

# MACARTHUR LAND PLANNED UNIT DEVELOPMENT (PUD #74)

**AREA DESCRIPTION:**

LOT 1, BLOCK A, SUTHERLAND LUMBER SOUTH ADDITION, SEDGWICK COUNTY, KANSAS

AND THAT AREA DESCRIBED AS FOLLOWS,

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 28, RANGE 1 EAST AND THE EAST LINE OF SUTHERLAND LUMBER SOUTH ADDITION EXTENDED SOUTH; THENCE NORTHERLY 927 FEET; THENCE EAST 100 FEET; THENCE SOUTHERLY 927 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE WEST 100 FEET TO THE POINT OF BEGINNING.

**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:**

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 (UZG SEC. 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 A RATE OF 1 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 THE CLOSING.

8. THE DROP-OFF AND PICK-UP AREA AS DENOTED ON THE FACE OF 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 EVENT CENTER.

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 THAT THE SERVICE COMPLIES WITH ALL APPLICABLE LOCAL AND STATE REGULATIONS. THE SERVICE OF ANY ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE IS PERMITTED ONLY 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.

