



Wichita-Sedgwick County Metropolitan Area Planning Department

November 10, 2021

MKEC Engineering
Brian Lindebak
411 N Webb Rd
Wichita KS 67206

RE: CON2021-00039 with ZON2021-00041: City request to amend Conditional Use CON2019-05 to allow a bar, outdoor entertainment venue, event center, hi definition digital screens, increase height, LED lighting strips, later hours of operation; and an amendment to Protective Overlay #74 on LI Limited Industrial zoned property located on the southeast corner of East 29th Street North & North Greenwich Road.

Dear Applicants;

At its regular meeting on November 9, 2021, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVE the request subject to the enclosed language for the Conditional Use and amended language for PO #74. The City Council also approved the variance for the height of the proposed poles for security netting.

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

Sincerely,

Philip Zeyenbergen, AICP
Senior Planner

Copies to: MABCD
Becky Tuttle, WCC District II
Cory Buchta, CRS District II
BS Golf Wichita, LLC, Tim O'Reilly, 4045 E Sunshine St., Ste 200, Springfield, MO 65809
Polsinelli LLP, Marcus Abbot, 900 W 48th Pl., Ste 900, Kansas City, MO 64112

Approved Language for Conditional Use:

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

An indoor / outdoor family entertainment complex but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The hitting bays will feature a number of interactive golf games, as well as TV's and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, and outdoor seating areas. Outdoor seating will be available near the front main entry as part of an outdoor patio with a "yard area" featuring outdoor games, dining, and live music. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30'x50' high-definition digital screens, to be located outside of the outfield netting and facing internally towards the building to be used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with patios and family entertainment uses such as a go cart facility, arcades and e-sports gaming facilities.

2. Height: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.
4. Outdoor operations and those featuring live music and the go-cart facility shall cease operations by 11:00 p.m. Sunday through Thursday, provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights, except all uses associated with a golf venue located on Lot 1, Block 1, Greenwich Commons Addition. Said uses shall cease operation by 12:00 a.m. Sunday through Thursday, provided said uses may operate until 2:00 a.m. Friday and Saturday. Go-carts used shall be electric only.
5. A revised, final Site Plan shall be submitted for approval by the Planning Department 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 *Construction* 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.

Approved Language for PO #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-”LI” uses, a traffic study will then be completed. The maximum square footage of non-”LI” 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 Zoning Administrator, 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: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), subject to compliance with obtaining a waiver from the City Council because the subject property is in Area “B” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the “LI” district in the City of Wichita’s sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.



Wichita-Sedgwick County Metropolitan Area Planning Department

September 24, 2021

MKEC Engineering
Brian Lindebak
411 N Webb Rd
Wichita KS 67206

RE: CON2021-00039 with ZON2021-00041: City request to amend Conditional Use CON2019-05 to allow a bar, outdoor entertainment venue, event center, hi definition digital screens, increase height, LED lighting strips, later hours of operation; and an amendment to Protective Overlay #74 on LI Limited Industrial zoned property located on the southeast corner of East 29th Street North & North Greenwich Road.

Dear Applicants;

At its regular meeting on **September 23, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the enclosed language for the Conditional Use and amended language for PO #74.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on October 7, 2021. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **October 7, 2021 at 5:00 p.m.**

If the application is protested, it will be scheduled for consideration by the City Council on **Tuesday, November 2, 2021.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,



Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Becky Tuttle, WCC District II
Cory Buchta, CRS District II
BS Golf Wichita, LLC, Tim O'Reilly, 4045 E Sunshine St., Ste 200, Springfield, MO 65809
Polsinelli LLP, Marcus Abbot, 900 W 48th Pl., Ste 900, Kansas City, MO 64112

Recommended Language for Conditional Use:

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

An indoor / outdoor family entertainment complex but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The hitting bays will feature a number of interactive golf games, as well as TV's and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, and outdoor seating areas. Outdoor seating will be available near the front main entry as part of an outdoor patio with a "yard area" featuring outdoor games, dining, and live music. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30'x50' high-definition digital screens, to be located outside of the outfield netting and facing internally towards the building to be used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with patios and family entertainment uses such as a go cart facility, arcades and e-sports gaming facilities.

2. Height: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.
4. Outdoor operations and those featuring live music and the go-cart facility shall cease operations by 11:00 p.m. Sunday through Thursday, provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights, except all uses associated with a golf venue located on Lot 1, Block 1, Greenwich Commons Addition. Said uses shall cease operation by 12:00 a.m. Sunday through Thursday, provided said uses may operate until 2:00 a.m. Friday and Saturday. Go-carts used shall be electric only.
5. A revised, final Site Plan shall be submitted for approval by the Planning Department 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 *Construction* 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.

Recommended Language for PO #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-"LI" uses, a traffic study will then be completed. The maximum square footage of non-"LI" 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 Zoning Administrator, 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: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "LI" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

(150004)

Published in The Wichita Eagle on Nov. 19, 2021

ORDINANCE NO. 51-669

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

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

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

Case No. ZON2021-00041 and CON2021-00039

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

A contiguous tract of land lying within all of Lots 1, 2, 3, and 6 and portions of Lots 5 and 7, Block 1, and a portion of Reserve A, all in Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas, said contiguous tract of land being more particularly described as follows:

BEGINNING at the North most Northwest corner of said Lot 1; thence along the North lines of Lots 1, 6, and 7 for the next three courses: thence on a platted bearing of N89°16'15"E, 150.00 feet; thence N80°44'25"E, 101.12 feet; thence N89°16'15"E, 680.05 feet to the Northwest corner of Stoney Pointe Addition, Wichita, Sedgwick County, Kansas; thence along the West line of said Addition and along the East line of Reserve A, S00°32'28"E, 1004.29 feet; thence S89°27'32"W, 101.85 feet; thence S00°32'28"E, 28.00 feet; thence S44°27'32"W, 46.00 feet; thence S89°27'32"W, 95.00 feet; thence S00°32'28"E, 150.00 feet to a point on the South line of said Reserve A; thence along said South line and along the South line of said Lot 5, S89°14'33"W, 325.63 feet to a point on the East line of a Special Warranty Deed recorded on Doc.#/Flm-Pg: 29194746; thence along said East line and being parallel with and 215 feet West of the East line of said Lot 5, N00°32'28"W, 390.32 feet to a point on the North line of said Special Warranty Deed, said point also being a point on the common line of said Lots 5 and 6; thence along said North line and common line and along the common line of said Lot 3 and Lot 4, in said Block 1, S89°27'32"W, 415.00 feet to the common corner of said Lots 3 and 4; thence along the West lines of said Lots 1, 2, and 3 for the next four courses: thence N00°32'28"W, 532.59 feet; thence N07°59'22"E, 101.12 feet; thence N00°32'28"W, 150.00 feet; thence N44°21'54"E, 35.41 feet to the point of beginning.

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

Protective Overlay # 74:

1. **Uses:** All uses permitted in the "LI" zoning district except that of 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-"LI" uses, a traffic study will then be completed. The maximum square footage of non-"LI" 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 Zoning Administrator, 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: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 (UZC).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "LI" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

SECTION 3. That this amendment to Protective Overlay (PO #74) is subject to the restrictions of Conditional Use Permit of Case No. CON2021-00039, subject to:

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

An indoor / outdoor family entertainment complex but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The hitting bays will feature a number of interactive golf games, as well as TV's and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, and outdoor seating areas. Outdoor seating will be available near the front main entry as part of an outdoor patio with a "yard area" featuring outdoor games, dining, and live music. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30'x50' high-definition digital screens, to be located outside of the outfield netting and facing internally towards the building to be used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with patios, and family entertainment uses such as a go-cart facility, arcades and e-sports gaming facilities.

2. Height: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 (UZC).

3. The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and properly 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 the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.
4. Outdoor operations and those featuring live music and the go-cart facility shall cease operations by 11:00 p.m. Sunday through Thursday, provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights, except all uses associated with a golf venue located on Lot 1, Block 1, Greenwich Commons Addition. Said uses shall cease operation by 12:00 a.m. Sunday through Thursday, provided said uses may operate until 2:00 a.m. Friday and Saturday. Go-carts used shall be electric only.
5. A revised, final Site Plan shall be submitted for approval by the Planning Department 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 Construction Department.
7. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

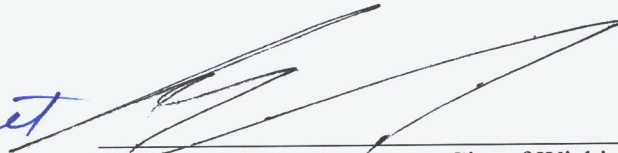
SECTION 5. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 16th day of Nov, 2021.

ATTEST:



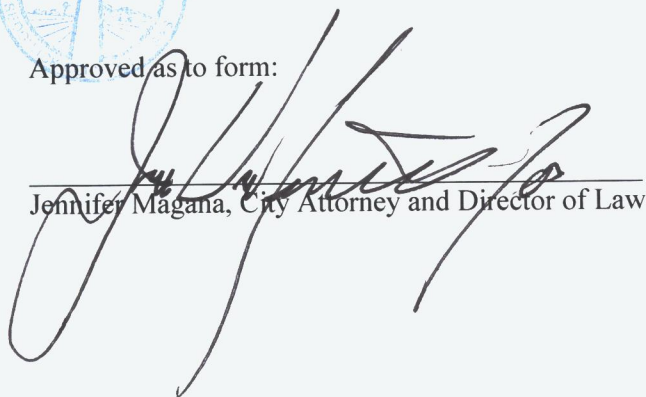
Karen Sublett, City Clerk



Brandon J. Whipple, Mayor, City of Wichita



Approved as to form:



Jennifer Magana, City Attorney and Director of Law

Published in the Wichita Eagle on November 12, 2021

RESOLUTION NO. 21-419

WHEREAS, BS Golf-Wichita (owner); pursuant to Wichita Municipal Code Section 28.08.160, requests a Variance to permit the height of protective netting poles to exceed the 75-foot height restriction set forth in Airport Hazard Zone “B”, on a property located on the southeast corner of North Greenwich Road and East 29th Street North, and legally described as follows:

Lot 1, Block 1, Greenwich Commons Addition

WHEREAS, proper application was made as required by the Wichita Municipal Code; and

WHEREAS, the property owner has received a determination from the Federal Aviation Administration (FAA) of no hazard to air navigation for pole heights not exceed 156 feet above average ground level, or not to exceed 1,549 feet above mean sea level; and

WHEREAS, literal application or enforcement of the regulations will result in unnecessary hardship. Restricting the pole height to 75 feet when the FAA has determined that a pole height of 156 feet above average ground level (while not exceeding 1,549 feet above mean sea level) would result in unnecessary hardship on the property owners, which could restrict the intended development of the site as a multi-story golf driving range.

WHEREAS, relief granted will not be contrary to the public interest. Granting relief from the literal enforcement of the code is not contrary to the public interest. Granting the relief will permit the development of a multi-story golf driving range. Such a development will support further economic development in a rapidly developing commercial and entertainment corridor along North Greenwich Road near the interchange with K-96 Highway.

WHEREAS, granting of the variance will not create a hazard to air navigation. The FAA has determined that permitting poles up to 156 feet above average ground level (while not exceeding 1,549 feet above mean sea level) produces not hazard to air navigation.

WHEREAS, the interim airport manager of Colonel James Jabara Airport provided a letter stating the airport is not in opposition to the requested variance.

WHEREAS, it is the opinion of the Wichita City Council that the requested variance is in accordance with the spirit and intent of the Wichita Municipal Code.

WHEREAS, each of the four conditions required by Wichita Municipal Code Section 28.08.160, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council, pursuant to Wichita Municipal Code Section 28.08.160, in the case of a Variance to permit the height of protective netting poles to exceed the 75-foot height restriction set forth in Airport Hazard Zone “B”, on a property located on the southeast corner of North Greenwich Road and East 29th Street North, and legally described as follows:

Lot 1, Block 1, Greenwich Commons Addition

The variance and adjustment are hereby GRANTED, subject to the following conditions:

1. The height of the poles shall not exceed 156 feet above average ground level, or not to exceed 1,549 feet above mean sea level.

ADOPTED AT WICHITA, KANSAS, this 9th Day of Nov., 2021.

Karen Sublett
ATTEST:

[Signature]
Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett
Karen Sublett, City Clerk



Approved as to form: [Signature]
Jennifer Magaña, City Attorney and Director of Law



AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	174768	Print Legal Ad - IPL0049988		\$301.98	4	90L

Attention: Jamie Buster
 CITY OF WICHITA/CLERKS OFFICE
 455 N MAIN ST FL 13
 WICHITA, KS 67202

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

No. of Insertions: 1
 Beginning Issue of: 11/19/2021
 Ending Issue of: 11/19/2021
 STATE OF KANSAS)
 SS
 County of Sedgwick)

LEGAL PUBLICATION

(180004)

Published in The Wichita Eagle on November 19, 2021
 ORDINANCE NO. 81-669

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

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

Zone change to amend Protective Overlay (PO #74) as outlined herein and subject to the development standards contained in the Conditional Use Permit of Case No. CON2021-00041, on property described as:

A contiguous tract of land lying within all of Lots 1, 2, 3, and 6 and portions of Lots 5 and 7, Block 1, and a portion of Reserve A, all in Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas, said contiguous tract of land being more particularly described as follows:

BEGINNING at the North most Northwest corner of said Lot 1; thence along the North lines of Lots 1, 6, and 7 for the next three courses; thence on a platted bearing of N89°16'15"E, 160.00 feet; thence N80°44'25"E, 101.12 feet; thence N89°16'15"E, 680.05 feet to the Northwest corner of Stony Pointe Addition, Wichita, Sedgwick County, Kansas; thence along the West line of said Addition and along the East line of Reserve A, S00°32'28"E, 1004.29 feet; thence S89°27'32"W, 101.85 feet; thence S00°32'28"E, 28.00 feet; thence S44°27'32"W, 46.00 feet; thence S89°27'32"W, 95.00 feet; thence S00°32'28"E, 150.00 feet to a point on the South line of said Reserve A; thence along said South line and along the South line of said Lot 5, S89°14'33"W, 326.63 feet to a point on the East line of a Special Warranty Deed recorded on Doc.#Pm-Pg, 29184748; thence along said East line and being parallel with and 215 feet West of the East line of said Lot 5, N00°32'28"W, 390.32 feet to a point on the North line of said Special Warranty Deed, said point also being a point on the common line of said Lots 5 and 6; thence along said North line and common line and along the common line of said Lot 3 and Lot 4, in said Block 1, S89°27'32"W, 415.00 feet to the common corner of said Lots 3 and 4; thence along the West lines of said Lots 1, 2, and 3 for the next four courses; thence N00°32'28"W, 532.59 feet; thence N07°59'22"E, 101.12 feet; thence N00°32'28"W, 150.00 feet; thence N44°21'54"E, 35.41 feet to the point of beginning.

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

Protective Overlay #74:

- Uses: All uses permitted in the "L" zoning district except that of 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, kennel, boarding/training, second-hand 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-"L" uses, a traffic study will then be completed. The maximum square footage of non-"L" 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.
- 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 assigns unless amended. However, the Planning Director, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
- Minimum setback requirements for all front setbacks will be 25 feet, rear 10 feet, interior side 15 feet, and street side yard 35 feet.
- Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership's within and abutting the property.
- Height: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 (UZC).
- Signs: All signs along Greenwich, 28th Street North, and K-96 shall be limited to the standards for the "L" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
- No building permits shall be issued for any development without municipal water and sewer service.
- Cross-street circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

SECTION 3. That this amendment to Protective Overlay (PO #74) is subject to the restrictions of Conditional Use Permit of Case No. CON2021-00035, subject to:

- Uses: The subject property shall be permitted to operate as follows:
 An indoor / outdoor family entertainment complex but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The hitting bays will feature a number of interactive golf games, as well as TVs and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, and outdoor seating areas. Outdoor seating will be available near the front main entry as part of an outdoor patio with a "yard area" featuring outdoor games, dining, and live music. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30"-50" high-definition digital screens, to be located outside of the outfield netting and facing inwardly towards the building to be used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with police, and family entertainment uses such as a go-cart facility, arcades and e-sports gaming facilities.
- Height: 65 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 not to exceed 1,549 feet above mean sea level (as approved by the FAA), 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 (UZC).
- The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and properly 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 the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.
- Outdoor operations and those featuring live music and the go-cart facility shall cease operations by 11:00 p.m. Sunday through Thursday, provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights, except all uses associated with a golf venue located on Lot 1, Block 1, Greenwich Commons Addition. Said uses shall cease operation by 12:00 a.m. Sunday through Thursday, provided said uses may operate until 2:00 a.m. Friday and Saturday. Go-carts used shall be electric only.
- A revised, final Site Plan shall be submitted for approval by the Planning Department prior to issuance of any permits for construction of any facilities on the subject property.
- All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Construction Department.
- If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VII of the UZC, and with the approval of the Planning Director, declare the Conditional Use null and void.

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

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

ADOPTED this 16th day of November, 2021.
 ATTEST:
 Karen Subkof, City Clerk
 Brandon J. Whipple, Mayor, City of Wichita
 (SEAL)
 Approved as to form:
 Jennifer Majors, City Attorney and Director of Law
 IPL0049988
 Nov 19 2021

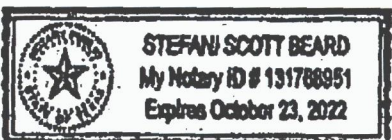
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 11/19/2021 to 11/19/2021.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 11/18/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
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 Belleville News-Democrat
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 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	126786	WIC-9-2-2021	OCA 150004	\$100.80	1	12.00 in

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

Copy of ad content
 is on the next page

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

No. of Insertions: 1
 Beginning Issue of: 09/02/2021
 Ending Issue of: 09/02/2021

STATE OF KANSAS)

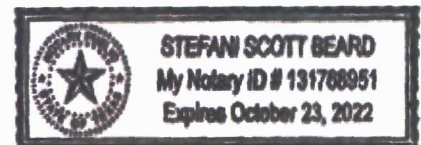
SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/02/2021 to 09/02/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 04/27/2022

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

LEGAL PUBLICATION

**FOR THE
PUBLICATION OF THE
OFFICIAL GAZETTE
OF THE
GOVERNMENT OF
ONTARIO**

NOTICE IS HEREBY GIVEN that the following regulations have been made by the Lieutenant Governor in Council under the authority of the Statute Law (Repeals) Act, R.S.O. 1990, c. S. 29, and the Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, and that they shall come into force on the day of their publication in this Gazette.

1. The Statute Law (Repeals) Act, R.S.O. 1990, c. S. 29, is amended by adding the following to section 2:

2. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 2:

3. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 3:

4. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 4:

5. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 5:

6. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 6:

7. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 7:

8. The Statute Law (Amendment) Act, R.S.O. 1990, c. S. 30, is amended by adding the following to section 8:

Name	Ontario Statutes
Address	100 Queen Street West Toronto, Ontario M5H 2K2
Phone	(416) 924-9501
Fax	(416) 924-9504

For further information, contact the Ontario Statutes Department at the above address or by telephone at (416) 924-9501.

This document is available in both English and French. If you require a copy in French, please contact the Ontario Statutes Department at the above address or by telephone at (416) 924-9501.

For a complete list of the regulations published in this issue, please refer to the Table of Contents. The regulations are available in both English and French. If you require a copy in French, please contact the Ontario Statutes Department at the above address or by telephone at (416) 924-9501.

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE ON
SEPTEMBER 2, 2021 (290971)
(One Time Only)

MAPC/BZA September 23, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 23, 2021 no earlier than 1:30 p.m.**, the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2021-00039: City request to amend Conditional Use CON2019-05 to allow a bar, outdoor entertainment venue, event center, high definition digital screens, increase height, LED lighting strips, later hours of operation on LI Limited Industrial zoned property located on the southeast corner of East 29th Street North & North Greenwich Road.

PUD2021-00012: City zone change from LC Limited Commercial and SF-5 Single-Family Residential to PUD Planned Unit Development for multi-family residential on property generally located one quarter mile east of South 135th Street West, on the south side of West Kellogg Drive.

VAC2021-00037: City request to vacate a portion of a platted front yard setback on SF-5 zoned property generally located west of North McLean Boulevard on the south side of West 13th Street North.

VAC2021-00038: City request to vacate a portion of platted complete access control on LC Limited Commercial zoned property generally located a quarter mile north of West 37th Street North on the west side of North Maize Road.

ZON2021-00015: City zone change from SF-5 Single-Family Residential to B Multi-Family Residential located 750 feet south of East 13th Street North, 1000 feet west of North Hydraulic Avenue (1239 North Mathewson).

ZON2021-00039: City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential: generally located southwest of West Maple Street and South Sycamore Street (419 South Sycamore Street).

ZON2021-00041: City request to amend provision #5 of Protective Overlay PO-74 to allow an increase in height & adjust provisions #1 & #2 on LI Limited Industrial zoned property generally located on the southeast corner of North Greenwich Rd & East 29th St North.

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

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.
United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a Video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141 Or dial directly:
651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 2, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

STAFF REPORT
MAPC: September 23, 2021
DAB II: October 13, 2021

CASE NUMBER: CON2021-00039 and ZON2021-00041

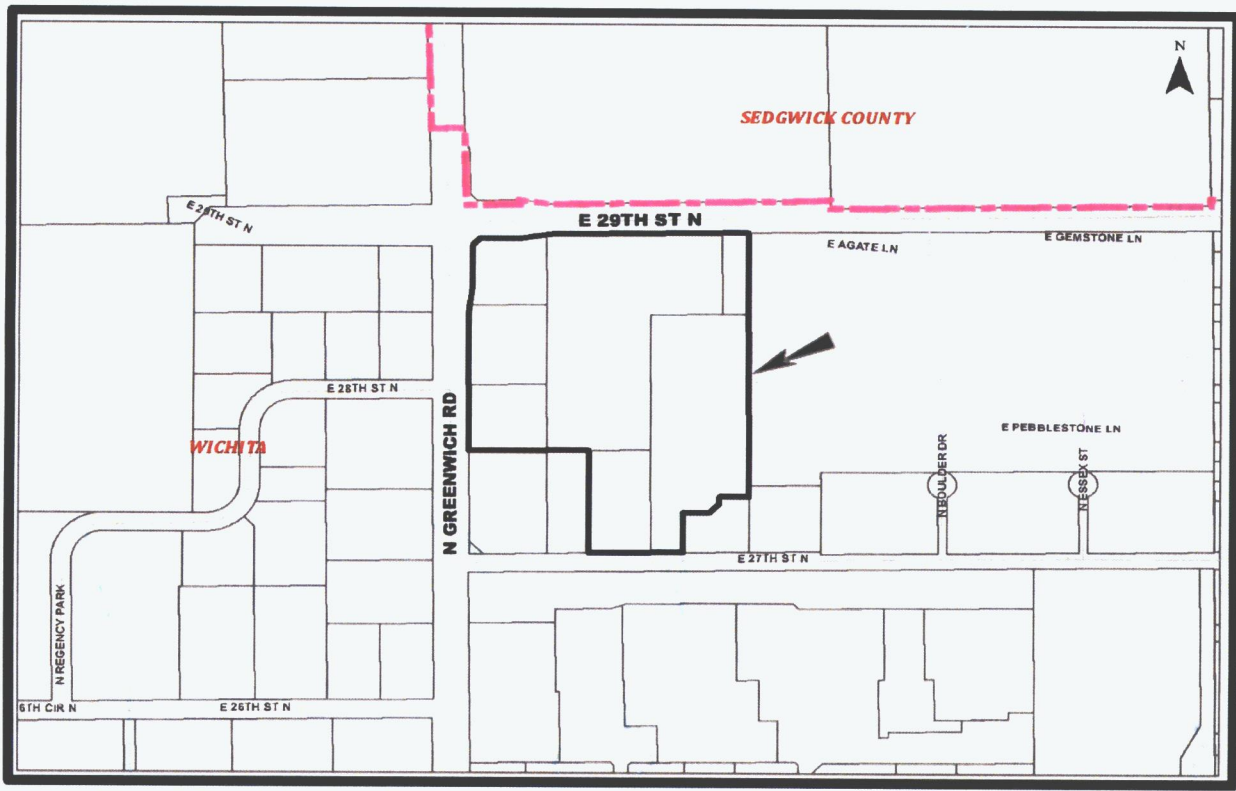
APPLICANT/AGENT: BS Golf-Wichita, LLC (applicant); MKEC Engineering, Brian Lindebak; Polsinelli LLP (Agents)

REQUEST: Amend Conditional Use established with CON2019-00005 to permit bar, outdoor entertainment venue, event center, and high-definition digital screens; and modify PO # 74 to increase the height of structures.

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 22.2 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 the Conditional Use established in 2019 (CON20219-00005) and to amend Protective Overlay #74 applicable to the subject property. The property is generally located on the southeast corner of North Greenwich Road and East 29th Street North.

Requested Conditional Use Amendment

The amendment to the Conditional Use would make the following changes:

- permit the following additional uses - entertainment venue, full-service restaurant and bar, event center/entertainment space (classified as a “Nightclub in the City” per the Unified Zoning Code);
- permit two 30-foot by 50-foot high-definition digital screens at the driving range,
- permit exposed LED lighting at the hitting bays; and
- adjust the permitted hours of operation to permit the establishment to operate later.

Requested Protective Overlay Amendment

The amendment to PO #74 would permit the following change:

- increase in the maximum height of structures to from 55 feet to 65 feet.

The applicant is proposing a full-service restaurant and bar, and event center/entertainment space, which will offer the sale of alcohol and provide entertainment as defined by Title 3 of the Wichita Municipal Code. Therefore, this establishment is classified as a “Night Club in the City.” Examples of entertainment as defined by Title 3 include, but are not limited to: dancing by patrons; live music from a band or DJ; and live performances that include music, hypnotists, pantomimes, comedians, dance acts, concerts, karaoke, etc. Section III-D.6.w of the Unified Zoning Code requires a Conditional Use for a Tavern/Drinking Establishment, Nightclub in the City, and Event Center when located within 300 feet of residential zoning, church or place of worship, public or parochial school, or a public park. The subject property is located within 300 feet of residential zoning on the east and the north sides.

The surrounding context of the subject site is varied (with a mix of zoning and land uses) and likely to change in the near future. The property to the east is zoned MF-18 Multi-Family Residential and is developed with a multi-story apartment complex. The property directly to the north is zoned RR Rural Residential and SF-20 Single-Family Residential and is undeveloped. That property’s owner has submitted an application to rezone the property to LC Limited Commercial and form a Community Unit Plan. These applications are being heard concurrently with the subject application. The property at the northwest corner of North Greenwich and East 29th Street is zoned LI Limited industrial and is undeveloped. Property to the south is zoned LI Limited Industrial and is developed with a medical facility and a large retail shopping center. Property to the west is zoned LI and is developed with a mixture of commercial businesses.

In 2019, the uses for a multi-story golf driving range and entertainment establishment uses were approved. The requested amendments would allow longer hours of operation, the entertainment establishment to be considered a “night club in the city” in order to accommodate the sale of alcohol with the provision of entertainment, and large digital screens and LED lighting of the hitting bays at the subject site. As seen on the attached site plan, the proposed placement of the 30-foot by 50-foot high-definition digital screens is on the east end of the driving range. This orientation of the screens will project the light to the west, away from the multi-family residential to the east. Planning Department staff anticipate that the visual impact of these screens on surrounding properties will be limited due the layout of the site, buildings on the site, and orientation of the screens. The proposed exposed LED lighting strips at each hitting bay of the driving range would be located on the west end of the driving range and project toward the east. This could result in spillover lighting toward the apartments to the east, depending on the design/configuration of the exposed LED lighting strips. The applicant has indicated that they will comply with the UZC requirements that lights be installed so that it prevents bleeding the light onto all adjacent residential property.

The applicant is proposing amending the Conditional Use to lengthen the hours of operation from what was previously approved. The table below compares what was approved in 2019 with what is being proposed with this amendment. Staff is recommending that the hour of operation approved in 2019 remain due to the existing and proposed residential uses in the area.

	Approved in 2019		Current Proposal
	Sun – Thurs	Fri-Sa	All Days
Outdoor Events, including all entertainment events featuring live music and the go-cart facility	11:00 p.m.	12:00 a.m.	1:00 a.m.
All other operations including the open air hitting bays and playing field of the golf driving range	Unspecified		2:00 a.m.

The applications are requesting to increase the maximum height of structures from 55 feet to 65 feet. This does not include the structural poles for the protective netting around the driving range (discussed in the paragraph below). The height of structures on the subject site is substantially impacted by two factors: zoning and the Airport Hazard Zone. Below is an analysis of each.

- **Zoning and Structure Heights:** A request for 10 additional feet for structures is an 18 percent increase and is still under the maximum allowable height of 80 feet in LI Limited Industrial zoning. Staff do not anticipate any significant negative impacts on surrounding properties from the requested increase in structure heights.
- **Airport Hazard Zone and Structure Heights:** The property is within Area B of the Airport Hazard Zone in relation to Colonel James Jabara Airport. Area “B” has a height restriction for all structures of 75 feet. The requested increase is permitted in this Airport Hazard Zone.

In addition to the structure heights, the applicant is coordinating with the Federal Aviation Administration (FAA) to permit the height of the poles at the site. The applicant submitted a request to the FAA to review the requested 170-foot poles for the protective netting around the driving range. The attached FAA determination letter indicates they will approve a maximum height of 156 feet. Staff’s opinion is to permit whatever height is determined appropriate by the FAA.

Due to the height of the net poles exceeding the permitted height in the airport hazard zone, Section 28-08 of the Wichita Municipal Code requires the applicant to seek a waiver from City Council. This request for this waiver must include documentation from the FAA with a determination as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The waiver is a separate process and not to be considered as part of the recommendation for this application.

CASE HISTORY: In 2000, the property was rezoned from SF-20 Single-Family Residential to LI Limited Industrial and PO #74 was established (ZON2000-00023). In 2019, an amendment to PO #74 was approved and the conditional use to allow an entertainment establishment was established (ZON2019-00008/CON2019-00005). The site is platted as part of the Greenwich Center Addition (recorded in 2007). However, the subject property is being replatted as the Top Golf Addition (SUB2020-00042), which is under review and should be approved in the near future.

ADJACENT ZONING AND LAND USE:

NORTH:	RR and SF-20	Undeveloped
SOUTH:	LI	Commercial
EAST:	MF-18 Multiple-Family	Multiple Family Residential
WEST:	LI	Commercial

PUBLIC SERVICES: North Greenwich Road is a paved, five-lane arterial street with sidewalks on both sides East 29th Street North is a paved two-lane arterial street with no sidewalks. Wichita Transit bus stops are located in the large retail shopping center approximately one-half mile south of the subject site. All municipal services are available at the site.

CONFORMANCE TO PLANS/POLICIES: The proposed amendments are in conformance to the comprehensive plan. 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.” This category is defined as “areas that likely will be developed or redeveloped by 2035 with use predominately of mixed nature. Due to proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment use likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.” Furthermore, the Location Guidelines of the plan state that major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors. This develop is at the intersection of two arterial streets and along a commercial corridor.

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. Staff recommend changes are delineated with **bold and underline**.

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-“LI” uses, a traffic study will then be completed. The maximum square footage of non-“LI” 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 Zoning Administrator, 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: 65 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 **156 feet (as approved by the FAA)**, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "LI" district in the City of Wichita's sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

Staff also recommends **APPROVAL** of the amendment to the Conditional Use, subject to the following conditions. Staff recommend changes are delineated with **bold and underline**.

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

An indoor / outdoor family entertainment complex but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The hitting bays will feature a number of interactive golf games, as well as TV's and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the: indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, and outdoor seating areas. Outdoor seating will be available near the front main entry as part of an outdoor patio with a "yard area" featuring outdoor games, dining, and live music. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30'x50' high-definition digital screens, to be located outside of the outfield netting and facing internally towards the building to be used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with patios and family entertainment uses such as a go cart facility, arcades and e-sports gaming facilities.

2. Height: 65 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 **156 feet (as approved by the FAA)**, 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 the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.

4. Outdoor operations, including the open air hitting bays, the playing field of the golf driving range, and those featuring live music and the go-cart facility shall cease operations by 11:00 p.m.; provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights. Go-carts used shall be electric only.
5. A revised, final Site Plan shall be submitted for approval by the Planning Department 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 *Construction* 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 property to the east is zoned MF-18 Multi-Family Residential as is developed with the Stony Pointe apartment complex. Property to the south is zoned LI Limited Industrial and is developed with a medical facility and a large retail shopping center. Property to the west is zoned LI and is developed with a mixture of commercial businesses. Property to the north is zoned RR Rural Residential and SF-20 Single-Family Residential and is undeveloped. However, as previously discussed, application has been made to rezone it to LC Limited Commercial to for a Community Unit Plan.
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 with 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. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed amendments are in conformance to the comprehensive plan. 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.” This category is defined as “areas that likely will be developed or redeveloped by 2035 with use predominately of mixed nature. Due to proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment use likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.” Furthermore, the Location Guidelines of the plan state that major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors. This develop is at the intersection of two arterial streets and along a commercial corridor.
5. Impact of the proposed development on community facilities: The amendment to the Conditional use and Protective overlay would not have any impact on community facilities or resources.

Attachments: Proposed Protective Overlay #74 Text, Proposed Amended Text to Conditional Use, FAA Determination Letter, Aerial Map, Zoning Map, Land use Map, Site Plan, Site Pictures

Proposed Protective Overlay #74 Text: proposed changes are highlighted.

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~~“LI” uses, a traffic study will then be completed. The maximum square footage of non-~~IP~~“LI” 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 Zoning Administrator*, 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 65 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area “B” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the “LI” district in the City of Wichita’s sign code, which shall include LED signs. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

Proposed Amended Text to Conditional Use: proposed changes are highlighted.

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 including, but not limited to a 52-bay, 2-story outdoor recreation and entertainment venue featuring a multi-level golf driving range, a full-service restaurant and bar, event / entertainment space, and mini-golf. The driving hitting bays will feature the Top Tracer ball tracking technology and a number of interactive golf games, as well as TV's and a variety of high top and lounge seating~~ a number of interactive golf games, as well as TV's and a variety of dining and lounge type seating. A full service restaurant will provide food and beverage, including alcohol service, for the dining area as well as serve the hitting bays, banquet rooms, and outdoor seating areas. indoor and outdoor dining areas as well as serve the hitting bays, entertainment / event space, 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 go cart facility. Outdoor seating will be available near the front main entry as part of an outdoor patio 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 may be modified by an approved Administrative Adjustment to allow similar entertainment establishment uses. The outdoor recreation and entertainment venue shall be allowed the installation of two (2) 30'x50' high-definition digital screens, to be located outside of the outfield netting and facing internally towards the building to used for the operation of the venue. Additionally, the overall property will be allowed such indoor/outdoor entertainment, food and beverage and alcohol uses such as restaurants with patios and family entertainment uses such as a go cart facility, arcades and esports gaming facilities.

2. Height: ~~55~~ 65 feet maximum height for all structures; provided that poles used for protecting an area devoted to an outdoor golf driving range shall be permitted to a height of 170 feet, subject to compliance with obtaining a waiver from the City Council because the subject property is in Area "B" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport, and compliance with the setback restrictions from all adjacent property lines as established by the Wichita Unified Zoning Code (UCZ).
3. The owner shall maintain all lighting of the site in compliance with the provisions of the UZC and property shield all lights to prevent bleeding the light onto all adjacent residential property. A lighting master plan shall be provided before any outdoor lighting is installed and said plan must be approved by ~~MABCD~~ the Zoning Administrator and the Planning Director. The outdoor recreation and entertainment facility shall be allowed to have exposed LED lighting strips at each hitting bay in conjunction with its regular operation. The exposed LED lighting strips will be mounted directly to the structure above each hitting bay, offset slightly from the edge, and in general conformance with the specifications submitted with this application.
4. Outdoor use, including all entertainment events featuring live music and the go cart facility, shall cease operations by 11:00 p.m.; provided, said uses may operate until 12:00 a.m. on Friday and Saturday nights. operations featuring live music and the go-cart facility shall cease operations by 1:00 a.m. All other operations, including the open air hitting bays and playing field of the golf driving range, are permitted to operate until 2:00 a.m. The go-carts used shall be electric only.
5. A revised, final Site Plan shall be submitted for approval by the ~~Director of Planning~~ Planning Department 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 Construction 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.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-ACE-4832-OE

Issued Date: 06/27/2021

Todd Waldo
TopGolf USA, LLC
8750 N. Central Expressway
Suite 1200
DALLAS, TX 75231

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: POLE 5
Location: Wichita, KS
Latitude: 37-44-14.58N NAD 83
Longitude: 97-12-22.37W
Heights: 1393 feet site elevation (SE)
156 feet above ground level (AGL)
1549 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

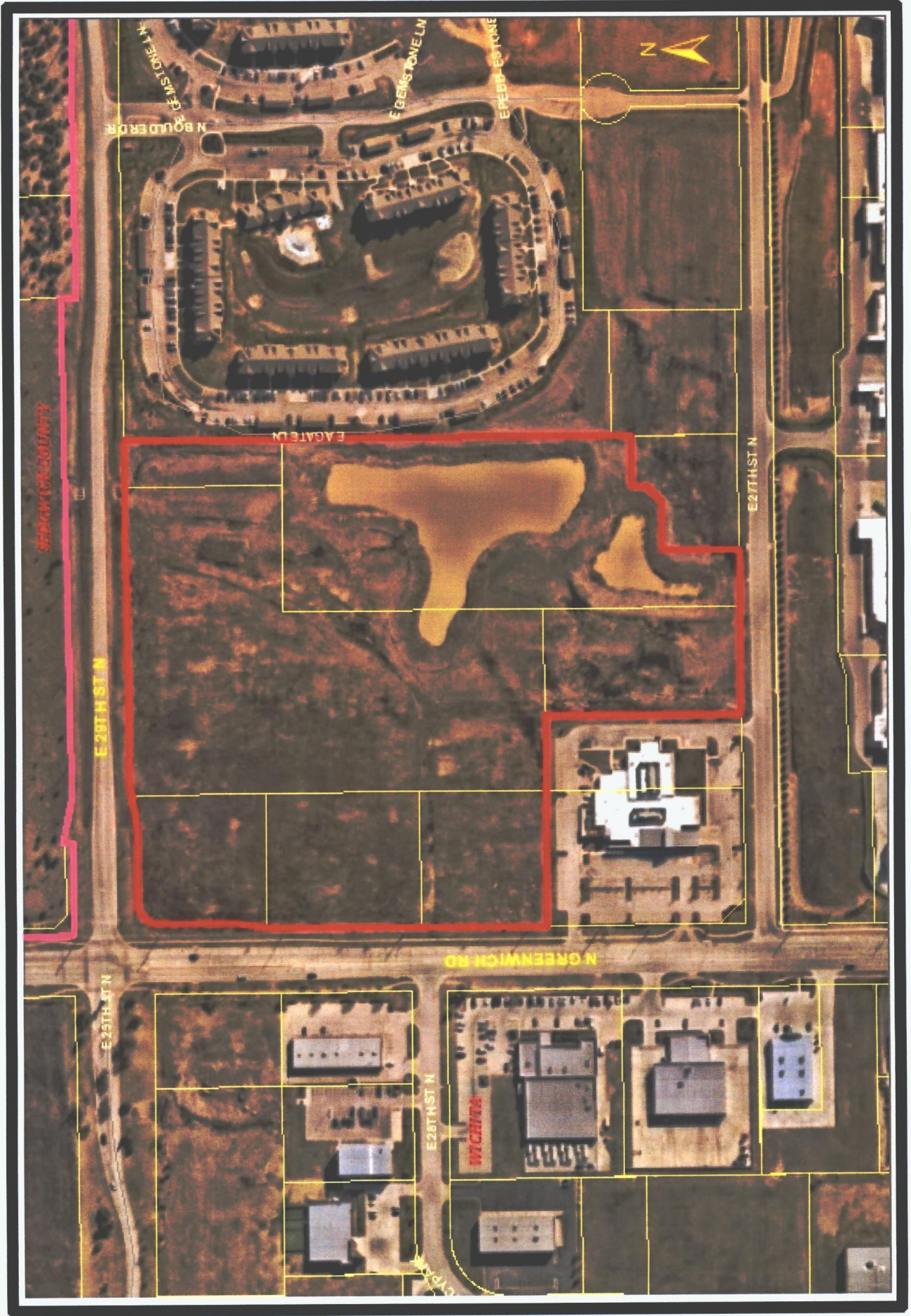
It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

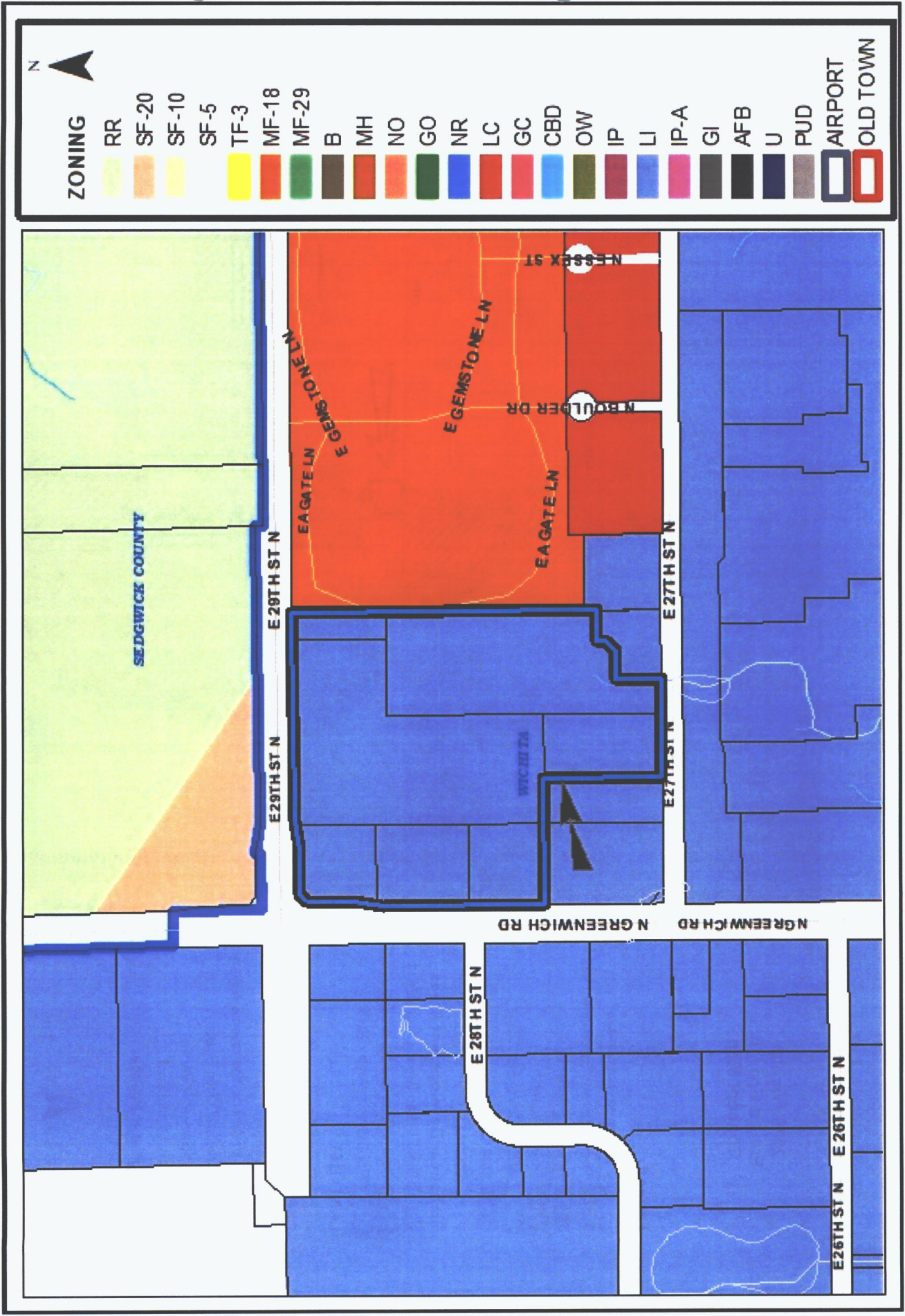
- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 12/27/2022 unless:

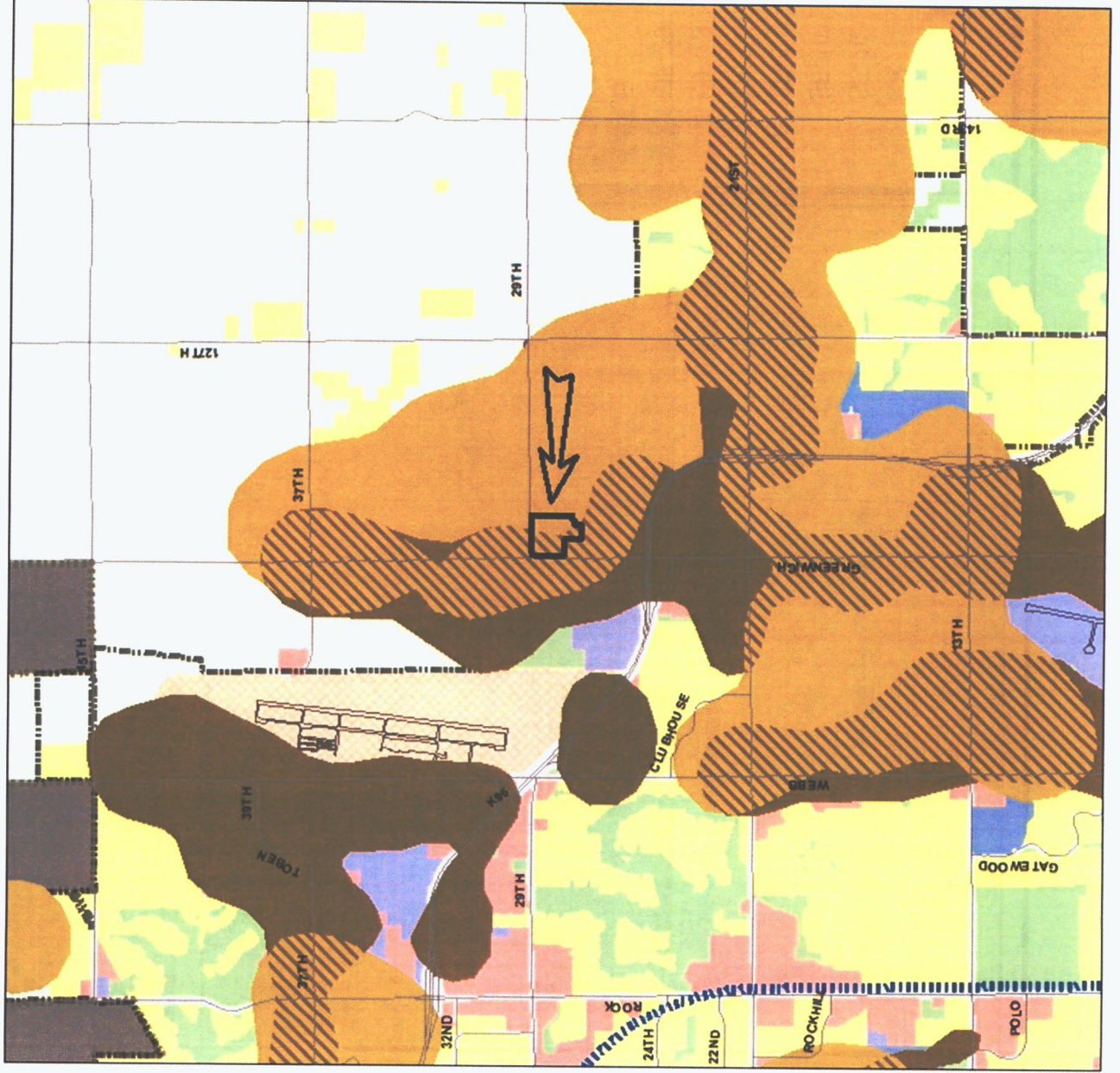
- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.





2035 Wichita Future Growth Concept Map

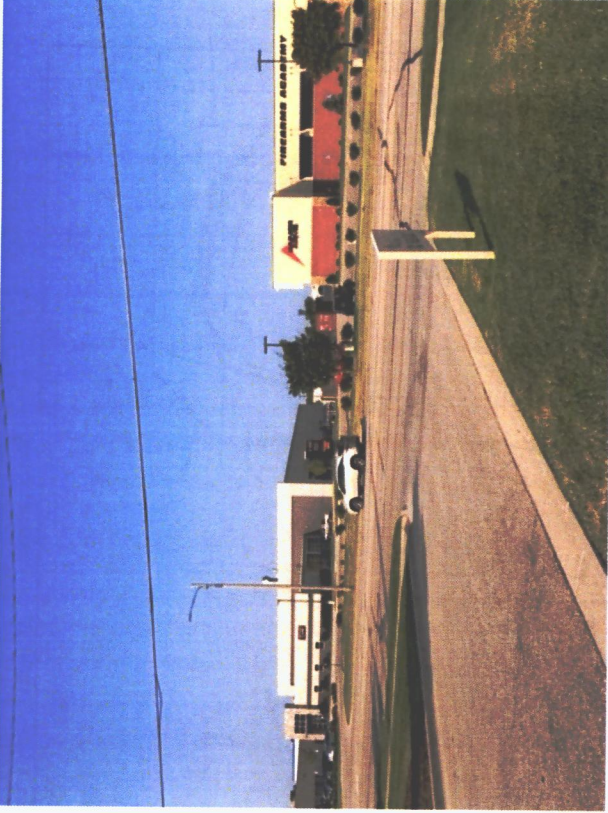
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas



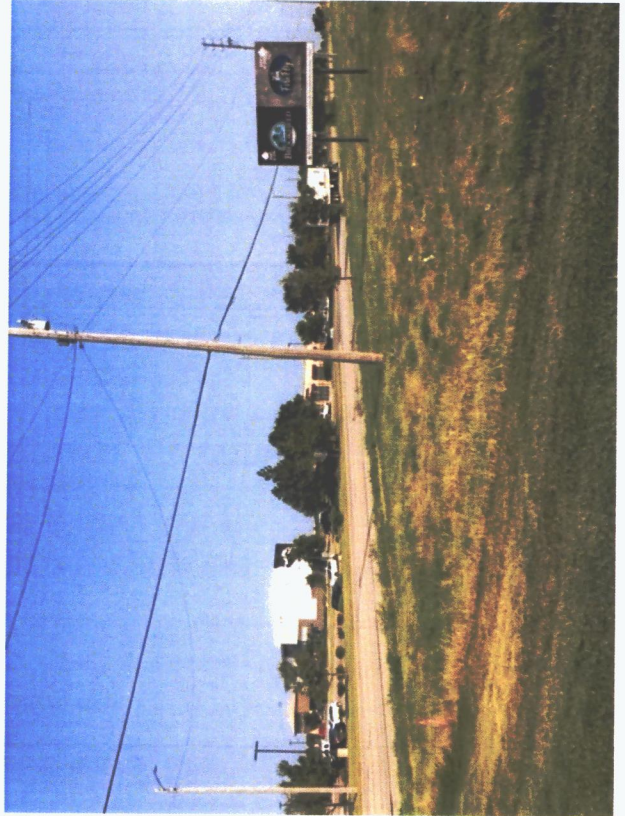
Looking north at site from 27th and Greenwich



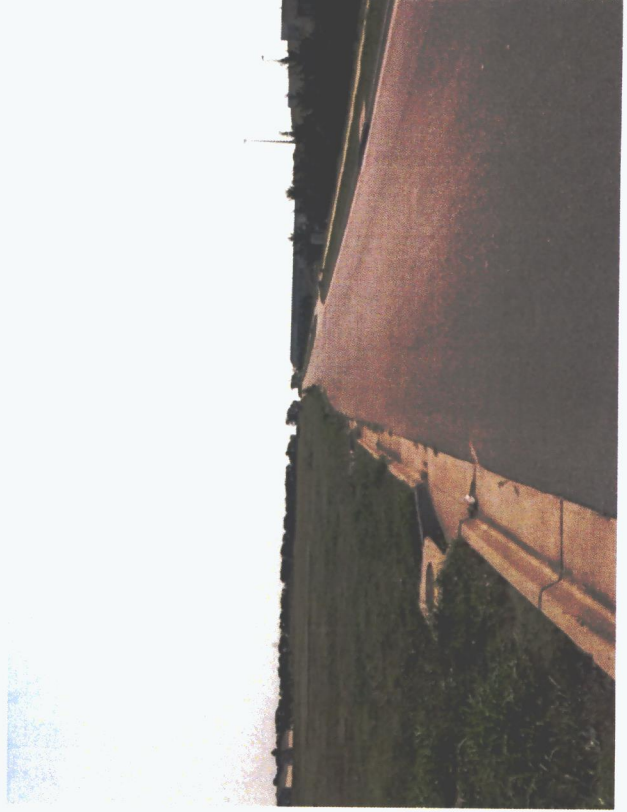
Looking west, away from site at 27th and Greenwich



Looking northwest away from site at 27th and Greenwich



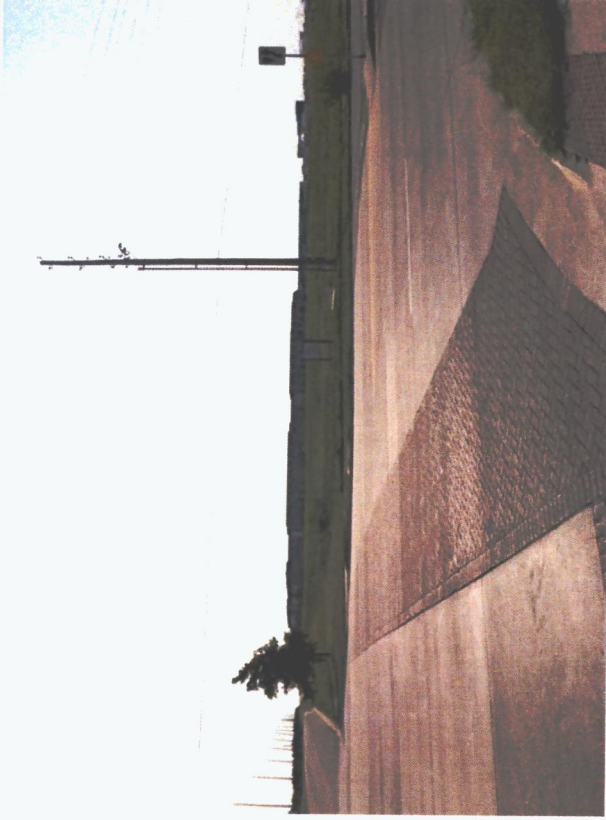
Looking east, away from site, along 27th Street



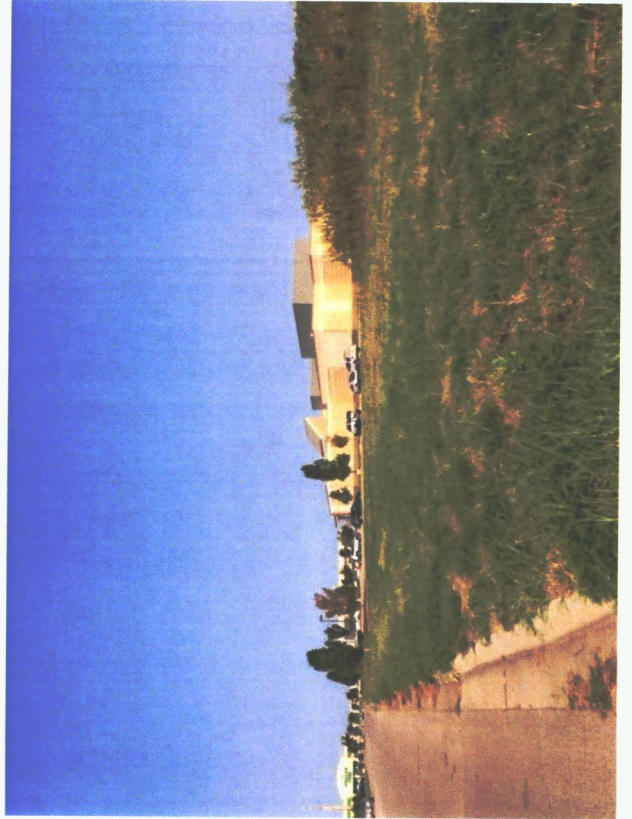
Looking north at site from 27th Street



Looking east, at site, at 29th and Greenwich



Looking west, away from site, along 27th Street



Looking northeast, away from site, at 29th and Greenwich



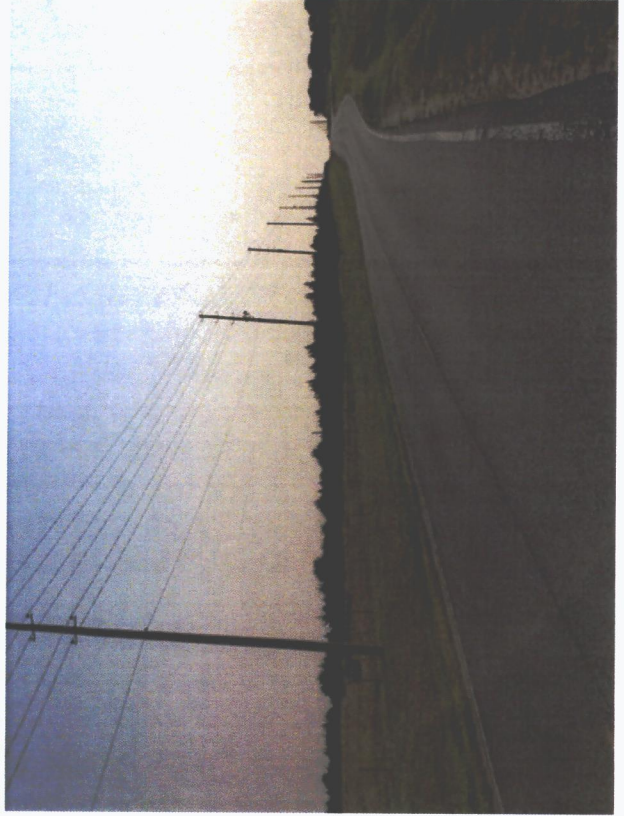
Looking west, away from site, at 29th and Greenwich

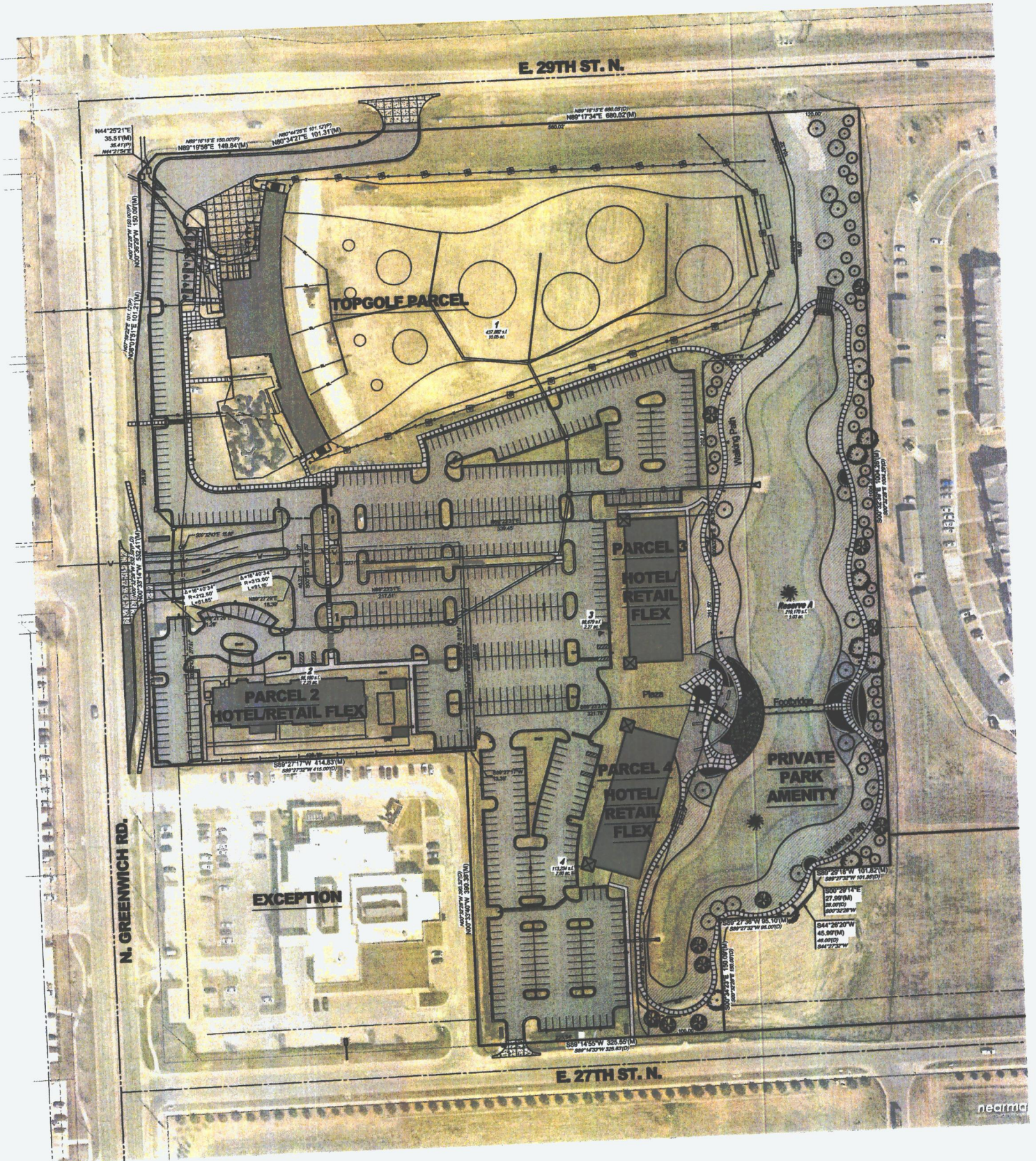


Looking southwest, at site, from 29th Street



Looking northeast, away from site, along 29th Street





ACREAGE SUMMARY

TOPGOLF	10.0 ACRES
PARCEL 2	2.25 ACRES
PARCEL 3	2.27 ACRES
PARCEL 4	2.60 ACRES
RESERVE	5.03 ACRES

SITE PLAN

APPROVED 2/9/03 BY *[Signature]*

SITE CONCEPT PLAN

01.24.2023



SITE CONCEPT MASTER PLAN

BS Golf-Wichita, LLC

J:\Projects\2021\1010434_ARCD_Top Golf Wichita\00 210434 CAD\2021\1010434-00-00-00-Masterplan\Site Conceptual Master Plan.dwg 1/24/2023 5:38:52 PM