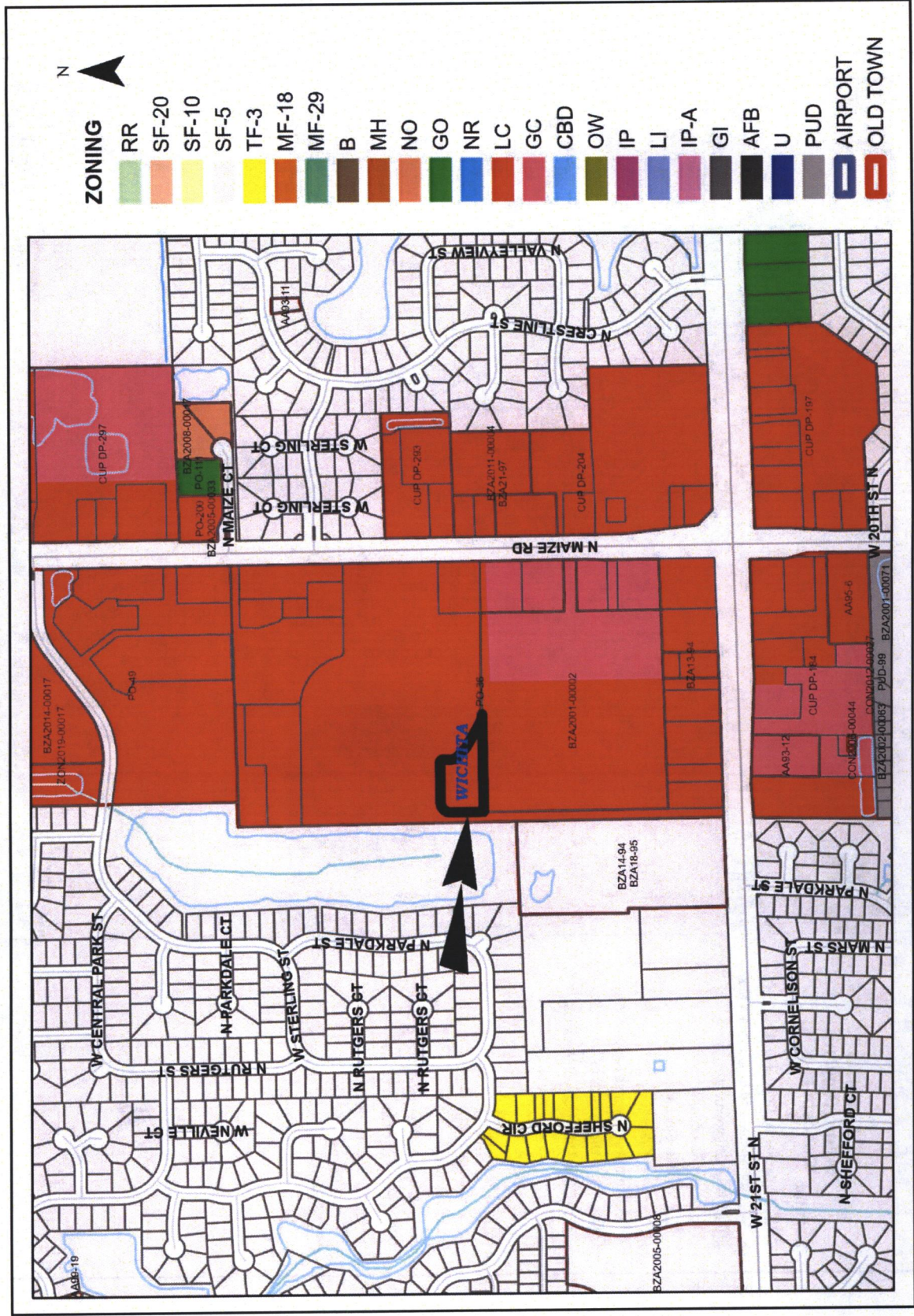
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PROTECTIVE OVERLAY #36 NEWMARKET SQUARE PHASES I & II

OWNER: NEWMARKET SQUARE, LTD.
727 N. WACO AVE., SUITE 400
WICHITA, KANSAS 67203

DATE: 10 OCTOBER 2016





Legend

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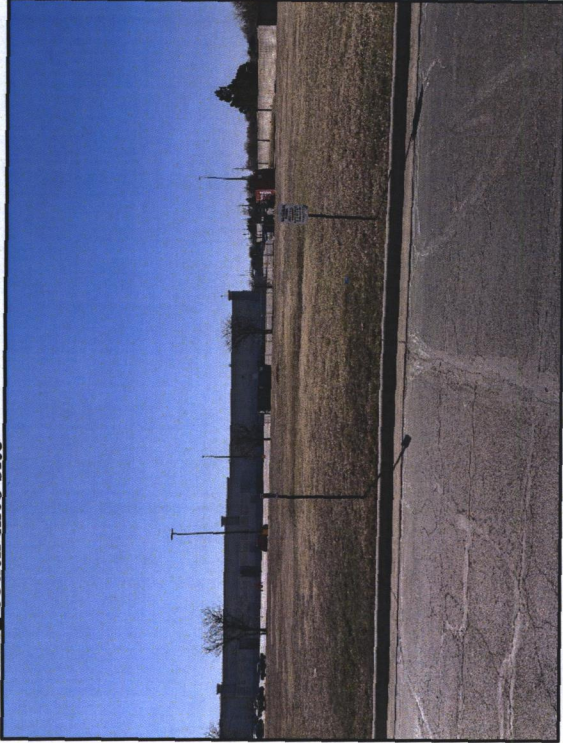
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LAND USE

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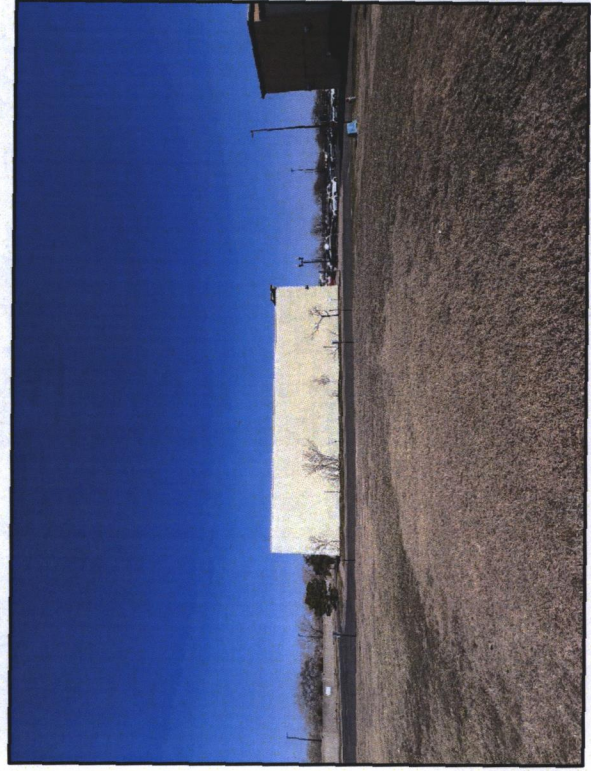
Looking south into site



Looking west into site



Looking north away from site



Looking east away from site



Looking west away from site

