CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Baughman Company
Phil Meyer
315 Ellis
Wichita, KS 67211

February 7, 2020

CASE NO: CON2019-00047 – City Conditional Use to construct a neighborhood pool on property zoned SF-5 Single Family Residential and generally located on the south side of East 37th Street North and one block east of North Greenwich.

Dear Applicant;

At its regular meeting on **January 23, 2020**, 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 attached conditions. No protests were filed against this case. Therefore, the decision of the Planning Commission if final.

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, Council Member District II
Cory Buchta, CSR District II
37th & Greenwich, LLC, Kenvin Mullen, 8100 E. 22nd Street North, Bldg 1000, Wichita, KS 67226
Brookfield Master Owner's Association

CONDITIONAL USE RESOLUTION NO. CON2019-00047

WHEREAS, 37th & Greenwich, LLC and Brookfield Master Owners' Association (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Neighborhood Swimming Pool, on property zoned SF-5 Single Family Residential legally described as:

> Lot 1, Block A, Brookfield Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH Reserve G, Brookfield Addition, Wichita, Sedgwick County, Kansas.

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 January 23, 2020, 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 for Neighborhood Swimming Pool, on property zoned SF-5 Single Family Residential legally described as:

> Lot 1, Block A, Brookfield Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH Reserve G, Brookfield Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The conditional use is contingent upon the approval of VAC2019-00046 to vacate the plattor's text and reduce the setback on Lot 1 from 20 feet to zero feet.

2. A restrictive covenant shall be submitted, binding and tying Lot 1, Block A with Reserve G of the Brookfield Addition

3. The site shall be developed in substantial conformance to the approved site plan.

4. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

5. If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

Adopted this 25th Day of February, 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair

ATTEST:

Scott Knebel, Secretary

AGENDA ITEM NO. 4.1

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: January 23, 2020
DAB II: January 14, 2020

CASE NUMBER: CON2019-00047

APPLICANT/AGENT: 37th and Greenwich LLC & Brookfield Master Owners Association (applicants)/ Baughman Company c/o Russ Ewy (agent)

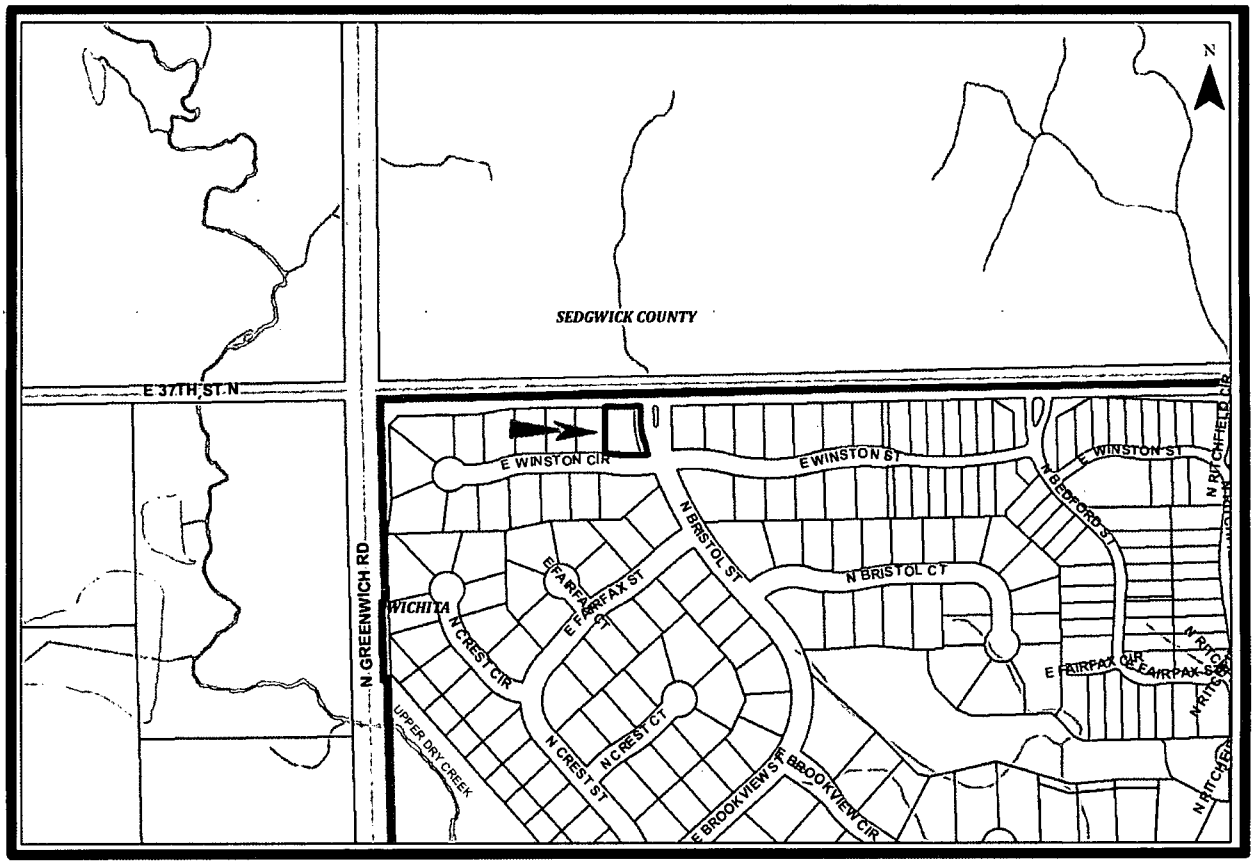
REQUEST: Conditional Use to permit Neighborhood Swimming Pool

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 0.36 acres

LOCATION: On the south side of East 37th Street North and one block east of North Greenwich Road.

PROPOSED USE: Neighborhood Swimming Pool.



BACKGROUND: The applicant submitted a Conditional Use request to allow for the development of a neighborhood pool to serve the Brookfield Addition. The property is generally located on the south side of East 37th Street North and one block east of North Greenwich Road. The subject site includes Lot 1, Block A as well as Reserve G of this Addition. Both are situated at the main entrance into the subdivision along North Bristol Street and East Winston Circle. The property is zoned SF-5 Single Family Residential for which a Neighborhood Swimming Pool is permitted by Conditional Use.

The Unified Zoning Code defines Neighborhood Swimming Pool as "any non-publicly owned swimming pool that is not located on the same Lot as a residential Dwelling Unit but that is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivision in the immediate vicinity." A Neighborhood Swimming Pool use must adhere to Supplemental Use Regulations found in Section III-D.6.aa, which generally state that it is permitted by right if it is identified as part of the final platting process and a detailed site plan is subject to the review of the Subdivision Committee and Planning Commission. The final plat the Brookfield Addition did not identify a neighborhood pool during the platting process.

Lot 1, Block A is eligible for the development of this use. However, Reserve G is restricted to specified uses in the final plat such as "open space, landscaping, drainage purposes, entry monuments, screening walls, and utilities as confined to easements." The language does not permit the development of a neighborhood pool. In addition, the site plan indicates a proposed pool house on the southwest portion of the site. As seen on the site plan, the site has a reduced setback (see case history) of 20 feet into which this proposed pool house encroaches. Furthermore, the site plan indicates parking off of Winston Circle, a portion of which encroaches into the setback as well. City Public Works determined that no use of right-of-way permit is required for the parking shown on the site plan. If the plan for the neighborhood pool was developed during the time of platting, this site would have been platted as a reserve with appropriate setbacks to avoid these conflicts. To address these issues, the applicant has filed a vacation (VAC2019-00046) to vacate the plattor's text and reduce the setback to zero for Lot 1.

Property to the north is zoned LI Limited Industrial and is undeveloped, agricultural land in Sedgwick County. Properties to the east south, and west are zoned SF-5 and are a mix of developed and undeveloped single family lots.

CASE HISTORY: The site is platted as Lot 1, Block A along with Reserve G, Brookfield Addition in 2017.

Lot 1 was part of a vacation case (VAC2017-00039) to reduce the platted 25-foot front setback to a 20-foot setback. This case encompassed several other lots within the same addition. The purpose of this vacation was because the applicant needed to add additional landscape buffering and easement dedications to East 37th Street and Greenwich Road. The Lots involved backed up to either of the two streets. Because of the additional dedications, it became necessary to shift the building footprints for these lots inward. This case was approved by City Council on December 5, 2017.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Undeveloped, Agricultural Land
SOUTH:	SF-5	Undeveloped Single Family Residential Lots
EAST:	SF-5	Partially developed Single Family Residential Lots
WEST:	SF-5	Undeveloped Single Family Residential Lots

PUBLIC SERVICES: Access to the property is off of North Bristol Street, which is a paved local street. Winston Circle has yet to be developed, but is platted to be a paved local street. East 37th Street North is a paved, two-lane arterial street with open ditches. Municipal water and sewer services currently serve the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as "New Residential and Employment Mix." This identification encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominantly of a mixed

nature. Due to the 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 uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

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

1) The conditional use is contingent upon the approval of VAC2019-00046 to vacate the plattor's text and reduce the setback on Lot 1 from 20 feet to zero feet.
2) A restrictive covenant shall be submitted, binding and tying Lot 1, Block with Reserve G of the Brookfield Addition
3) The site shall be developed in substantial conformance to the approved site plan.
4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

The staff's recommendation is based on the following findings:

1. *The zoning, uses and character of the neighborhood:* Property to the north is zoned LI Limited Industrial and is undeveloped, agricultural land in Sedgwick County. Properties to the east south, and west are zoned SF-5 and are undeveloped single family lots.

2. *The suitability of the subject property for the uses to which it has been restricted*: The property is zoned SF-5 and is currently undeveloped. Lot 1, Block A is suitable for the construction of a single family home. Reserve G is suitable to retain the uses specified in the final plat, which states: open space, landscaping, drainage purposes, entry monuments, screening walls, and utilities as confined to easements.

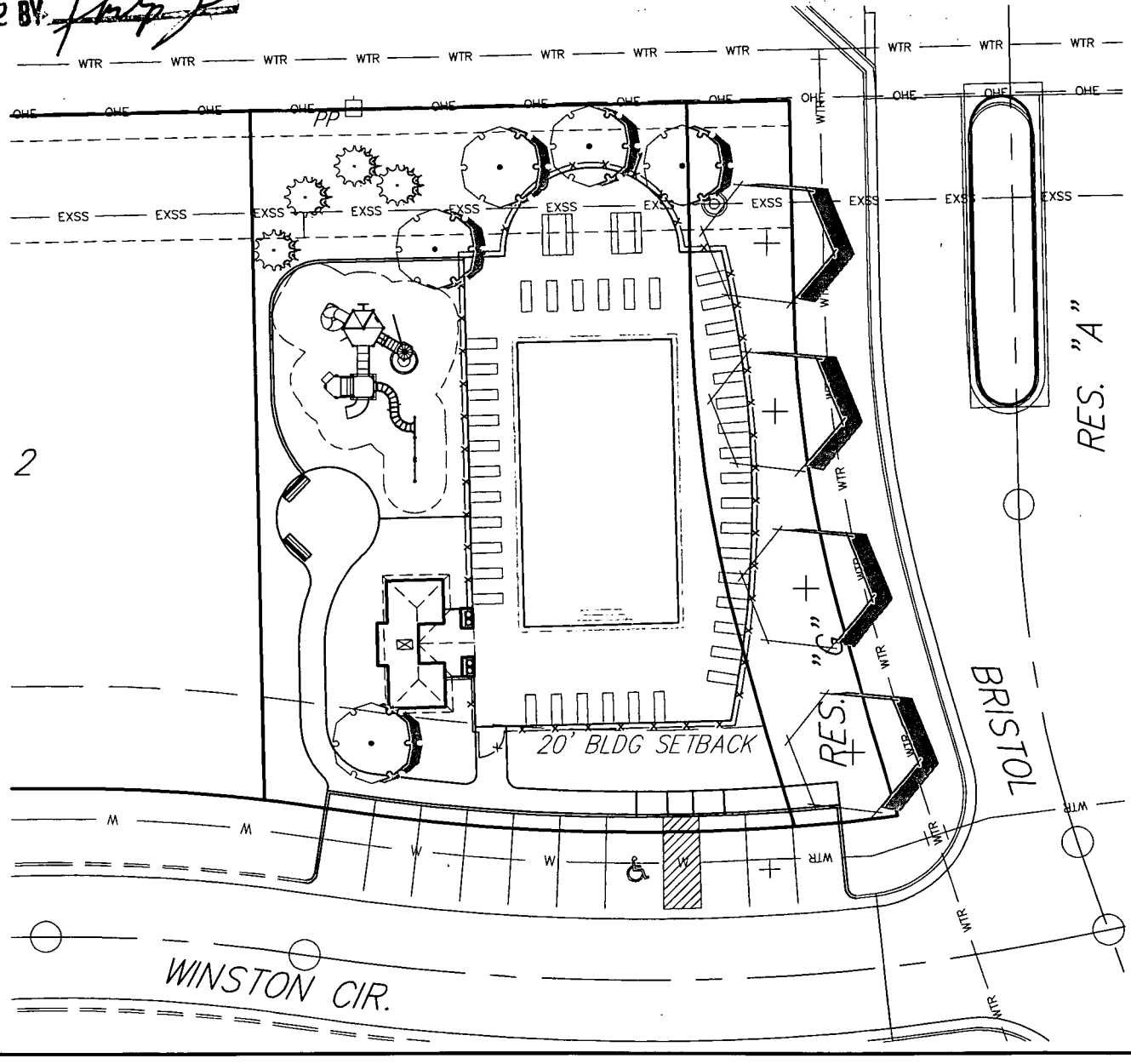
3. *Extent to which removal of the restrictions will detrimentally affect nearby property*: A Neighborhood Pool is permitted in the SF-5 zoning district by Conditional Use if one was not approved with the platting of reserves during the platting process. The Neighborhood Pool must serve the immediate subdivision or group of subdivisions. Given the location of the subject property is a corner lot at a main entrance into the addition, the use will have minimal detrimental impacts on the surrounding property.

4. *Conformance of the requested change to adopted or recognized Plans/Policies*: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as "New Residential and Employment Mix." This identification encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominantly of a mixed nature. Due to the 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 uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

Attachments:
1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan

SITE PLAN

APPROVED 2/7/2020 BY: [signature]



BROOKFIELD ADDITION POOL EXHIBIT

SCALE: 1" = 20'

Concept Alt. 1

December 3, 2019

BAUGHMAN COMPANY
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BAUGHMAN