

STAFF REPORT
 MAPC June 6, 2019
 DAB III June 5, 2019

CASE NUMBER: PUD2019-00006

APPLICANT/AGENT: Gregory L. and Tina M. Dunnegan (Owner/Applicant)
 Ferris Consulting, Greg Ferris (Agent)

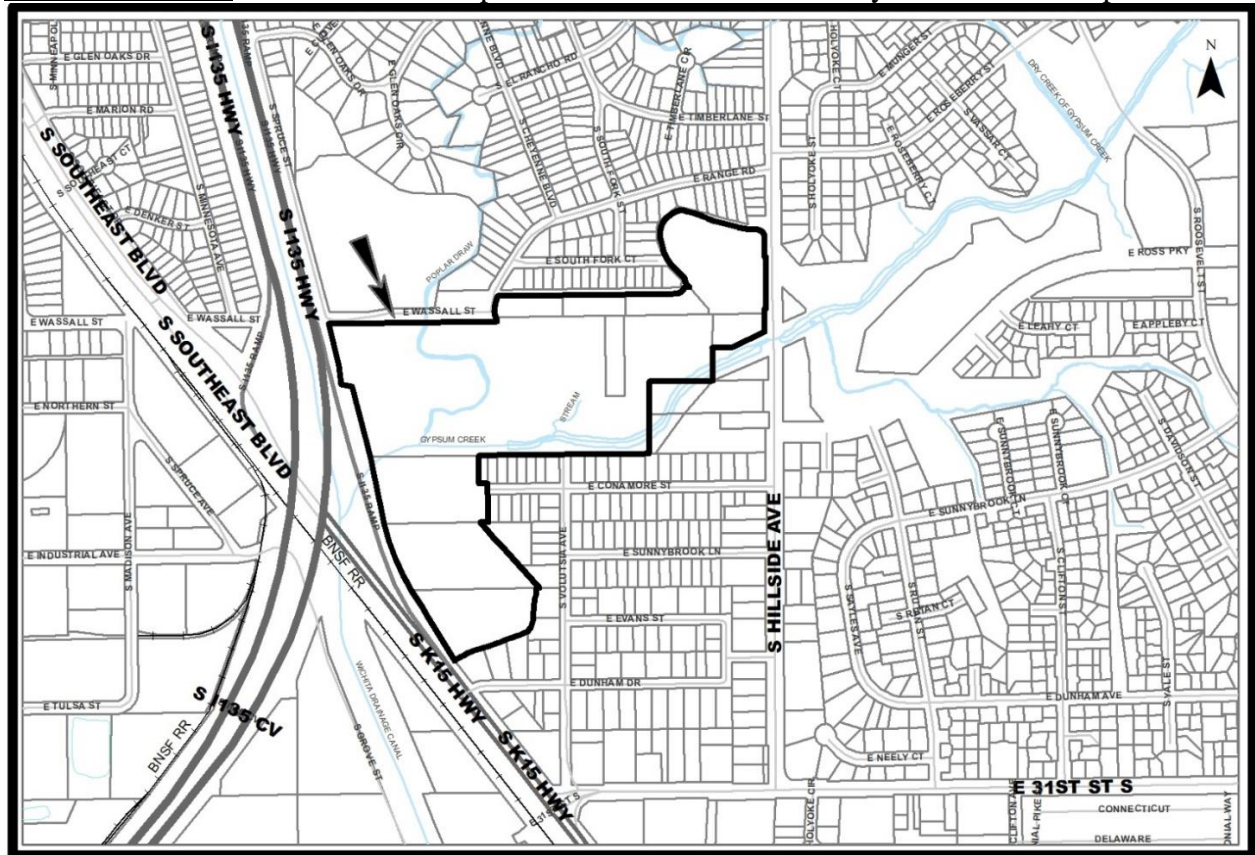
REQUEST: Rezone to Create Planned Unit Development #64 Joyland Development Complex

CURRENT ZONING: SF-5 Single-Family Residential and GC General Commercial

SITE SIZE: 56.71 acres ±

LOCATION: Generally located on the west side of South Hillside Avenue and one-half mile south of East Pawnee Avenue (2801 S. Hillside Ave.)

PROPOSED USE: Development of an event center facility and other site improvements



BACKGROUND: The applicant is requesting a change in zoning from SF-5 Single-Family Residential and GC General Commercial to a PUD Planned Unit Development to create PUD #64 Joyland Development Complex . The Joyland Amusement Park closed in 2001 and several amusement rides were sold off and a fire destroyed most of the remaining buildings on the site in August 2018.

The applicant proposes to develop the 57-plus acres as a mixed use including development of restaurants, outdoor entertainment and event center. The General Provisions of the proposed PUD #64 are attached along with the existing site plan and the proposed sign plan for the development.

The area surrounding the subject site is mostly residential. Property to the north and south is zoned SF-5 and developed with single family residences. Rights-of-Way for Interstate 135 (I-135), K-15 and Burlington Northern Santa Fe (BNSF) Rail Road border the west side of the subject side. The subject property is bounded by South Hillside Avenue on the east. Across the street, east of the subject site, property is zoned LI Limited Industrial, LC Limited Commercial and MF-29 Multi-Family Residential.

A sign plan was submitted with the application and is attached. The City of Wichita Sign Code stipulates that no sign shall exceed 35 feet in height and 300 square feet in area along arterial streets or expressways. The applicant indicates the height of the proposed signs is predicated on allowing poles signed to be an additional 20 feet above the railing of an elevated highway (a point indicted on I-135). The signs will be visible from the off-ramp of I-135 and K-15 which are both at grade. The signs along Parcel 2 range from 540 feet to 1,040 feet from the elevation point on the elevated highway and would not be readable by traffic travelling 60 miles per hour on I-135. Parcel 3 signs range from 415 feet to 1,000 feet from the highest pavement elevation on I-135, with the closest point being 360 feet.

CASE HISTORY: Only 5.7 acres of Parcel 1 is platted as part of the Pawnee Ranch Addition, which was platted in February 1950. The remaining 51 acres ± is unplatted. There are no other zoning cases shown for this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Residential
WEST:	SF-5, LI, LC, GC, MF-29	Single-Family Residences, Manufacturing, Catholic warehouse/office, vacant and Social Services,
	Planeview Subdivision residential	

PUBLIC SERVICES: South Hillside Avenue is a fully improved arterial street. The project site plan does not address issues such as expansion of water and sanitary sewer service, drainage or the provision of fire protection services. These public service issues will be addressed through the platting process prior to the issuance of any building permit for development of the project

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, show the property to be located within the Established Central Area (ECA) and identifies the site as residential on the Future Growth Map Concept Map. It is appropriate for commercial uses to develop along an arterial street in this location. The ECA encourages infill development that maximizes public investment in existing and planned infrastructure and promotes mixed-use development along arterial streets. Limitation of the site because of flood plain issues makes this property a good candidate for its proposed use.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends APPROVAL of the application subject to the following conditions:

1. General Provisions shall be approved as per the revised PUD #64 Provisions as follows:
 - a. **General Provision 13. Property must be platted before any building permits will be issued.**
 - b. Parcel 2 Signage: On-Site Signage shall be a minimum of 15 ft. from residential property lines. Two on-site signs are allowed with a maximum size of 400 sq. ft. and a maximum height of **(45 ft.)**. **(One)** off-site **(sign is)** allowed with a maximum size of 672 sq. ft. and a maximum height of **(45 ft.)**. No more than **(six)** ground or pole signs less than 200 sq. ft. and less than 20 ft. in height are allowed anywhere on Parcel 2, and any placement of **ground or pole signs must be approved** by the planning director. Signage plan may be changed with a PUD adjustment.
 - c. Parcel 3 Signage: On-Site Signage shall be a minimum of 15 ft. from residential property lines. Three on-site signs are allowed with a maximum size of 400 sq. ft. and a maximum height of 45 ft. Two off-site signs are allowed with a maximum size of 672 sq. ft. One shall have a maximum height of 55 ft. and the other shall have a maximum height of 45 ft. No more than **(three)** ground or pole signs less than 150 sq. ft. and less than 20 ft. in height are allowed anywhere on Parcel 3, and any placement of **ground or pole signs must be approved by the planning director**. Signage plan may be changed with a PUD adjustment.
 - d. Other provisions of PUD #64 shall be approved as listed.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #64 Joyland Development Complex PUD) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site was used as an amusement park from 1949 until 2001 when Joyland Park closed. The area is a dominated by residential uses; however the subject property is adjacent LC and MF-29 from East Ross Parkway south to East 31st Street South. The intersection at Pawnee and Hillside is LC on all four corners. Between Pawnee and East Ross Parkway SF-5 zoning fronts Hillside on the west side and MF-29 zoning fronts Hillside on the east side of the street. The introduction of the proposed use will not be out of character with the neighborhood with the proposed conditions.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential and GC General Commercial. The addition of sewer and water lines would be a significant obstacle for use as single family residential. Gypsum Creek has an extensive flood plain along the south side of the property that present obstacles to redevelopment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: As noted above, the use of this property is consistent with the long-term use of the property.
4. Length of time the property has been vacant as currently zoned: The property has been un-used since 2001 when Joyland Park closed and the property was significantly damaged by fire in August 2018. The proposed use enhances the value of the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*,

show the property to be located within the Established Central Area and identifies the site as residential on the Future Growth Map Concept Map. It is appropriate for commercial uses to develop along an arterial street in this location. It is appropriate for commercial uses to develop along an arterial street in this location. The ECA encourages infill development that maximizes public investment in existing and planned infrastructure and promotes mixed-use development along arterial streets. Limitation of the site because of flood plain issues makes this property a good candidate for its proposed use.

6. Impact of the proposed development on community facilities: Public service issues, including a drainage plan, will be addressed through the platting process prior to the issuance any permit or license for the development of the property.

Staff Report Attachments:

1. Applicant Narrative
2. Proposed PUD Language submitted by Agent with corrections by MAPD staff
3. Joyland Development Complex PUD
4. Joyland Development Complex Sign Plan

FERRIS CONSULTING

*PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 EMAIL ferrisco@aol.com*

April 24, 2019

Dale Miller, Director
Metropolitan Area Planning Department
271 W. 3rd St., 2nd Floor
Wichita, KS 67202

RE: PUD for property located on Hillside south of Pawnee on the property formerly known as the Joyland Amusement Park.

Dear Dale:

The applicants have purchased the property of the former Joyland Park. They have the desire to redevelop this property to be a vibrant part of the area. The site has many challenges and many opportunities. Due to the size of the property it is believed that a Planned Unit Development is the best way to develop the property. Joyland was a fixture in this part of Wichita for many decades. However, it fell into disrepair and finally was sold. There are three distinct parts of the property. Therefore, the applicant has prepared a PUD with three parcels.

Parcel 1 is along Hillside and has the most opportunity for retail and commercial uses. Because of the Hillside frontage they believe that restaurants, stores, and other commercial uses may be developed. Major access to all parcels will be through this parcel. Therefore, cross lot access and parking is included. Parcel 1 has some restrictions not found in Parcel 2. This is because of its proximity to residential to the North and West and to Hillside.

Parcel 2 is the largest parcel. It has an existing building and several smaller buildings or foundations. While much of this parcel is in the flood plain, there are many opportunities for development. The applicants desire to use Parcel 2 for many different types of uses. They envision temporary outdoor festivals and temporary amusement rides to capture the old flavor of Joyland. They also would like to utilize the existing building for events; such as weddings and parties. They believe that because of the size of the parcel they could also have temporary structures to house some of these activities. Events such as different holiday festivals would have a large lot on which they could locate. The applicants will also make this parcel available to the adjoining Neighborhood for an annual fund raiser to assist the Neighborhood as they see fit to use the funds.

Parcel 3 is a heavily wooded parcel that borders a neighborhood on two sides and the highway on the other. This Parcel may eventually develop as residential. However, until that time, the applicants believe it is a great place for a paintball range or such activities.

The PUD has many built in protections for the area neighborhoods. These include limiting uses, establishing setbacks, noise and hour restrictions and other restrictions. Landscaping requirements are also specified in the PUD. The area has been an attractive nuisance for many years. Orderly development, such as is prescribed in the PUD, will create activity and restrict the undesirable activities.

The PUD meets the criteria set out in the Unified Zoning Code for approval as follows:

- **The zoning, uses, and character of the neighborhood:** The area is a mix of residential, commercial, retail, and institutional uses. The orderly mix of uses proposed in the PUD are similar to the allowed zoning uses in the area.
- **The suitability of the subject property for the uses to which it has been restricted:** The majority of the property is zoned SF5. Because of the floodplain much of it is not suitable for single family. The PUD allows some residential development but to restrict the entire area to SF-5 would not be the best use of the property.
- **The extent to which removal of the restrictions will detrimentally affect nearby property:** The area was used for outdoor entertainment for many decades. The landscaping, setback, and other provisions will be more restrictive than the previous use. There should not be any detrimental impacts on nearby properties.
- **The length of time the subject property has remained vacant as zoned:** The property has been vacant for many years. Development as single family is not feasible on the entire property.
- **The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The property has become an attractive nuisance for the area. Developing the property will increase security, create activity, and make the area more visually appealing. This will be a significant gain to the public health, safety, and welfare. Requiring the property to remain SF5 will create a loss in value as well as a hardship on the applicant.
- **Impact of the proposed development on community facilities:** Much of the site remains unplatted. As a requirement, any new construction will trigger platting. This will create an opportunity for the area the City to require drainage plans and other restrictions. Hillside is a major arterial and has adequate capacity for the proposed development. There is water and sewer in the area. There is adequate capacity for the development.

Based on these provisions the applicants believe the request complies with the UZC rules for adoption. Specific drawings and plans are included with the application. Please let me know if you have any questions.

Sincerely,



Gregory Ferris

PROPOSED PUD LANGUAGE SUBMITTED BY APPLICANT

Changes recommended by MAPD staff are noted in *(red italics)*

LEGAL DESCRIPTIONS:

PARCEL 1

PARCEL A3

Lot 1, Nelson's Hillside Park, Wichita, Kansas, Sedgwick County, Kansas, EXCEPT that part deeded to the City of Wichita on Doc#/Flm-Pg: 28867884.

PARCEL A4

Lot 1, Block 14, Replat of Part of Pawnee Ranch Addition, Sedgwick County, Kansas, together with the North 30 feet of vacated Wassall Avenue adjoining on the South, EXCEPT that part condemned by the City of Wichita in Case No. 06CV-3695.

PARCEL 2

PARCEL A1

The North 773 feet of the Southeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the Wichita Drainage Canal, EXCEPT that part platted as Nelson's Hillside Park, Wichita, Kansas, AND EXCEPT Beginning 185 feet South of the Northeast corner of said Southeast Quarter; thence West 342 feet; thence South 185 feet; thence East 342 feet; thence North 185 feet to the Point of Beginning; AND EXCEPT Beginning 370 feet South of the Northeast corner of said Southeast Quarter; thence West 700 feet; thence South 403 feet; thence East 700 feet; thence North 403 feet to the Point of Beginning; AND EXCEPT Beginning at a point on the North line of said Southeast Quarter which is 750.50 feet West of the Northeast corner of said Southeast Quarter; thence West, on said North line, a distance of 105.00 feet; thence South, at right angles to said North line, a distance of 447.50 feet; thence East 105.00 feet; thence North 447.50 feet to the Point of Beginning; AND EXCEPT that part condemned for Highway in District Court Case #C-1832; AND EXCEPT that part condemned for drainage right-of-way in Case #B-1306; AND EXCEPT that part condemned for street in Case #A-51069; AND EXCEPT that part deeded to the City of Wichita on Doc#/Flm-Pg: 28867884.

PARCEL A2

That part of the Southeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as: Beginning at a point on the North line of said Southeast Quarter, which is 750.50 feet west of the Northeast corner of said Southeast Quarter; thence west on said North line, a distance of 105.00 feet; thence south at right angles to said North line, a distance of 447.50 feet thence east 105.00 feet; thence north 447.50 feet to the point of beginning.

PARCEL A5

A tract in the Northeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as vacated Reserve D in Second Replat of Part of Pawnee Ranch Addition, Sedgwick County, Kansas, together with the North 30 feet of vacated Wassall Avenue adjoining on the South.

PARCEL A6

PUD2019-00006

A tract in the Northeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as vacated Reserve C in Second Replat of Part of Pawnee Ranch Addition, Sedgwick County, Kansas, together with the North 30 feet of vacated Wassall Avenue adjoining on the South.

PARCEL A7

Reserve B in Second Replat of Part of Pawnee Ranch Addition, Sedgwick County, Kansas, together with the North 30 feet of vacated Wassall Avenue adjoining on the South, EXCEPT that part condemned by the City of Wichita in Case No. 06CV-3695.

PARCEL 3

PARCEL B1

The South 371 feet of the North 1144 feet of the Southeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the East line of the Highway as condemned in District Court Case C-1832, AND EXCEPT the East 1600 feet thereof; AND EXCEPT that part deeded to the City of Wichita on Doc#/Flm-Pg: 28867884.

PARCEL B2

Reserve A, Dunham Addition, Sedgwick County, Kansas.

PARCEL B3

Part of the south 371 feet of the north 1515 feet of the Southeast Quarter of Section 3, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Wichita Drainage Canal and described as: Beginning at a point on the North line of said south 371 feet, said point being 1644 feet west of the East line of said Quarter Section; thence west 618 feet, more or less, to the easterly right-of-way of the Wichita Drainage Canal; thence south along said right-of-way to the intersection of the easterly right-of-way of Highway K-15; thence southeasterly along said right-of-way to the south line of said south 371 feet of the north 1515 feet of said Quarter Section; thence east 790.3 feet, more or less, to a point 1313.5 feet west of the East line of said Quarter Section; thence northwesterly to the point of beginning.

PROJECT DESCRIPTION:

The intent of this Planned Unit Development is to permit the development of an event center facility and other site improvements.

REVISIONS:

Draft Planned Unit Development (PUD2019-06):	March XX, 2019
Revised per staff comments:	March XX, 2019
Approved by MAPC:	March XX, 2019
Approved by City Council:	March XX, 2019

GENERAL PROVISIONS:

1. Total Gross Area: 56.71 acres +/-
2. Total Net Area: 56.71 acres +/-
3. Parking required by any use in any parcel may be satisfied by parking provided in any other parcel. Non-paved parking for Recreation Indoor or Outdoor, Event Center, Nightclub, Rodeo, and any use not requiring a building permit allowed unless otherwise specified. All handicap parking must be

PUD2019-00006

paved.

4. Gypsum Creek is defined as a major barrier and no new screening or landscaping is required along the drainage way. Existing trees within five feet of drainage way to remain or be replaced if less than landscaping required by landscape ordinance.

5. Cross Lot circulation required between all Parcels. All drives in and between parcels, except within fifty feet of City Street: Gravel allowed.

6. All non-paved parking and access shall be dust retarded.

7. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses. The lighting shall be in compliance with the lighting requirements of Section IV-B.4.

8. Before any new parking areas can be constructed, including non-paved parking areas, a drainage plan will be submitted and approved by City of Wichita.

9. Noise shall be per the noise ordinance of the City of Wichita.

10. Event Center Events larger than 40 people shall have private security on-site at all times during the event.

11. Hours of operation on any Parcel for Recreation Outdoor, Event Center, Nightclub, Drinking Establishment and/or Entertainment Establishment and Rodeos where allowed: Monday thru Wednesday: 8:00 AM to 11:00, Thursday thru Sunday: 8:00 AM to Midnight. Ten events per calendar year allowed with hours of operation for Recreation Outdoor, Event Center, Nightclub, Drinking Establishment and/or Entertainment Establishment and Rodeos where allowed: Monday thru Wednesday: 8:00 AM to Midnight, Thursday thru Sunday: 8:00 AM to 2:00 AM. An event is defined to include start-up, tear down and duration of the activity.

12. All Parcels shall be developed in accordance with the General Commercial Zoning District, unless otherwise noted. Wireless Communications Facilities shall be allowed by Administrative Permit on all Parcels.

13. Property must be platted before any building permits will be issued

PARCEL 1:

Net Area: 297,326 sq. ft. (6.83 acres) +/-

Maximum Building Coverage: 222,995 sq. ft. (or 75 percent) +/-

Permitted Uses: All uses allowed in the General Commercial Zoning District, except Group Residence (Limited and General), Auditorium or Stadium, Cemetery, Correctional Placement Residence (Limited and General), Research Services, Agricultural Research, Sexually Oriented Business, and Asphalt or Concrete Plant.

For Event Center, Nightclub, Drinking Establishment and/or Entertainment Establishment; structure shall be 100' from property zoned and used as residential. Parking shall be 50' from property zoned and used as residential.

Parking: Paved parking required per building and zoning code.

Signage: On-Site Signage shall be a minimum of 15 ft from residential property lines. Two on-site signs are allowed. One shall be a maximum of 200 sq. ft. with a maximum height of 35 ft. The other shall be a maximum of 300 sq. ft. with a maximum height of 45 ft. No off-site signs allowed. Signage plan may be changed with a PUD adjustment.

Landscaping and Screening: Existing trees along property line will remain and provide natural screening within a 10' landscape buffer where adjacent to residential zoning. No screening from residential required where landscaping exists. Landscape street-yard required along Hillside, per landscape ordinance.

PUD2019-00006

Landscaping required to be replaced shall comply with landscape ordinance. Landscape plan for Parcel 1 required at time of application for any new building permit in Parcel 1.

Building Setbacks: Setbacks are per the Limited Commercial Zoning District.

Access: Access limited to two access points to S. Hillside Ave.

PARCEL 2:

Net Area: 1,532,273 sq. ft. (35.18 acres) +/-

Maximum Building Coverage: 1,149,205 sq. ft. (or 75 percent) +/-

Permitted Uses: All uses allowed in the General Commercial Zoning District, except Group Residence (Limited and General), Cemetery, Correctional Placement Residence (Limited and General), Sexually Oriented Business, and Asphalt or Concrete Plant.

For Rodeos, Event Center, Nightclub, Drinking Establishment and/or Entertainment Establishment; structure shall be 100' from property zoned and used as residential, and parking shall be 50' from property zoned and used as residential.

Parking: Gravel Parking allowed in conformance with Number 1 of General Provisions.

Landscaping and Screening: Existing trees along property line will remain and provide natural screening within a 10' landscape buffer where adjacent to residential zoning. No screening from residential is required where landscaping exists. Landscaping required to be replaced shall comply with landscape ordinance. Landscape plan for Parcel 2 required at time of application for any new building permit in Parcel 2.

Building Setbacks: Setbacks are per the General Commercial Zoning District. Any existing structures, buildings, or foundations are not subject to setbacks.

Access: Access limited to four access point to E. Wassall St. Two access points must be gated with gates closed unless actively in use.

PARCEL 3:

Net Area: 640,382 sq. ft. (14.70 acres) +/-

Maximum Building Coverage: 480,287 sq. ft. (or 75 percent) +/-

Permitted Uses: All uses allowed in the General Commercial Zoning District, except Group Residence (Limited and General), Cemetery, Correctional Placement Residence (Limited and General), Vehicle Storage Yard, Sexually Oriented Business, and Asphalt or Concrete Plant.

For Event Center, Nightclub, Drinking Establishment and/or Entertainment Establishment; structure shall be 100' from property zoned and used as residential, and parking shall be 50' from property zoned and used as residential. Rodeos: structure shall be 100' from property zoned and used as residential, and parking shall be 50' from property zoned and used as residential.

Parking: Gravel Parking allowed in conformance with Number 1 of General Provisions.

Signage: On-Site Signage shall be a minimum of 15 ft. from residential property lines. Three on-site signs are allowed with a maximum size of 400 sq. ft. and a maximum height of 45 ft. Two off-site signs are allowed with a maximum size of 672 sq. ft. One shall have a maximum height of 55 ft. and the other shall have a maximum height of 45 ft. No more than ~~six~~ *(three)* ground or pole signs less than 150 sq. ft. and less than 20 ft. in height are allowed anywhere on Parcel 3, and any placement of ground or pole signs ~~along city right-of-way~~ must be approved by the planning director. Signage plan may be changed with a PUD adjustment.

Landscaping and Screening: Existing trees along property line will remain and provide natural screening within a 10' landscape buffer where adjacent to residential zoning. No screening from residential is required where landscaping exists. Landscaping required to be replaced shall comply with landscape ordinance. Landscape plan for Parcel 3 required at time of application for any new building permit in Parcel 3.

Building Setbacks: Setbacks are per the Limited Commercial Zoning District. Any existing structures, buildings, or foundations are not subject to setbacks.

Access: Access limited to one access point to E. Conamore St.