CONDITIONAL USE RESOLUTION NO. CON2004-00019

WHEREAS, C Creek, 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 0.27 acres zoned "SF-5" Single-family Residential described as:

> Reserve D, Crystal Creek Addition, Wichita, Sedgwick County, Kansas.
> TOGETHER WITH
> That part of Reserve "A", Crystal Creek Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the SW corner of Reserve "D" in said Crystal Creek Addition; thence N84 degrees 40'31"E along the south line of said Reserve "D", 78.23 feet to the SE corner of said Reserve "D"; thence S78 degrees 44'49"W, 76.05 feet to a point on the west line of said Reserve "A", said point also being on the easterly right-of-way of Shiloh St. as dedicated in said Crystal Creek Addition; thence northwesterly along the west line of said Reserve "A", being a curve to the left, having a central angle of 02 degrees 28'03" and a radius of 192.00 feet, an arc distance of 8.27 feet, (having a chord length of 8.27 feet bearing N23 degrees 31'25"W), to the point of beginning. Generally located southeast of the intersection of Boston Street and Shiloh Street.

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 0.27 acres zoned "SF-5" Single-family Residential described as:

> Reserve D, Crystal Creek Addition, Wichita, Sedgwick County, Kansas.
> TOGETHER WITH
> That part of Reserve "A", Crystal Creek Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the SW corner of Reserve "D" in said Crystal Creek Addition; thence N84 degrees 40'31"E along the south line of said Reserve "D", 78.23 feet to the SE corner of said Reserve "D"; thence S78 degrees 44'49"W, 76.05 feet to a point on the west line of said Reserve "A", said point also being on the easterly right-of-way of Shiloh St. as dedicated in said Crystal Creek Addition; thence

northwesterly along the west line of said Reserve "A", being a curve to the left, having a central angle of 02 degrees 28'03" and a radius of 192.00 feet, an arc distance of 8.27 feet, (having a chord length of 8.27 feet bearing N23 degrees 31'25"W), to the point of beginning. Generally located southeast of the intersection of Boston Street and Shiloh Street.

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

BOSTON

SHILOH ST.

85'

℄ 10' UTIL. EASEMENT

112.52'

37.36'

9.69'

136.47'

8.00

15' Bldg. Setback

15' Util. Esm't

25' Bldg. Setback

10'

POOL

16'

32'

10'

20'

10'

CABANA

12.20'

8.00

8.00

8.00

5 Parking Stalls @ 9x18'
+ 1 Handicap Van Stall

25' Bldg. Setback

8.00

8.00

78.23'

RESERVE "D"
RESERVE "A"

82.96'

Sidewalk per Pond Plan

CON2004-00019

SITE PLAN

APPROVED 4/30/04 BY DG

CRYSTAL CREEK

POOL LAYOUT

CON2004-00019 Reserve 'D' Crystal Creek Addition

SCALE: 1" = 20'

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\CRYSTAL CREEK\pool.dwg 03-03- P049 4/28/04 SCH

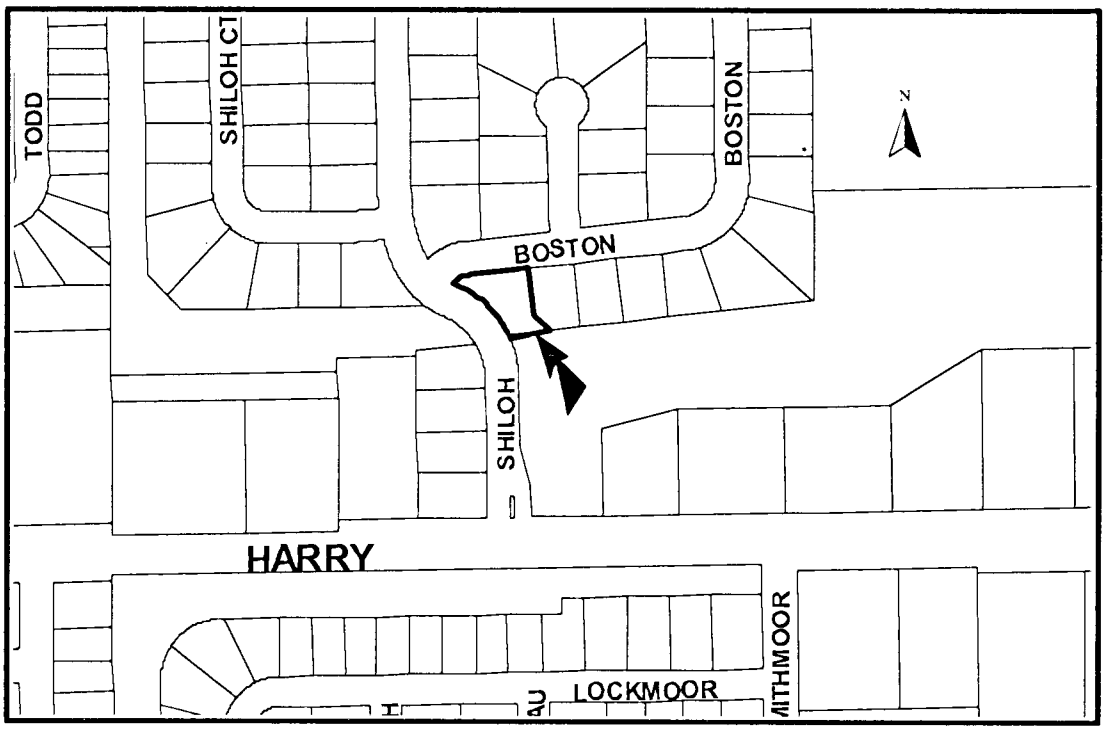
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 13

STAFF REPORT

MAPC June 10, 2004

CASE NUMBER:	CON2004-00019
APPLICANT/AGENT:	C Creek, 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:	0.27 acre
LOCATION:	Southeast of the intersection of Boston Street and Shiloh Street
PROPOSED USES:	Neighborhood swimming pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a 0.27-acre lot zoned "SF-5" Single-family Residential. The property is located southeast of the intersection of Shiloh Street and Boston Street approximately one block north of the intersection of Shiloh with Harry Street. 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, Ballyclare. It abuts a large reserve for drainage serving both Ballyclare and DP 265 Crystal Creek C.U.P., which is approved for commercial use and located to the southeast along Harry.

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 south 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 east and south property lines. The Landscape Ordinance requires a landscaped street yard and parking lot screening along Boston Street and Shiloh Street, and a landscape buffer along the east 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 part of Reserve D, Crystal Creek Addition, recorded August 20, 2003.

A portion of the lot was approved as DR 75-24 (approved by BoCC September 18, 1975) for construction of a sanitary sewer lagoon as an interim facility for surrounding subdivisions until construction of Four-Mile Creek Sewer System.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject property has access to Shiloh Street and Boston Street, which are two-lane residential streets. 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 currently 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 set of recreational opportunities for existing an future residents." The proposed neighborhood swimming pool is consistent with the 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.