



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

June 3, 2014

Burning Barrel Artisan Ales, LLC c/o Scott Riffel  
1707 N. Waterfront Pkwy  
Wichita, KS 67206

Ferris Consulting c/o Greg Ferris  
PO Box 573  
Wichita, KS

**RE: CON2014-14** – City Conditional Use to permit a Nightclub in the City (micro-brewery with music and outdoor food and beverage service) in CBD Central Business District zoning within 300 feet of a park, generally located east of S. Greenwood and south of Douglas (156 S. Greenwood).

Dear Applicants:

At its regular meeting on **June 3, 2014**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the following conditions:

1. The site shall be developed in conformance with an approved site plan to include a 6-foot screening fence along the north property line.
2. No outside loudspeakers or outdoor entertainment is permitted.
3. Live music and outdoor service hours are limited to 10 pm Sunday through Thursday evenings and midnight on Friday and Saturday evenings.
4. The establishment shall be open to serve the public no earlier than 10:00 AM on any day and shall close to the public no later than 10:00 PM Monday through Thursday, and will close to the public no later than midnight Friday through Sunday.
5. The establishment shall serve only beer and wine to the public, no distilled spirits shall be served to the public.
6. The Conditional Use for a Nightclub is permitted only in conjunction with a microbrewery on the site.
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 that the Conditional Use is null and void.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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[www.wichita.gov](http://www.wichita.gov)

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

Sincerely,



Jess McNeely, AICP  
Senior Planner

Copies to: Lavonta Williams, WCC CM I  
Alana Haynes, NA I  
Tom Stolz, MABCD  
J. R. Cox, MABCD  
Steve Warshbarath, 2564 Wheatridge 67223  
Carrie Ulrich, 155 S. Hydraulic 67211  
Tammy O'Dell, 1603 E. English 67211  
Monica Flynn, 201 Lulu 67211  
Dan Voorhis, 132 S. Greenwood 67211  
Leon Moeder, 122 S. Hydraulic 67211  
Shane Gross, 4004 E. English 67218  
Anthony Jacobs, 151 N. Rock Island 67202  
David Martin, 722 S. Broadview 67218

RESOLUTION No. 14-163

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHTCLUB IN THE CITY WITHIN 300 FEET OF A PARK ON APPROXIMATELY 0.16 ACRES ZONED CBD CENTRAL BUSINESS DISTRICT (CBD), GENERALLY LOCATED ONE BLOCK WEST OF HYDRAULIC AND ONE BLOCK SOUTH OF DOUGLAS (156 S. GREENWOOD), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

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

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow a Nightclub in the City within 300 feet of a park on approximately 0.16 acres zoned CBD Central Business District (CBD).

**Case No. CON2014-00014**

A Conditional Use to allow a Nightclub in the City within 300 feet of a park on approximately 0.16 acres zoned CBD Central Business District (CBD) described as:

Lots 30 and 32, Fannie Avenue, Hyde's Addition to Wichita, Sedgwick County, Kansas.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

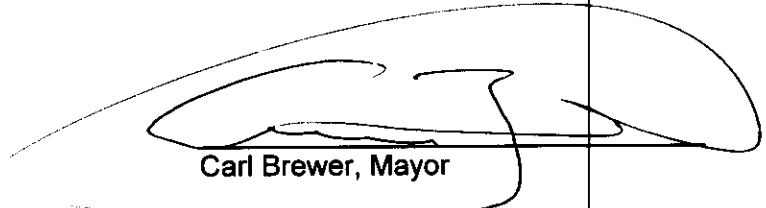
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5. The establishment shall serve only beer and wine to the public, no distilled spirits shall be served to the public.
6. The Conditional Use for a Nightclub is permitted only in conjunction with a microbrewery on the site.
7. If the Zoning Administrator 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 that the Conditional Use is null and void.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

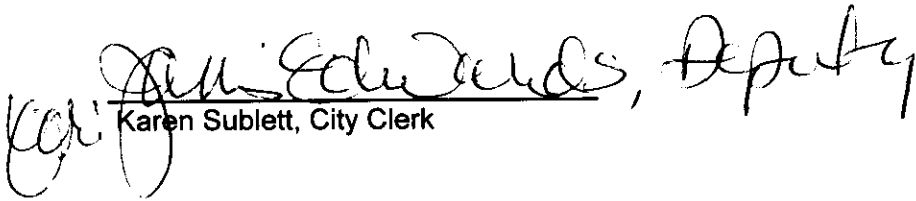
ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

June 3, 2014



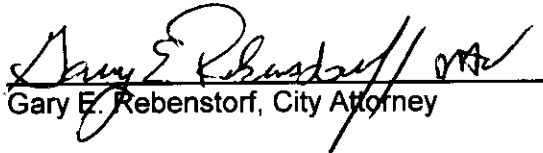
Carl Brewer, Mayor

**ATTEST:**



Karen Sublett, City Clerk

Approved as to form:



Gary E. Rebenstorf, City Attorney

**City of Wichita  
City Council Meeting  
June 3, 2014**

**TO:** Mayor and City Council

**SUBJECT:** CON2014-00014 – City Conditional Use to permit a Nightclub in the City (micro-brewery with music and outdoor food and beverage service) in CBD Central Business District zoning within 300 feet of a park, generally located east of South Greenwood and south of Douglas (156 South Greenwood) (District I)

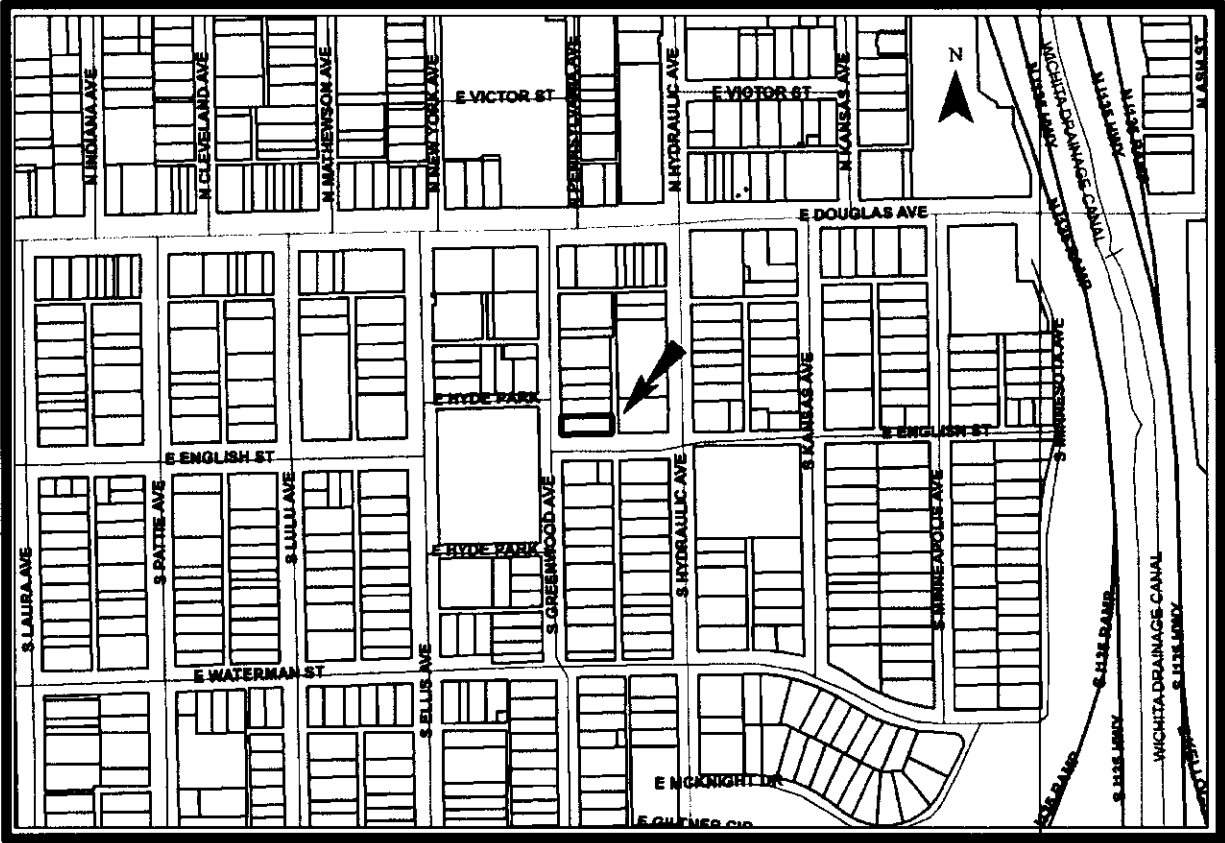
**INITIATED BY:** Metropolitan Area Planning Department *JLS DM*

**AGENDA:** Planning (Non-consent)

**MAPC Recommendation:** The MAPC recommended denial of the request (4-4)

**DAB Recommendation:** District Advisory Board I recommended approval of the request (11-0) subject to staff and applicant recommended conditions.

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request subject to conditions.



**Background:** The application area, 156 South Greenwood, is located at the northeast corner of East English and South Greenwood, one block southwest of the Douglas and Hydraulic intersection, in CBD Central Business District (CBD) zoning. The site is developed with a metal building and limited parking. The County Tax Assessor lists "warehouse-office combination" as the current land use. The applicant intends to develop a micro-brewery on the site with music and outdoor food and beverage service on a patio fronting South Greenwood. The applicant's plans (see attached) demonstrate indoor seating for 71 and outdoor seating for 24 patrons, brewery and kitchen space, and four alley accessed parking spaces (including one ADA space). The CBD zone has no parking requirements.

Nightclub in the City is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a Nightclub in the City in the CBD zoning district by right, but requires a Conditional Use if the property is located within 300 feet of a church, park, school or residential zoning district. The application area is 65 feet from Hyde Park, measured property line to property line across South Greenwood, triggering the Conditional Use requirement. Hyde Park has a playground, a community building, and 13 parking spaces. Four residential buildings are within 300 feet of the site; the residential buildings are also zoned CBD and therefore do not trigger the Conditional Use requirement for a nightclub.

All surrounding properties are also zoned CBD. A multi-family residential building is due north of the site, with two single-family residences and a warehouse further north. South of the site, across English, are a duplex and a funeral home with single and multi-family dwellings further south. East of the site, across an alley, are retail and office uses fronting Hydraulic. West of the site, across Greenwood, is Hyde Park, a printing facility and offices. This area was zoned LI Limited Industrial (LI) until 2005 when an area-wide rezoning expanded the CBD zoning district along the Douglas Street corridor from Washington Avenue to I-135.

**Analysis:** At the Metropolitan Area Planning Commission (MAPC) meeting held on April 24, 2014, a motion to approve the request subject to conditions failed (4-4); therefore the action of the MAPC was to deny the request. Several citizens spoke at the MAPC hearing both opposed to and in support of the request. Opposed neighboring property owners cited concerns regarding safety, parking, noise and compatibility with the park and surrounding properties. Supportive neighboring property owners indicated an opinion that the proposed micro-brewery would be a positive addition to the area.

District Advisory Board (DAB) I heard the request on May 5, 2014. Supportive and opposed property owners spoke at the DAB with similar comments heard at the MAPC hearing. The DAB voted (11-0) to recommend approval of the request subject to the following staff and applicant recommended conditions:

- (1) The site shall be developed in conformance with the approved site plan.
- (2) No outside loudspeakers or outdoor entertainment is permitted.
- (3) Live music and outdoor service hours are limited to 10 pm Sunday through Thursday evenings and midnight on Friday and Saturday evenings.
- (4) The establishment shall be open to serve the public no earlier than 10:00 AM on any day and shall close to the public no later than 10:00 PM Monday through Thursday, and will close to the public no later than midnight Friday through Sunday.
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- (6) 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 that the Conditional Use is null and void.

The Parks and Recreation Department Director, Doug Kupper, submitted an e-mail stating opposition to the request based on concerns with parking and compatibility with the park. Three protest petitions from neighboring property owners were filed. The protests account for 18% of the property within the 200-

The Parks and Recreation Department Director, Doug Kupper, submitted an e-mail stating opposition to the request based on concerns with parking and compatibility with the park. Three protest petitions from neighboring property owners were filed. The protests account for 18% of the property within the 200-foot legal notification area surrounding the application site. The applicant filed an appeal of the MAPC denial; therefore the City Council has the final authority to make a decision regarding the request.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Legal Considerations:** The application has been approved by the Law Department.

**Recommendation/Actions:** It is recommended that the City Council: 1) adopt the findings of the MAPC and deny the Conditional Use (simple majority vote required); 2) approve the request subject to the DAB I recommended conditions by making alternate findings (two-thirds majority vote required); or 3) return the application to the MAPC for further consideration (simple majority vote required).

**Attachments:**

- Applicant's letter, site plan and elevation drawings
- E-mail from Doug Kupper
- Protest petitions and protest map
- DAB I memo
- MAPC minutes

**PROJECT INFORMATION & CODE DATA**

**OWNER**  
 Manning Samuel Aronson Assoc. LLC  
 1707 N. Westport Hwy  
 Wichita, KS 67204  
 Contact: Andy Boyd  
 email: aboyd@msaarch.com

**ARCHITECT**  
 Studium Architecture  
 807 N. Wood, Suite 30  
 Wichita, KS 67203  
 P: 316.262.6643  
 Contact: Tony Jacobs  
 email: tony@studiumkt.com

**GENERAL CONTRACTOR**  
 Commercial Construction  
 2222 Southwest Blvd.  
 Wichita, KS 67213  
 P: 316.262.6644  
 Contact: Bob Larson  
 email: rob@ccwks.com

**ENGINEERING**  
 Truitt Group  
 336 N. Wood  
 Wichita, KS 67202  
 P: 316.269.7999  
 Contact: Travis Rau  
 email: travis.rau@truittgroup.net

**APPLICABLE CODES**  
 THE INTERNATIONAL BUILDING CODE, 2004  
 THE NATIONAL ELECTRICAL CODE, 2011  
 THE INTERNATIONAL PLUMBING CODE, 2009  
 THE INTERNATIONAL MECHANICAL CODE, 2004  
 THE INTERNATIONAL FIRE CODE, 2004  
 AMERICAN WITH DISABILITIES ACT (2010 ADA AG)

**LEGAL DESCRIPTION**  
 LOTS 28-30 FAHNE AVE, HYDRE ADDITION, SEDGWICK COUNTY, KANSAS

**ZONING**  
 CBD Central Business District

**OCCUPANCY GROUP**  
 A-2 Tavern (brewpub)

**CONSTRUCTION TYPE**  
 TYPE B4 CONSTRUCTION  
**BUILDING AREA**  
 ACTUAL: 4,800 SF

**OCCUPANCY LOADS**  
**OCCUPANCY TYPE**  
 A2-TAVERN  
**OCCUPANT LOAD**  
 97 OCC.  
 (90 OCC. + 7 EMPLOYEES)

**OCCUPANCY SEPARATIONS**  
 NONE

**GENERAL INFORMATION**  
 FOOD HANDLING: ON SITE  
 WATER SUPPLY: MUNICIPAL  
 SEWAGE TREATMENT: MUNICIPAL  
 HVAC SYSTEM: FORCE AIR  
 FUEL: NATURAL GAS

**PLUMBING FIXTURES**  
**OCCUPANCY TYPE**  
 A2-TAVERN  
**OCCUPANT LOAD**  
 90 OCC. + 7 EMPLOYEES  
 97 OCC.

TABLE 2102.1  
 REQUIRED PLUMBING FIXTURES PROVIDED

MALE	48 OCC. AT 1 PER 40 OCC. = 1 WC	1 WC, 1 URINAL
FEMALE	48 OCC. AT 1 PER 75 OCC. = 1 LAV	1 LAV
MALE	90 OCC. AT 1 PER 40 OCC. = 1 WC	1 WC, 2 URINAL
FEMALE	90 OCC. AT 1 PER 75 OCC. = 1 LAV	1 LAV

OUTDOOR SEATING: 24 OCC. - 14" x 8" OCC. TABLES  
 (14 OCC. DOES NOT APPLY TO RESTROOM CALCULATIONS)  
 ADDITIONAL 4 MALE OCC. AND 4 FEMALE OCC. DO NOT INCREASE NUMBER OF REQUIRED FIXTURES

**FIRE SPRINKLERS**  
 NONE  
**FIRE ALARM SYSTEM**  
 NONE

**FIRE EXTINGUISHERS**  
 ONE FIRE EXTINGUISHER WITHIN 75'-0" OF ALL AREAS

**FIRE RESISTANCE RATING REQUIREMENTS - II B**

STRUCTURAL FRAME INCLUDING COLUMNS, GIRDERS, BEAMS, TRUSSES	0 hours
BEARING WALLS	0 hours
EXTERIOR BEARING WALLS	0 hours
INTERIOR BEARING WALLS	0 hours
NON-BEARING WALLS	0 hours
EXTERIOR NON-BEARING WALLS	0 hours
INTERIOR NON-BEARING WALLS	0 hours
FLOOR CONSTRUCTION INCLUDING SUPPORTING BEAMS AND JOISTS	0 hours
ROOF CONSTRUCTION INCLUDING SUPPORTING BEAMS AND JOISTS	0 hours

**SITE INFORMATION**  
 REQUIRED PARKING: CBD EXEMPTION  
 PROVIDED PARKING: 4 SPACES TOTAL  
 1 ACCESSIBLE SPACE

**DRAWING SHEETS**

**architectural**  
 A1 site plan and code data  
 A2 floor plan, door and partition types

**mechanical**  
 M1 hvac plan  
 M2 details, schedules, & legends

**plumbing**  
 P1 plumbing floor plan - waste & vent  
 P2 plumbing floor plan - domestic water & gas

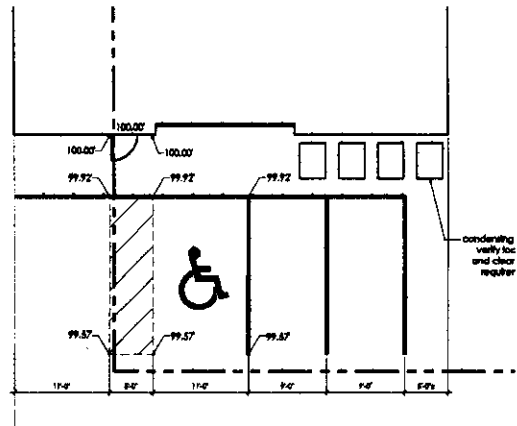
**electrical**  
 E1 schedules, notes, panel layout  
 E2 power plan  
 E3 lighting plan

APPROVED

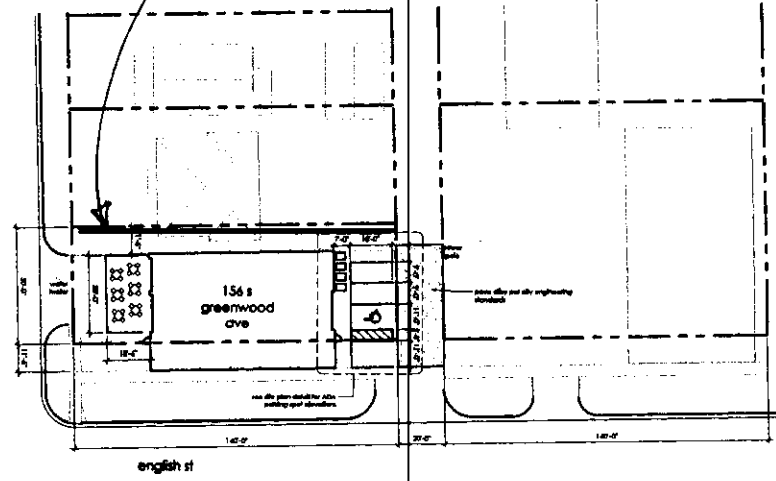
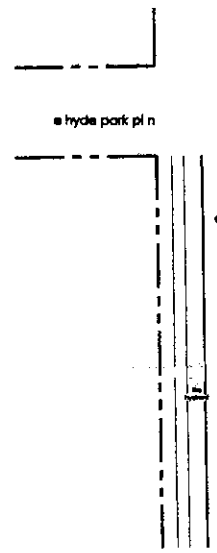
*Travis Rau*

Date: 6-12-14

CON 2014-14 SITE PLAN



ada parking detail  
 1/8" = 1'-0"



site plan  
 1/8" = 1'-0"