

# DISTRICT I ADVISORY BOARD AGENDA

December 7, 2015, 6:30 p.m.

Atwater Neighborhood Resource Center  
2755 E. 19<sup>th</sup> St. N., Wichita, KS 67214

## ORDER OF BUSINESS

Call to Order

Approval of agenda for Dec.7, 2015

Approval of minutes for Nov. 2, 2015

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### Public Agenda

Board will hear public issues from individual citizens regarding City issues not scheduled on the agenda. Each presentation is limited to five minutes unless extended by the Board.

#### 1. Scheduled Items

No items.

#### 2. Off Agenda Items

Any individual present that did not request to speak on the public agenda prior to the meeting may speak at this time.

### Staff Reports

#### 3. Fire Report

**Fire Department** will provide information on activity in the District I community.

**Recommended Action:** Receive and file

#### 4. Police Report

**Police Department** will provide information on activity in the District I community.

**Recommended Action:** Receive and file

### New Business

#### 5. ZON2015-00047 TF-3 Two-family Residential to GC General Commercial

**Bill Longnecker, Metropolitan Area Planning Department, will present this request.** The applicant is requesting GC General Commercial ("GC") zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential ("TF-3"). The proposed use is a parking area, commercial, for the art studio and an open air retail market with outside display proposed to be developed just west of the site, across Green Street. The site is located at the southeast corner of East 13<sup>th</sup> Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is undeveloped.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east.

**Recommended Action:** While this proposed zone change does not exactly conform to the existing Land Use Guide of the Comprehensive Plan, this request would be in conformance at the other three corners of the intersection due to them being classified as Local Commercial. This proposed zone change is proposed to help serve the property to the east of the subject site (across Green Street) which was granted a zone change from TF-3 to GC by the MAPC on December 2, 2010 (ZON2010-00042). Thus, based upon the information available prior to the public hearings and past zone change requests in the area, planning staff recommends that the request be APPROVED, subject to the proposed Protective Overlay:

The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

**6. CON2015-00025 Conditional Use for an event center - nightclub in the city**

**Bill Longnecker, Metropolitan Area Planning Department, will present this request.**

The applicant is requesting consideration for a Conditional Use for an “event center” and a “nightclub in the city” on the LC Limited Commercial (LC) zoned platted property located north of Kellogg Street on the west side of Hydraulic Avenue (421 S. Hydraulic Ave.). The applicant proposes to provide a venue for events, such as weddings, birthdays, church functions, fraternal functions, a reception venue and similar activities. The serving of food is an option at these events. Dancing with DJ provided music or live music is an option for the events. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. An establishment that serves unrestricted amounts of alcohol for consumption on site and that also provides live entertainment or dancing is defined as a nightclub in the city; UZC Unified Zoning Code (UZC) Sec.II-B.9.b. When a LC zoned proposed nightclub in the city is located within 300-feet of a church, public park, school or residential zoning district a Conditional Use is required: UZC Sec.III-D.6.w. B Multi-Family Residential (B) zoned property is located less than 70-feet east of the site, across Hydraulic Avenue. The unoccupied event center-nightclub portion of the site is located in the east half of a small one-story commercial strip building (built 1950). The west half used to house the Night Owl bar. Staff has found no previous conditional use or use exception for a tavern/drinking establishment or nightclub for this site. Staff found no other tavern/drinking establishments, nightclubs or event center-nightclubs located in the neighborhood.

The applicant proposes that the nightclub and event center-nightclub operate; Friday-Saturday, 5:00 p.m.-1:30 a.m., Monday-Wednesday, 5:00 p.m.-11:00 p.m., Thursday, 5:00 p.m.-12:45 a.m. and Sunday, 5:00 p.m.-12:45 a.m. The west nightclub portion is open to the general public. The east event center-nightclub portion is rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled; UZC Sec.II-B.4.m. Enforcement of the proposed operations is problematic, as the Metropolitan Area Building and Construction Department’s Code Enforcement division (OCI) is not active during the proposed hours or on the weekends.

**Recommended Action:** The site lacks the required parking. Based on the applicant’s and OCI’s information on the site, 126 parking spaces are needed but the site can only provide 29 parking spaces; the site is 97 parking spaces short of the required parking. The parking issue could be addressed by a variance or off-site parking agreements. However, a variance would probably not resolve the issue of parking on neighboring properties or parking in the west abutting paved alley. Enforcement of the proposed operation is problematic, as OCI is not active during the proposed hours or on the weekends. The proposed nightclub and event center-nightclub appears to be too ambitious for the site. However, there is the possibility that the applicant could acquire additional parking located within 600-feet of the subject site; UZC Sec.IV-9. & 10. The applicant should be given the opportunity to resolve parking with a deadline. If the parking is not resolve before the deadline the request would be closed and marked denied. Based upon information available prior to the public hearings, planning staff recommends that the request for a nightclub in the city be APPROVED, subject to the 9 listed conditions.

**7. CON2015-00035 A Conditional Use for self-service storage warehouse**

**Bill Longnecker, Metropolitan Area Planning Department, will present this request.** The applicant is requesting a conditional use for a self-service storage warehouse on a portion of the undeveloped 1.76 acre LC Limited Commercial (LC) zoned Lot 1, Lonely Pine Addition. Generally located east of Oliver Avenue, on the north side of 21st Street North and east of Pinecrest Avenue (5310 E 21st Street N). The applicant owns the abutting self-service storage warehouse development and if the conditional use is approved the subject site will become part of the existing self-service storage warehouse development, under one owner.

**Recommended Action:** Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use for warehouse/self-storage be **APPROVED**, subject to the 5 listed conditions.

**8. ZON2015-00048 TF-3 Two-family Residential to GO General Commercial**

**Bill Longnecker, Metropolitan Area Planning Department, will present this request.** The applicant requests a zone change from TF-3 Two-family Residential (“TF-3”) to GO General Office (“GO”) on a 0.97 acre site located south of East 9<sup>th</sup> Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.) The vacant site is 208 feet deep and 80 feet wide. The applicant indicates a desire to have the property rezoned to the same zoning of the properties to the north and south of the subject site to make the property more marketable.

**Recommended Action:** Staff finds that based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

**Board Agenda**

**9. Updates, Issues and Reports**

Opportunity is provided for the Council Member and the District Advisory Board members to report any activities, events, or concerns in the neighborhoods and/or Council District.

**Recommended Action:** Receive and file

The next DAB I meeting will be held at 6:30 p.m., January 4, 2016, at the Atwater Neighborhood Resource Center, 2755 E.19<sup>th</sup> St. N., Wichita, KS 67214.

**Adjourn**