

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
February 10, 1998

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** DP-95 AMENDMENT #2 - F.S. MANAGEMENT, C/O BILL WHITE (APPLICANT/PROPERTY OWNER); TK GROUP, LLC (APPLICANT/PROPERTY OWNER); TIMAUSTIN, AUSTIN MILLER (AGENT) REQUEST AN AMENDMENT TO THE FANTASEA COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-3264 - REQUEST FOR ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED SOUTH OF K-96, EAST OF WOODLAWN,

(DISTRICT #2)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Deny (6-2).

**CPO Recommendation:** Deny (8-1).

**Staff Recommendation:** Deny.

**Background:** The applicants propose to amend the Fantasea Commercial Community Unit Plan (DP-95), located south of K-96 and east of Woodlawn, in order to add approximately 8.1 unplatted acres into the existing 35.5 acre C.U.P, and revise the permitted use list and other conditions for the C.U.P.

The portion of the application area to be added to DP-95 is currently approved as Parcels 1 through 4 of the Woodlawn Power Center Commercial Community Unit Plan (DP-228) and approved for "LC" Limited Commercial zoning (Z-3229), subject to platting the property. Since platting has not been finalized for that tract, this application will seek to rezone that portion of the application area defined by Parcels 1 through 4 of DP-228 from "SF-6" Single-Family Residential to "GC" General Commercial.

The amendment intends to revise the use list for the reconfigured Parcel "A" (23.3 acres located on the western portion of the site) to allow the following: Single-family, duplex, multi-family, group residence (general), assisted living, church or place of worship, convalescent care (general), day care (general), library, automatic teller machine, bank or financial institution, car wash (subject to conditions of the zoning code and limited to the west 400 feet of the parcel), communication tower (commercial, subject to conditions), construction sales and service (subject to conditions), convenience store (limited to the west 400 feet of the parcel), office (general), personal care service, personal improvement service, post office substation, printing and copying (limited), restaurant, retail (general), secondhand store, vehicle repair (general), and wholesale or business services.

Also, the newly created Parcel "D" (14.4 acres located on the eastern portion of the site) will be include the following uses: Single-family, duplexes (at 14 dwelling units per acre), multi-family (at 75 dwelling units per acre), group residence (general), assisted living, and convalescent care (general).

As proposed, Parcel "A" will permit 225,000 square feet of building coverage to be distributed among a maximum of 8 buildings. Parcel "D" could allow a maximum of approximately 400 multi-family units at 75 units per acre on the 5.4 acres not covered by lake and easements. The C.U.P. also provides various general provisions, including but not limited to the following: building setbacks, special lighting restrictions, sign restrictions, access controls, and screening requirements.

Also submitted with the application are two site plans, one primary and one alternate (copies attached). The primary site plan shows the closure of 32nd Street at 32nd Street Court, and the main entrance into Parcel "A" located approximately 100 feet to the north of the existing intersection. The entrance would be signalized, and include 5 lanes (two in and three out). There is a second access (right in and out only) to the parcel approximately 400 feet further to the north. The 129,996 square foot Home Depot use is shown at the northwest corner of Parcel "A" with an additional 94,600 square feet of future retail/commercial coverage. Property lines to the east and south include a 50 foot landscaped buffer strip with a 6 foot berm that narrows near the main entrance to 38 feet and includes a 4 foot tall berm.

The alternate site plan shows the relocation of 32nd Street and would move the main entrance into Parcel "A" to a location approximately 400 feet east of the existing intersection. The intersection with Woodlawn would still be signalized, and still include 5 lanes. The property line to the east would retain the 50 foot landscaped buffer strip. Along the southern property line east of the main entrance, however, the buffer would be increased to 100 feet with no berming. The plan shows a 60 foot wide planting area south of the relocated street.

The application area is bordered by K-96 to the north with additional commercial ("LC") property located north of the interchange. Property across Woodlawn to the west is zoned "SF-6" and is part of the Chisholm Creek Park. There is a day care center and school within Parcel B and C of DP-95, with a single-family subdivision located south of the site across 32nd Street North. There is a townhouse-style apartment development located east of the subject tract on property zoned "MF-18".

During the Planning Commission meeting on January 15, 1998, questions concerning the applicant's traffic study and other elements of the staff report were discussed by several Commissioners and staff. The agent for the applicant described their proposal and addressed some of the statements made in the staff report dealing with intensity of the proposal. The agent also explained the various meetings his group had with all interested parties and the effort given in an attempt to address their concerns.

Numerous area residents voiced their concerns over the potential traffic impacts this new use would have on 32nd Street and Woodlawn, the impact on Gammon Elementary, the loss in property value, and they also voiced their opinion that this change would be entirely out of character with the surrounding land uses. The neighborhood also disputed the claim that Fantasea was not an economically viable use. These comments had been voiced earlier that week, at a meeting of CPO Council 2, and that Council voted (8-1) to recommend denial.

At the request of the applicants, there were two motions made over the course of the meeting, which both failed, to defer the case in order to address staff's and the area property owners' concerns. After discussion, the MAPC voted (6-2) to deny the request, citing staff's findings.

**Since the MAPC hearing, the applicants have developed a new concept for this site. The new concept includes the Home Depot store, and another small "pad" site, on the western 11± acres of the application area, and retains the Fantasea water park, with reconfigured parking, on the balance of the land (see attached drawing). The applicants' agent summarized this new proposal at the subsequent MAPC meeting, suggesting that this new proposal go back through the hearing process. The MAPC, with the endorsement of the Planning staff, voted (7-0, with 1 abstention) to recommend to the City Council that the revised proposal be returned to the MAPC and CPO(2) for reconsideration.**

**Recommendation:**

1. Concur with the findings of the MAPC and deny the application; or
2. Override the findings of the MAPC with a 2/3 majority vote and approve the zone change and C.U.P. amendment, subject to the planning staff's recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
3. Return the application to the MAPC and CPO(2) for reconsideration, citing the revised plan that has been proposed by the applicants.

CW98-1608 (First Published in The Daily Reporter, October 23, 1998)

ORDINANCE NO. 43-893

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3264

Zone change request from "SF-8" Single-Family Residential District to "GC" General Commercial District, described as:

Lots 1 and 2, Block 1, Fantasea Third Addition, Wichita, Sedgwick County, Kansas. Generally located south of K-96, east of Woodlawn.

SECTION 2. 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 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED at Wichita, Kansas, October 20, 1998.

Bob Knight, Mayor

ATTEST (Seal)

Pat Burnett, City Clerk

(023)

1. Keith Hooch
2. Dale Miller
3. Awa Estrada
4. Kirby Commer
5. Karen Wolf