

ORDINANCE NO. 3393

AN ORDINANCE APPROVING OF THE EXPANSION OF AN EXISTING SPECIAL USE AS A SPECTATOR SPORTS FACILITY TO ALLOW THE ADDITION OF STADIUM LIGHTS AND A SCOREBOARD OF A DRINKING ESTABLISHMENT INSIDE OF A RESTAURANT IN THE R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT ON CERTAIN LANDS LOCATED IN THE CITY OF MCPHERSON, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY AS ORIGINALLY APPROVED BY ORDINANCE NO. 3016.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF McPHERSON, KANSAS.

SECTION 1. Having received a recommendation from the City Planning Commission on Case No. SU-23-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City of McPherson as originally approved by Ordinance No. 3016, the expansion of a Special Use is hereby approved for the addition of stadium lights and a scoreboard in the R-1, Single-Family Residential District.

LEGAL DESCRIPTION: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST CORNER OF THE WEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19, RANGE 03; THENCE EAST 35 FEET; THENCE NORTH 79.7 FEET FOR POINT OF BEGINNING; THENCE NORTH 485 FEET; THENCE EAST 45 FEET; THENCE NORTH 1271 FEET; THENCE EAST 1036 FEET; THENCE SOUTH 1791 FEET; THENCE WEST 618 FEET; THENCE NORTH 15.2 FEET; THENCE WEST 220 FEET; THENCE SOUTHWESTERLY 175.4 FEET; THENCE WEST 37.5 FEET; THENCE NORTHWESTERLY 49.9 FEET TO POINT OF BEGINNING, CONTAINING 43.1 ACRES, MORE OR LESS

GENERAL LOCATION: 801 East 1st Street, McPherson, Kansas

Such Special Use is subject to the following conditions:

- 1) The scoreboard shall be dimmed at night, with a maximum nighttime brightness and/or light intensity that should not exceed 3,000 nits (or equivalent).
- 2) No measurement of luminance taken at the property line of the high school as a result of lighting sources associated with this project shall exceed 0.3 foot candles, as documented by a final engineer's certification of luminance measurements at the property line. Screening may be placed, repaired or replaced where needed in order to achieve this standard.
- 3) This Special Use applies only to the specific requests proposed by the applicant in this, specific case and will not apply to any additional use proposed in the future without the

applicant being required to reapply to the BZA, as may be required.

4) If the Zoning Administrator subsequently finds that there is a violation of any of the conditions attached to the approval of this Special Use, the Zoning Administrator may, in addition to enforcing the other remedies available in the Zoning Regulations, declare that the Zoning Permit/Occupancy Certificate issued for the Special Use is null and void.

SECTION 2. This Ordinance shall take effect and be in force from and after its passage by the governing body, signature by the Mayor and publication once in the official city website.

PASSED BY THE GOVERNING BODY and SIGNED BY THE MAYOR this 21st day of February, 2023

ATTEST:



[Handwritten signature]

Britta Erkelenz, City Clerk

Thomas A. Brown

Thomas A. Brown, Mayor
City of McPherson