

STAFF REPORT
 MAPC April 4, 2019
 DAB II April 8, 2019

CASE NUMBER: ZON2019-00008 and CON2019-00005

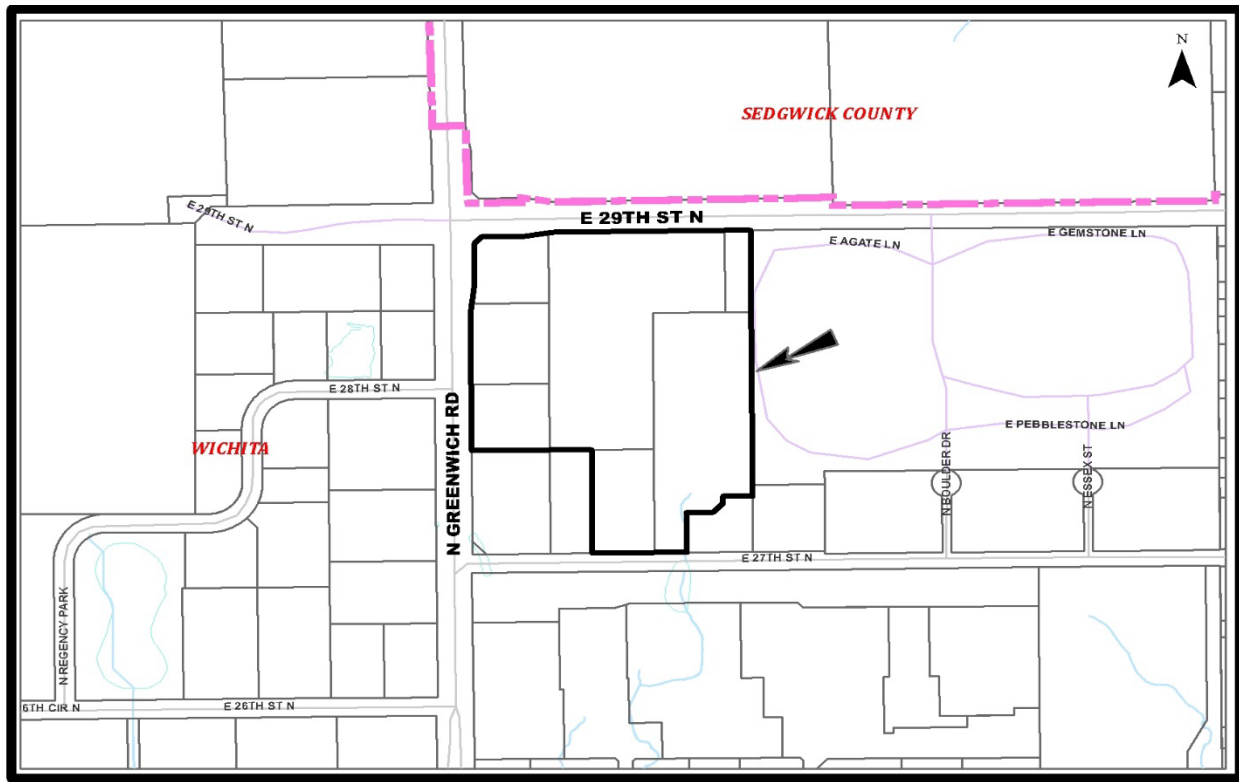
APPLICANT/AGENT: Key Construction, Inc. (Owner/Applicant); Wichita Destinations Developers, Inc. (Contract Buyer); KE Miller Engineering – Kirk Miller (Agent)

REQUEST: Modify PO # 74 regarding setbacks, uses, signage for the proposed Swings Golf Development and a Conditional Use Permit for an Entertainment Establishment in the City.

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 23 acres

LOCATION: Located on the south side of 29th Street North and the east side of North Greenwich Road



BACKGROUND: The applicant is requesting to amend Protective Overlay #74 applicable to the subject property and to obtain a Conditional Use Permit to operate an entertainment center in the city which, according to the agent, is proposed to be:

“... an indoor/outdoor family entertainment complex that is centered around a 60 bay, 3 – story golf driving range. The driving bays will feature the Top Tracer ball tracking technology and a number of interactive golf games, as well as TVs and a variety of high top and lounge seating. A full service restaurant will provide food and beverage, including alcohol, for the dining area as well as serve the hitting bays, banquet rooms, and outdoor seating areas. An arcade and gaming area will be adjacent to the restaurant, and will also host birthday parties and other family events. The property will also comprise a 36-hole miniature golf course and a go-cart facility. Outdoor seating will also be available near the main entry with a “yard area” featuring outdoor games, dining, and live music on occasion. A 2nd story roof terrace will also be available overlooking the yard area. Typical business hours will be 9:00 am – 11:00 pm.”

The present provisions of Protective Overlay #74, established by “Case No. 2000-00023 and rezoning the property from SF-20 Single-Family Residential (SF-20) to LI Limited Industrial (LI), are:

1. Uses: All uses permitted in the “**LI**” zoning district except that an asphalt or concrete plant, limited, will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-“**IP**” uses, a traffic study will then be completed. The maximum square footage of non-“**IP**” uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
3. Minimum setback requirements for all front setbacks will be 25 feet, rear-10 feet, interior side-15 feet, and street side yard-35 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership’s within and abutting the property.
5. Height: 55 feet maximum height for all structures.
6. Signs: All signs along *Greenwich, 29th Street North, and K-96* shall be limited to the standards for the “**IP**” district in the City of Wichita’s sign code. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.

7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

This property is also subject to a pending replatting to be named “SG Addition to the City of Wichita, Kansas” (Case No. SUB2019-00007). The replatting will modify the property regarding setbacks and other easements on record to conform to the proposed site plan submitted by the applicant. This will include modification of Reserve A to move the boundary lines to match the proposed development.

The other major issue is the request to amend the height restriction to permit pole heights up to 170 feet for the poles surrounding the driving range. The applicant has provided documentation from the FAA that height of structures up to 150 feet has been approved, but not higher than that.

This land also falls into Area “B” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport. The height restrictions for all structures on Area “B” properties are 75 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code. Irrespective of any other action, the owners will be required to obtain a waiver of the height restriction from the Wichita City Council for all structures higher than 75 feet.

Given the full nature of this proposed use, which will include structures above the height restrictions, outdoor activities creating noise, lighting and other areas of concern, the Protective Overlay is proposed to be amended to address these concerns as outlined below, as well as allowing signage permitted in the LI Limited Industrial classification; plus the Conditional Use Permit for the proposed Entertainment Establishment in the City, subject to the conditions noted below.

The area surrounding the subject property is of mixed uses. The Stony Pointe apartment complex exists to the east. On the south side, a medical facility exists at the northeast corner of Greenwich Road and 27th Street North. Further south is the commercial development with the Shops at Wichita Destination Development on the north side of K-96. The property on the west side of Greenwich Road has recently been developed with a mixture of commercial businesses and further to the west of those businesses is the newly constructed Wichita Soccer complex. The land to the north of 29th Street North is agriculturally used and is zoned SF-20 in the County.

CASE HISTORY: The property is platted and presently subject to a replat as noted above. Numerous cases have been associated with the subject property since 2000 as noted above, including the initial rezoning and platting.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agricultural
SOUTH:	LI	Commercial
EAST:	SF-18 Multiple-Family	Multiple Family Residential
WEST:	LI	Commercial

PUBLIC SERVICES: North Greenwich Road has been reconstructed to a four-lane arterial street with protected turn lanes. East 29th Street North has seen its intersection with Greenwich Road improved, but it is only a paved, two-lane road adjacent to the subject property. The subject property has all municipal utilities available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of

the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “residential/employment mix.” That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the request be **APPROVED** to amend the Protective Overlay #74 so that it reads as follows:

Protective Overlay # 74:

1. Uses: All uses permitted in the “LI” zoning district except that an auditorium or stadium; community assembly; correctional facility; correctional placement residence, limited or general; day care, limited or general; recycling collection station, private or public; recycling processing center; animal care, general; kennel, boarding/breeding/training; secondhand store; sexually oriented business in the city; asphalt or concrete plant, limited; and construction burn site, limited; will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-“IP” uses, a traffic study will then be completed. The maximum square footage of non-“IP” uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of MABCD, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
3. Minimum setback requirements for all front setbacks will be 25 feet, rear-10 feet, interior side-15 feet, and street side yard-35 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership’s within and abutting the property.
5. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 150 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area “B” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along *Greenwich, 29th Street North, and K-96* shall be limited to the standards for the “LI” district in the City of Wichita’s sign code. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

APPROVE the Conditional Use for an Entertainment Establishment in the City, subject to the following conditions:

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

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

2. Height: 55 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 150 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area “B” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
3. The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and property shield all lights to prevent bleeding the light onto all adjacent residential property. A lighting master plan shall be provided before any outdoor lighting is installed and said plan must be approved by MABCD and the Planning Director.
4. Outdoor uses, including all entertainment events featuring live music and the go-cart facility, shall cease operations by 10:00 p.m.; provided, said uses may operate until 11:00 p.m. on Friday and Saturday nights. All other operations, including the golf driving range, are permitted to operate until 11:00 p.m.
5. A revised, final Site Plan shall be submitted for approval by the Director of Planning prior to issuance of any permits for construction of any facilities on the subject property.
6. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
7. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding the subject property is of mixed uses. The Stony Pointe apartment complex exists to the east. On the south side, a medical facility exists at the northeast corner of Greenwich Road and 27th Street North. Further south is the commercial development with the Shops at Wichita Destination Development on the north side of

K-96. The property on the west side of Greenwich Road has recently been developed with a mixture of commercial businesses and further to the west of those businesses is the newly constructed Wichita Soccer complex. The land to the north of 29th Street North is agriculturally used and is zoned SF-20 in the County.

2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned LI Limited Industrial and is located in an area that is rapidly developing for a mixture of commercial uses, including sports-related uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use is consistent with of uses being developed to the south and west. The provisions outlined in the Protective Overlay will provide mitigation measures for potential impacts to the area.
4. Length of time the property has been vacant as currently zoned: The property has been available for development for some time.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “*residential/employment mix.*” That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.
7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Site Plan
2. Supporting documents