

# DISTRICT III ADVISORY BOARD AGENDA

July 6, 2016  
6:30 p.m.

Wichita Water Center  
101 E. Pawnee  
Wichita, KS 67211

## ORDER OF BUSINESS

Call to Order  
Approval of Agenda for July 6, 2016  
Approval of Minutes for June 1, 2016

## STAFF REPORTS

1. **Fire Report**

**None:** Next staff report in August.

**Recommended Action:** Receive and file.

2. **Police Report**

**None:** Next staff report in August.

**Recommended Action:** Receive and file.

## PUBLIC AGENDA

3. **Scheduled items**

**None**

**Recommended Action:** Receive and file.

4. **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.

**Recommended Action:** Provide comments/take appropriate action.

## NEW BUSINESS

5. **Overview of 2017-2018 Proposed Budget**

**Mark Manning, Budget Officer Finance**, will present an overview of the 2017-2018 proposed budget.

**Recommended Action:** Receive and file

6. **ZON2016-22/CON2016-15**

**Bill Longnecker, Metropolitan Area Planning Department**, will present a city zone change to LI Limited Industrial and a Conditional use for wrecking and salvage located north of MacArthur and east of Broadway.

The applicant is requesting a zone change from SF-5 Single-family Residential (“SF-5”) and GC General Commercial (“GC”) to LI Limited Industrial (“LI”) and a Conditional Use to permit a wrecking/salvage yard on three unplatted tracts that total approximately 7.9-acres. The subject property is mostly vacant, with the northern tract developed with a car lot. The Unified Zoning Code (UZC) definition of a “wrecking and salvage yard” includes the proposed use: “. . . a lot, land, or structure used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage materials, junk, or discarded materials; and/or for sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards.” The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking/salvage yard in the LI zoning district.

The surrounding area is developed with tire sales and outdoor tire storage, car sales, vehicle repair, vehicle body repair shops, vehicle towing and storage, vehicle wrecking and salvage yards, junk yards, a sexual oriented business, motels and retail. There are a couple of residences on the SF-5 zoned properties along the north side of MacArthur, between South Broadway and I-135. The subject site backs up to the Arkansas River and a portion of I-135 right-of-way (ROW) on its east side. All of the properties in this area, located on the east side of Broadway and the north side of MacArthur, end at the river or property zoned either GC or LI. Properties located on the south side of MacArthur are zoned GC or LI and are not deep and are much smaller than the properties located on the north side of MacArthur.

**Recommended Action:** Based upon information available prior to the public hearing, planning staff recommends that the requested LI Limited Industrial zoning with a Conditional Use for a wrecking and salvage yard be **APPROVED**, subject to waiving of Supplemental Use Regulation (Sec.III-D.6.c) to allow the proposed use to abut an expressway and to require a 150 foot setback of the operation from an arterial street (East MacArthur Road) and the following conditions:

- (1) The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard, except for the south 150 feet of the site adjacent to East MacArthur Road. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with use.
- (2) The site shall be developed in accordance to an approved site plan, which shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.

- (3) The subject property shall be entirely enclosed by a screening fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of such fence. No wreck vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.
- (4) Screening along the east property line abutting the I-135 right-of-way shall be provided in the form of evergreen vegetation. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet.
- (5) The height of wrecked vehicles or salvage, including parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.
- (6) Salvage materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked, and salvaged vehicles and materials shall be on a surface approved by Office of Central Inspection.
- (7) The application shall maintain at all times an active program for the eradication and control of rodents.
- (8) Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
- (9) Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.
- (10) Employee parking spaces should be provided per the UZC on an area paved with asphalt or concrete.
- (11) Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designed by Environmental Services.

- (12) Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
- (13) The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
- (14) The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard,
- (15) If the Zoning Administrator finds that there is a violation of any 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.

**7. CON2016-22**

**Bill Longnecker, Metropolitan Area Planning Department**, will present a Conditional Use for a nightclub located at the southeast corner of Wassall and Hydraulic.

The application area, 2802 South Hydraulic Avenue, is located at the southeast corner of Hydraulic Avenue and East Wassall Street in LC Limited Commercial (LC) zoning and within 300 feet of residential zoning. The site is developed with a one-story building and 35 off-street parking spaces. The County Tax Assessor lists “restaurant” as the current land use; the site currently has a drinking establishment-restaurant license allowing the sale of alcohol provided that food is the majority of the gross sales. A drinking establishment and/or restaurant has functioned on the site for many years. 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 LC 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 120 feet west of multi-family residential zoning and development along Wassall Street, 160 feet from single-family residential zoning and development on South Rose Marie Court, 230 feet from single-family residential zoning and development on South Hydraulic and 230 feet from two-family residential zoning with single-family residential development on South Greenwood Avenue.

Property north of the site is zoned LC and developed with retail, warehousing and another drinking establishment. Property south of the site is zoned LC and developed

with a retail strip center and vehicle repair. Property east of the site is zoned LC and developed with a warehouse/office. Property further east is zoned MF-29 Multi-family Residential (MF-29) and developed with three-plex apartments. Property west of the site is zoned LC and developed with a convenience store and a vehicle sales lot. Property further west is zoned TF-3 Two-family Residential (TF-3) and SF-5 Single-family Residential (SF-5) and developed with single-family residences.

**Recommended Action:** Staff notes that some form of drinking establishment has existed on this site for some time which does not appear to be incompatible with nearby residential uses. This application does not introduce a new use to the area. Staff notes that the site is buffered from nearby residential properties by other commercial uses. 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 obtain a parking reduction through a zoning administrative adjustment or variance and/or a shared parking agreement to conform to the UZC parking requirements.
- (2) The applicant shall submit a revised site plan, to be approved by planning staff, which identifies required parking.
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (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 to 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.

#### 8. **ZON2016-24**

**Bill Longnecker, Metropolitan Area Planning Department**, will present a Zoning change to LC Limited Commercial located at the northwest corner of Harry and Hillside.

The applicant is seeking Limited Commercial (LC) zoning on approximately 0.10 acre of a 0.74 acre parcel located at the northeast corner of East Harry and South Hillside. The subject site is the northeast portion (0.04 acre) of the platted lot and the west 0.06 acre of the Replat of Pineridge Addition. If approved, the LC zoning would permit the entire parcel to be redeveloped as a fast food restaurant. TN Investments is in negotiation to purchase the 0.06 acre from the Catholic Diocese of Wichita.

The properties located east and south of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land north of the site is zoned B Multi-family and TF-3 Two Family Residential developed with single family residential. Land to the east of the site is zoned TF-3 and is All Saints Parish.

**Recommended Action:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVED** of the request upon dedication of street right-of-way along the Harry Street frontage for future street expansion.

**CON2016-00025**

**Bill Longnecker, Metropolitan Area Planning Department,** will present a Conditional Use for a nightclub located north of Pawnee and east of Southeast Boulevard.

The LC Limited Commercial zoned site is located east of South Southeast Boulevard/Kansas Highway K-15 on the north side of East Pawnee Avenue. Currently the west portion of a 3,960-square foot one-story commercial strip building (built 1955) advertises itself as Whisky Jacks. When a LC zoned tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Code (UZC), Sec.III-D6.w. TF-3 Two-Family Residential and SF-5 Single-Family Residential (SF-5) zoned properties about the north side of the site. There is no history of a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. However the applicant has stated that the site has been either a tavern, drinking establishment or nightclub most of its time (from 1955 to the present), with the longest tenured being called the Golden Knight. The site currently does not have a liquor or entertainment license and is vacant. The applicant is applying for a Conditional Use for a nightclub to get the site in conformance with the UZC and to obtain a liquor and entertainment license.

The applicant's site plan is an aerial. The aerial does not show marked parking spaces, but a trip to the site showed maybe 23 barely discernable parking spaces; 10 parking spaces on the north and south sides of the site and three parking spaces on the east side of the site. The proposed nightclub shares the 3,960-square foot one-story commercial strip building with a Chinese restaurant. The occupancy rate of the nightclub may be 84 and the occupancy rate for the restaurant may be 40; the applicant will confirm these occupancy rates. Based on these tentative occupancy rates the total parking required for the nightclub is 42 parking spaces (one space per two occupants) and 14 parking spaces (one space per three occupants) for the restaurant for a total of 56 parking spaces, which is 31 parking short of the required parking for this site. The applicant will need to apply for either a variance, an off-street parking agreement or a combination of the two to meet the UZC's parking standards. The UZC requires off-street parking space to be located no more than 600 feet from the building or use it is intended to serve, measured along the shortest legal, practical walking route. The aerial does not show the wooden fence that separates the site from the north abutting TF-3 and SF-5 zoned single-family residences. The staff's trip to the site showed no screening of the dumpster(s), which were placed up against the north side of the site. The UZC requires dumpsters and refuse receptacles to be located a minimum of 20 feet from any property zoned TF-3 or more restrictive and it requires solid screening around dumpsters. The site is completely paved over with no opportunity for landscaping. There are no on -ground parking stops or a rail barrier to prevent cars parked on the south side of the site, along Pawnee Avenue, from overlapping

into the right-of-way where the sidewalk would continue from the abutting east and west properties.

LC zoned businesses are located along this relatively short portion of Pawnee Avenue between South Southeast Boulevard (west side) and the I-135 interchange (east side). The LC zoned business include a Burger King (built 1996) and Spangles (built 1986) fast food restaurants, a Mexican restaurant (built 1956), a Chinese restaurant, a commercial box partially occupied by a Doller General retail store (formerly Howards Grocery and then Checkers Grocery, built 1968), Big Bob's flooring outlet (built 1956) a self-serve laundry service (built 1957), pay day loan (built 1999), a liquor store (built 1967), and a car wash(built 1966). Two SF-5 zoned single-family residences (built 1930s) are located east of the site along Pawnee Avenue. A TF-3 and SF-5 zoned single-family residences (built mostly mid-1950s, part of a SF-5 single-family residential neighborhood) about the north side of the site. The nearest nightclub or drinking establishment is located approximately a quarter-mile west of the site at 1507 and 1527 East Pawnee Avenue. A Conditional Use, CON2016-00030, is scheduled later this year for 1507 and 1527 East Pawnee Avenue.

**Recommended Action:** If approved the request would re-establish a drinking establishment – nightclub on the site. Typically in the older neighborhoods, parking is a critical consideration for recommending approval as is the proximity of a church or place of worship, Public Park, public or parochial school or residential zoning district. The site does not have the required parking spaces. The applicant will need to apply for either a variance, off-street parking agreements or a combination of the two to meet the UZC's parking standards. It is unknown how the site's past history as a drinking establishment or nightclub will affect the neighbors' opinion of the current application. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a nightclub be **APPROVED**, with the following conditions:

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, the required parking spaces, locating dumpsters 20 feet from the north abutting SF-5 zoned properties, solid screening with a solid screening gate around the dumpsters, the solid wooden fence, and a rail to prevent cars parked on the south side of the site, along Pawnee Avenue, from overlapping into the right-of-way. No outdoor seating, outdoor speakers or outdoor entertainment is permitted. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) The use of the site as a nightclub shall not be permitted until the applicant confirms the occupancy rates of the nightclub and the restaurant.
- (3) The use of the site as a nightclub shall not be permitted until the applicant provides written agreements for 31 off-site or shared parking, a variance is approved or a combination of the two. The amount of needed off-site parking is subject to change based on the confirmation of the occupancy rates of the nightclub and the restaurant.
- (4) The use of the site as a nightclub shall not be permitted until the parking lot is restriped and a metal rail is installed along the site's Pawnee Avenue frontage.
- (5) The use of the site as a nightclub shall not be permitted until dumpsters are located 20

feet from the north abutting SF-5 zoned properties and solid screening (as defined in the UZC) with solid screening gates are installed around the dumpsters.

- (6) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (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.

## **BOARD AGENDA**

### **9. Updates, Issues, and Reports**

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

**Recommended Action:** Provide comments/take appropriate action.

### **10. Adjournment**

The next District III Advisory Board meeting will be August 3, 2016 at 6:30pm at The Water Center, 101 E. Pawnee.