



Wichita-Sedgwick County Metropolitan Area Planning Department

CORRECTED

November 10, 2014

Lynn Stewart
911 E. Morris St.
Wichita KS 67211

Robert Kaplan
301 N. Main St., Ste 1600
Wichita KS 67202

RE: CON2014-00027 – City Conditional Use to permit a nightclub in the City generally located at the southwest corner of Morris Street and South Washington Avenue (911 E. Morris St.,)

Dear Applicant:

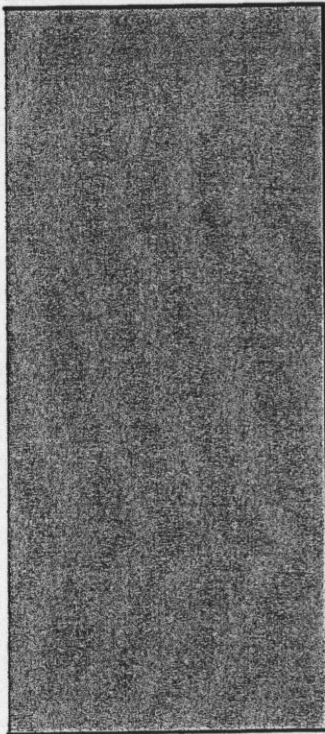
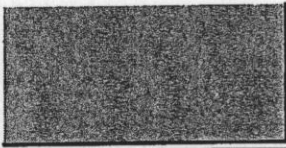
At its regular meeting on November 4, 2014, the Wichita City Council considered the above captioned request. The action of the Commission was to **APPROVE** the request, subject to the following conditions.

1. The applicant shall submit a revised site plan, to be approved by planning staff, which identifies all off-street parking spaces for the nightclub, to include off-site parking spaces *with signage designating parking for the nightclub*.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall meet code required parking of one space per two patron seats; or, the site shall obtain a variance or adjustment to reduce the required parking; or, the applicant shall submit a parking study, to be approved by planning staff, which reasonably accommodates the anticipated parking demand.
4. No outside loudspeakers or outdoor entertainment is permitted.
5. The site shall maintain all necessary licenses for a nightclub in the city.
6. The site shall conform to all applicable codes and regulations in include but not limited to zoning, building, fire and health.

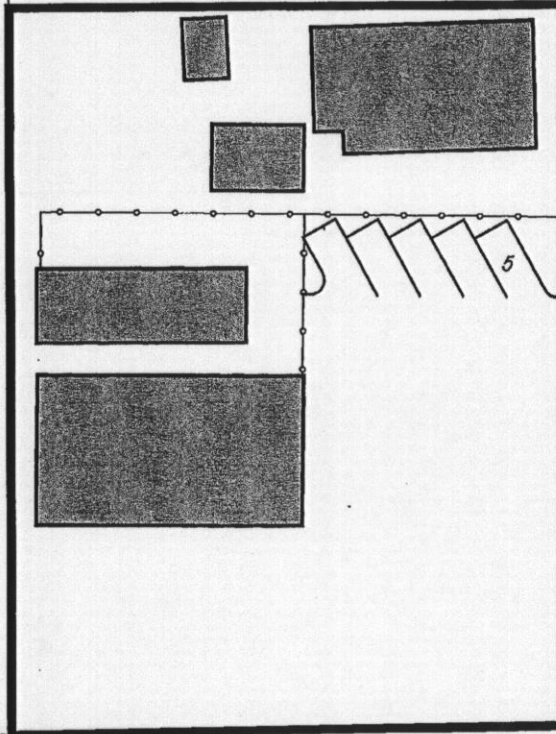
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

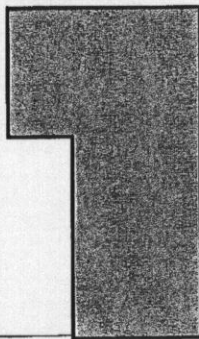
www.wichita.gov



Alley



Washington Ave.



SITE PLAN

APPROVED 12/31/2014 BY *R. Murga*

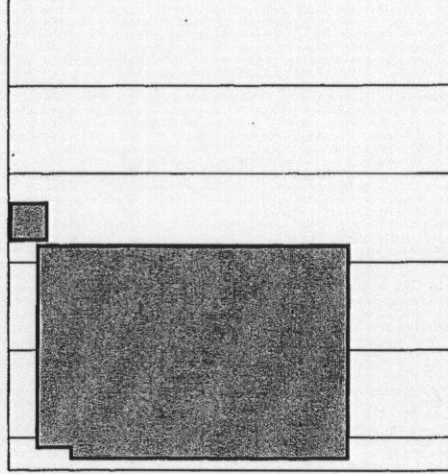
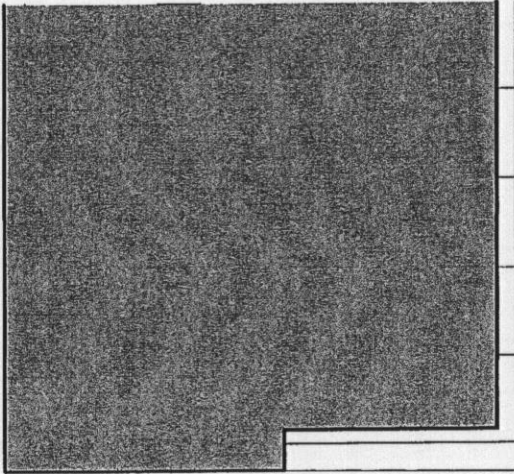
Lincoln St.



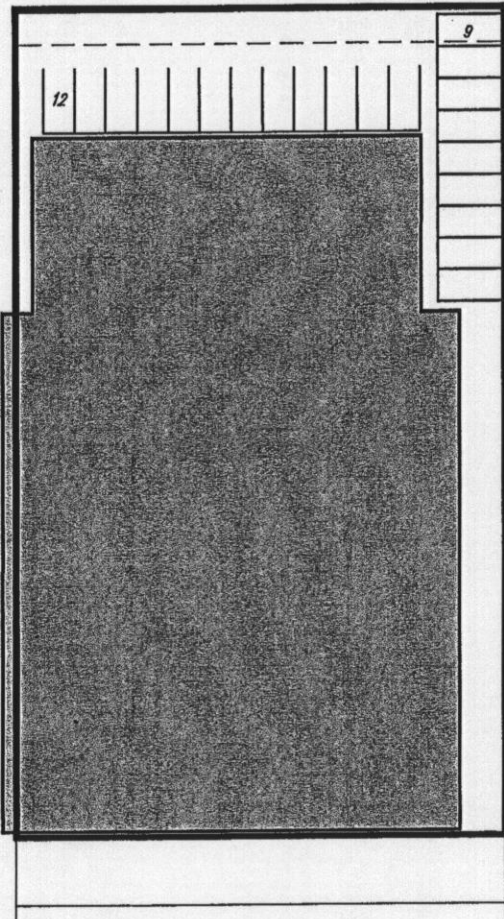
SCALE: 1" = 40'

EXHIBIT
1155 S. Washington Ave

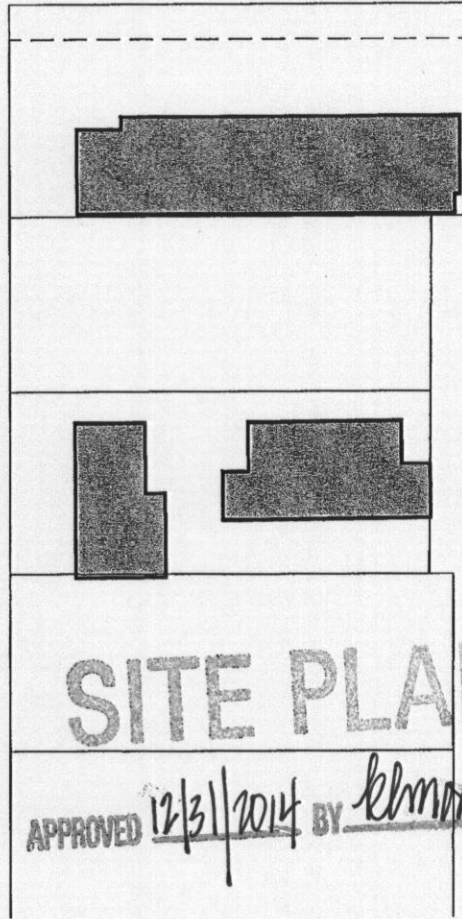




Morris Street



Alley



Washington Avenue



SCALE: 1" = 50'

EXHIBIT
901 E. Morris Street






TOTAL PARKING SHOWN: 54 SPACES

SITE PLAN
CON20014-27

Approved
12/30/2014



Copy 2


SCALE: 1" = 40'

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.

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

Sincerely,


Dale Miller
Current Plans Manager

Copies to: James Clendenin, WCC CM III
Case Bell, NA III
Tom Stolz, MABCD
J.R. Cox, MABCD
Lonnie Hephner, 2740 Laura, Wichita, KS 67216

RESOLUTION No. 14-318

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHTCLUB IN THE CITY WITHIN 300 FEET OF RESIDENTIAL ZONING ON APPROXIMATELY 0.15 ACRES ZONED GC GENERAL COMMERCIAL (GC), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF MORRIS STREET AND SOUTH WASHINGTON AVENUE (911 E. MORRIS), 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 residential zoning on approximately 0.15 acres zoned GC General Commercial (GC).

Case No. CON2014-00027

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 145, 147 and the South 10 feet of vacated Morris Street EXCEPT 8.5 feet more or less for Washington Avenue, Kelsch's Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall submit a revised site plan, to be approved by planning staff, which identifies all off-street parking spaces for the nightclub, to include off-site parking spaces.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall meet code required parking of one space per two patron seats; or, the site shall obtain a variance or adjustment to reduce the required parking; or, the applicant shall submit a parking study, to be approved by planning staff, which reasonably accommodates the anticipating parking demand.
4. No outside loudspeakers or outdoor entertainment is permitted.
5. The site shall maintain all necessary licenses for a nightclub in the city.
6. The site shall conform to all applicable codes and regulations in include but not limited to zoning, building, fire and health.
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

11-4-14



[Signature]
Carl Brewer, Mayor

ATTEST:

[Signature]
Karen Sublett, City Clerk

Approved as to form:

[Signature]
Sharon Dickgrafe, City Attorney
Interim City Attorney

STAFF REPORT
DAB III 10-6-14
MAPC 9-25-14

CASE NUMBER: CON2014-27

APPLICANT/AGENT: Maisch Family Limited Partnership, c/o Lynn Stewart (applicant),
Robert Kaplan (agent)

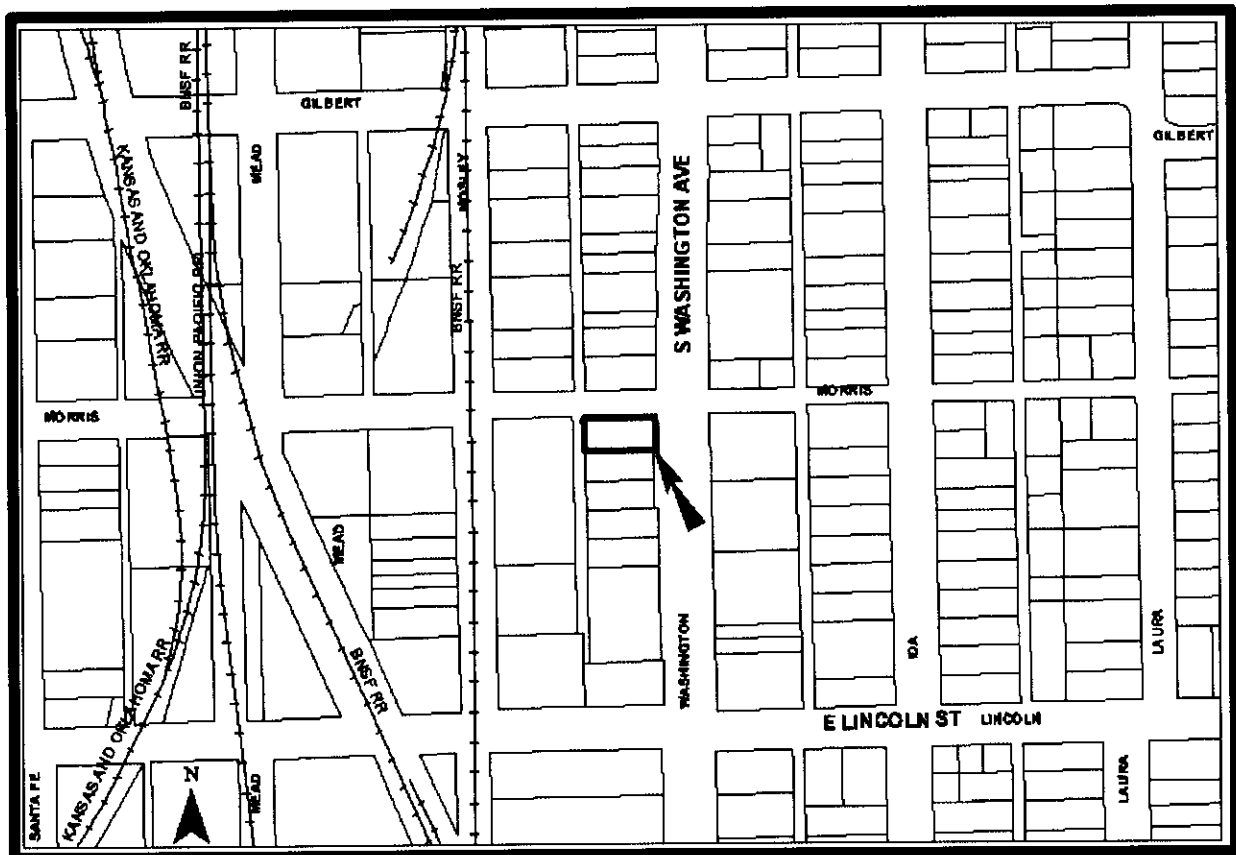
REQUEST: Conditional Use for a Nightclub in the City within 300 feet of
residential zoning

CURRENT ZONING: GC General Commercial

SITE SIZE: .15 acres

LOCATION: Southwest corner of Morris Street and South Washington Avenue
(911 E. Morris)

PROPOSED USE: Nightclub with Entertainment License



BACKGROUND: The application area, 911 E. Morris, is located at the southwest corner of Morris Street and South Washington Avenue in GC General Commercial (GC) zoning. The site is developed with a one-story brick building and approximately 13 off-street parking spaces. The County Tax Assessor lists “bar/tavern/lounge” as the current land use, a drinking establishment has functioned on the site as a legal non-conforming use. The applicant wishes to obtain an entertainment license and therefore requests this conditional use for a “nightclub in the city.” 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 GC 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 approximately 100 feet from a residential zoned property at the northeast corner of Morris and Washington, and is within 300 feet of residential zoned property one block to the east along S. Ida Ave. All residential zoned properties within 300 feet of the application area are zoned B Multi-family Residential and are developed with single-family homes.

All surrounding properties to the north, south and west are zoned GC or LI and developed with retail, warehousing, and some residential uses. Rail spurs exist west of the site along Mosley and Mead Avenues. East of the site, along the Washington frontage is primarily zoned GC with some B zoning; land uses along the east side of Washington include auto repair and some residential uses. Further east, Ida and Laura Avenues are zoned B and developed primarily with single-family residences.

CASE HISTORY: The site was platted as Lots 145 and 147 and the south 10 feet of vacated Morris Street of Kelsch’s Addition in 1886.

ADJACENT ZONING AND LAND USE:

North: GC	Retail, warehousing
South: GC	Single family residences, warehousing, bar/tavern
East: GC, B	Vehicle repair, warehousing, single and multi-family residential
West: LI	Warehousing, rail operations, manufacturing

PUBLIC SERVICES: Morris is a paved local street at this location with a 46-foot right-of-way (ROW), the site has paved alley access from Morris. Washington is a 4-lane urban collector at this location with additional turn lanes and a 98-foot ROW. The 2030 transportation plan designates this portion of Washington as becoming a 5-lane arterial. All other urban utilities and services are available.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” and adjacent to an area designated as “employment/industry center.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The employment/industry center category encompasses areas with concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or

nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas. The application area is within the South Central Neighborhood Plan, adopted in 2006. That plan recommends that the site remain commercial, the plan also encourages the expansion of existing businesses. The UZC requires one parking space per two seats for nightclubs, the application area appears to have 13 total parking spaces on the north and west sides of the building.

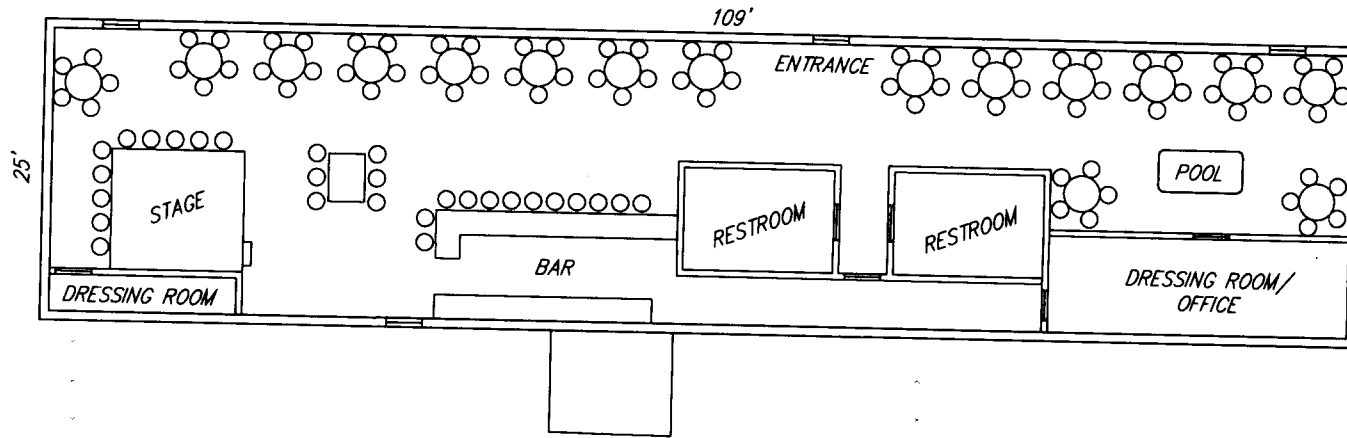
RECOMMENDATION: Staff notes that a bar has existed on this site for some time, and another bar exists within this block to the south. This application does not introduce a new use to this location, and the use does not appear to be incompatible with the residential zoning within 300 feet. Staff also notes that limited parking is available on the site. However, the industrial area west of the site offers on-street parking during evening hours. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall submit a revised site plan, to be approved by planning staff, which identifies all off-street parking spaces for the nightclub, to include off-site parking spaces.
- (2) The site shall be developed in conformance with the approved site plan.
- (3) The site shall meet code required parking of one space per two patron seats; or, the site shall obtain a variance or adjustment to reduce the required parking; or, the applicant shall submit a parking study, to be approved by planning staff, which reasonably accommodates the anticipated parking demand.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations in include but not limited to zoning, building, fire and health.
- (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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** All surrounding properties to the north, south and west are zoned GC or LI and developed with retail, warehousing, and some residential uses. Rail spurs exist west of the site along Mosley and Mead Avenues. East of the site, along the Washington frontage is primarily zoned GC with some B zoning; land uses along the east side of Washington include auto repair and some residential uses. Further east, Ida and Laura Avenues are zoned B and developed primarily with single-family residences.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned GC and developed with a building previously used as a bar. The site could be used as zoned for other commercial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is zoned GC and could be developed with any range of permitted uses in that district. The proximity of residential zoning on the east side of Washington triggers the conditional use review for a nightclub. Noise and activity from the nightclub could impact the residential neighborhood east of Washington, although traffic and parking would remain on the west side of Washington, possibly using on-street parking along industrial streets to the west of the site. The limited size of the site will prevent expansion beyond a neighborhood scale, and proposed conditions should mitigate impacts on surrounding properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would presumably be an economic hardship upon the property owner, as the applicant owns the property and desires to operate the proposed business within GC zoning.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” and adjacent to an area designated as “employment/industry center.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The employment/industry center category encompasses areas with concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas. The application area is within the South Central Neighborhood Plan, adopted in 2006. That plan recommends that the site remain commercial, the plan also encourages the expansion of existing businesses. The UZC requires one parking space per two seats for nightclubs, the application area appears to have 13 total parking spaces on the north and west sides of the building.
6. Impact of the proposed development on community facilities: The proposed use will impact on-street parking within the surrounding area. The proposed Conditional Use should not impact community facilities to any greater extent other uses permitted in the GC zoning district.



SITE PLAN

APPROVED 12/31/2014 BY *[Signature]*

BUILDING SIZE:	2,736 SF±
MAX. SEATING CAPACITY:	106 PERSONS
SEATING SHOWN:	106 SEATS
PARKING REQUIRED:	54 SPACES
PARKING PROVIDED:	54 SPACES



SCALE: 1" = 10'

PROPOSED SEATING PLAN
911 EAST MORRIS STREET