

CU-289 Westwind Assoc. II, etal. request conditional use permit for a miniature golf course and driving range located on the south side of 21st St. N., 1320 feet east of Tyler Road.

COMMITTEE

M.A.P.C. *Approved as presented 1-9-86*

B.C.C. *B. G. E. Approved as presented 2-5-86*

closed

POSTED 1-2-86 *KC*

ACTION

COMMITTEE _____ DATE _____

M.A.P.C. *Approved as recommended 1-9-86*

B.C.C./B.C.C. *Approved as recommended 2-5-86*
B.C.C. recommended

Closed

TL-289 Westwind Assoc. II. et al. request conditional use permit for a miniature golf course and driving range located on the south side of 21st St., N., 1320 feet east of Tyler Road.

DATA SHEET

Z- _____
 SCZ- _____
 CJ- 289 _____
 DR- _____
 DP- _____

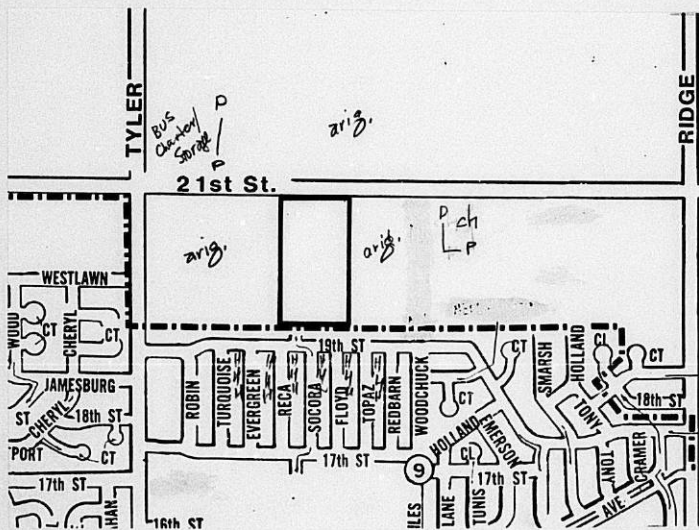
Amend _____
 Case Filed: 12-10-85 _____
 Associated Case: _____

- APPLICATION DATA: Map No. 1944 D
- General Location: On the south side of 21st Street North, 1320 feet ± East East of Tyler Road.
 - From _____ to _____
 - Proposed Use: Conditional Use Permit for a Miniature Golf Course and Driving Range on Property to be Zoned the "C" Commercial District
 - DP Name: _____
 - Applicant: Westwind Associates II c/o Leonard Marotte & Carson and Co. c/o Gary Carson
 Address 727 N. Waco, Wichita, 67203 and 3015 S. Hydraulic 67216 Phone 265-2555
 - Agent: Gary Wiley c/o Professional Engineering Consultants, P.A.
 Address 1440 East English, Wichita, KS. 67211 Phone 262-2691

- AREA DATA:
- Acres: 20 (1320' ft. by 717' ft.)
 - Adjoining Zoning: N "R-1" S "AA" E "R-1" W "R-1"
 - Land Use: North undeveloped / Bus Storage Area East undeveloped
 South single family West undeveloped

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

Standard
 No. 2183C
 MATTHEWS, INC.
 LOS ANGELES-CHICAGO-DENVER-OKLAHOMA CITY
 MEMPHIS-TORONTO-PORTLAND, OREGON
 U.S.A.

Published in The Daily Reporter on November 19, 1986

RESOLUTION NO. R#16-1986

A RESOLUTION TO ESTABLISH A MINIATURE GOLF COURSE AND DRIVING RANGE IN THE "C" COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to establish a miniature golf course and driving range in the "C" Commercial district is hereby approved on the lands legally described as follows:

CASE NO. CU-289

Commencing at the NW Corner of the NE 1/4, NW 1/4, Section 9-T275-R1W of the 6th P.M.: thence South along the West line of said NE 1/4, NW 1/4, 270 feet to the point of beginning; thence East, parallel to the north line of said NE 1/4, NW 1/4, 210 feet; thence north, parallel to the west line of said NE 1/4, NW 1/4, 174.1 feet ± to the South line of 21st Street; thence East, along the South line of 21st, 35.01 feet; ±; thence South, parallel to the West line of said NE 1/4, NW 1/4, 173.2 feet ±, to a point 270 feet South of the North line of said 1/4 Section; thence East, parallel to and 270 feet South of the North line of said 1/4 Section, 471.15 feet ±; thence South, parallel to and 57.6 feet East of the East line of the West 1/2 of said NE 1/4, NW 1/4, 1050 feet ± to the South line of said NE 1/4, NW 1/4; thence West, along the South line of said NE 1/4, NW 1/4, 716.15 feet ± to the west line of said NE 1/4, NW 1/4; thence North along the West line of said NE 1/4, NW 1/4, 1050 feet ± to the point of beginning. Generally located on the south side of 21st Street North, 1320 feet ± East of Tyler Road.

SUBJECT TO THE FOLLOWING:

- A. Use of the property when developed, shall be limited to the following: miniature golf, golf driving range, baseball batting cage, indoor recreation center with restaurant and/or club, and associated parking.
- B. No building shall be constructed closer to the south property line than 600 feet nor closer to the east and west property lines than 35 feet. Safety screens may be constructed within the 600-foot building setback area as delineated on the site development plan.

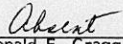
- 10-2-75
- C. A planting screen consisting mainly of large, upright evergreen trees shall be provided along the south property line and along the south 500 feet of the east and west property lines. This planting screen shall be at least 30 feet wide along the south property line and at least 20 feet wide along the east and west property lines. A landscape plan for the planting screens, indicating the location, type, and specifications of plant materials and the method of watering, shall be submitted to the Planning Department for review and approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting screens shall be considered a violation of the conditional use permit.
 - D. An 8-foot high security fence shall be constructed around the perimeter of the property prior to opening of the driving range.
 - E. Overhead lights may be installed in the miniature golf course area if they are directed downward so as not to shine on properties outside this conditional use permit area. Overhead lights may be installed on the golf driving range if located behind the driving tee area and directed to a common focal point near the center of the range. A lighting plan designating location, height, direction and power of the lights shall be submitted to the Sedgwick County Zoning Administrator for review and approval prior to installation. All such overhead lights shall be turned off no later than 12 midnight.
 - F. Safety screens for the golf driving range made of open mesh shall be installed as indicated on the site development plan. These safety screens shall not exceed 50 feet in height.
 - G. No more than one sign advertising this recreation facility shall be permitted along 21st Street North and it shall be within the "C" zoning district. The sign shall be no more than 150 square feet in size and 30 feet in height. No flashing lights shall be permitted.
 - H. No outside loud speakers shall be permitted which allow their sounds to be heard beyond the property lines of this conditional use application.
 - I. The property included in this application shall be platted within one year after approval of the conditional use by the Board of County Commissioners or this application shall be considered denied and closed. The resolution authorizing the conditional use permit shall not be published until the plat has been recorded.
 - J. The transfer of the title of all or any portion of the land included within the conditional use permit does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended after Planning Commission and County Commission review at a public hearing.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.


SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED by the Board of County Commissioners
at Wichita, Kansas, this 5th day of February, 1986.

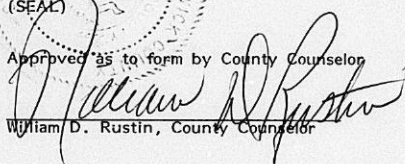

Bernard A. Hentzen, Chairman


Donald E. Cragg, Commissioner


Tom Scott, Commissioner

ATTEST: CLERK

Donnell L. Wright, County Clerk

(SEAL)
Approved as to form by County Counselor


William D. Rustin, County Counselor

February 18, 1986

Ron Worley, County Zoning Administrator

Louise Olivarez, Senior Planner

CU-289

On February 5, 1986, the Board of ^{County}~~City~~ Commissioners reviewed and approved a conditional use permit for a miniature golf course and driving range on property to be zoned "C" Commercial and located south of 21st Street, approximately ¼-mile east of Tyler Road. Approval was subject to platting the property within one year or the conditional use request be considered denied and the case closed.

Attached for your use and files are two copies of the approved site plan and a copy of the conditional use resolution. This resolution will not be published until the plat is recorded. If you have any questions about this conditional use case, please contact our office.

Louise Olivarez
Senior Planner

LO:blw
Attachments

February 11, 1986

Gary Carson
Carson and Company
3015 South Hydraulic
Wichita, Kansas 67216

RE: SCZ-0555, "R-1" to "BB" & "C" and CU-289. Conditional Use for miniature golf course and driving range. Generally located on south side of 21st Street in an area east of Tyler.

Dear Mr. Carson:

On February 5, 1986, the Board of County Commissioners approved the above-referenced cases subject to platting the property within one year or the cases be considered denied and closed. Other conditions of approval of CU-289 are as specified on our last letter dated January 13, 1986. Neither resolution for the rezoning or the conditional use permit will be published until the plat has been recorded with the Register of Deeds. You have until February 5, 1987 to record a plat of this property.

I understand you have already contacted Gary Wiley of P.E.C. about doing the platting for you. A plat should be submitted as soon as possible.

This will be our only letter advising you of your platting deadline. If you have not recorded the plat by February 5, 1986, the zone case and conditional use case will be marked denied and closed. If you have any questions about these cases or the required plat, please call our office at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO/lw

cc: Leonard Marotte, Westwind Associates II, 727 N. Waco, Wichita, KS
67203
Gary Wiley, Professional Engineering Consultants, 1440 E. English,
Wichita, KS 67211

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 31, 1985

LEGAL:

4. Case No. SCZ-0555 - Westwind Associates, II requests zone change from "R-1" to "C" for the West 1/2 of the Northeast 1/4 of the Northwest 1/4 and the West 57.6 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 27 South, Range 1 West of the 6th P.M.; except road right-of-way on the North. Generally located on the south side of 21st Street North, 1320 feet ± East of Tyler Road.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a change of zoning from "R-1" to "C" for an unplatted tract of ground approximately 20 acres in size located on the south side of 21st Street, 1/4 mile east of Tyler Road. The property abuts the Wichita City limits on the south.
2. Subject property is currently used for agricultural purposes as is the land to the east, west and north. Land to the south is being developed with single family homes.
3. Staff is concerned about the potential uses permitted in the "C" district which are not compatible with single-family residential development proposed for this area. This 20 acres is bounded entirely by residential zoning. In early discussions with the applicant, staff advised that we believed "C" zoning, at this location, was inappropriate. We encouraged that such classification be designed at or near the major street intersection with other appropriate buffering districts and under the control of a C.U.P.

Since Westwind Associates II and Westwind Partnership III own the entire 80 acres in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, staff encouraged an overall development plan for the entire 80 acres. If planned properly, a variety of land uses could be designed to be compatible with existing and future development in this area.

4. Subject property is within Wichita's urban growth area but is not yet served by sewer and water. A petition for a sewer main, which would serve this area, was prepared last spring and given to this applicant to circulate. The sizing of the main, however, was based on residential development of the lands within the benefit district as proposed at that time by land owners in the area. Water is available in 21st Street approximately 700 feet west of Tyler or in Tyler at approximately 18th Street.
5. A recommendation of approval by the Planning Commission should be subject to platting within one year from the date of approval by the Board of County Commissioners or the case be considered denied and closed; and subject to the resolution establishing the zone change not being published until the plat has been recorded with the Register of Deeds. It should be pointed out that once this property is platted, it will be subject to annexation. Once annexed, a commercial C.U.P. will be required.

DISCUSSION:

GALBRAITH pointed out that this land is adjacent to the city limits. He said that when this applicant first contacted staff relative to 20 acres of "C" zoning on this 80 acres, staff was deeply concerned about the type of uses permitted in "C" zoning, which is the heaviest commercial classification. In the County there are no development plan requirements as you cannot file a community unit plan in the County.

GALBRAITH stated that the positioning of this application leads staff to believe that if "C" zoning is granted there, it would further support the stripping of 21st Street for commercial or light commercial activities. Staff encourages that if commercial is appropriate on this 80 acres, then it should be designed near the major street intersection such as Tyler Road. He pointed out on a map that you could take part of the light commercial that exists in the corner, develop a 20-acre site for commercial purposes and buffer it with other appropriate zoning classifications on their own site. He said that staff strongly encourages the requesting of annexation of this property so that development could be handled under a commercial community unit plan.

GALBRAITH pointed out that the application area is in the Wichita growth area, and early last spring, upon the request of this applicant, petitions for extending sewer were prepared for him in the hopes that he would circulate those around the adjacent property owners so that municipal sewer could be extended in the area. He said that the sewer petition has not been returned, and even this week staff had a call from a lady who is owner of a substantial amount of land in this area saying that the petition has never been brought to her for her to sign, and she indicated some willingness to sign it.

GALBRAITH added that staff was not in support of "C" zoning at this location even if it was annexed to the City and included in a community unit plan. They felt that it should be designed in the overall 80 acres that this applicant is a part owner of. He said that in the staff report it is pointed out how Westwind Associates II and Westwind Partnership III are indicated on the ownership list as owning this entire 80 acres, and staff believes that all of this should be planned and indicated on a C.U.P. so that the Commission could be assured that adequate protection to the developing single family homes to the south would occur.

GALBRAITH said that CPO Council Area "A" reviewed this case and recommended 7-0 that the application not be approved. He said that staff felt that some "C" zoning might be appropriate in the area, although it was difficult to say without seeing an overall design plan. Staff felt that it should be designed in the corner so that the "C" heavier activities are appropriately buffered by their own site. He urged that this zoning application be denied at this location.

GARY WILEY, Professional Engineering Consultants, speaking on behalf of the contract purchaser, Gary Carson, he said that Mr. Carson was the owner of Golf Park located on East Harry at Woodlawn and desires to do a Golf Park West at this location. WILEY showed a site plan layout to the Commission. He said that he could understand some of Galbraith's fears of a "C" Commercial zoning district, and wished that there was some other method to handle such things as driving ranges and miniature golf courses. He did not feel that they needed to have the "C" Commercial zoning district. WILEY said that this was a family oriented entertainment area and should not be in areas of commercial or industrial neighborhoods.

WILEY said that after the CPO meeting last night the general consensus of the people was that they would like to see a golf park west, but not at this location. He pointed out that where land is available for sale at a feasible amount to purchase, that is where the applicant needs to go. WILEY said that it was pointed out that there are churches in the neighborhood; one about 600 feet east of this site and one proposed across the street. He said that there was a church right across the street from the golf park on East Harry. He suggested that there be an establishment of a 30-foot landscape screen along the south property line. In addition to that, perhaps a 600 or 700 foot building setback from the rear property to prohibit any building uses to the back. He said that they were not opposed to annexation and not opposed to filing a C.U.P. once the property was annexed. He said that it was just a matter of timing. The contract was near expiration and the contract purchaser needed to proceed.

GOEBEL commented that what bothered him was too little income for too big an area, and as soon as it is zoned someone will use it for other commercial uses.

GARDNER asked Wiley if he had stated that he had no objections to dealing with that parcel as a C.U.P.

WILEY said that was correct.

GALBRAITH pointed out the landscape buffer that already exists on the applicant's ownership to the west, the red cedar hedgerow. He said that staff was suggesting that they develop that site at the major street intersection and not come down the street a quarter of a mile and start new strip commercial activities.

WILEY added that the applicant talked to the majority of the people in the neighborhood, and he has a petition signed by approximately 50 of the homeowners in the area that support this application.

GARY CARSON, proposed developer, stated that there seems to be a great deal of concern about what was going to happen to this property. He said that he has operated Golf Park for 15 years and intended to do the same here. He said that when you pick a piece of property, you go with what is available. When he went to look for property in this area, he looked at all possibilities, and this was the best one available. It may not have been the best one, but it was the best one available. He said that when you talk about appropriate use, the Park Board finds a major golf course appropriate in a park, and also they have had driving ranges in County parks. He said that what they were talking about was an open area. They were also willing to give a building setback of 700 feet from the rear of the property line. That would keep any future construction from that area. He has also agreed to enter into a covenant with the sellers of the property that if the use changes, that it would revert back to residential. He said that if he could not build anything on the property, obviously nothing would happen with it.

BEVERLY JACKSON, 1826 North Reca, stated that her husband did sign a petition in favor of the application but he did not understand where it would be located at that time. They assumed that it would be across 21st Street. She said that because of the north wind, and because it is newly developed property out there, there is no protection from the wind, and if this was to develop back to other uses than the golf site, their major concern was what would be put on the site.

BRUCE KOLARIK, 1921 North Socora, said that he opposed the change in zoning. He felt that it would adversely affect the development of the Westlink 16th Addition. He believed that it would reduce the property value of the existing homes. It could slow, or possibly even stop, the new residential development in the area. More importantly, it may change the direction of future development in the area. He said that today Westlink 16th Addition was a dynamic area. They have new homes under construction. The existing homes are well-maintained. It is a good community to live in and he did not want to see that changed. KOLARIK felt that the zoning under consideration was going to be an important factor in the future development of the area, especially north of 19th Street. He believed that if this zoning was approved, they would not see any development around 19th Street as it has been planned today, and he did not believe that they would see any development north of 19th Street up to 21st Street. KOLARIK felt that if this zoning remained residential and a few of the others in the area remain residential, they would see two areas grow together between Ridge Road and Tyler Road, and it would be a really nice residential area in there. He felt that this was the type of area that the local government likes to see develop through appropriate planning and zoning. He felt the best use for the land in the area was primarily for residential activities. He felt that this proposed zone change would make the area primarily commercial in nature, and this is what he was opposed to.

BILL MAUS, 1908 North Socora, said that he did not have a problem with the golf park. He would love it if it was in the corner of 21st

Street and Tyler. The problem as he saw it was the precedent set if this was zoned to "C" Commercial. Once it is zoned someone would come in and go right over to the open ground on both sides and want commercial zoning also. He asked that the request be denied.

DALE SIMMONS, 1837 North Socora, stated that the applicant has said that he would put in a big screen, and asked how would the Commission like to live in an \$85,000 home looking down the street at a big screen in that kind of an area. He pointed out that most of the houses in the area were priced at \$80,000 and up. He said that he would not object to the golf park being put on the corner and not mess up a lot of property with "C" zoning. He mentioned that he had seen golf courses that ended up a flop, and he could not see that in this area.

ELDON FOLMNSBEE, 7901 West 21st Street, Chairman of the Board of Aldersgate United Methodist Church, stated that they were opposed to this request because they moved into the area with the idea of a residential district where they could expand their church.

RAYMOND TRAYNOR, 1838 North Socora, agreed with staff, that putting commercial in that particular spot would destroy everything out there.

GARDNER asked Mr. Carson if he would have difficulty resubmitting his application on the basis of a C.U.P., and working with staff on a basis of how to submit a C.U.P. in such a fashion that he could address some of the questions that they raised.

CARSON said they have no problem with that but it was a matter of time at this point. The first way they approached planning originally was with a C.U.P. but that required annexation first. What they want to do now is get it zoned, annex it, and then go with a C.U.P. which was virtually the same as Golf Park East. They have a C.U.P. there.

GARDNER suggested that the objections that are typically followed either out southeast or down on Kellogg over the years when they had a driving range and go-cart track are typically of a legitimate nature in terms of how the night time recreational activities may or may not affect an adjacent residential neighborhood. He felt that the likelihood of dealing with a 20-acre parcel of straight "C" Commercial was extremely remote. The ability to deal with it as a C.U.P. where it addressed the specific uses and the buffering mechanisms and the hours of operation or light system so that things were tied down in a fairly specific fashion was probably about the only hope with dealing with that size parcel and that kind of zoning and use in at least that location approximate to the existing residential. He said that he understood the need to move with respect to time, but felt that a C.U.P. was probably the only way they could deal with that kind of zoning and for that use that would allow it to be addressed positively.

WILSON stated that everybody was quite concerned, and the applicant was concerned, that this would revert back to single family with a covenant between him and the owner which the Commission has no control over, no way to enforce, and no way to ensure that it does take place. So the Planning Commission ends up looking at that site only on the zoning basis, and Mr. Gardner stated that it would be a very difficult thing to look at that and say that it should be commercial at this time. He said that he would go on record as being against the request.

GOEBEL asked Galbraith if he thought the setback would give the Commission enough control. He said that if this did not develop, he would be afraid of that much setback.

GALBRAITH said that he was concerned about just the building setback from the south end because that gives them no control on how lights would be directed to shine away from the residential property. It gives them absolutely no control about the type of land uses that would go there before it could be annexed and a C.U.P. submitted.

MOORE asked if the applicant could live with a deferral to try to work this out?

GALBRAITH commented that there has been a request for annexation of this property. What is holding up the annexation was that there was no way to serve this with sewer unless a valid petition is returned.

LINDEBAK stated that there has been a petition prepared for extending a main sewer to serve this area as well as the areas to the east. It also has the ability to serve areas north of 21st Street. He said that they were anticipating that some time during 1985 that the petition would be brought in and then it would be presented to the City Commission for approval, but that has not occurred yet. It was felt that the combination of annexation and the petition for sewer main extension should go hand-in-hand because that was part of what was needed to have municipal development in this area.

WILEY stated that the sewer petition has been circulated among a lot of the landowners, and approximately one-third of the signatures have been obtained at this time. He said that the Ritchies own a considerable amount of land to the north and east of this site. They have all signed. He said that the things that needed to be gained were the people in Westlink 16th Addition and the HCA tract south of the site.

GARDNER asked staff if they were in a position to process an application for annexation and tie it to a contingency that they participate in a sewer petition.

GALBRAITH said that he could not answer that.

GARDNER felt that they needed to have an answer to that question. He said that he was sympathetic to the need to try and lock everybody in on the extension. He felt that the contract purchaser and seller were desirous of having sewer extended at some point in time to serve their property. Their ability to develop without sewer was severely limited, and he suspected that somewhere in the development process of zoning and platting, requirements could be affixed for the petitioning of necessary utilities at least on their behalf. He said that he did not know if holding them up on annexation and proceeding with the development process on their property was going to accelerate the City's ability to provide sewer otherwise.

GALBRAITH said that if he was a landowner there he would not want to be annexed into the city unless he could be assured that he could have sewer.

GARDNER asked if there would be any objection to a two-week deferral to allow the property owner and the applicant to meet with staff and have a thorough discussion of that situation?

CONLEE said that she did not understand why they needed to defer the case. They are suggesting that something be worked out on the annexation, but for this particular issue she hears that this should be denied in this form and the applicant should work out some way to annex the property and put this into a C.U.P. that can meet the conditions that are required by this bench.

GARDNER commented that rather than respond with the heavy handedness of a denial because of an application that might not be in ideal form, and by that he meant that the applicant has chosen to approach it on the basis of unannexed because staff has told them that it cannot be annexed for sometime, he felt that there was a good faith element there in applying for the "C" category because that is the category that they have to have for this kind of facility. He did not feel that they should respond to that in an overly penalizing fashion, if they can defer it and perhaps have it reshaped into something more positive.

CROCKETT said that it seemed to him like they were talking about two different things here. One was the format which Gardner addressed, and the second is whether this is a good use for that particular ground. If the feeling is that it is not a good use, whether it was in a commercial C.U.P. or in a format as currently submitted, then it seems

to him they should move forward rather than bring all of these people back down here two weeks hence.

MOORE pointed out that there were 50 names on a petition that have not shown up that were in favor of this request. He said that as he recalled, staff was opposed to putting "C" Commercial on Village Charter and it went in and everybody seems to be real content with it. He felt that the applicant should have the opportunity to try to work this out.

WILSON said that his concern also was the fact that one person is making the application and they are discussing everything with the contract purchaser. If the contract does not go through and he does not purchase it, everything that they have discussed is void. He felt that what they really needed to look at was whether "C" zoning is appropriate for that spot.

PETERS asked if the crux of this whole problem was not the sewer? Was it true that the applicant could not be promised anything on the sewer?

GALBRAITH said that was correct.

PETERS asked then what is the applicant doing here? Why wasn't the applicant told this?

GALBRAITH responded that the applicant had been told this, but he chose to file a "C" Commercial zoning case in the County without any protective devices.

CARSON said that he did not need sewer, and that was the reason he wanted to go ahead with the application.

GALBRAITH said that the applicant needs something out there for providing sewer service. He said that where large concentrations of people occur on 20 acres of commercial development, some type of sewer service capability is needed and septic tank systems may not be acceptable.

MOTION: That the Planning Commission defer this matter for 30 days in order for the applicant to explore the possibilities of filing for annexation and approaching it with a community unit plan concept; thoroughly explore with staff the intricacies of sewer extension to that area; and have some answers to the questions of what it was going to take to extend sewer. Gardner moved, Moore seconded and it resulted in a moot vote with 4 in favor (Gardner, Moore, Bayouth and Peters) and 4 opposed (Conlee, Crockett, Goebel and Wilson). Banzer and Miles were absent.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of nearby properties, especially the single-family zoning and development to the south; the suitability of subject property for the uses to which it has been restricted; and the recommendation of staff; I move that we recommend to the governing body that this application be denied. Wilson moved, Conlee seconded and it resulted in a moot vote of 4 in favor (Wilson, Conlee, Crockett and Goebel) and 4 opposed (Bayouth, Gardner, Moore and Peters). Banzer and Miles were absent.

CHAIRMAN GOEBEL announced that this case would be forwarded to the Board of County Commissioners as a "failure to recommend".

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 9, 1986

LEGAL:

- 4a. Case No. SCZ-0555 - Westwind Associates II requests zone change from "R-1" to "C" for the West ½ of the Northeast ¼ of the Northwest ¼ and the West 57.6 feet of the East ½ of the Northeast ¼ of the Northwest ¼ of Section 9, Township 27 South, Range 1 West of the 6th P.M.; except road right-of-way on the North. Generally located on the south side of 21st Street North, 1320 feet ± East of Tyler Road.
- 4b. Case No. CU-289 - Westwind Associates II requests Conditional Use Permit for a Miniature Golf Course and Driving Range on the West ½ of the Northeast ¼ of the Northwest ¼ and the West 57.6 feet of the East ½ of the Northeast ¼ of the Northwest ¼ of Section 9, Township 27 South, Range 1 West of the 6th P.M.; except road right-of-way on the North. Generally located on the south side of 21st Street North, 1320 feet ± East of Tyler Road.

DISCUSSION:

GALBRAITH stated that the applicant has filed this application for the intended use of a miniature golf course and driving range type use. In the County's text that is not a permitted use in light commercial and was earlier interpreted as being a permitted use first in the "C" district. He said that when the Planning Commission considered this case in October, it was staff's position that they would prefer to see the applicant develop a community unit plan for his entire site, and cautioned that they felt that if this was granted for "C" zoning it would make it very difficult to develop the adjacent properties on either side for residential uses which was the expected growth that staff felt would occur in the area. Staff encouraged that this 20 acres be incorporated within the applicant's total site and developed near the major street intersection where the expected strip on the front could exist in the existing light commercial zoning and that the owners could buffer their own 20-acre golf park with apartments or that type of use. The Planning Commission made two motions that day and both resulted in a moot vote. GALBRAITH mentioned that after the Planning Commission meeting, six percent protest petitions were filed. He explained that the applicant owned so much of the property within the 1,000 feet that it was difficult to muster a 20 percent protest petition. He said that when the County Commission considered this case, they discussed it at length. They were looking for ways to approve this type of use, either subject to a community unit plan in the City if later annexed, or by a conditional use application in the County. Their action was to defer the case for one week, and during that week the applicant came back with a series of proposed restrictive covenants that tried to pin down what his stated intended uses were. He wanted to assure building setbacks from the south property line north a distance of 600 feet, trying to assure everyone that that would be a golf driving range and not warehousing buildings permitted in "C" zoning. He offered some landscaping buffers on either side and to the south. He was agreeable to directing lights in certain fashions not to adversely affect adjacent residences. GALBRAITH said that the County Counselor ruled that such restrictive covenants were inappropriate, and during that week's time it was determined that the only way in the County to appropriately accommodate this use, would be for the applicant to file an accompanying conditional use application with the "C" zoning that he originally filed. GALBRAITH reported that the County's text does not list under "C" zoning miniature golf courses and golf driving ranges. He said that the County Zoning Officer, County Counselor and staff were more comfortable, since "C" zoning did not list those as outright permitted uses, that the applicant file a conditional use application, which was felt appropriate because it was determined that what he intended to do was similar to other uses permitted in "C" zoning. GALBRAITH mentioned that the north 160 to 180 feet is still requested for "C" zoning. The applicant has advised that he might accept "BB" Office zoning for that area so that there would not be the heavier commercial uses along 21st Street.

GALBRAITH stated that many of the area residents who spoke at the last meeting were concerned about this higher level of activity being near their single family homes and the lights which would be bothersome to adjacent single family homes.

GALBRAITH continued that it was staff's position that they still believe that this is inappropriate for "C" zoning at this particular location. Staff said early on that they could support the application if redesigned within the 80 acres where the applicant was buffering his own proposal by his own land uses. GALBRAITH said that if the Planning Commission looks with favor on "C" zoning, a buffer of "BB" be established adjacent to 21st Street along the north, and all of the rezoning should be subject to platting the entire property within one year and subject to the accompanying conditional use application being approved. GALBRAITH reviewed the eleven recommended conditions of approval for the conditional use permit as outlined in the staff report.

CROCKETT questioned whether this was a contract zoning effort.

GALBRAITH said that it was very close. He explained that conditional use applications in the County are close to contract zoning, but they are for uses listed in the County's text.

CROCKETT asked if both these applications were approved, and if a decision was later made not to follow the terms of the conditional use permit, was it the County Counselor's position that that would be a violation?

GALBRAITH said yes, that the conditional use application could only be deleted from this property through the appropriate amendment process; that this conditional use, if approved, runs with this land and could only be deleted by the appropriate public hearing process.

CROCKETT asked if the logical extension of this would be that if a specific use is not listed in the County zoning code, then a conditional use permit is required.

GALBRAITH said that that would be the logical assumption that if it is not listed as a permitted use, that it may require a conditional use application for every use under "C" zoning not listed.

MILES felt that the conditional use was a good tool if the County would pay attention to the rules and regulations that are set forth. He did not feel that this was any stronger than the County Counselor or Zoning Administrator, but felt that it was better than it was ten years ago. He said that they were doing a better job of policing it. He worked under a conditional use for 39 years and he has always had neighbors to help him stay in line real well. He said that he hated to make a person plat his land that he was not going to use at this time and pay additional taxes because it is platted, and he did not like to control too much of a person's land when he pays the taxes on it. He maintained that this was a good program.

GARY WILEY, Professional Engineering Consultants, stated that they were in agreement with staff's comment regarding the "BB" zoning for the north 270 feet of the site measured from the section line. There were only two of the conditional use provisions which they would like modified. They would like to have the 30-foot building setback imposed on the south side of the "BB" Office zoning site rather than the north side of the "C" zoned site. Regarding the lighting, they would like the time changed from 11 p.m. to 12 p.m. The driving range itself will shut down at 11 p.m. but the additional hour is needed for gathering the golf balls and for clean-up of the site.

GARDNER asked if the lights could be less intense between 11 p.m. and 12 p.m.

WILEY said that he would let the owner speak to that as he was not that familiar with the operation.

GARY CARSON, 1510 Todd Place, contract purchaser of the property, speaking to the lighting system, said that it would be designed by C.E. They will design the whole lighting system both for the miniature and the driving range. He said the driving range lights would be focused to a central point on the course. He said that it would be reduced lighting.

JEFF PEIER, 1824 North Socora, believed that this request was truly contract or spot zoning. He said that if the Commission looked at the platted area, they are carving out a 20-acre section from a total 80 acres which is otherwise and almost assuredly, as pointed out by the staff, going to be residential development. If they looked to the County ordinances as well as the State statutes which deal with zoning, they will find that for the public good there would be continued development in the residential area and that there are other uses for that property. They are definitely not depriving the applicant of any good use for this land. He urged that the Commission deny the request. He felt that this type of spot zoning was not the position the Commission should take. There should be a good reasoned, developed plan, and they should not be concerned only with what the gentleman wants who wishes the zoning but as well the neighbors and community and the general overall plan for that development.

BOB PRIEST, pastor of Aldergate United Methodist Church, stated that their concern was primarily not just this tract but the future use of this tract because they built in the area on the belief, in the faith, on the dream, that this would continue to develop as single dwelling housing. Their hope was that there would be a little bit of commercial on the corners, maybe a little bit of commercial next to 21st Street, but the large area other than that would be developed with single dwelling houses. He said that it seemed to him that if this group was allowed to come in and have special zoning that the next meeting there will be another group come in and it would not be very long until the whole area would be this special kind of zoning.

RICHARD SCHWENINGER, 1820 North Socora, stated that the residential area that they live in is a very quiet and very well developed family neighborhood. They are developing this in a controlled nature and the quality of the homes and family living in this area was far superior to most areas in many parts of Wichita. They bought the lot and built their house so that they would have a quite neighborhood in which to raise their children. At present their subdivision and the subdivisions coming from the 13th Street direction are coming together in a very good fashion of high quality homes. He said that they live there and unfortunately the contract purchaser does not live there. SCHWENINGER felt that the value of the residential property in these areas would not continue as they have to this day. He asked that the Commission deny this request.

BRUCE KOLARIK, 1921 North Socora, stated that he did not like this plan when he saw it in October and still did not like it. He mentioned that at the October meeting it was discussed quite extensively the sewer hookup in the area, and now since they are looking at a commercial use, and since he has not seen the restrictive covenants, he asked what provisions are there for sewage disposal?

GALBRAITH said that this site does potentially have available to it municipal sewer. A petition has been prepared that is being circulated in this benefit district and has not yet been returned to the Engineering Department. After the last meeting, staff met with Mr. Marotte, owner of this tract, and he has stated that he has a number of signatures from property owners in that area and is still comfortable that he will get a valid petition. In the event municipal sewer cannot be extended to this property, when this applicant plats this land he will contact the Health Department to see if some type of temporary sewer system can be approved. GALBRAITH said that the initial contacts had been made with the Health Department and the purchaser has been assured that if he does not develop a restaurant or that type of heavy use in the beginning and just develops a miniature golf course and golf driving range, that a temporary private sewer system can be developed that is satisfactory to the Health Department.

KOLARIK asked if he would be looking at a lagoon north of his property.

GALBRAITH said that he did not think so because they did not believe that much effluent would be generated with just people using a miniature golf course or golf driving range. They felt that some type of super septic tank and lateral field and some enlarged system would be able to accommodate their expected usage.

KOLARIK asked that in the event that petition does not go through as expected, are there any provisions spelled out in the covenants that would cover that particular situation?

GALBRAITH said that they were not in the covenants because the covenants were determined to be not acceptable. At the time of platting a sewer system will be addressed, and it would not be platted unless there is a satisfactory system worked out at that time with the Health Department.

KOLARIK asked who was the governing authority that enforces a conditional use.

GALBRAITH said that the County Commission was the governing authority. There is a County Zoning Inspector who is charged with the responsibility of enforcement in the County.

KOLARIK again stated his opposition to the proposed rezoning and conditional use.

BAYOUTH asked that since a conditional use permit was required, why could they not require it under light commercial?

GALBRAITH explained that "LC" only permits indoor uses and retail sales, and this is an outdoor miniature golf course and driving range. Light commercial does not permit outdoor uses.

GARDNER commented that he had the impression that for the amount of regulation that they are dealing with, with this conditional use permit, nearly all of the major issues are addressed, and he has difficulty looking at this proposal and not thinking of the ball facilities that they have on the east side of Ridge Road north of 13th Street similarly located in terms of depth in from Ridge Road without any particular lighting controls or hours of use dictated or delineated. Any one of a variety of things that are presently in that park area would be significantly changed by the regulations here, including the direction of the lights and hours of operation most particularly and he did not find that being brought forth on a complaint basis with any regularity as a nuisance or an adverse influence. He asked if he was looking at that incorrectly?

GALBRAITH said that parents get used to taking their children to soccer games and softball games and when it is a governmental or municipal operated park, that those are looked upon with more acceptability than miniature golf courses or golf driving ranges of a more commercial nature.

WILSON mentioned that the ball diamond that Galbraith was talking about over by the park does not adjoin any residential area. This application was a little different situation. It is right in the middle of a residential area.

BAYOUTH asked where is the ideal area to put a golf driving range?

BANZER did not think it was very good planning to put a golf driving range next to a residential area.

GOEBEL said that he would not vote for "C" Commercial without restrictions.

WILEY pointed out that the "R" through the "LC" districts in the County Regulations specifically exclude such things as driving ranges and miniature golf courses. He felt that it was a shame that the rear portion of this request has to be zoned commercial because that is where the golf balls will be hit and that is the reason they have the 600-foot building setback.

CONLEE said her concern was that this dictates that the adjacent residential area would be developed in some way other than residential. She mentioned that staff had said that when both sides are developed it will then have to be annexed into the City as a C.U.P. and then maybe there will be some quasi-residential uses that could be used. She felt that at this point she could support this, but she was new and in a learning mode and if she sees six months from now these two areas be forced into commercial development because this one is in commercial development, they

can be sure the next time she would not support something like this as strip zoning.

WILSON responded that any time they go in and do a zoning, the adjoining property is entitled to certain rights, and when one goes from residential to commercial in one step, they are making a pretty big zone change.

CONLEE said she guesses she was agreeing with the the use because the 30-foot greenbelt and the 600-foot open field provide a buffer.

MOORE commented that although technically they are zoning it commercial, only a very limited number of uses are being permitted.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; and the suitability of subject property for the uses proposed; I move that we recommend to the governing body that "BB" zoning be approved for the north 270 feet, measured from the section line, with the exception of a 35-foot wide driveway, and that the balance of the application area be approved for "C" zoning subject to approval of the associated request for a conditional use permit for a miniature golf course and driving range, etc. Approval is conditioned upon platting the property within one year after approval by the Board of County Commissioners or the case be considered denied and closed; and that the conditional use permit for the "C" zoned area be approved subject to the following conditions:

- A. Use of the property when developed, shall be limited to the following: miniature golf, golf driving range, baseball batting cage, indoor recreation center with restaurant and/or club, and associated parking.
- B. No building shall be constructed closer to the south property line than 600 feet nor closer to the east and west property lines than 35 feet. Safety screens may be constructed within the 600-foot building setback area as delineated on the site development plan.
- C. A planting screen consisting mainly of large, upright evergreen trees shall be provided along the south property line and along the south 500 feet of the east and west property lines. This planting screen shall be at least 30 feet wide along the south property line and at least 20 feet wide along the east and west property lines. A landscape plan for the planting screens, indicating the location, type, and specifications of plant materials and the method of watering, shall be submitted to the Planning Department for review and approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting screens shall be considered a violation of the conditional use permit.
- D. An 8-foot high security fence shall be constructed around the perimeter of the property prior to opening of the driving range.
- E. Overhead lights may be installed in the miniature golf course area if they are directed downward so as not to shine on properties outside this conditional use permit area. Overhead lights may be installed on the golf driving range if located behind the driving tee area and directed to a common focal point near the center of the range. A lighting plan designating location, height, direction and power of the lights shall be submitted to the Sedgwick County Zoning Administrator for review and approval prior to

installation. All such overhead lights shall be turned off no later than 12 midnight.

- F. Safety screens for the golf driving range made of open mesh shall be installed as indicated on the site development plan. These safety screens shall not exceed 50 feet in height.
- G. No more than one sign advertising this recreation facility shall be permitted along 21st Street North and it shall be within the "C" zoning district. The sign shall be no more than 150 square feet in size and 30 feet in height. No flashing lights shall be permitted.
- H. No outside loud speakers shall be permitted which allow their sounds to be heard beyond the property lines of this conditional use application.
- I. The property included in this application shall be platted within one year after approval of the conditional use by the Board of County Commissioners or this application shall be considered denied and closed. The resolution authorizing the conditional use permit shall not be published until the plat has been recorded.
- J. The transfer of the title of all or any portion of the land included within the conditional use permit does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended after Planning Commission and County Commission review at a public hearing.
- K. Prior to the case being forwarded to the County Commission for review, the applicant shall submit ten copies of the Site Development Plan corrected to show the conditions of approval listed above.

Moore moved, Miles seconded and it carried with a vote of 8 in favor (Moore, Miles, Bayouth, Conlec, Crockett, Gardner, Goebel, and Peters) and 2 opposed (Banzer and Wilson).

Published in The Daily Reporter on _____, 1986

RESOLUTION NO. _____

A RESOLUTION TO ESTABLISH A MINIATURE GOLF COURSE AND DRIVING RANGE IN THE "C" COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to establish a miniature golf course and driving range in the "C" Commercial district is hereby approved on the lands legally described as follows:

CASE NO. CU-289

Commencing at the NW Corner of the NE 1/4, NW 1/4, Section 9-T275-R1W of the 6th P.M.: thence South along the West line of said NE 1/4, NW 1/4, 270 feet to the point of beginning; thence East, parallel to the north line of said NE 1/4, NW 1/4, 210 feet; thence north, parallel to the west line of said NE 1/4, NW 1/4, 174.1 feet ± to the South line of 21st Street; thence East, along the South line of 21st, 35.01 feet; ±; thence South, parallel to the West line of said NE 1/4, NW 1/4, 173.2 feet ±, to a point 270 feet South of the North line of said 1/4 Section; thence East, parallel to and 270 feet South of the North line of said 1/4 Section, 471.15 feet ±; thence South, parallel to and 57.6 feet East of the East line of the West 1/2 of said NE 1/4, NW 1/4, 1050 feet ± to the South line of said NE 1/4, NW 1/4; thence West, along the South line of said NE 1/4, NW 1/4, 716.15 feet ± to the west line of said NE 1/4, NW 1/4; thence North along the West line of said NE 1/4, NW 1/4, 1050 feet ± to the point of beginning. Generally located on the south side of 21st Street North, 1320 feet ± East of Tyler Road.

SUBJECT TO THE FOLLOWING:

- A. Use of the property when developed, shall be limited to the following: miniature golf, golf driving range, baseball batting cage, indoor recreation center with restaurant and/or club, and associated parking.
- B. No building shall be constructed closer to the south property line than 600 feet nor closer to the east and west property lines than 35 feet. Safety screens may be constructed within the 600-foot building setback area as delineated on the site development plan.

- C. A planting screen consisting mainly of large, upright evergreen trees shall be provided along the south property line and along the south 500 feet of the east and west property lines. This planting screen shall be at least 30 feet wide along the south property line and at least 20 feet wide along the east and west property lines. A landscape plan for the planting screens, indicating the location, type, and specifications of plant materials and the method of watering, shall be submitted to the Planning Department for review and approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting screens shall be considered a violation of the conditional use permit.
- D. An 8-foot high security fence shall be constructed around the perimeter of the property prior to opening of the driving range.
- E. Overhead lights may be installed in the miniature golf course area if they are directed downward so as not to shine on properties outside this conditional use permit area. Overhead lights may be installed on the golf driving range if located behind the driving tee area and directed to a common focal point near the center of the range. A lighting plan designating location, height, direction and power of the lights shall be submitted to the Sedgwick County Zoning Administrator for review and approval prior to installation. All such overhead lights shall be turned off no later than 12 midnight.
- F. Safety screens for the golf driving range made of open mesh shall be installed as indicated on the site development plan. These safety screens shall not exceed 50 feet in height.
- G. No more than one sign advertising this recreation facility shall be permitted along 21st Street North and it shall be within the "C" zoning district. The sign shall be no more than 150 square feet in size and 30 feet in height. No flashing lights shall be permitted.
- H. No outside loud speakers shall be permitted which allow their sounds to be heard beyond the property lines of this conditional use application.
- I. The property included in this application shall be platted within one year after approval of the conditional use by the Board of County Commissioners or this application shall be considered denied and closed. The resolution authorizing the conditional use permit shall not be published until the plat has been recorded.
- J. The transfer of the title of all or any portion of the land included within the conditional use permit does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended after Planning Commission and County Commission review at a public hearing.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED by the Board of County Commissioners
at Wichita, Kansas, this _____ day of _____, 19__.

_____, Chairman
Donald E. Gragg

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

January 13, 1986

Jeff Peier
1824 North Socora
Wichita, Kansas 67212

Re: SCZ-0555 and CU-289

Dear Mr. Peier:

The Planning Commission at its regular meeting of January 9, 1986, considered the above-captioned requests, and their action was as indicated on the attached letter.

This is to advise you that if property owners within 1000 feet of the conditional use application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, January 23, 1986. The time limit for submitting protest petitions on the rezoning case expired 14 days after the original October 31 hearing. Enclosed are several copies of the protest petition form, and if you have need for more forms, they may be obtained at this office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez
Senior Planner

LO/Iw

Enclosures

cc: Bob Priest, Aldersgate United Methodist Church, 7901 W. 21st St.,
Wichita, KS 67212
Richard Schwening, 1820 N. Socora, Wichita, KS 67212
Bruce Kolarik, 1921 N. Socora, Wichita, KS 67212

January 13, 1986

Gary Wiley
1440 E. English
Wichita, Kansas 67211

Re: SCZ-0555 and CU-289. South side 21st Street east of Tyler

Dear Mr. Wiley:

*received
1-17-86*

At its regular meeting on January 9, 1986, the Metropolitan Area Planning Commission considered the above-captioned requests. The action of the Planning Commission, on the zoning request, was to recommend that "BB" zoning be approved for the north 270 feet, measured from the section line, with the exception of a 35-foot wide driveway, and that the balance of the application area be approved for "C" zoning subject to approval of the associated request for a conditional use permit for a miniature golf course and driving range, etc. Approval is conditioned upon platting the property within one year after approval by the Board of County Commissioners or the case be considered denied and closed. Legal descriptions of each zoning district area shall be submitted to the Planning Department. The Planning Commission's action on the conditional use request was to recommend approval of the conditional use permit for the "C" zoned area subject to the following conditions:

- A. Use of the property when developed, shall be limited to the following: miniature golf, golf driving range, baseball batting cage, indoor recreation center with restaurant and/or club, and associated parking.
- B. No building shall be constructed closer to the south property line than 600 feet nor closer to the east and west property lines than 35 feet. Safety screens may be constructed within the 600-foot building setback area as delineated on the site development plan.
- C. A planting screen consisting mainly of large, upright evergreen trees shall be provided along the south property line and along the south 500 feet of the east and west property lines. This planting screen shall be at least 30 feet wide along the south property line and at least 20 feet wide along the east and west property lines. A landscape plan for the planting screens, indicating the location, type, and specifications of plant materials and the method of watering, shall be submitted to the Planning Department for review and approval. Said

Gary Wiley
January 13, 1986
Page 2

approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting screens shall be considered a violation of the conditional use permit.

- D. An 8-foot high security fence shall be constructed around the perimeter of the property prior to opening of the driving range.
- E. Overhead lights may be installed in the miniature golf course area if they are directed downward so as not to shine on properties outside this conditional use permit area. Overhead lights may be installed on the golf driving range if located behind the driving tee area and directed to a common focal point near the center of the range. A lighting plan designating location, height, direction and power of the lights shall be submitted to the Sedgwick County Zoning Administrator for review and approval prior to installation. All such overhead lights shall be turned off no later than 12 midnight.
- F. Safety screens for the golf driving range made of open mesh shall be installed as indicated on the site development plan. These safety screens shall not exceed 50 feet in height.
- G. No more than one sign advertising this recreation facility shall be permitted along 21st Street North and it shall be within the "C" zoning district. The sign shall be no more than 150 square feet in size and 30 feet in height. No flashing lights shall be permitted.
- H. No outside loud speakers shall be permitted which allow their sounds to be heard beyond the property lines of this conditional use application.
- I. The property included in this application shall be platted within one year after approval of the conditional use by the Board of County Commissioners or this application shall be considered denied and closed. The resolution authorizing the conditional use permit shall not be published until the plat has been recorded.
- J. The transfer of the title of all or any portion of the land included within the conditional use permit does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended after Planning Commission and County Commission review at a public hearing.
- K. Prior to the case being forwarded to the County Commission for review, the applicant shall submit ten copies of the Site Development Plan corrected to show the conditions of approval listed above.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., Wednesday, February 5, 1986 in Room 320, Sedgwick County Courthouse, 525 North Main in Wichita.

Gary Wiley
January 13, 1986
Page 3

If you have any questions concerning these cases, please contact our office.

Sincerely yours,

Louise Olivarez
Senior Planner

LO:lw

cc: Leonard Marotte, Westwind Associates, II, 727 N. Waco, Wichita, KS
67203
Gary Carson, Carson and Company, Inc. 3015 S. Hydraulic, Wichita,
KS 67216
Jeff Peier, 1824 N. Socora, Wichita, KS 67212
Bob Priest, Aldersgate United Methodist Church, 7901 W. 21st St.,
Wichita, KS 67212
Richard Schweningen, 1820 N. Socora, Wichita, KS 67212
Bruce Kolarik, 1921 N. Socora, Wichita, KS 67212

5. If the Commission determines that this conditional use permit request is appropriate, the following are recommended conditions of approval:
 - A. Use of the property when developed, shall be limited to the following: miniature golf, golf driving range, baseball batting cage, indoor recreation center with restaurant and/or club, and associated parking.
 - B. No building shall be constructed closer to the south property line than 600 feet nor closer to the east and west property lines than 35 feet. If "C" zoning is granted on the entire application area, the building setback from the north shall be 270 feet measured from the section line. If a lesser area is approved for "C" zoning the building setback from the north line of the zoning district shall be 30 feet. Safety screens may be constructed within the 600-foot building setback area as delineated on the site development plan.
 - C. A planting screen consisting mainly of large, upright evergreen trees shall be provided along the south property line and along the south 500 feet of the east and west property lines. This planting screen shall be at least 30 feet wide along the south property line and at least 20 feet wide along the east and west property lines. A landscape plan for the planting screens, indicating the location, type, and specifications of plant materials and the method of watering, shall be submitted to the Planning Department for review and approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting screens shall be considered a violation of the conditional use permit.
 - D. An 8-foot high security fence shall be constructed around the perimeter of the property prior to opening of the driving range.
 - E. Overhead lights may be installed in the miniature golf course area if they are directed downward so as not to shine on properties outside this conditional use permit area. Overhead lights may be installed on the golf driving range if located behind the driving tee area and directed to a common focal point near the center of the range. A lighting plan designating location, height, direction and power of the lights shall be submitted to the Sedgwick County Zoning Administrator for review and approval prior to installation. All such overhead lights shall be turned off no later than 11 p.m.
 - F. Safety screens for the golf driving range made of open mesh shall be installed as indicated on the site development plan. These safety screens shall not exceed 50 feet in height.
 - G. No more than one sign advertising this recreation facility shall be permitted along 21st Street North and it shall be within the "C" zoning district. The sign shall be no more than 150 square feet in size and 30 feet in height. No flashing lights shall be permitted.
 - H. No outside loud speakers shall be permitted which allow their sounds to be heard beyond the property lines of this conditional use application.
 - I. The property included in this application shall be platted within one year after approval of the conditional use by the Board of County Commissioners or this application shall be considered denied and closed. The resolution authorizing the conditional use permit shall not be published until the plat has been recorded.
 - J. The transfer of the title of all or any portion of the land included within the conditional use permit 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 owners, their successors and assigns, unless amended after Planning Commission and County Commission review at a public hearing.

- K. Prior to the case being forwarded to the County Commission for review, the applicant shall submit four copies of the Site Development Plan corrected to show the conditions of approval listed above.

CASE NO. SCZ-0555 and CU-289

108	"Notices to adjoining property owners mailed on 12-26-85 for MAPC meeting on 12-26-85 1-9-86
4	One each to Applicant(s) and Agent(s).
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Louise, Glen and Terry.
<hr/>	
118	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

December 26, 1985

NOTICE OF PUBLIC HEARING

Case No.: SCZ-0555 and CU-289.

Location: South side of 21st Street North, approximately 1320' east of Tyler.

Address: N/A.

Request: Zone Change from "R-1" Suburban Residential District to "C" General Commercial District and Conditional Use Permit for a Miniature Golf Course and Driving Range.

A public hearing to consider the above noted requests has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

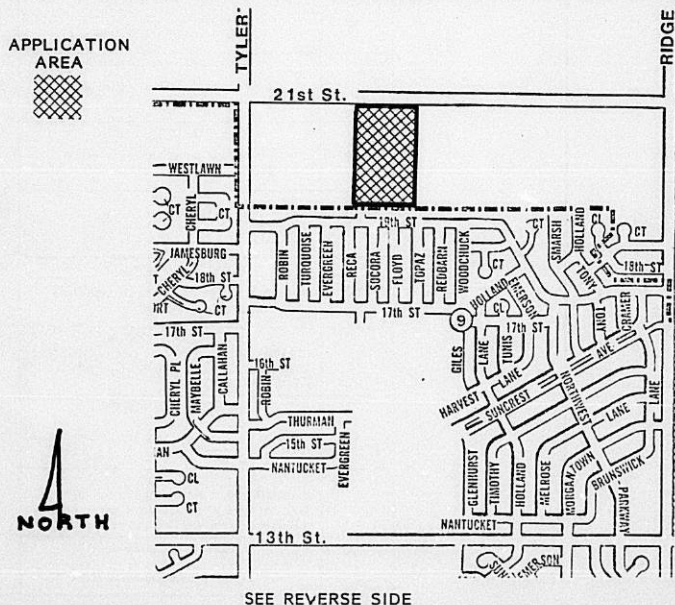
JANUARY 9, 1986

The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose these requests. If you have no interest in or objection to the requests, you have no obligation to appear at the public hearing.

SCZ-0555 was previously heard by the MAPC on October 31, 1985, and by the Board of County Commissioners on November 27, 1985, but was returned to MAPC by the County Commission for reconsideration with a conditional use request. A conditional use permit would allow restrictions on development to be specified.

If you have any questions or wish additional information, please call 268-4421.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. SCZ-0555
Zone Change from the "R-1" Suburban Residential District
to the "C" General Commercial District

AND

CASE NO. CU-289
Conditional Use Permit for a Miniature Golf Course
and Driving Range on Property to be Zoned
the "C" Commercial District

The West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West 57.6 feet of the East $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 27 South, Range 1 West of the 6th P.M.; except road right-of-way on the North. Generally located on the south side of 21st Street North, 1320 feet \pm East of Tyler Road.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

***Mobile home parks and trailer camps are not permitted.

Published in the Eagle Beacon on December 19, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, January 9, 1986, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following application:

CASE NO. CU-289

Conditional Use Permit for a Miniature Golf Course
and Driving Range on Property to be Zoned
the "C" Commercial District

The West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West 57.6 feet of the East $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 27 South, Range 1 West of the 6th P.M.; except road right-of-way on the North. Generally located on the south side of 21st Street North, 1320 feet \pm East of Tyler Road.

The associated request for a change of zoning from "R-1" Suburban Residential to "C" Commercial on this same property has been previously advertised.

As provided in Section 17-C of the Sedgwick County Zoning Regulations, the same will there be discussed and considered by the said MAPC and all persons interested in said matter 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 application will be considered as by law provided.

WITNESS MY HAND AND SEAL this 16th day of December, 1985.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

(SEAL)

APPLICATION FOR CONDITIONAL USE PERMIT

Assoc. w/SCZ-0555

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor; City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

- A. APPLICANT WESTWIND ASSOCIATES II *co*
 ADDRESS 727 NORTH WACO Zip Code 67203 PHONE 265-2555
 AGENT LEONARD MAROTTE
 ADDRESS 727 NORTH WACO Zip Code 67203 PHONE 265-2555
- B. APPLICANT CARSON AND COMPANY, INC. ATTN: GARY CARSON
 ADDRESS 3015 S. HYDRAULIC *(CONTRACT PURCHASER)* Zip Code 67216 PHONE 688-5808
 AGENT P.E.C., P.A. ATTN: GARY WILEY
 ADDRESS 1440 E. ENGLISH Zip Code 67211 PHONE 262-2691
- C. APPLICANT _____
 ADDRESS _____ Zip Code _____ PHONE _____
 AGENT _____
 ADDRESS _____ Zip Code _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a MINIATURE GOLF COURSE
 AND DRIVING RANGE (use)
 on property legally described as Lot(s) _____
 _____, Block(s) _____
 of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

use same legal as SCZ-0555
 THE W 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 9, T27S, R1W OF THE 6TH PM; AND THE WEST 57.6 FEET OF THE EAST 1/2 OF THE NE 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 9, T27S, R1W OF THE 6TH PM; EXCEPT ROAD RIGHT-OF-WAY RECORDED ON FILM 131, PAGE 898 ON THE NORTH.

- B. There are 20 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 4949D Zoning (N) R-1 (S) AA (E) R-1 (W) R-1 MAPC 1-9-86

T9-333-2

Revised 1/85



3. This property is located at (address) N/A.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____, OR

B. On the SOUTH side of 21ST (Ave.) Street between 1320 FT ± EAST (~~ON THE SOUTH SIDE OF~~) OF TYLER Road (Ave.) Street.

name as SCZ-0555

4. We request this Conditional Use Permit for the following reasons:

AT THE BOARD OF COUNTY COMMISSIONERS MEETING OF DECEMBER 4, 1985, IT WAS DECIDED IT WAS APPROPRIATE TO FILE A CONDITIONAL USE PERMIT ALONG WITH OUR ZONING REQUEST FOR THE PROPOSED GOLF PART WEST.

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

[Signature]

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at _____ (AM, PM) on 12-10-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ N/A.

Use ownership sheet from SCZ-0555

Name

Title

PARCEL A

Proposed Uses: Parking
Gross Area: 135,679 sq. ft. +/- or 3.11 Acres
Net Area: 135,679 sq. ft.

PARCEL B

Proposed Uses: Parking, miniature golf, driving range, baseball driving, recreational center with restaurant and/or club, but not including amusement ride activities, (such as roller coaster, Ferris wheels), go cart and motorcycle tracks.
Gross Area: 735,523 sq. ft. +/- of 16.89 Acres
Net Area: 735,523 sq. ft.
Maximum Building Coverage: 95,000 sq. ft.
Maximum Gross Floor Area: 95,000 sq.ft.
Floor Area Ratio: .13
Maximum Building Height: 35'
Maximum Number of Buildings: 8

GENERAL PROVISIONS

1. Signs as permitted by zoning district except no billboards will be permitted.
2. Total net land area 871,202 square feet or 20 acres, more or less.
3. A planting strip as indicated on the plan 30 feet wide shall be provided along the south property line and 10 feet wide along the west and east sides of the driving range. A landscape plan for the planting strip, indicating the location, type, and specifications of plant materials shall be submitted to the planning department for approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting strips shall be considered a violation of the conditional use permit.
4. An 8' high security fence shall be constructed around the perimeter of the property as a safety measure to prevent anyone from entering area and be hurt by golf balls.
5. Overhead lights will be installed in the miniature golf course directed downward as to confine concentration of lights to playing area. Lights on the driving range will be located behind driving tee area and directed to a common focal point at the south center of the range as indicated by the concentrated lighting area on drawing. Said lighting plan to first be approved by County Zoning Administration or any succeeding zoning or planning administration.
6. A safety screen will be installed as indicated to protect adjacent property from golf balls that could accidentally be hit in that direction. This fence screen will not exceed 50 feet in height and initially will extend southward for 350 feet. However, the fence may be extended up to another 120 feet if the initial 350 feet proves to be inadequate protection.
7. The property to have (2) points of access, the same being on 21st Str. and not to exceed 30 feet in width.
8. Building set back from the south property line shall be 600 feet. Building set back from the West and East property lines shall be 35 feet. Building set back from 21st Str. shall be 160 feet.
9. The transfer of the title of all or any portion of the land included within the condition use permit 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 owners, their successors and assigns.

PARCEL A

Proposed Uses: Parking
Gross Area: 121,169 sq. ft. +/- or 2.78 acres
Net Area: 121,169 sq. ft.

PARCEL B

Proposed Uses: Parking, miniature golf, driving range, baseball batting cage, ^{recreational} recreational center with restaurant and/or club, but not including amusement ride activities (such as roller coaster, Ferris wheels), go cart and motorcycle tracks.

Gross Area: 751,958 sq. ft. +/- or 17.26 acres
Net Area: 751,958 sq. ft.
Maximum Building Coverage: 95,000 sq. ft. 12.6%
Maximum Gross Floor Area: 95,000 sq. ft.
Floor Area Ratio: .13
Maximum Building Height: 35'
Maximum Number of Buildings: 8

GENERAL PROVISIONS

1. Signs as permitted by zoning district except no billboards will be permitted. *portable signs*
2. Total net land area 873,127 square feet or 20 acres, more or less.
3. A planting strip as indicated on the plan 30 feet wide shall be provided along the south property line and 10 feet wide along the west and east sides of the driving range. A landscape plan for the planting strip, indicating the location, type, and specifications of plant materials shall be submitted to the Planning Department for approval. Said approved landscaping shall be planted prior to opening the driving range for business and failure to plant or to properly maintain the planting strips shall be considered a violation of the conditional use permit. *Screen consisting of large, upright evergreen trees*
4. An 8' high security fence shall be constructed around the perimeter of the property as a safety measure to prevent anyone from entering area and be hurt by golf balls.
5. Overhead lights will be installed in the miniature golf course directed downward as to confine concentration of lights to playing area. Lights on the driving range will be located behind driving tee area and directed to a common focal point at the south center of the range as indicated by the concentrated lighting area on drawing. Said lighting plan to first be approved by County Zoning Administration or any succeeding zoning or planning administration. *succeeding*
6. A safety screen will be installed as indicated to protect adjacent property from golf balls that could accidentally be hit in that direction. This fence screen will not exceed 50 feet in height and initially will extend southward for 350 feet. However, the fence may be extended up to another 120 feet if the initial 350 feet proves to be inadequate protection. ?
7. The property to have (2) points of access, the same being on 21st Street and not to exceed 30 feet in width. *to be determined at planting*
8. Building setback from the south property line shall be 600 feet. Building setback from the west and east property lines shall be 35 feet. Building setback from 21st Street shall be 160 feet. *to 180 feet as shown on the plan*
9. The transfer of the title of all or any portion of the land included within the conditional use permit 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 owners, their successors and assigns.

*property to be used only for golf park (what about frontage?)
3 hours of lights - 1st of night
no outside speakers
planting plan - timetable*

Submitted to BGC 12-4-85,
Unacceptable.

Protective Covenants

Whereas, Westwind Associates II is the legal and equitable owner of the property which is legally described as:

The East half (E/2) of the Northeast quarter (NE/4) of the Northwest one-quarter (NW/4) of Section 9, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas (Tract A)

and Whereas Westwind Associates III is the legal and equitable owner of the property which is legally described as:

The West half (W/2) of the North half (N/2) of the Northwest one-quarter (NW/4) of Section 9, TWP 27 South Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas (Tract B)

and Whereas, Gary O. Carson or assigns has an equitable interest in the following property and Westwind Associates II is the legal owner in the property which is legally described as follows:

The West half (W/2) of the Northeast one-quarter (NE/4) of the Northwest one-quarter (NW/4) of Section 9, TWP 27 South, Range 1 West, Sedgwick County, Kansas (Tract C)

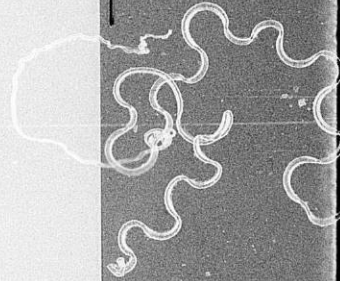
and Carson is intending to develop such property for a golf driving range, miniature golf course and other recreational uses and has applied for "C" commercial zoning district.

Whereas, the owners of Tract A and B are desirous of maintaining quality standards in the development adjacent to their land and the owners of tracts A, B and C have agreed that it is in their best interests to impose on Tract C certain protective covenants for the benefit of tracts A and B.

Now, Therefore, the following agreements, covenants and restrictions are hereby imposed upon Tract C, the undersigned and its grantees, lessees and successors in interest for the benefit of Tracts A and B and all future owners thereof, said covenants and restrictions to run with the real property hereinabove described as Tract C and to bind the real property and the undersigned and its grantees, lessees and successors in interest forever:

1. The property when improved by the undersigned or its successors in interest will have only two (2) points of access, the same being on 21st Street and not to exceed 30 feet in width.
2. All maintenance of any motor vehicles and storage of vehicles or other materials will take place inside a structure to be built by the undersigned and approved by the owners of tracts A & B. The building will have its access door facing either East or West and not to the North or South.
3. The undersigned or its successors shall build within 6 months of conveyance of title to the undersigned a "green belt" landscaping screen on the south end of the property the height to be a minimum of 6 feet by the use of various trees and shrubs to be approved by the owner of Tracts A and B.

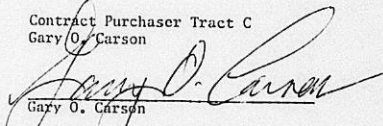
Handwritten note: "This is a portion of Tract A"



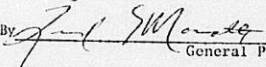
4. Lighting for the golf driving range shall not be installed until it is first approved by the County Zoning Administrator or any other succeeding zoning or planning administrator. Any lighting such installed shall be directed inward to the Tract C and not shine directly to the East, West or South.
5. All fencing to be installed shall be approved by the County Zoning Administrator prior to installation.
6. The undersigned shall designate in recordable form upon conveyance of title, building setbacks from the North property line 200' South and from the South property line, 600' North, which may be altered by an approved C.U.P.
7. In the event that the undersigned, Gary O. Carson, ceases its miniature golf and driving range business and ceases to use the property zoned "C" commercial solely for those activities, the property shall be utilized only by Gary O. Carson or by his successors in interest, any lessee or subsequent grantee only for uses presently permitted in the residential districts, and no other "C" commercial uses shall be permitted thereon by Gary O. Carson, his grantees, lessees or successors in interest.
8. The undersigned do hereby grant to the owners of Tract A and B the right to enforce all covenants, restrictions and conditions herein self-imposed upon Tract C by Gary O. Carson, and upon his grantees, lessees and successors in interest by civil action in accordance with any legal or equitable remedies permitted by the laws of the State of Kansas. If the owners of tracts A and B fail in any regard to enforce these covenants, the County Zoning Administrator or any subsequent planning or zoning administrator may in his discretion enforce these covenants with the full authority of the owners herewith.
9. The undersigned agree not to record a plat or Community Unit Plan on Tract C until after execution and recordation of these protective covenants.

In Witness Whereof, the undersigned have set their hands this 2nd day of December, 1985.


Contract Purchaser Tract C
Gary O. Carson


Gary O. Carson

Westwind Associates II

By 
General Partner

Westwind Associates III

By 
General Partner

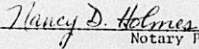
State of Kansas)
Sedgwick County)

Be it remembered, that on this 2nd day of December, 1985, before me a Notary Public in and for the County and State aforementioned, came Gary O. Carson and Westwind Associates II and Westwind Associates III general partners to me personally known to be the same persons who executed the within instrument and such person duly acknowledged the execution of the same.

In witness whereof, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

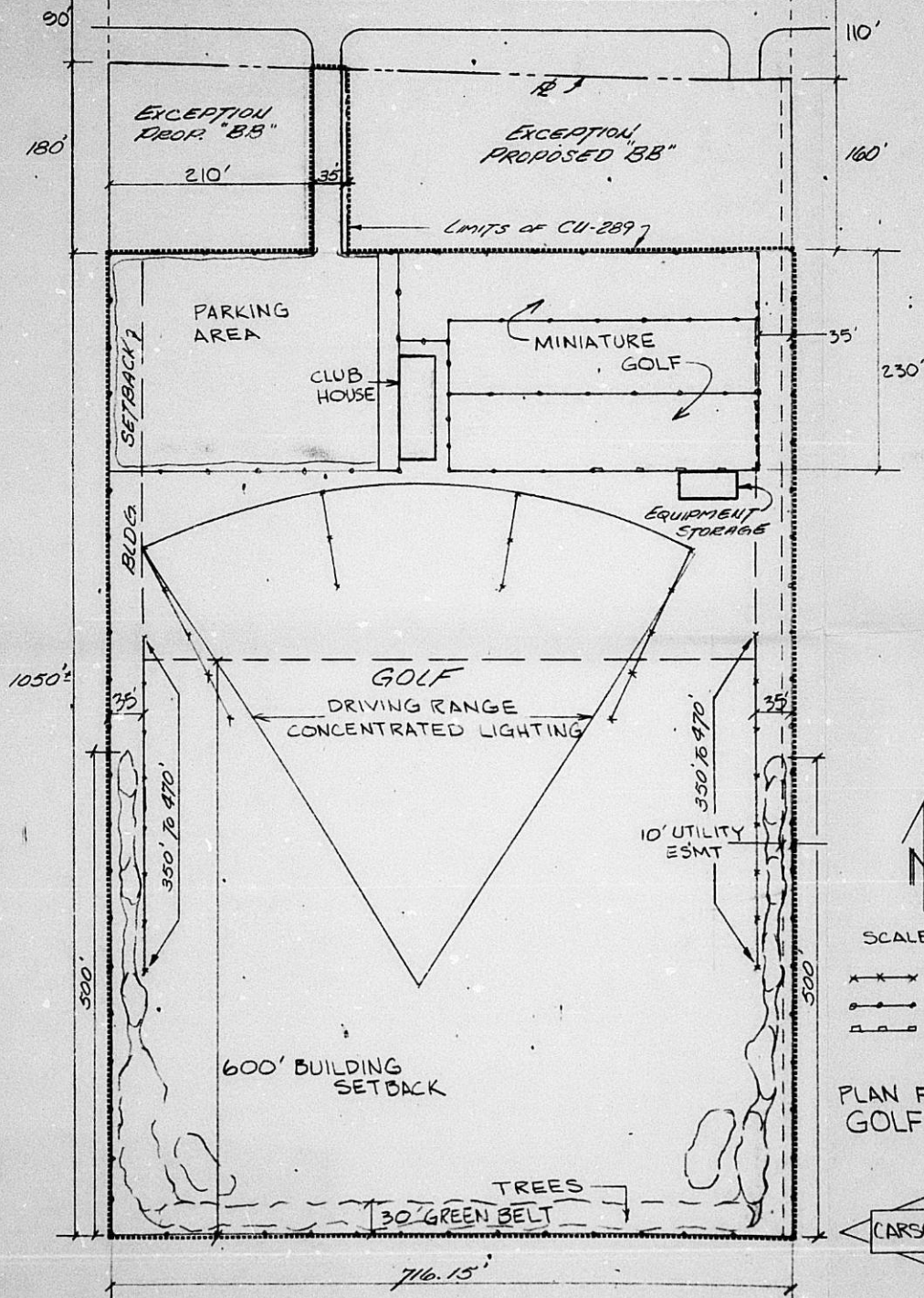
My commission expires

NANCY D. HOLMES
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 7-15-89


Notary Public

NW CORNER, NE 1/4, NW 1/4
SEC. 9 - 275 - 1W

21ST STREET



CU-289

PERMITTED

MINIATURE
DRIVING RANGE
BATTING CAGE
RECREATION
RESTAURANT
AND ASSOCIATED



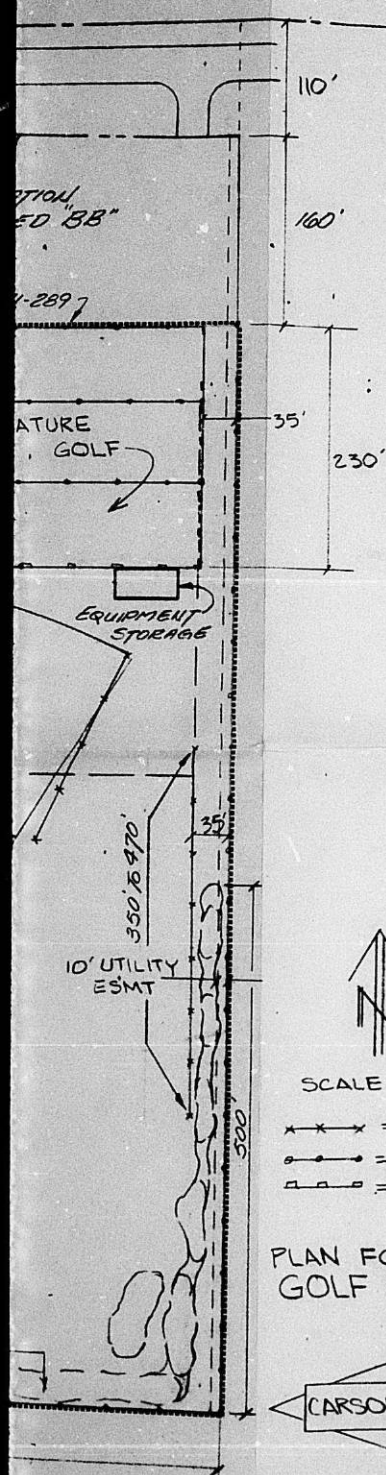
SCALE - 1" = 100'

- x---x--- = SAFETY SCREEN
- o---o---o--- = SECURITY FENCE
- = BOARD FENCE

PLAN FOR
GOLF PARK WEST



12-31-85
REV. 1-15-86



CU-289

PERMITTED USES

MINIATURE GOLF; GOLF
DRIVING RANGE; BASEBALL
BATting CAGE; INDOOR
RECREATION CENTER WITH
RESTAURANT AND/OR CLUB;
AND ASSOCIATED PARKING.



SCALE — 1" = 100'

- × × × = SAFETY SCREEN
- — ● = SECURITY FENCE
- — □ = BOARD FENCE

PLAN FOR
GOLF PARK WEST



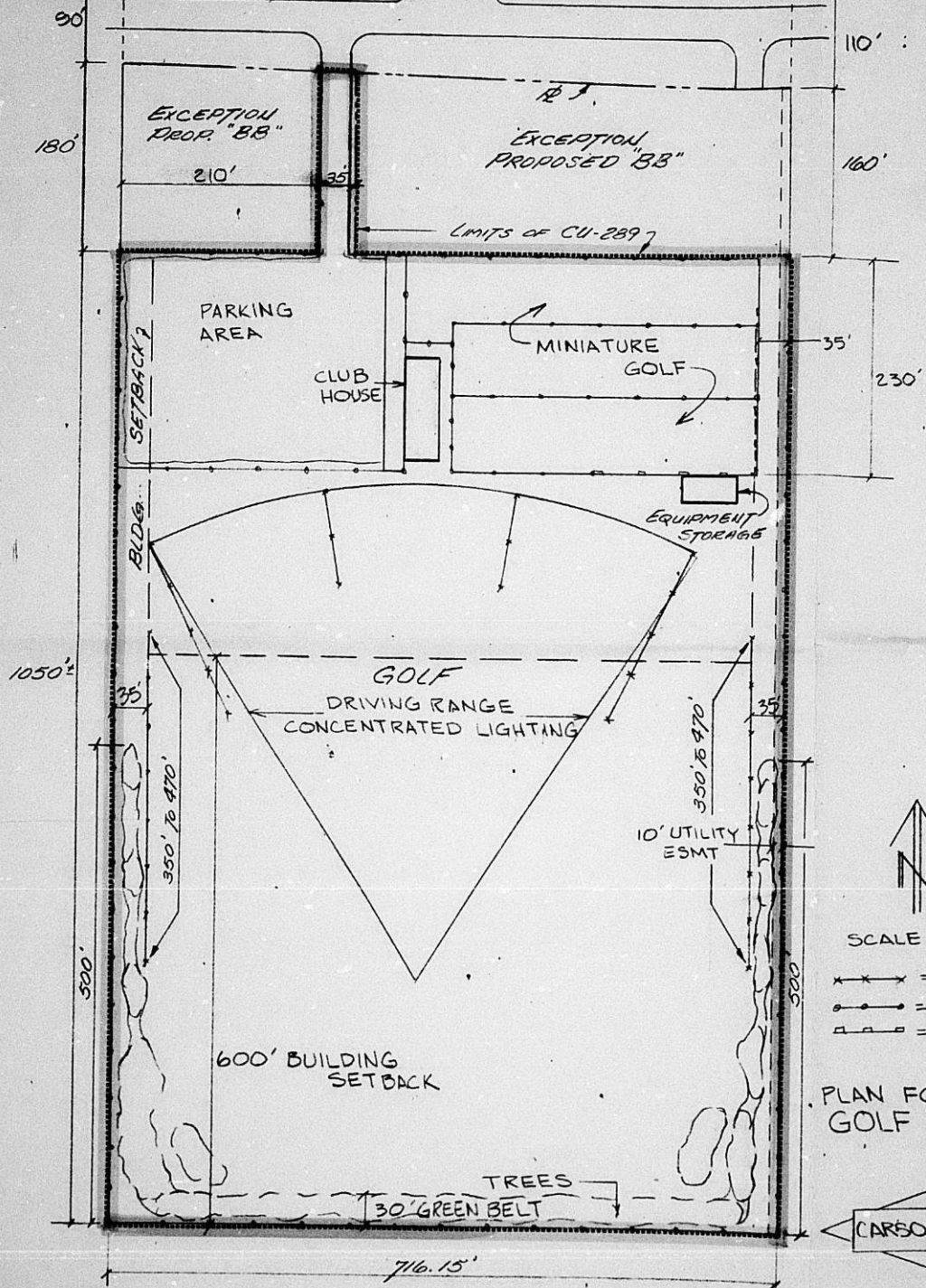
12-31-85
REV. 1-15-86

CU-289

MAPC APPROVED 1-9-86
BOC APPROVED 2-5-86

NW CORNER, NE 1/4, NW 1/4
SEC. 9 - 275 - 1W

21ST STREET



CU-289
PERMITTED
 MINIATURE GOLF
 DRIVING RANGE
 BATTING CAGE
 RECREATION CENTER
 RESTAURANT
 AND ASSOCIATES



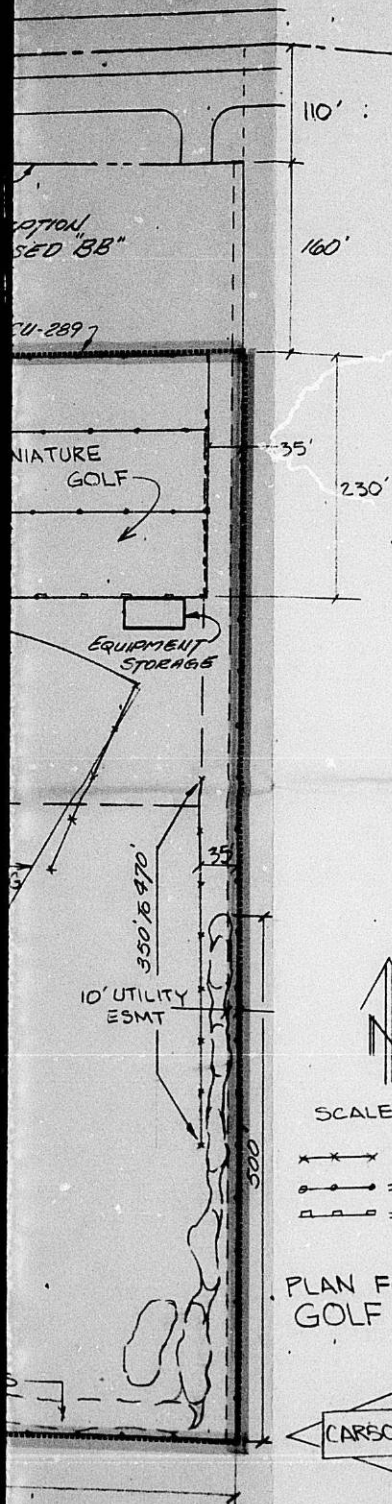
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PLAN FOR GOLF PARK WEST



12-31-85
 Rev. 1-15-80



CU-289
PERMITTED USES

MINIATURE GOLF; GOLF
 DRIVING RANGE; BASEBALL
 BATTING CAGE; INDOOR
 RECREATION CENTER WITH
 RESTAURANT AND/OR CLUB;
 AND ASSOCIATED PARKING.



- SCALE - 1" = 100'
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PLAN FOR
 GOLF PARK WEST



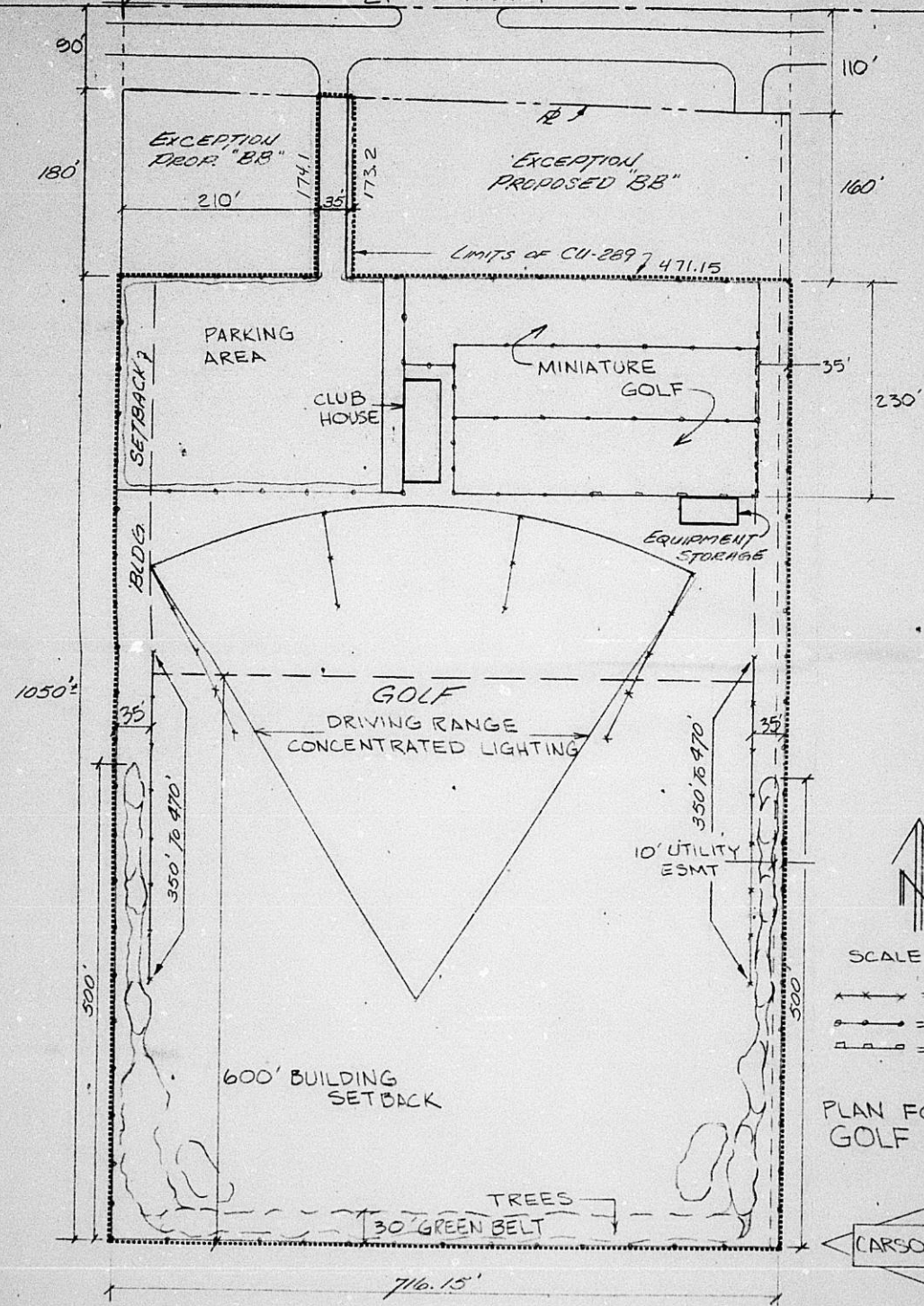
CU-289

MAPC APPROVED 1-9-86
 BCOC APPROVED 2-5-86

12-31-85
 Rev. 1-15-86

NW CORNER, NE 1/4, NW 1/4
SEC. 9 - 27S - 1W

21ST STREET



CU-289
PERMITTED
 MINIATURE
 DRIVING R
 BATTING C
 RECREATION
 RESTAURAN
 AND ASSOC



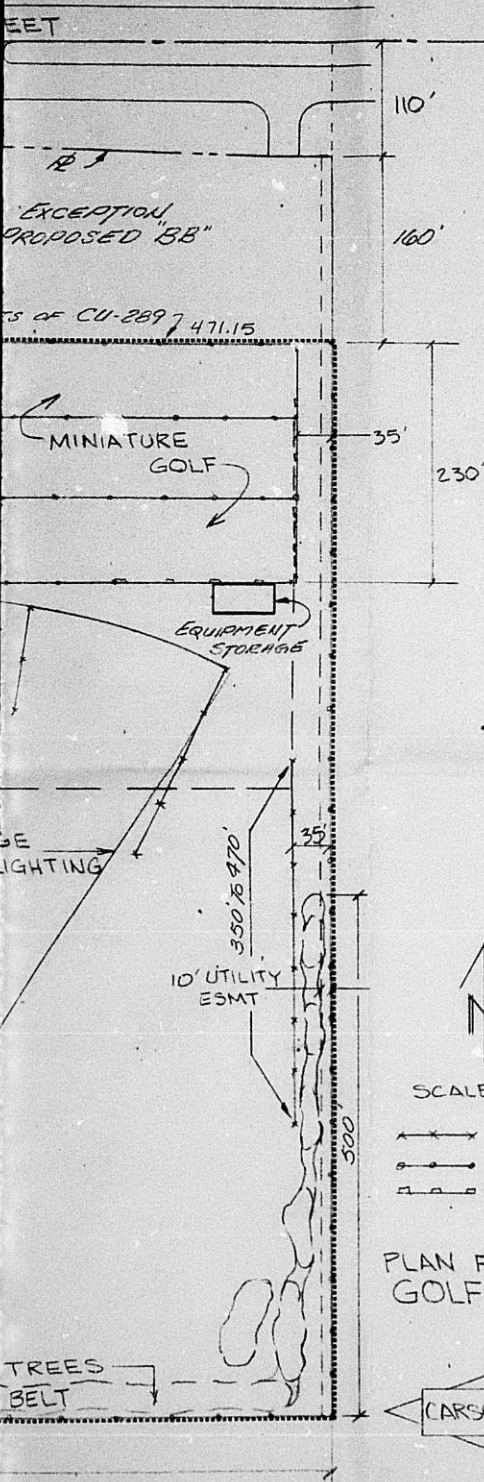
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PLAN FOR
 GOLF PARK WEST



12-31-85
 Rev. 1-15-86



CU-289
PERMITTED USES

- MINIATURE GOLF; GOLF DIVING RANGE; BASEBALL BATTING CAGE; INDOOR RECREATION CENTER WITH RESTAURANT AND/OR CLUB; AND ASSOCIATED PARKING.



SCALE - 1" = 100'

- x — x — = SAFETY SCREEN
- • — • — = SECURITY FENCE
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PLAN FOR GOLF PARK WEST

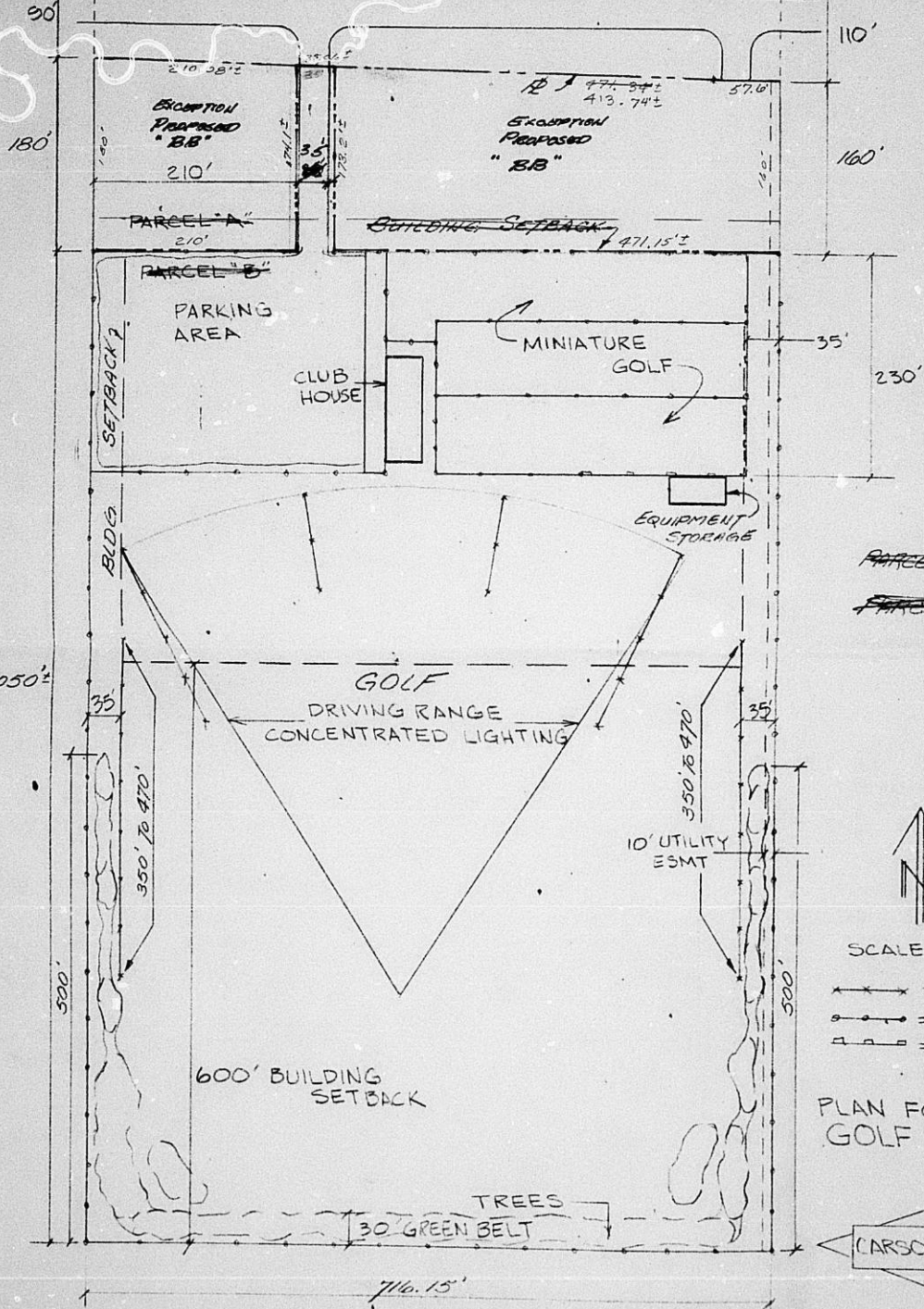


12-31-85
 REV. 1-15-86

Extras

NW CORNER, NE 1/4, NW 1/4
SEC. 9 - 27S-1W

21ST STREET



29.32%
34.21%

CU-28

~~PARCEL A: PARKING~~
~~PERMIT~~
~~PARCEL B: MINIATURE~~
DENING RAN
BATTING CAG
RECREATION
RESTAURANT
AND ASSOCI

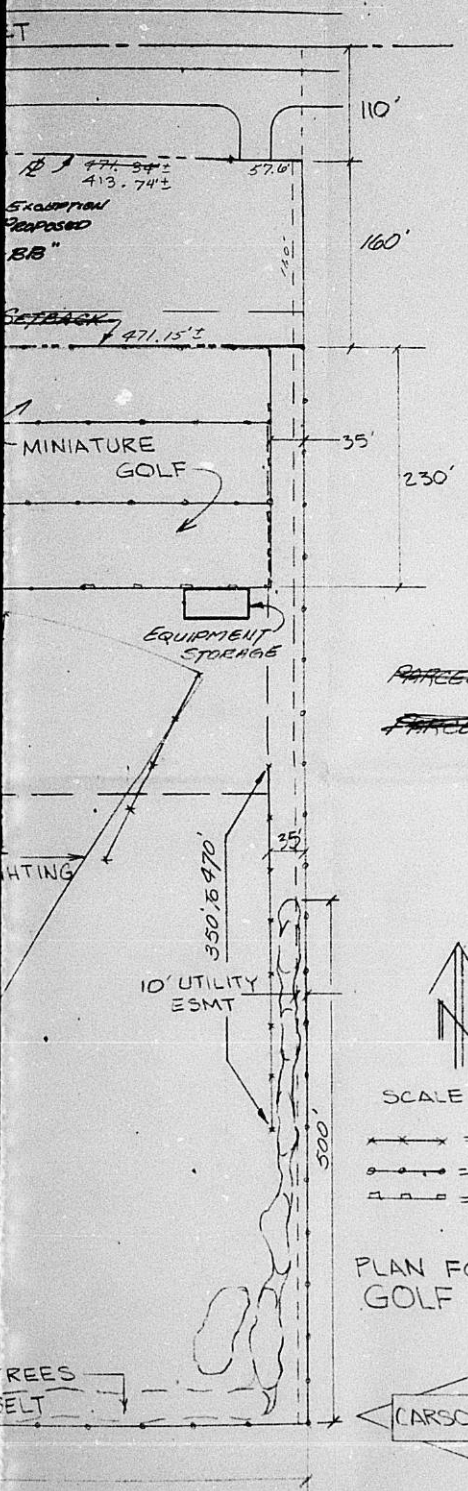
SCALE - 1" = 100'

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- O---O--- = SECURITY FENCE
- = BOARD FENCE

PLAN FOR
GOLF PARK WEST

CARSON & CO. INC.

12-31-85



CU-289

~~PARCEL A: PARKING~~
PERMITTED USES
~~PARCEL B:~~ MINIATURE GOLF; GOLF DIVING RANGE; BASEBALL BATTING CAGE; INDOOR RECREATION CENTER WITH RESTAURANT AND/OR CLUB; AND ASSOCIATED PARKING.



SCALE — 1"=100'
 — x — x — = SAFETY SCREEN
 — ● — ● — = SECURITY FENCE
 — □ — □ — = BOARD FENCE

PLAN FOR GOLF PARK WEST



12-31-85