(150004) Published in The Wichita Eagle on May 17, 2019

ORDINANCE NO. 51-040

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00008 and CON2019-00005

Zone change to amend Protective Overlay (PO #74) as outlined herein and subject to the development standards contained in the Conditional Use Permit of Case No. CON2019-00005, on property described as:

Lots 1, 2, 3, 5, 6, 7, Block 1 and Reserve A, Greenwich Business Park Addition, Wichita, Sedgwick County, Kansas.

Said property CONTAINS: 23 acres of land, more or less, generally located on the east side of Greenwich Road and south of East 29th Street North.

SECTION 2. That Protective Overlay (PO #74) is hereby amended to read as follows:

Protective Overlay # 74:

1. Uses: All uses permitted in the "LI" zoning district except that an auditorium or stadium; community assembly; correctional facility; correctional placement residence, limited or general; day care, limited or general; recycling collection station, private or public; recycling processing center; animal care, general; kennel, boarding/breeding/training; secondhand store; sexually oriented business in the city; asphalt or concrete plant, limited; and construction burn site, limited; will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-"IP" uses, a traffic study will then be completed. The maximum square footage of non-"IP" uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.

2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of MABCD, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.

3. Minimum setback requirements for all front setbacks will be 25 feet, rear-10 feet, interior side-15 feet, and street side yard-35 feet.

4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership's within and abutting the property.

5. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).

6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "LI" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.

7. No building permits shall be issued for any development without municipal water and sewer service.

8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

SECTION 3. That this amendment to Protective Overlay (PO #74) is subject to the restrictions of Conditional Use Permit of Case No. CON2019-00005, which establishes an Entertainment Establishment in the City, subject to:

1. Uses: The subject property shall be permitted to operate as follows:

   An indoor/outdoor family entertainment complex that is centered around a 60 bay, 3 – story golf driving range. The driving bays will feature the Top Tracer ball tracking technology and a number of interactive golf games, as well as TVs and a variety of high top and lounge seating. A full service restaurant will provide food and beverage, including alcohol, for the dining area as well as serve the hitting bays, banquet rooms, and outdoor seating areas. An arcade and gaming area will be adjacent to the restaurant, and will also host birthday parties and other family events. The property will also comprise a 36-hole miniature golf course and a go-cart facility. Outdoor seating will also be available near the main entry with a "yard area" featuring outdoor games, dining, and live music on occasion. A 2nd story roof terrace will also be available overlooking the yard area; provided, however, this use may be modified by an approved Administrative Adjustment to allow similar entertainment establishment uses.

2. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).

3. The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and property shield all lights to prevent bleeding the light onto all adjacent residential property. A lighting master plan shall be provided before any outdoor lighting is installed and said plan must be approved by MABCD and the Planning Director.

4. Outdoor uses, including all entertainment events featuring live music and the go-cart facility, shall cease operations by 11:00 p.m.; provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights. All other operations, including the golf driving range, are permitted to operate until 11:00 p.m. The go-carts used shall be electric only. All outdoor entertainment event featuring live music shall be located on the west side of the proposed building only.

5. A revised, final Site Plan shall be submitted for approval by the Director of Planning prior to issuance of any permits for construction of any facilities on the subject property.

6. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.

7. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all

remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION 4. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 5. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of May, 2019.

ATTEST:

Karen Sublett, City Clerk

Jeff Longwell, Mayor

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

The Wichita Eagle
Kansas.com
825 E. Douglas | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453697	0004218847	PUBLISHED IN THE WICHITA EAGLE ON May 1		$138.60	1	231

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
ON May 17, 2019 (4218847)

ORDINANCE NO. 51-040

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00008 and CON2019-00005

Zone change to amend Protective Overlay (PO #74) as outlined herein and subject to the development standards contained in the Conditional Use Permit of Case No. CON2019-00005, on property described as:

Lots 1, 2, 3, 5, 6, 7, Block 1 and Reserve A, Greenwich Business Park Addition, Wichita, Sedgwick County, Kansas.

Said property CONTAINS: 23 acres of land, more or less, generally located on the east side of Greenwich Road and south of East 29th Street North.

SECTION 2. That Protective Overlay (PO #74) is hereby amended to read as follows:

Protective Overlay # 74:

1. Uses: All uses permitted in the "LI" zoning district except that an auditorium or stadium; community assembly; correctional facility; correctional placement residence, limited or general; day care, limited or general; recycling collection station, private or public; recycling processing center; animal care, general; kennel, boarding/breeding/training; secondhand store; sexually oriented business in the city; asphalt or concrete plant, limited; and construction burn site, limited; will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-"IP" uses, a traffic study will then be completed. The maximum square footage of non-"IP" uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of MABCD, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
3. Minimum setback requirements for all front setbacks will be 25 feet, rear-10 feet, interior side-15 feet, and street side yard-35 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership's within and abutting the property.
5. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "LI" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

SECTION 3. That this amendment to Protective Overlay (PO #74) is subject to the restrictions of Conditional Use Permit of Case No. CON2019-00005, which establishes an Entertainment Establishment in the City, subject to:

1. Uses: The subject property shall be permitted to operate as follows:
   An indoor/outdoor family entertainment complex that is centered around a 60 bay, 3 - story golf driving range. The driving bays will feature the Top Tracer ball tracking technology and a number of interactive golf games, as well as TVs and a variety of high top and lounge seating. A full service restaurant will provide food and beverage, including alcohol, for the dining area as well as serve the hitting bays, banquet rooms, and outdoor seating areas. An arcade and gaming area will be adjacent to the restaurant, and will also host birthday parties and other family events. The property will also comprise a 36-hole miniature golf course and a go-cart facility. Outdoor seating will also be available near the main entry with a "yard area" featuring outdoor games, dining, and live music on occasion. A 2nd story roof terrace will also be available overlooking the yard area; provided, however, this use may be modified by an approved Administrative Adjustment to allow similar entertainment establishment uses.
2. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
3. The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and property shield all lights to prevent bleeding the light onto all adjacent residential property. A lighting master plan shall be provided before any outdoor lighting is installed and said plan must be approved by MABCD and the Planning Director.
4. Outdoor uses, including all entertainment events featuring live music and the go-cart facility, shall cease operations by 11:00 p.m.; provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights. All other operations, including the golf driving range, are permitted to operate until 11:00 p.m. The go-carts used shall be electric only. All outdoor entertainment event featuring live music shall be located on the west side of the proposed building only.
5. A revised, final Site Plan shall be submitted for approval by the Director of Planning prior to issuance of any permits for construction of any facilities on the subject property.
6. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
7. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director; declare the Conditional Use null and void.

SECTION 4. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 5. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of May, 2019.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 05/17/2019

Ending issue of: 05/17/2019

STATE OF KANSAS)
.SS
County of Sedgwick)

Dale Seiwert, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from **5/17/2019** to **05/17/2019**.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dale Seiwert

(Signature of Principal Clerk)
DATED: 5/17/2019

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021

Renaissance Infrastructure Consulting
132 ABBIE AVENUE
KANSAS CITY, KANSAS 66103
913.317.9500
WWW.RIC-CONSULT.COM

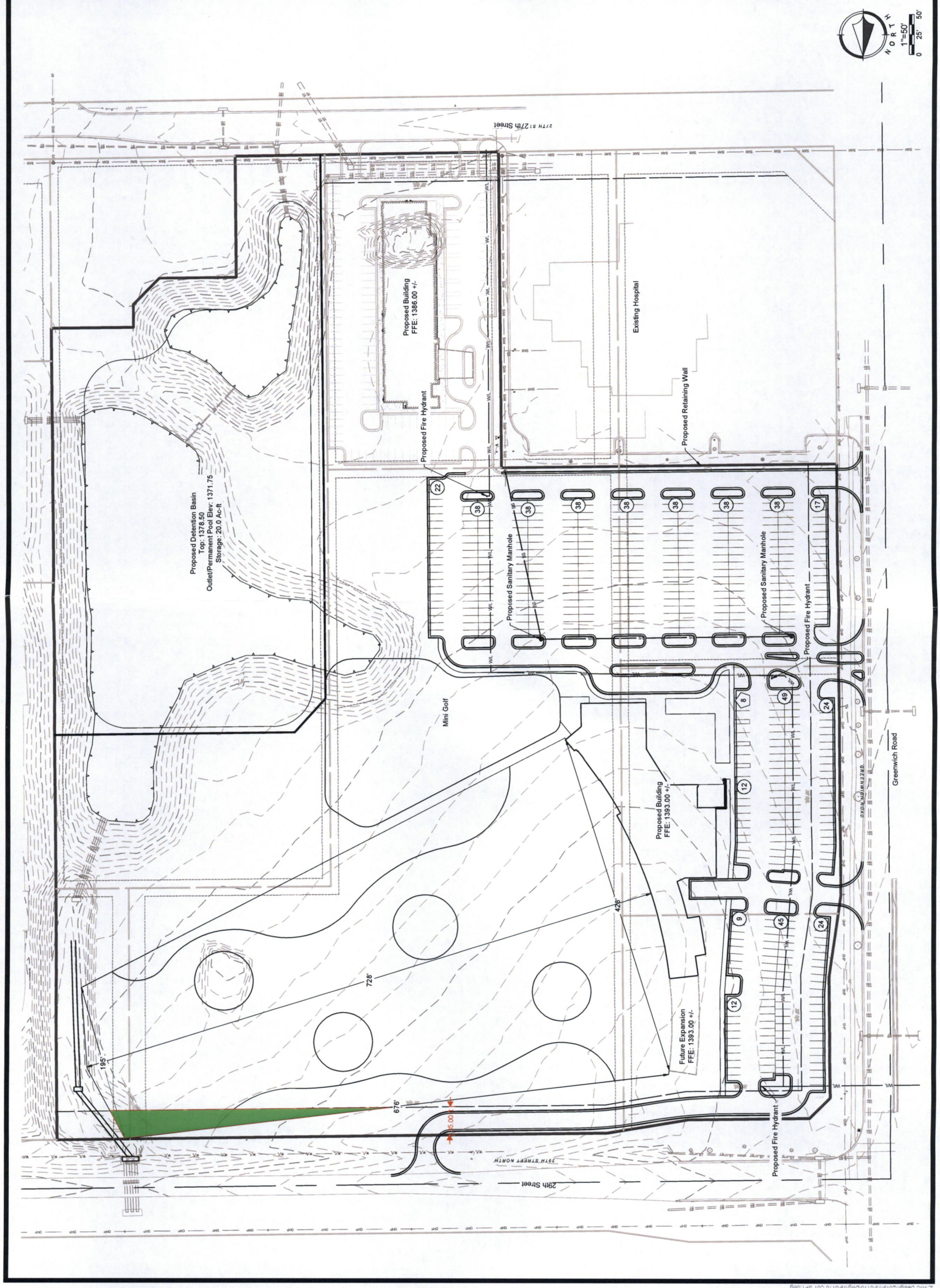
KS Certificate of Authority: E-1814

NO	BY	QC	DATE	REVISION
				ORIGINAL SUBMITTAL

Site Plan

Preliminary Site Plan
19-0110
Swings Golf-Wichita
Wichita, Kansas

Sheet
C01



Mar 06 2019-5:00pm
Z:\RIC Design\2019\19-0110\Dwg\19-0110 C01 SPI.dwg

SITE PLAN

APPROVED 3/11/19 BY

KS Certificate of Authority E-1814

Renaissance Infrastructure Consulting

132 ABBIE AVENUE
KANSAS CITY, KANSAS 66103
913.317.9500
WWW.RIC-CONSULT.COM

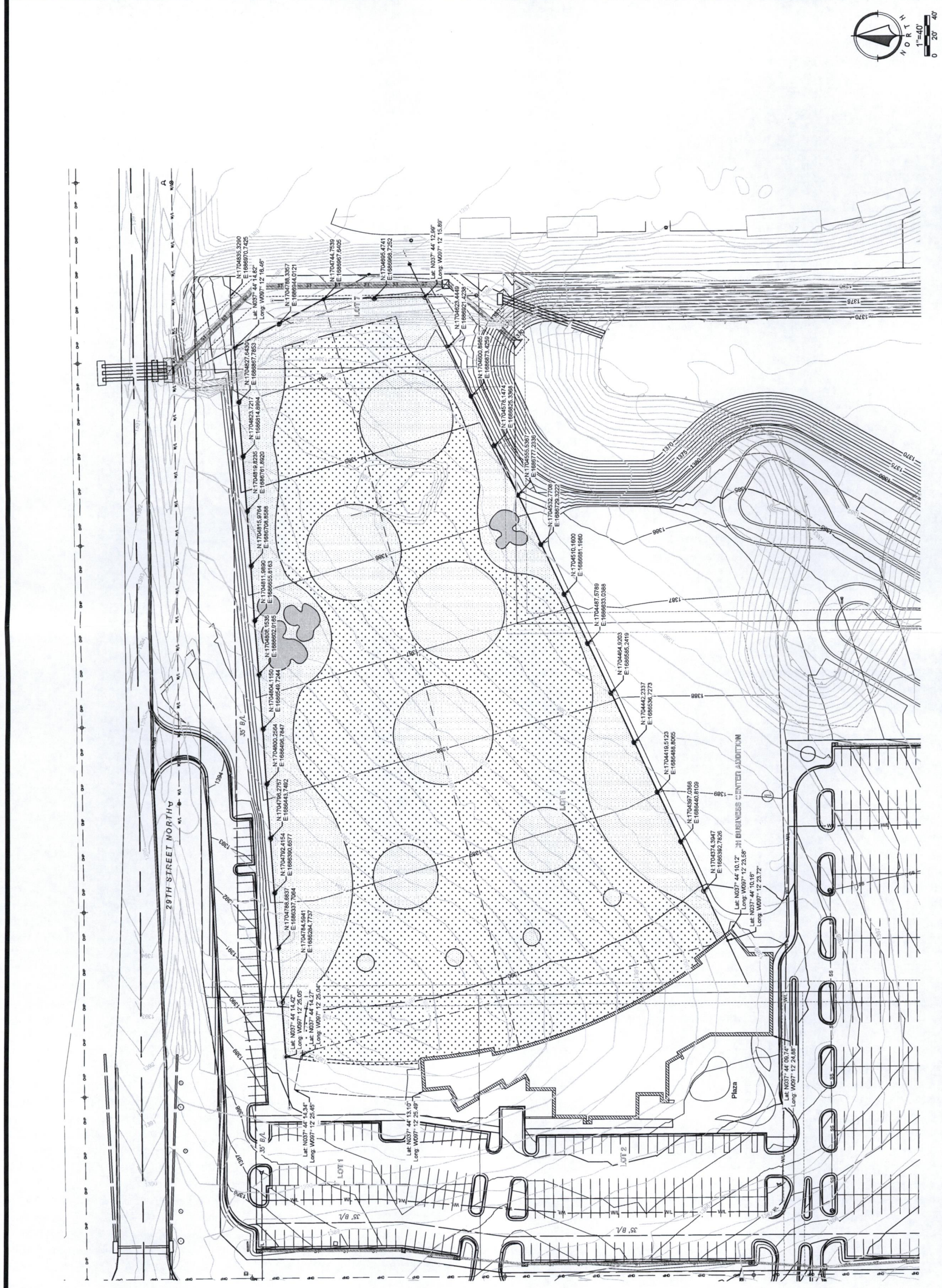
NO.	BY	QD	DATE	REVISION
	TJA	DJB	02/20/19	Preliminary Plat

###

Pole Location Exhibit

Exhibit
19-0110
Wichita, Sedgwick, Kansas

Sheet
C01



Apr 19, 2019 - 11:01pm
Z:\RIC Design\2018\18-0110\Dwg\18-0110 Exhibit.dwg

SITE PLAN

APPROVED 5/17/19 BY Klmonga