



Wichita-Sedgwick County Metropolitan Area Planning Department

9/28/2006

Fairmont LLC
8100 E 22nd St N #1000
Wichita KS 67226

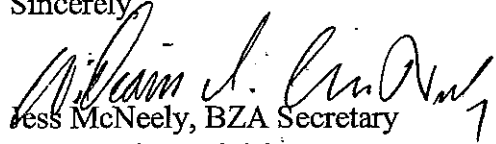
RE: BZA2006-00065 Variance to reduce the number of required parking spaces, from 18 to 9, and reduction of the front setback for parking to 3 feet for a neighborhood pool generally located south of Mainsgate and west of 127th E.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **September 26, 2006**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Susan Schlapp, WCC District II, 1-13
Baughman Company, % Russ Ewy, 315 Ellis
Minneha Township, % Don Stephan

BZA RESOLUTION NO. 2006-00065

WHEREAS, Fairmont LLC c/o Rob Ramseyer (owner/applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the parking requirement for a neighborhood swimming pool from 18 to 9 spaces and to permit the parking area within the front setback, a setback reduction from 25 to three feet, in "SF-5" Single-family Residential zoning.

That part of Reserve "B", The Fairmont, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the most northerly corner common to said Reserve "B" and Reserve "F" in said The Fairmont; thence S00°52'37"E along the west line of said Reserve "B", 120.00 feet; thence N89°07'23"E, 170.00 feet; thence N00°52'37"W parallel with the west line of said Reserve "B", 136.61 feet to a point on the north line of said Reserve "B"; thence S89°07'23"W along the north line of said Reserve "B", 33.26 feet to the P.C. of a curve to the left in said north line; thence westerly along said curve, having a central angle of 11°55'39" and a radius of 468.00 feet, an arc distance of 97.43 feet, (having a chord length of 97.25 feet bearing S83°09'33"W), to the P.R.C. of a curve to the right in said north line; thence westerly along said curve, having a central angle of 05°22'44" and a radius of 432.00 feet, an arc distance of 40.55 feet, (having a chord length of 40.54 feet bearing S79°53'06"W), to the point of beginning.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 26, 2006, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variances arise from such conditions that are unique, as the swimming pool is within pedestrian access of most residences in this development, users can easily walk to the pool, reducing the parking need. Likewise, the site is unique in that within the larger platted reserve, the size of the detention pond limits available space for the pool, playground, and parking.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances would not adversely affect the rights of adjacent property owners, as the pool is for the surrounding property owners. Additionally, sufficient on-street parking space will be available for occasional overflow parking situations.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations constitutes an unnecessary hardship upon the applicant, as requiring compliance with the UZC parking requirements would prohibit development of the proposed pool and playground amenities.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as the public has an interest in common open space within neighborhoods, and excessive paved parking does not serve the public or neighborhood interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the parking requirements of the zoning regulations are not necessary in this case. The parking demand for this site can be met with the proposed nine spaces.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, variances to reduce the parking requirement for a neighborhood swimming pool from 18 to 9 spaces and to permit the parking area within the front setback, a setback reduction from 25 to three feet, in "SF-5" Single-family Residential zoning, on property legally described as follows:

That part of Reserve "B", The Fairmont, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the most northerly corner common to said Reserve "B" and Reserve "F" in said The Fairmont; thence S00°52'37"E along the west line of said Reserve "B", 120.00 feet; thence N89°07'23"E, 170.00 feet; thence N00°52'37"W parallel with the west line of said Reserve "B", 136.61 feet to a point on the north line of said Reserve "B"; thence S89°07'23"W along the north line of said Reserve "B", 33.26 feet to the P.C. of a curve to the left in said north line; thence westerly along said curve, having a central angle of 11°55'39" and a radius of 468.00 feet, an arc distance of 97.43 feet, (having a chord length of 97.25 feet bearing S83°09'33"W), to the P.R.C. of a curve to the right in said north line; thence westerly along said curve, having a central angle of 05°22'44" and a radius of 432.00 feet, an arc distance of 40.55 feet, (having a chord length of 40.54 feet bearing S79°53'06"W), to the point of beginning.

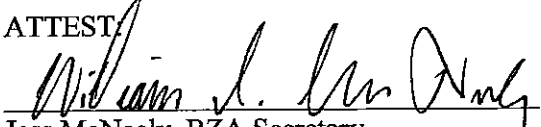
The variances are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall submit a landscape plan for this site, to be approved by planning staff, conforming to the Landscape Ordinance.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
4. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

ADOPTED AT WICHITA, KANSAS, this 26th Day of September 2006.



BZA Board Chair, Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary

MAINSATE

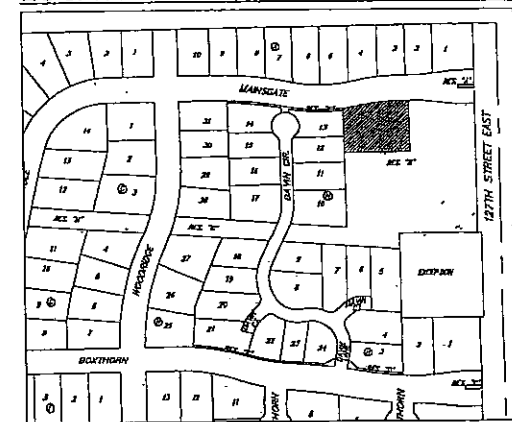
SITE INFORMATION:

PARKING PROVIDED: 9 STALLS TOTAL, INCLUDING 2 ACCESSIBLE
 SWIMMING POOL AREA: 1,600 SQ.FT.
 SITE AREA: 0.52 ACRES

LEGAL DESCRIPTION:

That part of Reserve "B", The Fairmont, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the most northerly corner common to said Reserve "B" and Reserve "F" in said The Fairmont; thence S00°52'37"E along the west line of said Reserve "B", 120.00 feet; thence N89°07'23"E, 170.00 feet; thence N00°52'37"W parallel with the west line of said Reserve "B", 135.61 feet to a point on the north line of said Reserve "B"; thence S89°07'23"W along the north line of said Reserve "B", 33.26 feet to the P.C. of a curve to the left in said north line; thence westerly along said curve, having a central angle of 11°55'38" and a radius of 468.00 feet, an arc distance of 97.43 feet, (having a chord length of 97.25 feet bearing S85°09'33"W), to the P.R.C. of a curve to the right in said north line; thence westerly along said curve, having a central angle of 05°22'44" and a radius of 432.00 feet, an arc distance of 40.55 feet, (having a chord length of 40.54 feet bearing S79°53'05"W), to the point of beginning.

LOCATION MAP:



RES. "F"

40.55'

97.43'

33.26'

PLAYGROUND

POOL
30'x60'

POOL
MECHANICAL

NEW
CONTOURING

STATIC
WATER
LEVEL

RESERVE
"B"

APPROVED

SITE PLAN BZA 2006-65

William L. Lee

SITE LAYOUT PLAN

Scale 1" = 20'-0"



		FAIRMONT POOL Part of Reserve "B" Layout Plan	
Prepared by: Baughman		Checked by: BAUGHMAN	
Drawn by: BAUGHMAN		Approved by: BAUGHMAN	
Date: August 11, 2006		Scale: 1" = 20'	

Date: 9-29-06

1. All landscape work shall be done in accordance with industry standards.
2. 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--12-14-12 ratio 2#/1000 sq. ft.
3. Trees with broken leaders or no central leader will not be accepted.
4. 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 Trellan (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".
5. 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.
6. Metal or plastic Cobra edging shall be used to separate all turf areas from planting beds. Metal edging shall be 10 gauge thickness, commercial grade, or approved equal.
7. General Contractor to supply and place at a depth of 4", all topsoil on site.
8. 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.
9. Topsoil shall be delivered in an unfrozen and non-muddy condition and shall be subject to approval by the Landscape Architect.
10. 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.
11. Report any discrepancies in the planting plan to the Landscape Architect, prior to starting construction.
12. The Landscape Contractor shall coordinate with the G.C. to gain site access to install and irrigate the plants and maintain grounds, until final acceptance from owner. Upon final acceptance, the one (1) year guarantee period will begin.
13. The Landscape Contractor shall submit bid with unit prices for all plants, including mulch, installation, 1 year guarantee, bed preparation, fertilizer, etc.
14. 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.
15. General Contractor to supply and place at a depth of 4", all topsoil on site.
16. 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.

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 shall 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.
- *1. Locate Irrigation Controller per Owner/GC request

