



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 12, 2000

West Wichita Development, Inc.
%Jay Russell
12602 W. 13th
Wichita, KS 67235

RE: CON2000-00011 – Conditional use to Permit a Neighborhood Swimming Pool on property zoned “SF-6” Single-Family Residential. Generally located south of Maple and east of 135th Street West.

Dear Mr. Russell:

At its regular meeting on May 25, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to APPROVE the request subject to the conditions stated in the letter dated May 26, 2000.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is **FINAL**. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Barry L. Carroll,
Associate Planner

BLC/rs

cc: Baughman Company, P.A., %Russ Ewy, 315 Ellis, Wichita, KS 67211
Bob Martz, City Council Member, District V, Mail Stop 1-13
Dana L. Brown, District Advisory Board V, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, 1-72
Randy Sparkman, Office of Central Inspection, 1-72
Paul Hays, Office of Central Inspection, 1-72
J.R. Cox, Office of Central Inspection, 1-72

CONDITIONAL USE RESOLUTION NO. CON2000-00011

WHEREAS, West Wichita Development, Inc. (applicant – c/o Jay Russell); Russ Ewy, Baughman Company, P.A. (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to permit a Neighborhood Swimming Pool described as:

That part of Reserve "D", Auburn Hills 8th Addition, Wichita, Sedgwick County, Kansas, described as follows: Beginning at the SW corner of Reserve "C" in said Auburn Hills 8th Addition; thence Southerly along the East line of 135th Street West, said East line being a curve to the right, having a central angle of 19 degrees 56'55" and a radius of 544.67 feet, an arc distance of 189.64 feet, (having a chord length of 188.68 feet bearing S 02 degrees 41'53"W), to the NW corner of Auburn Hills 9th Addition, Wichita, Sedgwick County, Kansas; thence N 90 degrees 00'00" E along the North line of said Auburn Hills 9th Addition, 202.07 feet; thence N 00 degrees 05'53" E parallel with the West line of the NW/4 of Section 25, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, 188.14 feet to a point on the South line of said Auburn Hills 8th Addition; thence N 89 degrees 54'07" W along the South line of said Auburn Hills 8th Addition, 193.51 feet to the point of beginning. Generally located south of Maple and east of 135th Street West.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of May 25, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use to Permit a Neighborhood Swimming Pool described as:

That part of Reserve "D", Auburn Hills 8th Addition, Wichita, Sedgwick County, Kansas, described as follows: Beginning at the SW corner of Reserve "C" in said Auburn Hills 8th Addition; thence Southerly along the East line of 135th Street West, said East line being a curve to the right, having a central angle of 19 degrees 56'55" and a radius of 544.67 feet, an arc distance of 189.64 feet, (having a chord length of 188.68 feet bearing S 02 degrees 41'53"W), to the NW corner of Auburn Hills 9th Addition, Wichita, Sedgwick County, Kansas; thence N 90 degrees 00'00" E along the North line of said Auburn Hills 9th Addition, 202.07 feet; thence N 00 degrees 05'53" E parallel with the West line of the NW/4 of Section 25, Township 27 South, Range 2 West of the 6th

P.M., Sedgwick County, Kansas, 188.14 feet to a point on the South line of said Auburn Hills 8th Addition; thence N 89 degrees 54'07" W along the South line of said Auburn Hills 8th Addition, 193.51 feet to the point of beginning. Generally located south of Maple and east of 135th Street West.

subject to the following conditions:

1. Within 60 days following approval of the *Conditional Use* permit and prior to the issuance of any building permits, the applicant shall submit to MAPD staff for review and approval, eight copies of the landscape plan for this property. The plan shall provide for landscaping in accordance with the City of Wichita's Landscape Ordinance.
2. The property will be developed in general conformance with the site plan approved by the MAPC
3. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, health codes and operational standards.
4. The applicant will need to "vacate access control," by a separate instrument, in order to allow one opening along 135th Street West.
5. The applicant shall submit a restrictive covenant regarding the ownership and maintenance of "Reserve D" by the appropriate homeowners associations.
6. Violation of the foregoing conditions shall be cause for declaring this *Conditional Use* null and void.

Adopted this 25th day of May, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT
MAPC – May 25, 2000

CASE NUMBER: CON-2000/00011

APPLICANT/AGENT: *West Wichita Development, Inc.* (applicant - c/o Jay Russell); Russ Ewy, *Baughman Company, P.A.* (agent)

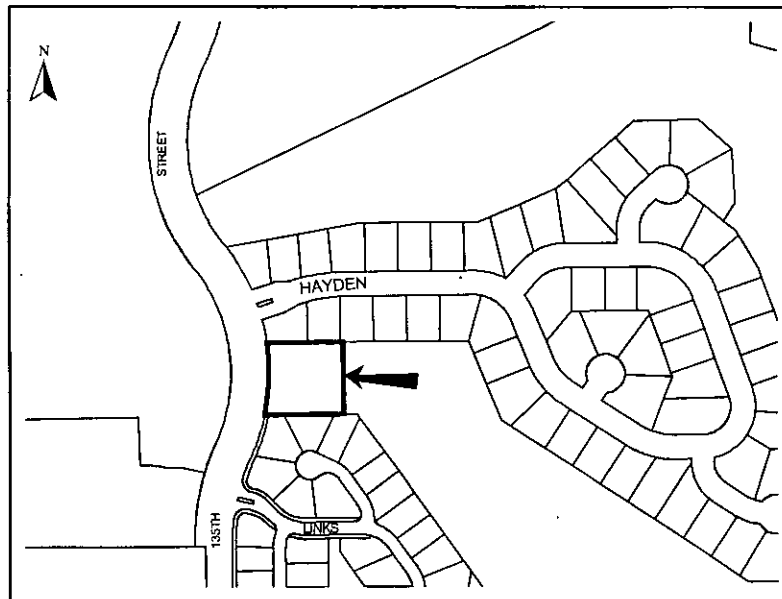
REQUEST: *Conditional Use* to Permit a Neighborhood Swimming Pool

CURRENT ZONING: *"SF-6" Single-Family Residential*

SITE SIZE: . 83 acres

LOCATION: South of *Maple* and east of *135th Street West*

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant is requesting a *Conditional Use* to permit a *neighborhood swimming pool* on a platted (.83 acre) tract of land – “Reserve D” of the *Auburn Hills 8th Addition*. The application area is a rectangular shaped parcel and is located south of *Maple* and east of *135th Street West*. This property is zoned “SF-6” *Single-Family Residential* and is currently undeveloped. The site plan shows a 16-foot by 32-foot swimming pool in the northwest corner of the property. Parking is shown south of the swimming pool with slots for six (6) vehicles. A 10-foot by 10-foot mechanical building is located east of the pool. Use of the facilities will be limited to residents of the *Auburn Hills 8th and 9th Additions*.

Currently there is complete “access control” along *135th Street West*. The applicant wants access to the site from *135th Street West*. The applicant will need to “vacate complete access control” in order to allow one opening.

The adjoining properties are zoned “SF-6”, *Single-Family Residential*. The lots, to the north and south are currently being developed as “model homes” by various builders and are all single family dwellings. The area to the east is the golf course and is zoned “SF-6.” To the west (across *135th Street West*) is the site of the proposed *Auburn Hills Golf Course Clubhouse* and is also zoned “SF-6.” The area shown as “Reserve C” on the site plan has been designated on the recorded plat to be “open space.” There is a golf cart path currently on “Reserve C” and on the application area.

The hours of operation for and maintenance of the pool will be determined by the homeowners’ association by restrictive covenant. The lighting for the pool will be shielded from the adjacent single family dwellings. There will be a wrought iron fence surrounding the pool.

Neighborhood swimming pools can be a “use-by-right” if the site is identified at the time of platting and a site plan is submitted for review and approval. After the plat is recorded, a *Conditional Use* is required.

CASE HISTORY: The current site is platted as “Reserve D” as part of the *Auburn Hills 8th Addition*. According to the recorded plat, that was approved on December 11, 1998, “Reserve D” is hereby reserved for all public uses related to a golf course and golf course facilities, drainage purposes, and utilities as confined to easements.” On April 18, 2000, the City of Wichita, via a *Statutory Warranty Deed*, formally conveyed ownership of “Reserve D” to West Wichita Development, Inc.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family Residential	Single-Family Residence
EAST:	"SF-6" Single-Family Residential	Golf Course
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residence
WEST:	"SF-6" Single-Family Residential	Auburn Hills Clubhouse

PUBLIC SERVICES: 135th Street West is a two-lane arterial street. Traffic volumes are not rated at this time. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "*low density residential*." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. Within 60 days following approval of the *Conditional Use* permit and prior to the issuance of any building permits, the applicant shall submit to MAPD staff for review and approval, eight copies of the landscape plan for this property. The plan shall provide for landscaping in accordance with the City of Wichita's Landscape Ordinance.
2. The property will be developed in general conformance with the site plan approved by the MAPC
3. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, health codes and operational standards.
4. The applicant will need to "vacate access control," by a separate instrument, in order to allow one opening along 135th Street West.
5. The applicant shall submit a restrictive covenant regarding the ownership and maintenance of "Reserve D" by the appropriate homeowners associations.

6. Violation of the foregoing conditions shall be cause for declaring this *Conditional Use* null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is situated in the middle of a developing residential area. Surrounding properties are all zoned "SF-6." Access to the site is from an arterial street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street. Small private areas like this are becoming more commonplace in new subdivisions.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Locating a neighborhood swimming pool along a local street with residential development would introduce more noise for the nearby residential properties. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the *Conditional Use* would minimize these problems.
3. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: Although the swimming pool is for use by the neighborhood, it would assist in meeting the *Comprehensive Plan's* goal of encouraging recreational uses within each square mile in developing areas.
4. Impact of the proposed development on community facilities: The proposed swimming pool would increase trips to the site, but the impact should be minimal. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing the need for additional police patrols. With approval of this project, the projected impact on community facilities is minimal.

** ATTACHMENT **

