

RESOLUTION No. 13-166

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHT CLUB ON APPROXIMATELY 0.42-ACRES ZONED LC LIMITED COMMERCIAL (LC), GENERALLY LOCATED NORTH OF PAWNEE AVENUE, ON THE SOUTHEAST CORNER OF OLIVER AVENUE AND BLAKE STREET, 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 Night Club, on approximately 0.42-acres zoned LC Limited Commercial (LC) legally described below:

Case No. CON2013-00015

A Conditional Use to allow a Night Club, on approximately 0.42-acres zoned LC Limited Commercial (LC) described as:

The North 130.54 feet of the West 140 feet of Block H, McAdam Acres Addition to Wichita, AND Beginning 140 feet East of the Northwest corner of Block H; thence East 107.44 feet; thence South 95 feet; thence West 52.45 feet; thence South 35.49 feet; thence West 55 feet; thence North 130.58 feet to the beginning, McAdam Acres Addition to Wichita, AND Beginning 105 feet West of the Northeast corner of Block H; thence West 15 feet; thence South 95 feet; thence East 15 feet; thence North 95 feet to the beginning, McAdam Acres Addition to Wichita, all in Wichita, Sedgwick County, Kansas; generally located north of Pawnee Avenue, on the southeast corner of Pawnee Avenue and Blake Street.

SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) No outside loudspeakers or entertainment are permitted.
- (2) Parking must be per code for a Night Club in the City. Relief can be sought through Administrative Adjustment. If a variance is required, approval of the Conditional Use is contingent on approval of the variance.
- (3) Paving of the east portion of the site must be completed within one-year of approval of the Conditional Use by the appropriate governing body. All permits and inspections, including a drainage plan for the required paved parking, must be submitted and approved.
- (4) No parking on the unimproved parking area located along the east side of the site. Prior to the paving of the parking area the applicant must provide an off-site parking agreement with an adjacent property owner.
- (5) Landscaping and screening will be per the Unified Zoning Code and the Landscape Ordinance. The outdoor trash receptacle shall have solid screening (a minimum of a wooden fence) on three sides with a solid gate. When the required paving of the parking area is completed (see conditions #3) the trash receptacle will be placed on the paved surface with the just noted required screening.
- (6) No pole lights taller than 14 feet, including the base. All outside lights will be designed

to disperse light onto the subject site and away for residential development.

- (7) The site will be developed with an approved revised site plan, showing, but not limited to, screening, landscaping and parking. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (8) 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
September 10, 2013.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney