

ORDINANCE NO. 52-610

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. PUD2024-00024

Zone change request from GC General Commercial District to PUD Planned Unit Development, subject to the general provisions of PUD #135, on property legally described as:

Lots 1 and 2, Bouse's Replat of Lots 2, 4, 6, and 8, on Main Street (now Park Place), Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the East line of Lot 2.
AND

Odd Lots 1 through 23 inclusive, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; and that part of the 14-foot wide vacated alley adjacent to the West line of Lots 1, 3, 5, and 7.

The Empower Planned Unit Development (PUD #135) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.

PROJECT DESCRIPTION: This site will be a vibrant cultural hub with three renovated buildings that foster community connection. This complex will feature public dining, shopping, and artistic experiences, along with low-cost resources for minority-owned startups. With a shared commercial kitchen and mentorship programs, aspiring entrepreneurs will thrive, while visitors can enjoy a rich array of handcrafted good, delicious food, live music, and cultural festivities.

The purpose of this Planned Unit Development (PUD) is to address proposed use restrictions associated with Entertainment Establishment in the City, Event Center in the City and Nightclub in the City as this infill redevelopment project is within 300 feet of a residential zoning district.

GENERAL PROVISIONS:

1. Total Land Area: 57,425 square feet or 1.32 acres
2. Required parking shall be limited to existing parking lots included on Parcel 1. However, prior to Community Events, a parking and transportation plan shall be submitted as part of any Community Event Permit application for this site.
3. There shall be no minimum front yard, side yard or rear yard setbacks.

4. Landscaped street yard and landscape buffers are not required.
5. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential uses. Additional lighting during and for community events shall be limited to decorative and security lighting.
6. Any outdoor areas shall be screened from ground level view from any residentially zoned property within 150 feet of the outdoor areas with a minimum of a six-foot screening fence per the standards of the UZC. Additional landscape parking lot screening for the existing parking lot along North Market Street shall not be required unless the parking lot is reconstructed. The west property line of the parking lot along the North Market Street alley shall have temporary screening during community events.
7. Outdoor music, whether live or recorded, shall be allowed as long as the stage or the source of the music is facing a north or northeast direction and the maximum decibel level at the property line of the closest residentially zoned property shall be in conformance with the City of Wichita noise ordinance and a site plan is submitted identifying the alley and site of temporary screening. Outdoor music shall be limited to the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight on Friday and Saturday. Outdoor music is limited to locations identified on an approved site plan. In order for outdoor music to be permitted on the site, the site is required to have a solid barrier between the two buildings, across the former alley and immediately south of where the outdoor music would occur.
8. Outdoor service of food and drink as an accessory part of the operation of the Entertainment Establishment in the City, Event Center in the City, and Nightclub in the City shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and midnight on Friday and Saturday. Outdoor service of food and drink is limited to locations identified on an approved site plan.
9. Events that include 300 attendees or more shall be limited to two (2) events per week. Events that include 300 attendees or more shall be limited to two (2) events per week. Indoor and outdoor events shall be allowed between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday and between 10:00 a.m. and midnight on Friday and Saturday.
10. The outdoor use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.
11. Community and outdoor events shall be permitted in accordance with City of Wichita licensing requirements. Any trash/litter created from said community events shall be contained during and cleaned within 24 hours of the completion of the event.
12. Amendments, adjustments or interpretations to the PUD shall be done in accordance with the Unified Zoning Code.
13. The transfer of title of all or any portion of land within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

16. The design layout shown on the plan illustrates the general development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.

LEGAL DESCRIPTION

Lot 1, Bouse’s Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard’s Subdivision of Gossard’s Addition.

Lot 2, Bouse’s Replat of Lots 2, 4, 6, and 8 on Main Street (now Park Place), Gossard’s Subdivision of Gossard’s Addition, together with that part of 14’ wide vacated alley adjacent to east line of said lot. (Vacation Ordinance No. 2023-20, Doc. #30258941)

Lots 1 and 3 on Market Street, Gossard’s Subdivision of Gossard’s Addition, together with that part of 14’ wide vacated alley adjacent to west line of said lots. (Vacation Ordinance No. 2023-20, Doc. #30258941).

Odd lots 5-23 on Market Street, Gossard’s Subdivision of Gossard’s Addition, together with that part of 14’ wide vacated alley adjacent to west line of Lots 5 and 7. (Vacation Ordinance No. 2023-20, Doc. #30258941) all in Wichita, Sedgwick County, Kansas.

All in Wichita, Sedgwick County, Kansas.

PARCEL SUMMARY

Parcel 1

Allowable uses: all uses allowed in the General Commercial (GC) District with specific conditions for Entertainment Establishment in the City, Drinking Establishment, Event Center in the City, and Nightclub in the City, as defined in the Wichita-Sedgwick County Unified Zoning Code. See General Provisions.

Area: 57,425 square feet or 1.32 acres

Existing zoning: GC General Commercial

2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #134 West Patrol Planned Unit Development) has special conditions for development on the property.

3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

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 21st day of January, 2025.

Lily Wu, Mayor, City of Wichita

ATTEST:

Shinita Rice, Deputy City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law