CONDITIONAL USE RESOLUTION NO. CON2004-00020

WHEREAS, Maple Group, LLC, c/o Jay W. Russell (Owner); Baughman Company, %Russ Ewy 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 for on 0.24 acres zoned "SF-5" Single-family Residential described as:

> Lot 11, Block D, Shadow Woods Addition, Wichita, Sedgwick County, Kansas. Generally located at the intersection of Cavit and Burton.

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 June 10, 2004, 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 for on 0.24 acres zoned "SF-5" Single-family Residential described as:

> Lot 11, Block D, Shadow Woods Addition, Wichita, Sedgwick County, Kansas. Generally located at the intersection of Cavit and Burton.

SUBJECT THE FOLLOWING CONDITIONS:

1. The site shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
3. Screening in accordance with Section IV-B.3 of the Unified Zoning Code shall be provided along the east property line.
4. Prior to the issuance of a building permit, an administrative adjustment to permit parking within the front setback shall be acquired.
5. 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.
6. 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 10th DAY of JUNE, 2004. 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

Ronald L. Marnell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CON 2004-00020

SITE PLAN

APPROVED 07/07/04 BY RG

BURTON

CAVIT

72'

25' Bldg. Setback

27.46'

8'

10' Util Esmt

6 Parking Stalls

120'

10'

20'

CABANA

10'

POOL

32'

16'

10'

120.10'

26.26'

72'

Sidewalk per Pond Plan

POND

SCALE: 1" = 20'

SHADOW WOODS

POOL LAYOUT

CON2004-00020 Lot Shadow Woods Addition

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

F:\eng\SHADOW WOODS POOL\pool.dwg 04-06-E921 4/28/04 SCH

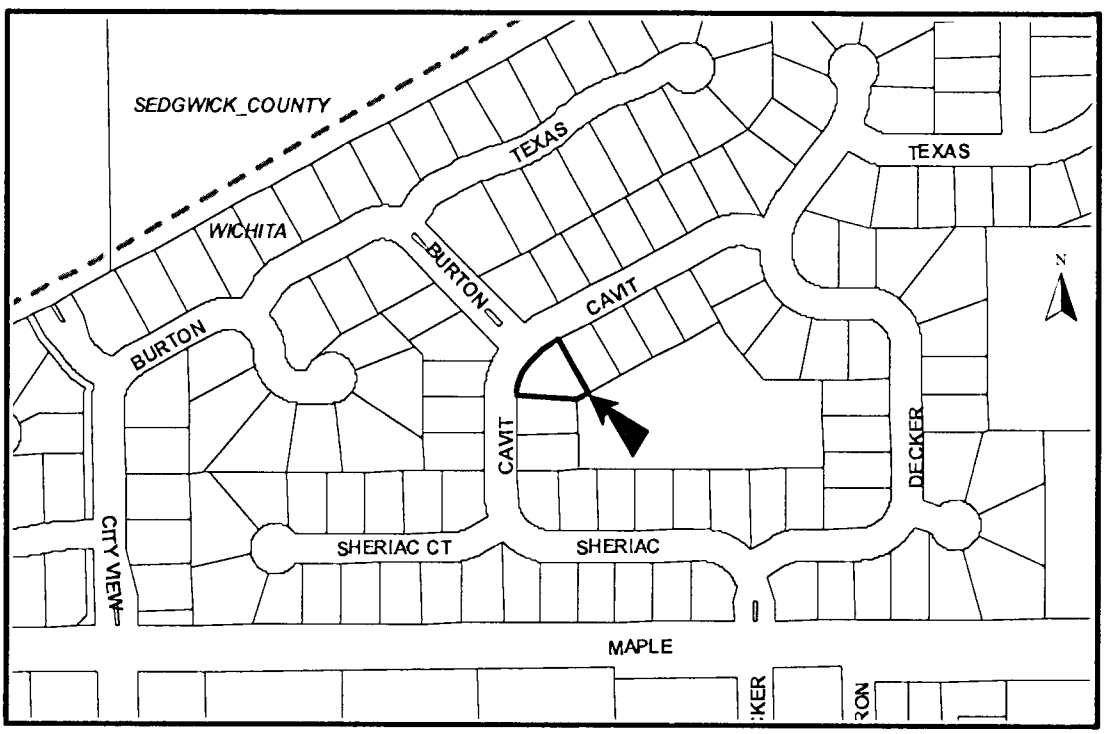
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 14

STAFF REPORT

MAPC June 10, 2004

CASE NUMBER:	CON2004-00020
APPLICANT/AGENT:	Maple Group, LLC, c/o Jay W Russell (Owner); Baughman Company, PA, c/o Russ Ewy (Agent)
REQUEST:	Conditional Use to permit a neighborhood swimming pool
CURRENT ZONING:	"SF-5" Single-family Residential
SITE SIZE:	0.24 acre
LOCATION:	Southeast of the intersection of Cavit and Burton
PROPOSED USES:	Neighborhood swimming pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a 0.24-acre pie-shaped lot zoned "SF-5" Single-family Residential. The property is located southeast of the intersection of Cavit Street and Burton Street approximately one block north of the intersection of Cavit with Maple. The property is undeveloped. A neighborhood swimming pool requires a Conditional Use in "SF-5" unless the swimming pool is a designated use on the subdivision plat.

The property is located within an area being developed as a single-family development, Shadow Woods. All adjacent lots are intended for single-family residences except a drainage reserve located to the southeast of the lot.

The attached site plan shows a 16-foot by 32-foot swimming pool, six parking spaces (including an ADA designated space), and a 10-foot by 20-foot cabana for restrooms and pool equipment located west of the pool. A zoning adjustment will be required to allow parking in the front setback as close as eight feet from the property line, as shown on the proposed site plan.

Section IV-B.3 of the UZC requires screening in the form of decorative fencing, evergreen vegetation, or landscaped earth berms along the northwest and south property lines. The Landscape Ordinance requires a landscaped street yard and parking lot screening along Cavit Street, and a landscape buffer along the northwest and south property lines. Planning staff recommends that the required landscaping be installed per a landscape plan to be approved by planning staff.

CASE HISTORY: The subject property is platted as Lot 11, Block D, Shadow Wood Addition, recorded May 8, 2003.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Vacant
EAST:	"SF-5"	Vacant
SOUTH:	"SF-5"	Vacant
WEST:	"SF-5"	Vacant

PUBLIC SERVICES: The subject property has access to Cavit Street, a two-lane residential street. Water, sewer, and other municipal services will be provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Low Density Residential" development. 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." The proposed neighborhood swimming pool is consistent

with the Land Use Guide and the identified objective of the Comprehensive Plan.

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 the approved site plan.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
3. Screening in accordance with Section IV-B.3 of the Unified Zoning Code shall be provided along the east property line.
4. Prior to the issuance of a building permit, an administrative adjustment to permit parking within the front setback shall be acquired.
5. 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.
6. 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:

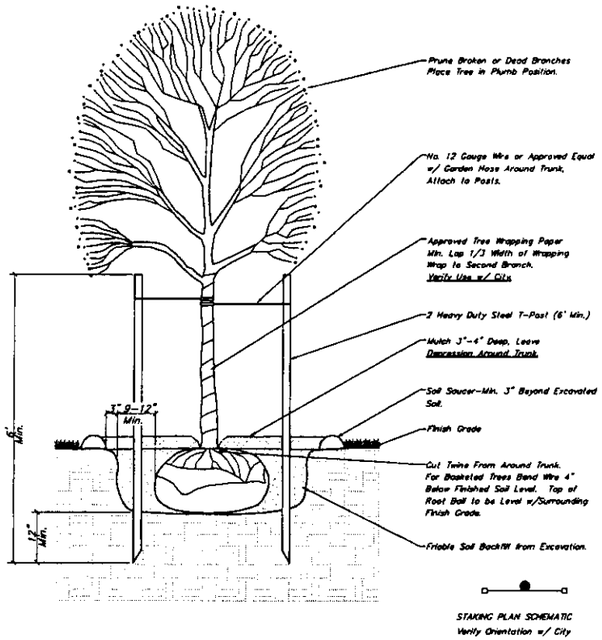
1. The zoning, uses and character of the neighborhood: The character of the surrounding area is that of a developing single-family residential neighborhood. The surrounding properties are zoned "SF-5" Single Family residential and are being developed with single-family residences and associated open space reserves. A neighborhood swimming pool is accessory to and customarily associated with the zoning, uses, and character of a low-density 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 Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Low Density Residential" development. 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

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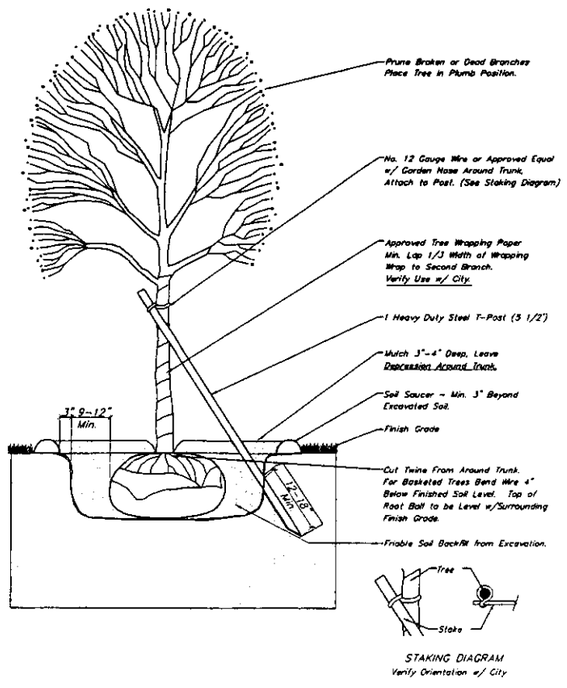
4. Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal and will not exceed the capacity of the street.



TREE PLANTING & STAKING DETAIL

Deciduous Trees Larger than 2" Cal.
Evergreen Trees Larger than 6' Height

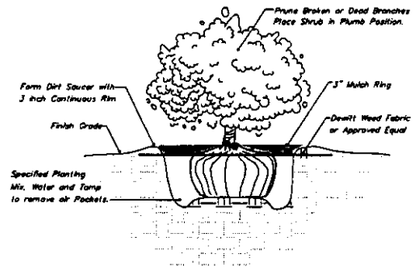
No Scale



TREE PLANTING & STAKING DETAIL

Deciduous Trees 2" Cal. and Smaller
Evergreen Trees 6' Height and Smaller

No Scale



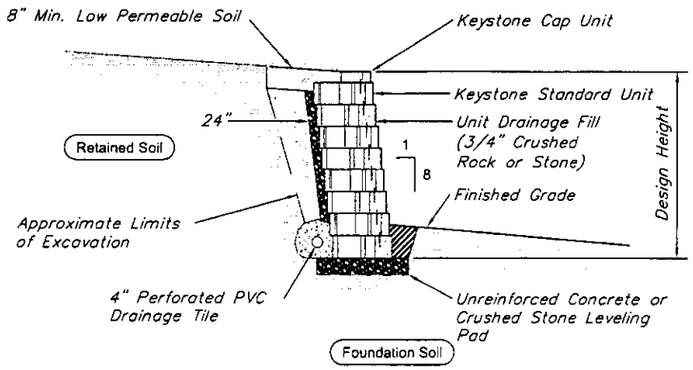
SHRUB PLANTING DETAIL

5 Gallon and Smaller

No Scale

LANDSCAPE ORDINANCE CALCULATIONS

Streetyard requirement:	144.88' (Total Lineal Feet Street Frontage) x 8 (sq.ft. factor)
Total Streetyard Required:	1,159.04 sq.ft.
Streetyard shown:	1,984.5 sq.ft.
Streetyard Trees Required:	1 per 500 sq. ft.= 2.31=3 Shade Trees
Streetyard Trees shown:	3 Shade Trees



TYP. GRAVITY WALL SECTION

NTS

STD. UNIT- 1" SETBACK

LEGAL DESCRIPTION:

Lot 11, Blk D, Shadow Woods Addition to Wichita, Sedgwick County, Kansas

SITE INFORMATION:

PARKING PROVIDED:	6 STALLS TOTAL, INCLUDING 1 ACCESSIBLE
TOTAL SITE AREA:	10,281.89 SQ.FT. 0.23 ACRES
IMPERVIOUS AREA:	5,326.38 SQ.FT. 0.12 ACRES 52.2% OF TOTAL SITE
CABANA AREA:	200 SQ.FT.
SWIMMING POOL AREA:	512 SQ.FT.
POOL DECK AREA:	1885.3 SQ.FT.

CON2004-00022

LANDSCAPE PLAN

APPROVED 08/29/05 BY DS
SHEET 2 of 2
SUPERSEDES PLAN APPROVED 05/10/05
MAPD Cpy 1 of 2

IRRIGATION NOTES:

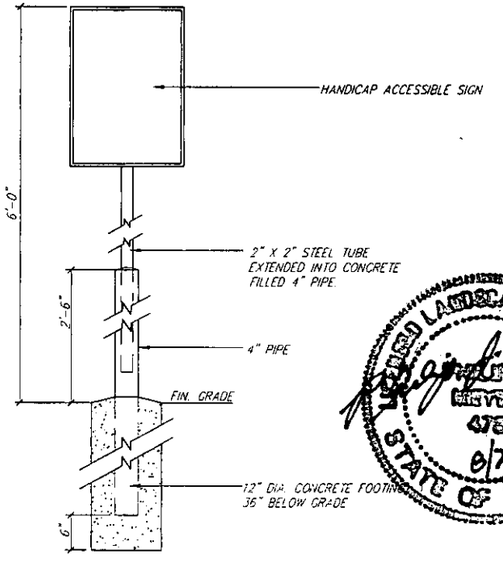
1. All irrigation work is to be installed in compliance with all local codes and regulations.
2. Irrigation Contractor shall design system so turf heads are on separate zones from shrub spray heads.
3. The Irrigation Contractor DOES NOT START irrigation construction until final shop drawings are submitted and approved to the Landscape Architect and/or Owner prior to construction for final approval which: Use Rainbird products or approved equal, which will illustrate type of head, head coverage, valve location, piping and accessories, and main line location. Included in shop drawings show zone pressure, valve size, GPM requirements and pipe sizing. Also specify a rain switch or moisture sensing device per City Codes.
4. Prior to construction, Irrigation Contractor to locate all exist and proposed utilities and electrical wiring.
5. Contractor shall not install irrigation system when any obstructions in the field exist. Contact the Landscape Architect for clarification before proceeding around obstructions.
6. All turf areas shall be head-to-head coverage with triangle spacing where possible. Contractor is responsible for adequate coverage in shrub bed zones using drip system and/or spray heads.
7. Heads to be adjusted to not spray on buildings, walks, or drives. Spray Heads will be located nearest to planting bed edge using funny pipe and fittings. Spray Heads to be located and sized so not to be susceptible to damage by automobile overhangs.
8. Irrigation Contractor shall coordinate with Paving Contractor to locate and install required irrigation lines sleeving prior to any paving. Combine piping when possible to save on sleeving material. Sleeves to be min. 20" below finish grade. Verify final depth w/ Paving Contractor for adequate coverage.
9. Automatic drainage valves to be located at the ends of lines and at the lowest points on the lines.
10. Irrigation Contractor to verify location of city water with GC prior to installation of system. Irrigation Contractor shall verify static pressure and volume of well water supply prior to installation of system.
11. Locate Irrigation Controller per Owner/G.C request.
12. Irrigation water is to be supplied as shown.

LANDSCAPE NOTES:

1. All landscape work shall be done in accordance with industry standards.

   All areas called out on the plan as "Sod" or "Seed" shall be installed and fertilized as follows:
   SOD--Kansas Premium Fescue Sod
   SEED--Kansas Premium Fescue Seed
   FERTILIZER--16-20-6 ratio 4#/1000 sq. ft.
2. Trees with broken leaders or no central leader will not be accepted.
3. All planting beds shall be prepared by killing all existing vegetation with Round-Up (or equal) according to label directions. A Pre-emergent herbicide such as Treflon (5%) (or equal) shall be applied per label directions. All planting beds to receive 2" organic matter (such as cotton bur mulch, compost, or humus) and shall be rototilled in to a depth of 10-12".
4. Mulch all planting beds with min. 3" of mulch. Mulch all tree saucer wells with min. 3" of mulch. Mulch material to be shredded cypress mulch of uniform consistency, over 10 Mil. landscape fabric equal to "Weedblock."
5. Metal edging shall be used to separate all turf areas from planting beds. Edging shall be 10 gauge thickness, commercial grade, or approved equal.
6. Topsoil hauled onto site shall be fertile, friable, natural loam topsoil, of uniform quality characteristic of representative local soils which produce heavy growth of crops, grass, or other vegetation. It shall be free trash, or other matter toxic to plant growth.
7. Topsoil shall be delivered in an unfrozen and non-muddy condition and shall be subject to approval by the Landscape Architect.
8. Prior to any excavation for landscaping purposes the location of underground utilities shall be determined by calling Kansas One Call at 687-2470/1-800-344-7233. Contractor shall be responsible for any damage done to existing utilities.
9. Report any discrepancies in the planting plan to the Landscape Architect, prior to starting construction.
10. The Landscape Contractor is to be responsible for all permits required and is to see that all work is performed in accordance with State and Local codes.
11. The Landscape Contractor shall coordinate with the G.C. to install the plants and maintain grounds, until final acceptance from owner.
12. The Landscape Contractor shall submit bid with unit prices for all plants, including mulch, installation, 1 year guarantee, bed preparation, fertilizer, etc.
13. The Landscape Contractor is responsible for any damage done to the exterior of the building or any part of the parking lot when installing or maintaining the plantings before final acceptance.
14. General Contractor to supply all topsoil to site. Landscape contractor to supply necessary topsoil for seeding disturbed areas and 4" depth for finish grade in all planting beds.
15. General Contractor to coordinate with appropriate Local City Official to Remove/Transplant exist trees.

    Fall planting season shall be September 1 thru October 31. Spring planting season shall be April 1 thru June 30 For grass seeding, fall season shall be September 1 thru mid October. Spring season for seeding shall be from March 15 thru mid May.



HANDICAP ACCESSIBLE SIGN

NOT TO SCALE

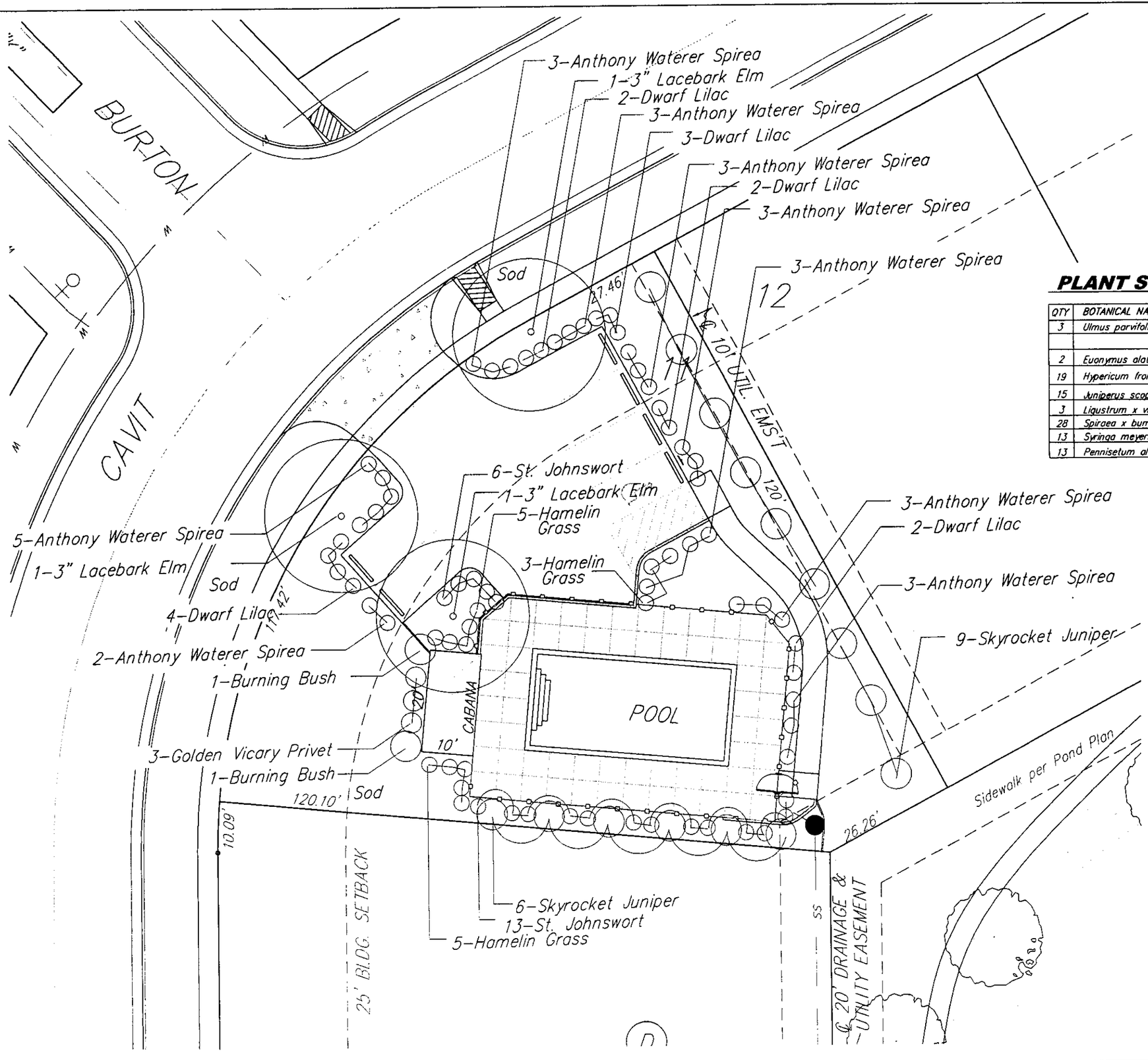
REVISED LANDSCAPE PLAN
TIMOTHY J. BREWER
478
9/21/05
STATE OF KANSAS

Baughman	**Shadow Woods Pool Lot 11, Block D Landscape Details**

Baughman Company, P.A. 100 E. Kellogg, Wichita, KS 67211 P 316.262.2691 F 316.262.0149
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

REVISIONS	APPROVED	DRAWN
08.29.05 NLS REVISED PER BUILDER LS PLAN		NLS
	SCALE: noted	DATE: April 20, 2005

F:\eng\SHADOW WOODS POOL\POOLSITE PLAN.dwg 04-06-E921



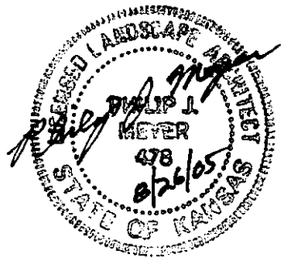
PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
3	Ulmus parvifolia	Lacebark Elm	3" Cal.	b&b	Full & Healthy
2	Euonymus alatus 'Compactus'	Compact Burning Bush	2-Gal.	Container	Full & Healthy
19	Hypericum frondosum	St. John's Wort	2-Gal.	Container	Full & Healthy
15	Juniperus scopulorum 'Skyrocket'	Skyrocket Juniper	5-Gal.	Container	Full & Healthy
3	Ligustrum x vicaryi	Golden Vicary Privet	2-Gal.	Container	Full & Healthy
28	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	2-Gal.	Container	Full & Healthy
13	Syringa meyeri 'Palibin'	Dwf. Korean Lilac	2-Gal.	Container	Full & Healthy
13	Pennisetum alopecuroides 'Hameln'	Hameln Fountain Grass	1-Gal.	Container	Full & Healthy

CON2004-00020

LANDSCAPE PLAN

APPROVED 08/29/05 BY DG
SHEET 1 of 2
SUPERSEDES PLAN APPROVED 05/10/05
MAPD COPY 1 of 2





1" = 20'

Baughman

Shadow Woods Pool
Lot 11, Block D
Landscape Plan

Baughman Company, P.A. 135 Ellis St. Wichita, Ks 67211 P 316.267.2271 F 316.267.2587
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

REVISIONS		APPROVED	DRAWN
08.29.05 REVISED PER PLANNER NLS	NLS		NLS
		SCALE 1"=20'	DATE August 3, 2005

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