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RESOLUTION NO. 086-2020

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

SECTION I. 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-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district from LI Limited Industrial to the MacArthur Land Planned Unit Development (PUD# 74) of the lands legally described as follows:

Case No. PUD2020-00001

Zone change request from "LI" Limited Industrial to PUD MacArthur Land Planned Unit Development (PUD# 74) on property described as:

Lot 1, Block A, Sutherland Lumber South Addition, Sedgwick County, Kansas;

AND,

Beginning at the intersection of the South line of the Southwest Quarter & the East line of Sutherland Land South Addition extending South; thence Northerly 927 feet; thence Easterly 100 feet; thence South 927 feet to the South line of the Southwest Quarter; thence West 100 feet to the beginning; Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County Kansas. Generally located on the east side of North side of East MacArthur Road and West side of South K-15 Highway, Sedgwick County (3426 East MacArthur Road).

The MacArthur Land Planned Unit Development (PUD #74) shall be subject to the following conditions:

A. The PUD Drawing shall be revised as follows:

PROJECT DESCRIPTION:

This Planned Unit Development (PUD) permits a Tavern/Drinking Establishment only, subject to the restrictions and limitations stated in the General Provisions. For

the purposes of this PUD this designation shall cover the redevelopment of five (5) commercial buildings into an area designated as a "Vicinage", which is a destination location that allows a mixture of assembly and entertainment uses, both indoor and outdoor, as specified herein. All other uses permitted by-right in the LI Limited Industrial District are permitted unless specifically prohibited or limited below.

The following uses are prohibited: Cemetery; Correctional Placement Residence, Limited or General; Golf Course; Nursing Facility; Recycling Processing Center; Reverse Vending Machine; Animal Care, Limited and General; Automated Teller Machine; Car Wash; Convenience Stores; Event Center in the County; Kennel, Boarding/Breeding/Training; Marine Facility, Recreational; Monument Sales; Nightclub in the County; Parking Area, Commercial; Pawnshop Secondhand Store; Service Station; Sexually Oriented Businesses; Construction Burn Site, Limited; Gas and/or Fuel Storage and Sales; Storage Outdoor, as a Principal Use; Vehicle Storage Yard; Agricultural Processing; and Grain Storage.

GENERAL NOTES: General Notes are eliminated and replaced with the following:

1. This PUD shall be permitted with a single means of access to the subject property as shown on the PUD drawing approved by the Metropolitan Area Planning Commission.
2. Tavern and Drinking Establishment shall have the distance requirement of (UZC Section III-D.6.w) waived from a church or place of worship, public park, school or residential zoning district.
3. Outdoor recreation and entertainment is permitted in the northern portion of the PUD as designated on the approved site plan. All live performances, disc jockeys, and shows shall cease all noise generating activities, such as music, at 12:00 A.M. outdoors.
4. Outdoor recreational activities such as horse shoes, corn hole, and similar activities shall be considered accessory uses to the primary use and shall be allowed in the southern portion of the PUD as noted on the site plan.
5. Parking for the Vicinage shall be provided at the rate of 1 parking space for each 3 occupants based on the rated occupancy of the facility, including all outdoor activity.
6. All weather parking areas are permitted for those existing unpaved areas.
7. All areas licensed to serve alcohol shall be allowed to operate from 10:00 A.M. to 2:00 A.M. All patrons shall be directed to vacate the property in a timely and orderly manner within 30 minutes of closing.
8. The drop-off and pick-up area as denoted on the site plan for this PUD provides shelter and seating accommodations (indoor and outdoor) for those using ride share services. The use of said areas shall be allowed to operate from 10:00 A.M. to 2:30 A.M. In no event shall alcohol be sold or allowed in the pick-up/ drop-off area.
9. The property owner/operator shall be responsible for the cost of mitigating all noise impacts prior to operation, and shall be responsible for the ongoing cost of monitoring noise associated with the approved use.

10. Proof of Insurance: The operator shall be responsible for obtaining and maintaining liability coverage for events held at the Vicinage.
11. The owner/operator shall obtain and maintain a liquor license as required from the appropriate local and/or state authority.
12. The property shall be subject to the Zoning District Standards and Site Development Regulations of the Unified Zoning Code for the (LI) Limited Industrial Zoning District, except as modified by the General Provisions.
13. Trash receptacles shall be appropriately screened to reasonably hide them from street view. Screening shall be constructed of materials and/or landscaping compatible with the building exterior.
14. The site plan shown hereon is for conceptual purposes only; however, a final site plan shall require approval by the Director of Planning prior to the issuance of a building permit. The site plan may be adjusted administratively within the limits of Administrative Adjustments as permitted by the Unified Zoning Code. In the case of special events or temporary uses, such uses may be administratively approved, provided an Operational Plan is provided and approved by the Director of Planning and the Zoning Administrator.
15. Compliance with all applicable building or fire codes shall be required. Occupancy is limited as noted in General Provision #5 herein.
16. Signage shall be per the applicable Sign Code.
17. The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility, provided the service complies with all applicable local and state regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only in compliance with applicable licenses.
18. If the Zoning Administrator finds there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Director of Planning, declare the "Planned Unit Development" null and void.

- B. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #74 Sutherland Land Planned Unit Development (PUD)) has special conditions for development on the property.
- C. 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 II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.


SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication.

Commissioners present and voting were:

PETER F. MEITZNER	<u>AYW</u>
MICHAEL B. O'DONNELL, II	<u>AYW</u>
DAVID T. DENNIS	<u>AYW</u>
LACEY D. CRUSE	<u>AYW</u>
JAMES M. HOWELL	<u>AYW</u>

Dated this 1 day of July, 2020.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

Michael B. O'Donnell, II
MICHAEL B. O'DONNELL, II
Commissioner, Second District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District