

(Corrected and Republished in the Wichita Eagle on May 2, 2022)

**Resolution No. 22-101**

A RESOLUTION APPROVING CON2021-00065 AUTHORIZING A NIGHT CLUB IN THE CITY, ON APPROXIMATELY 0.58 ACRES ZONED LC LIMITED COMMERCIAL, LOCATED ONE-HALF MILE WEST OF NORTH OLIVER, ON THE NORTH SIDE OF EAST 13<sup>TH</sup> STREET (3906 EAST 13<sup>TH</sup> STREET NORTH), 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 in the City on property zoned Limited Commercial (LC), generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North), and legally described as:

A tract of land described as: Beginning 35 feet West of the Southeast corner of Reserve B as platted in Yale Heights Addition to Wichita, Sedgwick County, Kansas; thence North parallel to the East line of said Reserve B, 122 feet; thence West parallel to the North line of 13th Street to the Easterly right-of-way line of the St. Louis and San Francisco Railway; thence in a Southwesterly direction along said right-of-way to the North line of 13th Street as platted in Yale Heights Addition to Wichita; thence East 215.99 feet, more or less, to the point of beginning.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of February 17, 2022, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Wichita City Council that this application is approved for a Conditional to allow a Night Club in the City on property zoned Limited Commercial (LC), generally located one-half mile west of North Oliver Avenue, on the north side of East 13th Street North (3906 East 13th Street North), and legally described as:

A tract of land described as: Beginning 35 feet West of the Southeast corner of Reserve B as platted in Yale Heights Addition to Wichita, Sedgwick County, Kansas; thence North parallel to the East line of said Reserve B, 122 feet; thence West parallel to the North line of 13th Street to the Easterly right-of-way line of the St. Louis and San Francisco Railway; thence in a Southwesterly direction along said right-of-way to the North line of 13th Street as platted in Yale Heights Addition to Wichita; thence East 215.99 feet, more or less, to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Relocate the wooden fence located along the western side of the subject property so that it is not infringing on City property, or provide a survey that shows the fence is located on the subject property.

2. The Nightclub in the City use shall cease operations by 10:00 p.m.; provided, said uses may operate until 1:00 a.m. on Friday and Saturday nights.
3. It is strongly encouraged that the establishment provide security on site and that at closing, security direct patrons leaving the establishment to exit the premises on 13<sup>th</sup> Street and not Vesta Street.
4. The Nightclub in the City shall adhere to the Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
5. Outdoor entertainment, including outdoor speakers, is prohibited on the site.
6. 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 Article VIII of 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 5th day of April, 2022.

**CITY OF WICHITA**

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Brandon J. Whipple, Mayor, City of Wichita

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Jennifer Magaña,  
City Attorney and Director of Law