



Wichita-Sedgwick County Metropolitan Area Planning Department

December 28, 2000

REVISED CONDITION #3

Cherrywood Construction
935 S. Woodlawn
Wichita, KS 67218

FILE COPY

RE: CON2000-00056 – Conditional Use to Permit a Neighborhood Swimming Pool on property zoned “SF-6” Single-Family Residential. Generally located on the southwest corner of 127th Street East and Harry.

Dear Ladies and Gentlemen:

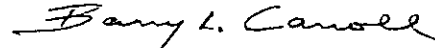
At its regular meeting on December 21, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

1. An Administrative Adjustment will be required to permit parking in the front yard setback to eight feet.
2. The applicant shall submit a Landscaping Plan to be reviewed by the Director of Planning.
3. The property will be developed in general conformance with the site plan submitted to and approved by the MAPC.
4. 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, landscape ordinance, health codes and operational standards.
5. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

If there are no valid appeals or protest petitions filed opposing this action by January 4, 2001, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

The zoning adjustment sign(s) should now be removed from the property. If you have any questions concerning this case, please contact our office.

Sincerely,



Barry L. Carroll,
Associated Planner

BEC/rs
4400 3.11A

cc: Savoy, Ruggles & Bohm, %Mark Savoy, 924 N. Main, Wichita, KS 67203
Terra Properties, Inc., 321 Montbella Circle, Wichita, KS 67230
D.A.B. II, Donte Martin, Mail Stop 1-135
Joe Pisciotte, City Council Member IV, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2000-00056

WHEREAS, Cherrywood Construction (Applicant), Savoy, Ruggles & Bohm %Mark Savoy (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 allow Neighborhood Swimming Pool on .29 acres zoned "SF-6" Single-Family Residential described as:

Lot 19, Block C, Tara Falls, Addition, Wichita, Sedgwick County, Kansas.
Generally located on the southwest corner of 127th Street East and Harry.

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 December 21, 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 permit a conditional use to allow Neighborhood Swimming Pool on .29 acres zoned "SF-6" Single-Family Residential described as:

Lot 19, Block C, Tara Falls, Addition, Wichita, Sedgwick County, Kansas.
Generally located on the southwest corner of 127th Street East and Harry.

subject to the following conditions:

1. An Administrative Adjustment will be required to permit parking in the front yard setback to eight feet.
2. The applicant shall submit a Landscaping Plan to be reviewed by the Director of Planning.
3. The property will be developed in general conformance with the site plan submitted to and approved by the MAPC.
4. 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, landscape ordinance, health codes and operational standards.
5. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

Adopted this 21st day of December, 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

Chris Carraher, Chair MAPC

ATTEST:

Marvin S. Krout, Secretary

STAFF REPORT
MAPC - December 21, 2000

CASE NUMBER: CON2000-00056 *BLC*

APPLICANT/AGENT: Cherrywood Construction (Applicant)
Savoy, Ruggles & Bohm, Mark Savoy (Agent)

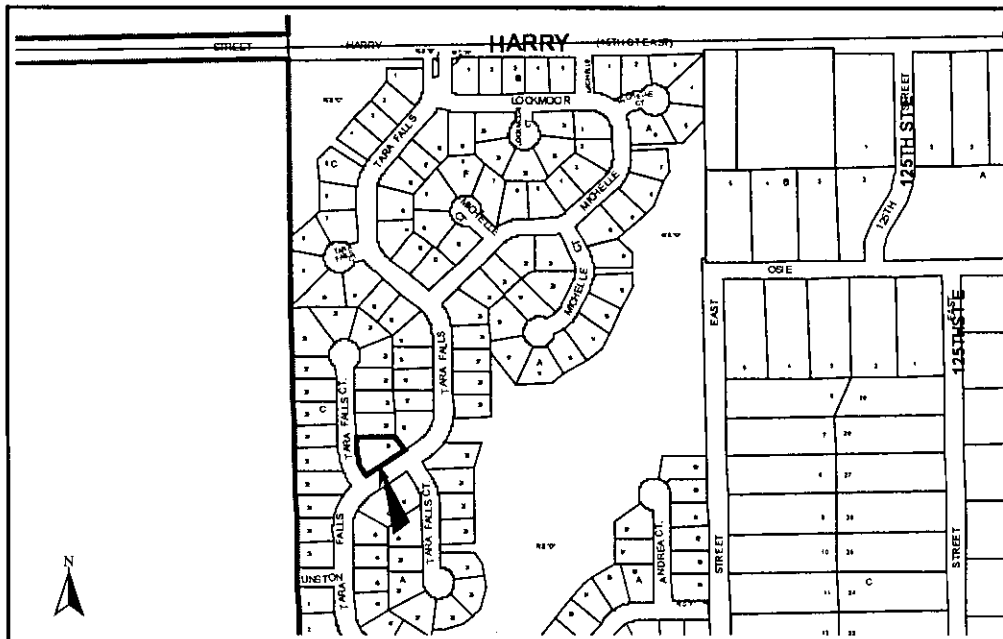
REQUEST: Conditional Use to Permit a
Neighborhood Swimming Pool

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

SITE SIZE: . 29 acres

LOCATION: Southwest corner of 127th Street East and Harry

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant is requesting a Conditional Use to permit a neighborhood swimming pool on a platted .29-acre tract of land of the "Tara Falls Addition." The application area is a trapezoid shaped parcel and is located at the southwest corner of 127th Street East and Harry Street. The site plan shows a 16-foot by 32-foot swimming pool in the southeast corner of the property. Parking is shown west of the swimming pool with parking slots for eight (8) vehicles. A storage and restroom building is located west of the pool; a tot pool is located to the north and a playground to the southwest (see site plan). Use of the facilities will be limited to residents of the Tara Falls Addition. Access will be from one opening along the east side of Tara Falls Court.

This property is zoned "SF-6" Single-Family Residential and is currently undeveloped. 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.

The Unified Zoning Code (UZC) requires "one parking slot per 100 square feet of pool area, plus one slot per 100 square feet of clubhouse area" for a "swimming pool, private/neighborhood." The parking stalls, as shown in the plan, are both within the required 25' front setback from Tara Falls Court. It is estimated that the pool will be 16' by 32' (512 square feet). The bathhouse building is shown to be 12' by 10' (120 square feet) and will be located northwest of the pool. Based upon the projected square footage of the pool and bathhouse [512 + 120 = 632 square feet], the UZC requires six (6) parking slots.

According to the submitted plan, there are eight (8) parking slots provided, including one handicapped slot. Consequently, there are two more parking slots than is required by the UZC. Many of the patrons will likely walk to their neighborhood pool. Both streets are designed to accommodate on street parking on both sides if needed. A Variance will be required to permit parking within the front yard setback.

There is a playground and a kid's pool shown east of the pool. Use of the facilities will be limited to residents of the Tara Addition. There will be access to the site from the east side of Tara Falls Court. The adjoining properties are zoned "SF-6", Single-Family Residential. The lots, to the north, east and west are all single-family dwellings. The land to the south is undeveloped.

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 six-foot wrought iron fence surrounding the pool. Paying members of the homeowners association will be given access to the pool.

CASE HISTORY: The current site is platted as part of the "Tara Falls Addition" that was approved on June 9, 1998.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family Residential	Single-Family Residences
EAST:	"SF-6" Single-Family Residential	Single-Family Residences
SOUTH:	"SF-6" Single-Family Residential	Undeveloped
WEST:	"SF-6" Single-Family Residential	Single-Family Residences

PUBLIC SERVICES: Tara Falls Court is a two-lane residential street. Traffic volumes are not rated. Water/sewer and other municipal services will be 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. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."

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

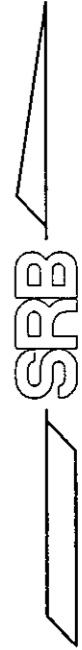
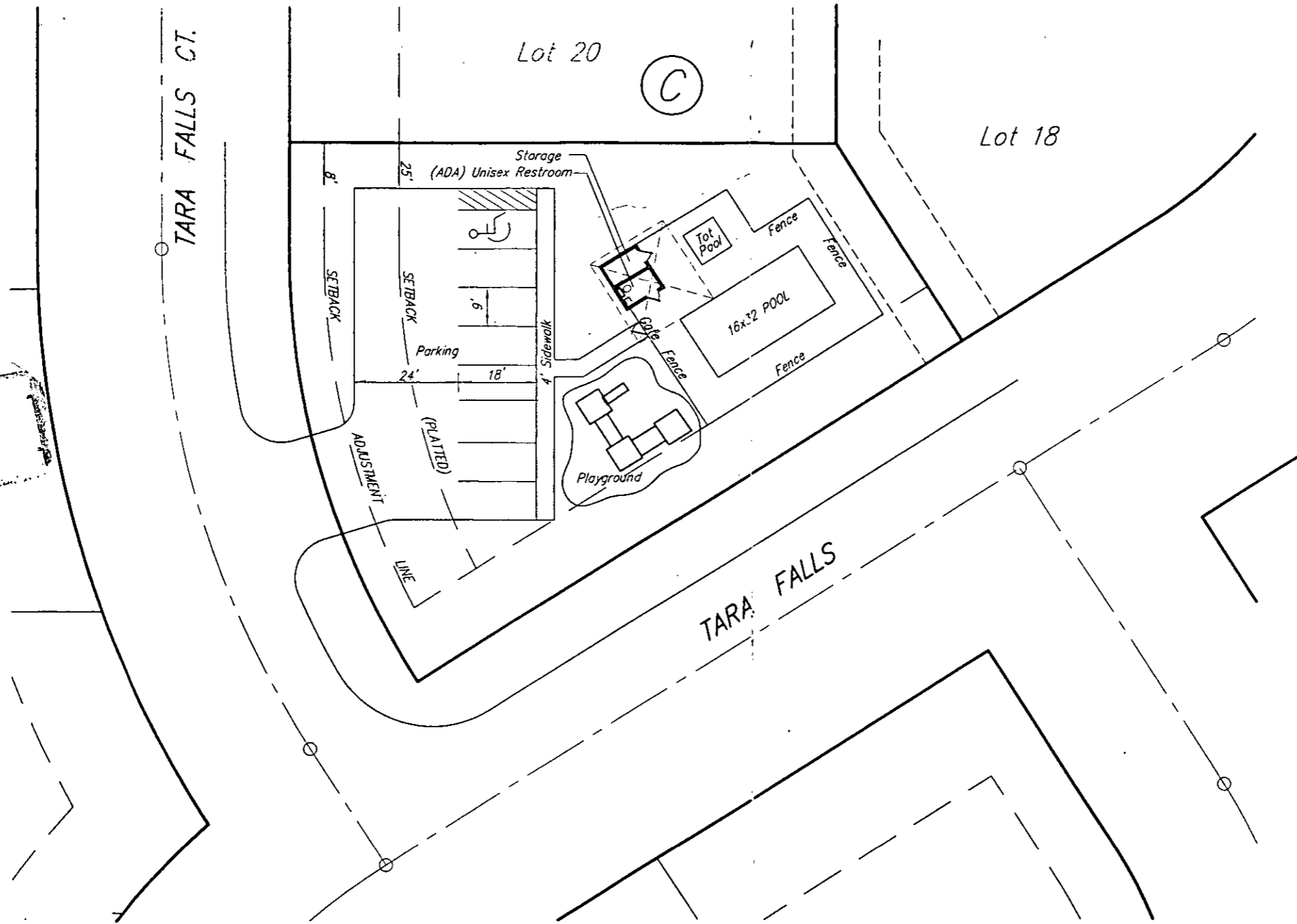
1. A Variance will be required to permit parking in the front yard setback to eight feet.
2. The applicant shall submit a Landscaping Plan to be reviewed by the Director of Planning.
3. The property will be developed in general conformance with the site plan submitted to and approved by the Board of Zoning Appeals.
4. 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, landscape ordinance, health codes and operational standards.
5. 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 a residential 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 will 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 will minimize these problems.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and 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. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."
4. Impact of the proposed development on community facilities: The proposed swimming pool will 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 will be minimal.

FILE COPY

CON2000-00056



1"=30'
OCT. 30, 2000

LOT 19, BLOCK C
TARA FALLS ADDITION
POOL EXHIBIT

SRB 924 NORTH MAIN 316-264-8008
WICHITA, KANSAS 67203 FAX 264-4621
SAVOY, RUGGLES & BOHM, P. A.
ENGINEERING & SURVEYING