

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, deposeseth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

1 consecutive issues - weeks, that the first publication of said notice was

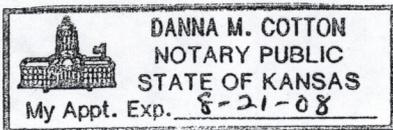
made as aforesaid on the 23rd of

June A.D. 2005, with

subsequent publications being made on the following dates:

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

[Handwritten Signature]
MILIT MOUNTS
Subscribed and sworn to before me this
27th day of June, 2005
[Handwritten Signature]
DANNA M. COTTON
Notary Public Sedgwick County, Kansas



Printer's Fee \$75.00

Publisher: The Wichita Eagle
June 2005 (2316830)
MAPC JULY 14, 2005
PUBLIC HEARING NOTICE
NOTICE IS HEREBY GIVEN that on Thursday, JULY 14, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas, will consider the following applications no earlier than 1:30 p.m. If you have any questions regarding the meeting or items on this notice please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.
ZON2005-00028 - Zone change from "GO" General Office to "LC" Limited Commercial and an Amendment to Protective Overlay #11. Generally located north of Maple and west of 135th Street West.
CON2005-00023 - Conditional Use to permit oil drilling on property zoned "LI" Limited Industrial. Generally located on the north side of 33rd Street North, approximately 1/4 mile west of Hillside.
CON2005-00024 - Conditional use to permit a neighborhood swimming pool, parking, and playground, on 0.4 acres zoned "SF-5" Single Family and located north of 37th St. N. and west of Maize Rd.
CON2005-00025 - Conditional Use for a community pool and associated uses on lot zoned "SF-5", generally located east of Tyler Road & north of 29th Street North, just northeast of the corner of Forest Park & Pepper Ridge.
PUD2005-00002 - PUD #11 Amendment #1 Sedgwick County Juvenile Complex to add approximately 1 acre of property located south of Indianapolis and west of Kansas to the PUD for the purpose of constructing a parking lot for Sedgwick County Juvenile Complex.
VAC2005-00024 - Request to vacate the use restrictions of a platted reserve to allow a community pool and its associated facilities, generally located north of 29th St N & east of Tyler, northeast corner of Pepper Ridge & Forest Park.
VAC2005-00026 - Request to vacate platted front setback, generally located east of Webb Road, north of Central Avenue, on the northeast corner of Webb Road and Mellor Street.
VAC2005-00027 - Request to vacate a portion of a platted maintenance and access easement, generally located between I-35 & Lincoln Street and west of Webb Road.
CUP2005-00030 DP287 (Associated with ZON2005-00027) - The creation of Country Hollow Commercial Community Unit Plan; and Zone change from "SF-20" Single-family Residential to "LC" Limited Commercial. Generally located at the southeast corner of 127th Street and Kellogg.
The applicant proposes to create a commercial Community Unit Plan containing approximately 25 acres with four parcels zoned "LC" Limited Commercial at the southeast corner of Kellogg and 127th Street East. Uses permitted by right in LC Limited Commercial district would be allowed except: cemetery; correctional placement residence; group home; recycling collection station; reverse processing center; utility, minor; kennel; night club; parking area, commercial; pawn shop; recreation and entertainment, outdoor; recreational vehicle campground; sexually oriented business in the county; tavern and drinking establishment; asphalt or concrete plat; manufacturing, limited; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; storage, outdoor. Size of Parcels: 1-19.37 acres; 2 and 3-1.61 acres; 4-2.60 acres.
Ground signage requested is two development signs 30' tall, 300 S.F. in size (1 on Kellogg; 1 on 127th St E); 10 signs 150 S.F. in size, 20' high monument on 127th and unspecified height on Kellogg; plus identification signs spaced 75' apart. Total sign area would be limited to 0.8 x lineal footage. Building wall signage would be limited to 20% of wall area. Billboards and portable signs would be prohibited. Architectural and lighting compatibility is required. Maximum building coverage would be 30%; maximum gross floor area would be 35%; maximum building height would be 35' and 50' for architectural elements. Setbacks would be 35' along 127th and 20' on rest (below CUP minimum of 35'), with a wall easement on the east and south of Parcel 1. Access requested is four drives onto Kellogg, and one on 127th Street East, with access unspecified for remainder of 127th Street East.
The Development Plans for the Community Unit Plans have been submitted as required under the provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V. The Development Plan is on file in the Planning Department office and is available for public information and review.
Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall - 10th Floor. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.
WITNESS MY HAND this 21st day of JUNE, 2005.
John L. Schlegel, Secretary
Wichita, Sedgwick County

RECEIVED
JUL 08 2005
METROPOLITAN PLANNING
DEPARTMENT

Bill

CONDITIONAL USE RESOLUTION NO. CON2005-00025

WHEREAS, Shadow Lakes Masters Association, c/o Nick Nicholas, President (Owners/Applicants); Ryan Hennes (Agent) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a Neighborhood Swimming Pool and its associated uses on 0.26 acres zoned "SF-5" Single-family Residential described as:

Lot 1, Block 3, Forest Lakes West an Addition to Wichita, Sedgwick County, Kansas. Generally located east of Tyler Road and north of 29th Street North, more specifically northeast of the Pepper Ridge Street and Forest Park Street intersection.

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 July 14, 2005, 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 Neighborhood Swimming Pool on 0.26 acres zoned "SF-5" Single-family Residential described as:

Lot 1, Block 3, Forest Lakes West an Addition to Wichita, Sedgwick County, Kansas. Generally located east of Tyler Road and north of 29th Street North, more specifically northeast of the Pepper Ridge Street and Forest Park Street intersection.

APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with an approved site plan, which shall conform to the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a. of the Unified Zoning Code. The landscape plan must be approved by the Planning Director prior to the issuance of a building permit.
2. Prior to the issuance of a building permit, the applicant shall apply for an administrative adjustment to reduce the minimum required parking.
3. Development and use of the subject property for a neighborhood swimming pool shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards. This includes approval by the Environmental Services Department for a neighborhood pool.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 14th DAY of July, 2005. 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

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary



STAFF REPORT
MAPC July 14, 2005

CASE NUMBER: CON2005-00025

APPLICANT: Shadow Lakes Masters Association, c/o Nick Nicholas, President

AGENT: Ryan Hennes

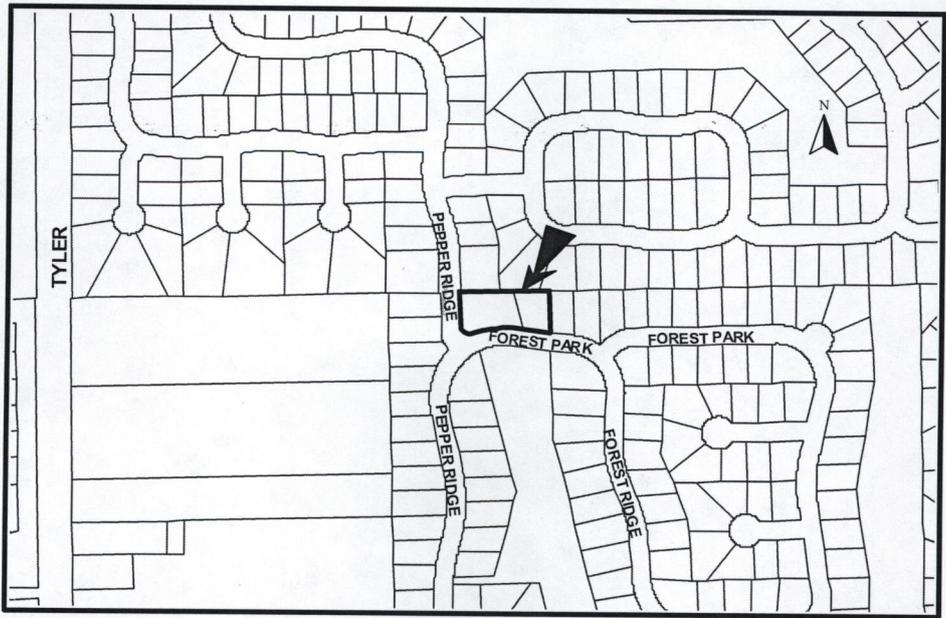
REQUEST: Conditional Use to permit a Neighborhood Swimming Pool and its associated uses

CURRENT ZONING: "SF-5" Single-Family Residential

SITE SIZE: 0.26 acres

LOCATION: Generally located east of Tyler Road and north of 29th Street North, more specifically northeast of the Pepper Ridge Street and Forest Park Street intersection

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on Lot 1, Block 3, the Forest Lakes West Addition. The 0.26-acre subject property is located at the northwest corner of the Pepper Ridge Street - Forest Park Street intersection. The subject property is zoned "SF-5" Single-Family Residential and is currently undeveloped. A neighborhood swimming pool may be permitted on the subject property as a Conditional Use. This case is also associated with VAC2005-00024.

The character of the surrounding area is that of a developed and developing single-family residential neighborhood. All of the surrounding properties are zoned "SF-5" Single Family residential.

The attached site plan shows a 24-foot (x) 48-foot swimming pool, with 11 parking spaces (including one ADA designated space) located west of the swimming pool and a pump house with bathrooms. on the east side of the pool area. The pump house with the bathrooms is not considered a clubhouse and does not trigger required additional parking. Per Art. IV, Section IV-A.4 of the UZC, the site does not meet the minimum required parking spaces for a neighborhood/private pool. Required parking for this neighborhood pool without a clubhouse 12 spaces. The applicant can apply for an administrative adjustment, which could reduce the required parking by up to 10%, if approved by the Planning Director. The site plan does not show screening, as required per Art. IV, Section IV-B. 3a of the UZC, which requires screening along the north and east sides of the site. Landscaping must be per the Landscape Ordinance.

CASE HISTORY: The subject property is part of the Forest Lakes West Addition, which was recorded October 16, 1997. VAC2005-00024 is associated with this Conditional Use. The vacation case is a request to relax the restriction of uses as listed in the plat's text for the western abutting platted Reserve E, Forest Lakes West Addition. This request was recommended for approval by the MAPC's Subdivision Committee at their June 7, 2005 meeting and will be considered by the MAPC at today' meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Developing single-family residences
EAST:	"SF-5"	Single-family residences
SOUTH:	"SF-5"	Single-family residences, reserve with pond
WEST:	"SF-5"	Single-family residences

PUBLIC SERVICES: The subject property has access to Pepper Ridge Street and Forest Park Street, two-lane residential streets. Water, sewer, and other municipal services are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide

of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. This residential category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The proposed neighborhood swimming pool is consistent with the Functional Land Use Guide.

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 site shall be developed in general conformance with an approved site plan, which shall conform to the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a. of the Unified Zoning Code. The landscape plan must be approved by the Planning Director prior to the issuance of a building permit.
2. Prior to the issuance of a building permit, the applicant shall apply for an administrative adjustment to reduce the minimum required parking.
3. Development and use of the subject property for a neighborhood swimming pool shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards. This includes approval by the Environmental Services Department for a neighborhood pool.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is that of a developed and developing single-family residential neighborhood. All of the surrounding properties are zoned "SF-5" Single-family residential. A neighborhood swimming pool is accessory to and customarily associated with the zoning, uses, and character of an urban residential area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Locating a neighborhood swimming pool within a residential development will introduce more traffic and noise for the nearby residential properties. However, the recommended conditions of approval pertaining to

screening and landscaping should address these problems. The proposed neighborhood swimming pool most likely will be an amenity to the neighborhood.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. This residential category provides single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly as well as elementary and middle schools, churches, churches, playgrounds, parks and other similar residential-serving uses. One of the objectives of the Comprehensive 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." The proposed neighborhood swimming pool is consistent with the Functional Land Use Guide and the identified objective of the Comprehensive Plan.
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 and will not exceed the capacity of the street.