



Wichita-Sedgwick County Metropolitan Area Planning Department

January 8, 2007

Tyler's Landing Homeowners Association
8100 E. 22nd St., Bldg #1000
Wichita, KS 67226

RE: CON2006-00045 - Conditional use to permit a neighborhood pool and playground in "SF-5" Single-family Residential, South of 37th Street and east of Tyler Road

Dear Ladies and Gentlemen:

At its regular meeting on November 2, 2006, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Dale Miller, Current Plans Manager
Current Plans Division

DM/mc
Enclosure

Cc: Baughman Co., PA, Attn: Terry Smythe, 315 Ellis, Wichita, KS 67211
Bob Martz, WCC V, Mail Stop 1-13
Dana Brown, NA WCC III, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00045

WHEREAS, Tyler's Landing Homeowners Association (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a neighborhood pool and recreation area on 0.75 acres zoned "SF-5" Single-family Residential described as:

Lots 37, 38 and 39, Block D, Tyler's Landing 3rd Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the south of 37th Street North and east of Tyler Road.

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 November 2, 2006, 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 pool and recreation on 0.75 acres zoned "SF-5" Single-family Residential described as:

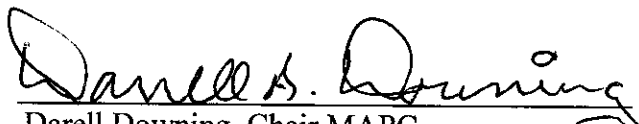
Lots 37, 38 and 39, Block D, Tyler's Landing 3rd Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the south of 37th Street North and east of Tyler Road.

Approved subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan, except that the landscaping shall be in conformance with the landscape plan required by Condition #2.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a of the Unified Zoning Code per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
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.
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 4th DAY of January, 2007.

METROPOLITAN AREA PLANNING COMMISSION


Darell Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC 11-2-06

CASE NUMBER: CON2006-00045

APPLICANT: Tyler's Landing Homeowners Association (Morris Stewart)

AGENT: Baughman Company, PA (Terry Smythe)

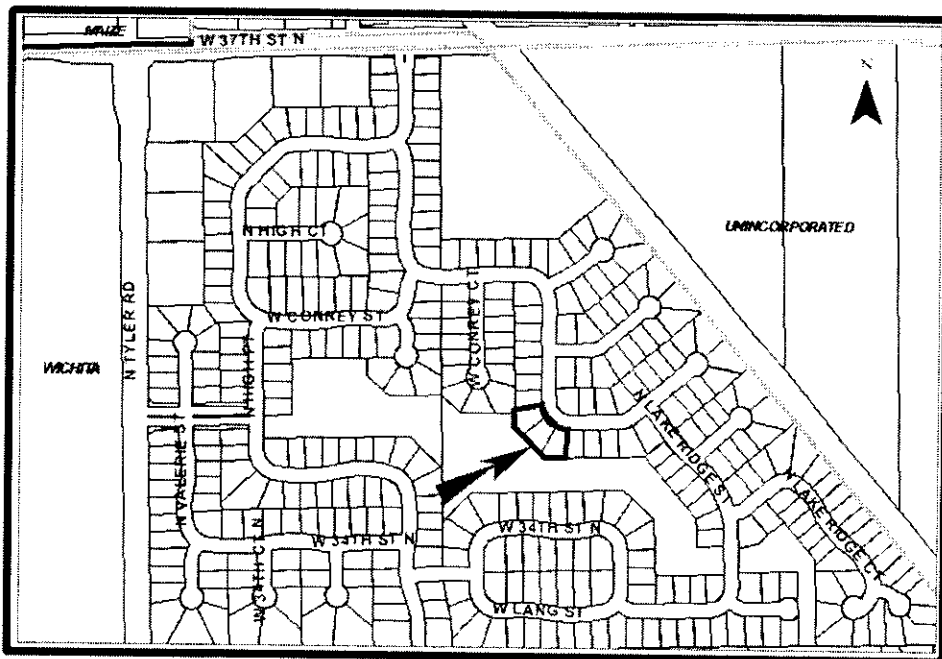
REQUEST: Conditional Use to permit a Neighborhood Swimming Pool

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

SITE SIZE: 0.75 acres

LOCATION: Generally located south and west of north Forest Ridge Street, west of north Lake Ridge Street

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool and neighborhood recreation on Lots 37, 38 and 39, Block D, Tyler’s Landing 3rd Addition. The 0.75-acre subject property is located west and south of north Forest Ridge Street. 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.

The character of the surrounding area is that of a developing single-family residential neighborhood. All of the surrounding properties are zoned “SF-5” Single Family residential and are currently being developed with single-family residences. The application area abuts Reserve A located to the south and west of the applications area. Reserve A is restricted to open space, utilities, drainage, landscaping, entry monuments and berm uses.

The attached site plan shows a 25-foot (x) 50-foot swimming pool, a 15-foot (x) 15-foot kiddie pool, 17 parking spaces (including one ADA designated space), a pool house housing restrooms and mechanical room, a tot lot playground and an open play area/sport court. As proposed, the parking area meets the Unified Zoning Code (UZY) required 1 space per 100-square feet of pool area plus the 1 space per 100-square feet of associated building area. The site plan does not show screening to the north, as required per UZY Art. IV, Section IV-B. 3a, nor does the plan show landscaping to the east. Planning staff recommends that the required screening be installed per a landscape plan to be approved by the Planning Director prior to the issuance of a building permit.

CASE HISTORY: The subject property is Lots 37, 38, 39, Block D, Tyler’s Landing 3rd Addition, which was recorded September 5, 2005.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Developing single-family residences
EAST:	“SF-5”	Developing single-family residences
SOUTH:	“SF-5”	Subdivision Reserve
WEST:	“SF-5”	Subdivision Reserve

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

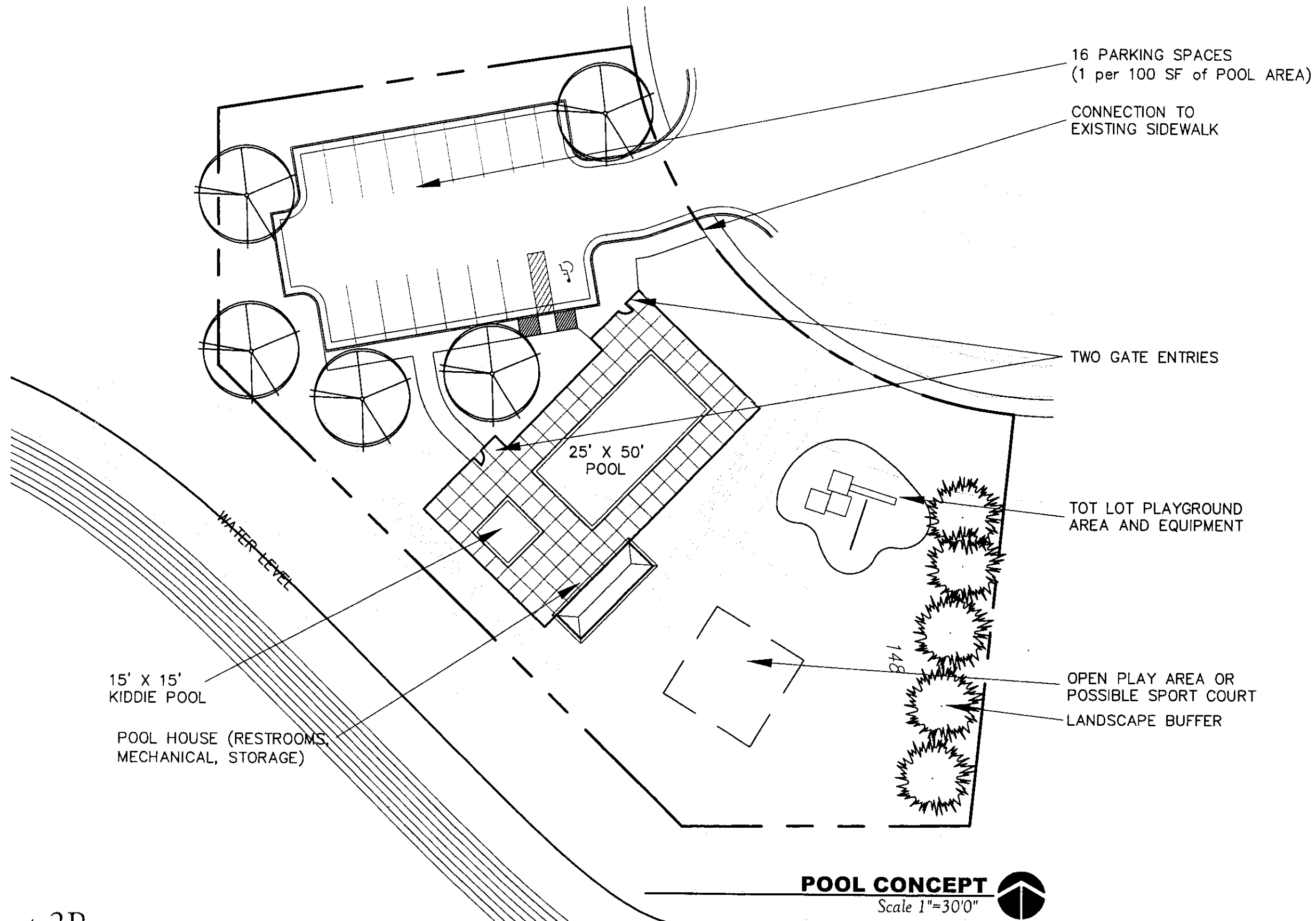
CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for “Urban Residential” development. This residential category provides for the lowest density of urban residential land use and consists of residential, 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, except that landscaping shall be in conformance with the landscape plan required by Condition #2.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a. of the Unified Zoning Code per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
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.
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 developing single-family residential neighborhood. All of the surrounding properties are zoned "SF-5" Single Family residential and are currently being developed with single-family residences or subdivision reserve features. 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 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 for the lowest density of urban residential land use and consists of residential development, 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.
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. Many neighbors will have easy pedestrian access to the site because of its location.



Concept 2B

Tyler's Landing Neighborhood Pool