



Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2019

Key Construction, Inc.
741 West 2nd Street
Wichita, KS 67203

Wichita Destination Developers, Inc.
1707 North Waterfront Parkway
Wichita, KS 67206

KE Miller Engineering
Attn: Kirk Miller
117 East Lewis
Wichita, KS 67202

RE: ZON2019-00008 & CON2019-00005 - City request for zone amendment to Protective Overlay #74 on property zoned LI Limited Industrial (LI) and consider the request for a Conditional Use Permit for an Entertainment Establishment on the same property located on the east side of North Greenwich Road and south of East 29th Street North.

Dear Applicants:

At its regular meeting on April 4, 2019, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the requests subject to the modification of the staff recommended to permit the height of the poles to 170, provided FAA approves and the City Council grants the waiver of the height within the Airport Overlay district surrounding Jabara Airport; to allow the hours to be later than staff recommendations by one hour; to mandate all go-carts are electric; and to mandate that outdoor music operations shall be permitted only west of the proposed building. The vote of the MAPC on the above action was 14 to 0.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on April 18, 2019. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by April 18, 2019 at 5:00 p.m.

This application will be presented to the Wichita City Council on Tuesday, May 7, 2019, beginning at 9:00 a.m. The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 North Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to:

- WCC II, Becky Tuttle, Mail Stop 1-13
- Cory Buchta, CSR II, Mail Stop 1-135
- Paul Hays, OCI, Mailstop 1-72
- J. R. Cox, OCI, Mailstop 1-72
- Jeff Van Zandt, City Law, Mailstop 1-134
- Julianne Kallman, Engineering, Mail Stop 1-71

(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

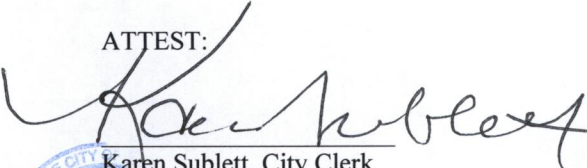
remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

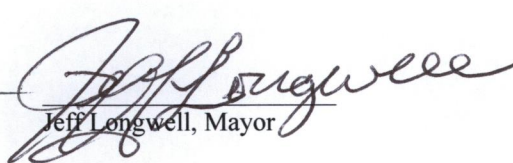
SECTION 4. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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.

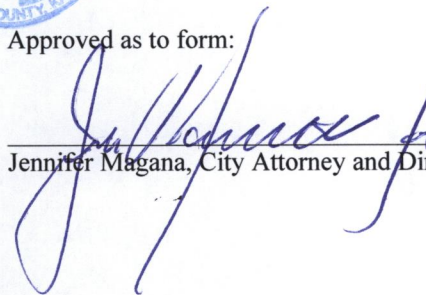
ATTEST:


Karen Sublett, City Clerk


Jeff Longwell, Mayor



Approved as to form:


Jennifer Magana, City Attorney and Director of Law

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

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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.

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Protective Overlay #74:

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- 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.
- 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).

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

[Signature]

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
 Notary Public - State of Kansas
 My Appt. Expires 6/1/2021

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004124500	Published in The Wichita Eagle on March 14, 2019		\$59.40	1	99

Attention: Philip Zevenbergen

CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

Published in The Wichita Eagle on March 14, 2019

One Time Only (4124500)

MAFC April 04, 2019

OFFICIAL HEARING NOTICE
 NOTICE IS HEREBY GIVEN that on Thursday, April 04, 2019 no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste #203, Wichita, Kansas. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Commission at (316)-268-4421.

CON2019-00005 City Conditional Use to allow the use of an entertainment establishment closer than 300 feet from residential zoning on property zoned LI Limited Industrial and generally located south of East 29th Street North and east of North Greenwich Road. (With ZON2019-00008)

CON2019-00006 City Conditional Use to allow used vehicles sales on a property zone LC Limited Commercial generally located west of South Broadway and approximately 365 feet north of East Harry Street (1525 S Broadway)

CUP2018-00052 City CUP Amendment to Tallgrass East Commercial Community Unit Plan (DP-168) to amend parcel sizes, permit self-service storage warehouse and adjust building coverage and height on property zoned LC Limited Commercial and generally located north of East 21st Street North and east of North Webb Road.

DER2019-00003 City of Wichita Comprehensive Plan Amendment for one square mile in northeast Wichita with the following boundaries: E. 21st Street on the south; Oliver Avenue on the east; Hillside Avenue on the west and a line extending from E. 29th Street on the north. The Plan amendment includes five policies regarding commercial development in the plan area.

ZON2019-00007 City Zone Change from SF-5 Single Family Residential to TF-3 Two Family generally located 1/4 mile north of East Pawnee and on the east side of South Webb Road.

ZON2019-00008 City Amendment to PO 74 to allow fence poles with a max height of 170 feet and replace the "IP" zoning designation with "LI" zoning designation for signs within property limits on a property generally located south of East 29th Street north and west of North Greenwich Road. (With CON2019-00005)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

WITNESS MY HAND on March 11, 2019
 Dale Miller, Secretary
 Wichita-Sedgwick County

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

1 Insertions

Beginning issue of: 03/14/2019

Ending issue of: 03/14/2019

STATE OF KANSAS)

.SS

County of Sedgwick)

Victoria Rodela, 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 3/14/2019 to 03/14/2019.

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

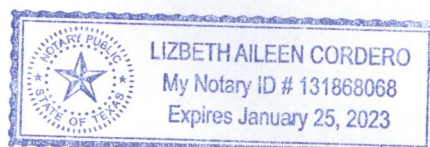
V Rodela

(Signature of Principal Clerk)

DATED: 4/23/2019

L Cordero

Notary Public Sedgwick County, Kansas



APPROVED 5/17/19 BY *K. Mungar*

SITE PLAN



NOT FOR
CONSTRUCTION

ARCHITECT
YAEGER ARCHITECTURE, INC.
7750 West 118th Street
Overland Park, KS 66213
Tel: (913) 742-6670
Fax: (913) 742-6670
www.yaegerarchitecture.com
Professional Engineer License No. 000279

MEP ENGINEER

MEP ENGINEER
103070
address
7750 West 118th Street
Overland Park, KS 66213
Tel: (913) 742-6670
Fax: (913) 742-6670

Swings Golf
Wichita, KS

PROJECT NO: A18843
DATE: 2018-03-13
DRAWN BY: J. Mungar
CHECKED BY: J. Mungar
REVISED DATE: DESCRIPTION:

ARCHITECTURAL
SITE PLAN

AS-100
© YAEGER ARCHITECTURE, INC.

KEYNOTES



A1 ARCHITECTURAL SITE PLAN
SCALE: 1"=50'-0"

