

RESOLUTION 7799

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 48-4.02(c)(16) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a recreational basketball court on property currently zoned "R-2" Single Family Dwelling District and located at 1159 SW Lincoln Street and 1308 SW Munson Street in the City of Topeka, Kansas. (CU06/2) (Council District No. 1)

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application of City of Topeka under the provisions of Section 48-4.02(c)(16) of the Code of the City of Topeka, Kansas, for a Conditional Use Permit to establish a recreational basketball court on property currently zoned "R-2" Single Family Dwelling District and located at 1159 SW Lincoln Street and 1308 SW Munson Street in the City of Topeka, Kansas, and legally described as follows:

Lots 399, 401, 403, and 405, Block 5, Kings Addition to the City of Topeka, Shawnee County, Kansas.

be, and the same is hereby approved, **subject to:**

1. **Use and development of the site shall be in accordance with the Conditional Use Permit site plan and Operational Statement for King's Court:**

The purpose of the court is to provide the neighborhood youth an opportunity to play and exercise, while developing interactive skills in a socially acceptable manner. The primary users shall consist of neighborhood children, youth, parents, and members of Faith Temple Church.

- Hours of operations shall be from 9:00 am – 9:00 pm and signage is to be posted on the property. Use of the park after dark is prohibited.
- No lighting or vehicle parking shall be allowed on the property. Signage shall be posted regarding no vehicle parking on property.
- Faith Temple Church is responsible for all maintenance, repairs, replacements, fencing, and planting/upkeep of landscaping on the subject property. All landscaping shall be installed prior to use of the court and shall be maintained in good order. Any plantings that die shall be replaced.
- The church is responsible for management of the basketball court and supervision of court users, to include notifying the appropriate law enforcement authorities, if necessary.
- The entire area shall be open to any and all persons during operating hours, regardless of religious affiliation and religious participation shall not be a prerequisite to utilize the facilities.
- No religious materials, signs, or literature shall be displayed or disseminated on any church or city-owned real property, as legally described.

2. **The applicant entering into a Use Agreement with the City of Topeka allowing use of the City's property and abiding by all terms of said Agreement.**

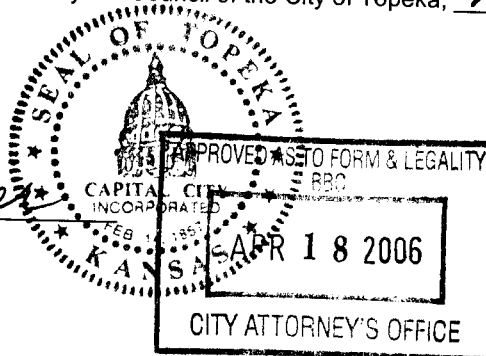
3. **The City Council may revoke or amend the Conditional Use Permit with cause upon filing of a complaint and holding of a public hearing. The revocation procedure shall follow Sec. 48-25.04 of the Topeka Zoning Regulations or as amended.**

ADOPTED AND APPROVED by the Council of the City of Topeka, May 9, 2006.

William W. Bunten
William W. Bunten, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk



To Be Codified _____
Not To Be Codified X