

CONDITIONAL USE RESOLUTION NO. CU-497

WHEREAS, Scott Developers, L.L.C., Pat and Don Scott, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a private neighborhood swimming pool 1 acre zoned "SF-6" Single-Family Residential described as:

Reserve G; Bridgefield Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bridgefield Street, south of Central.

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 October 15, 1998, 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 conditional use to allow a private neighborhood swimming pool on 1 acre zoned "SF-6" Single-Family Residential described as

Reserve G; Bridgefield Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bridgefield Street, south of Central.


subject to the following conditions:

- A. The applicant shall submit a revised site plan which includes paved parking area for a minimum of 9 cars. These improvements shall be completed within one year, or the Conditional Use permit shall be considered null and void.
- B. Within 60 days following approval of the Conditional Use Permit and prior to the issuance of any building permits, the applicant shall submit to the Planning Department for review and approval eight copies of the landscape plan for this property. The plan shall provide for landscaping in accordance with the City of Wichita Landscape Ordinance.
- C. Development of the swimming pool shall include a screening fence to shield the pool area from adjoining residential properties.

- D. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, health codes, and operational standards.
- E. Prior to occupancy, the applicant shall amend plattor's text concerning Reserve "G" to permit a neighborhood swimming pool, if required by the Law Department.
- F. Prior to occupancy, the applicant shall vacate a portion of the platted 25 feet building setback on Bridgefield and obtain the necessary variance from the Board of Zoning Appeals to permit the proposed building within the setback area.
- G. Violation of the foregoing conditions shall be cause for declaring this conditional use null and void.


Adopted this 15th day of October, 1998. 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

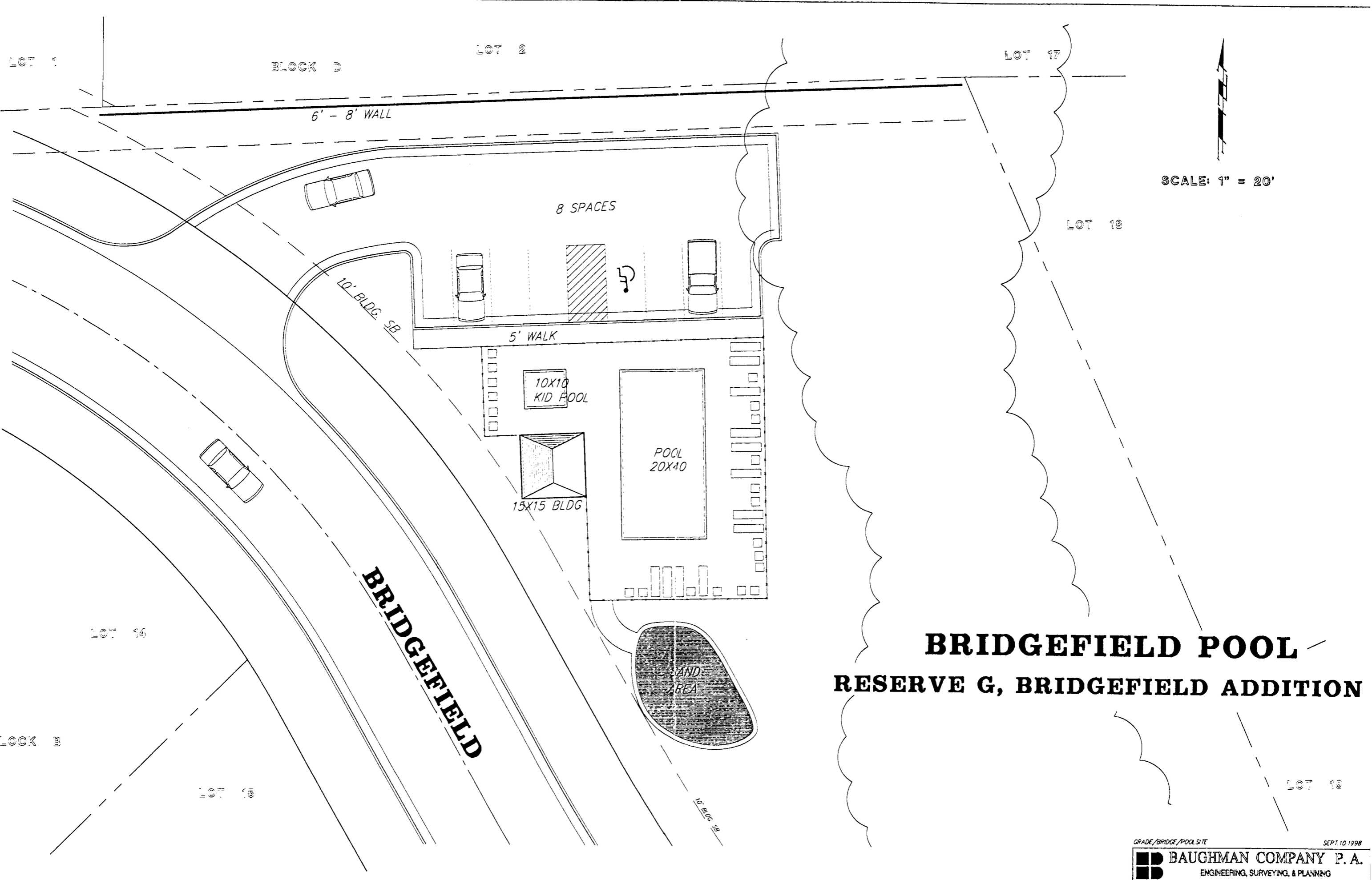


William M. Johnson, Chairman

ATTEST:



Marvin S. Krout, Secretary



STAFF REPORT

CPO (2) OCTOBER 12, 1998

MAPC OCTOBER 15, 1998

CASE NUMBER: CU-497

APPLICANT/AGENT: Scott Developers, L.L.C., Pat and Don Scott (applicant), 21 Scotsdale, Wichita, KS 67230

Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

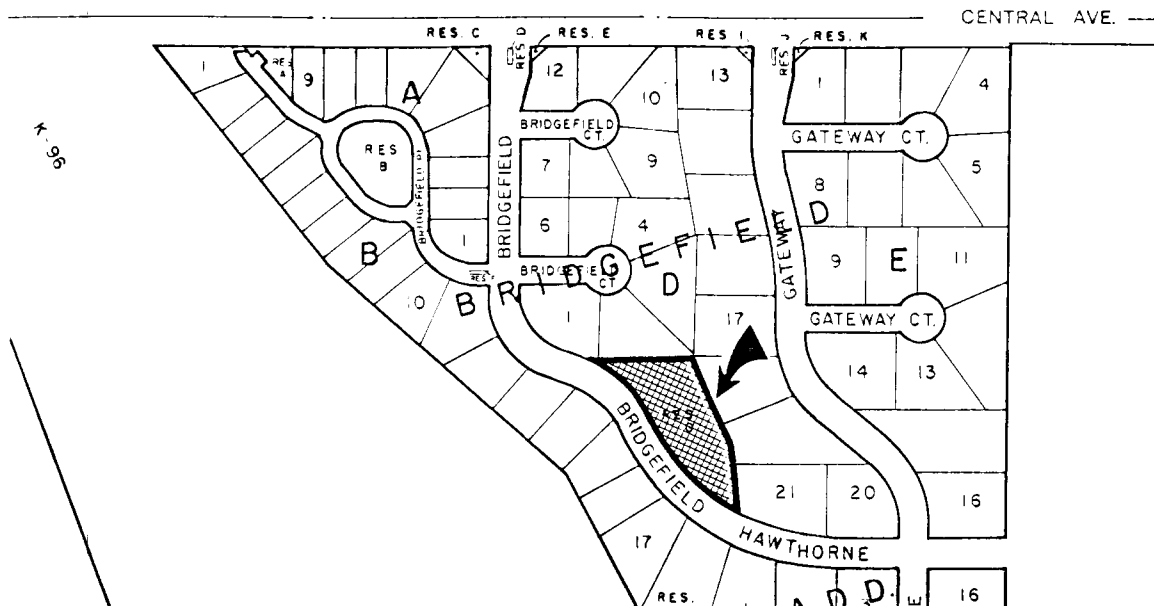
REQUEST: A Conditional Use Permit to allow a private neighborhood swimming pool.

CURRENT ZONING: "SF-6"

SITE SIZE: 1 acre

LOCATION: East side of Bridgefield Street, south of Central

PROPOSED USE: The applicant proposes to construct a neighborhood swimming pool within a Reserve of the plat.



BACKGROUND: The applicant requests a Conditional Use to allow a Neighborhood Swimming Pool to be located in Reserve G, Bridgefield Addition. The one acre site is located on the east side of Bridgefield, approximately 700 feet south of Central. The property is zoned "SF-6" Single-Family Residential.

The site plan shows a 20 feet by 40 feet swimming pool and a kid's pool that is 10 feet by 10 feet with a 15 feet by 15 feet building on the property. Parking is shown in the northern portion of the lot with room for 8 cars.

All the property surrounding the application area is zoned "SF-6", single-family lots, to the south and west are undeveloped; to the north single-family and garden homes are being built and to the east is a hedgerow and a single-family home being built and undeveloped lots with street and sidewalks. The adjoining properties are undeveloped except Lot 1, Block D (northwest corner) which is under construction and Lot 17, Block D (northeast corner) that has the basement and foundation poured. None of the residences in the development has been sold.

There is a 10 foot drainage and utility easement on the north side of the common lot line between Reserve G and Lot 2. A building setback of 25 feet along Bridgefield and a 10 foot drainage and utility easement on the east side have been established with the plat.

CASE HISTORY: The property was platted as Bridgefield Addition recorded on June 10, 1997.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6" Single-Family and garden homes under construction
SOUTH: "SF-6" Undeveloped lots
EAST "SF-6" A single-family home under construction and undeveloped lots
WEST: "SF-6" Undeveloped lots

PUBLIC SERVICES: Municipal water and sewer service is available to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as Low Density Residential. 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

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVAL, subject to the following conditions:

- A. The applicant shall submit a revised site plan which includes paved parking area for a minimum of 9 cars. These improvements shall be completed within one year, or the Conditional Use permit shall be considered null and void.
- B. Within 60 days following approval of the Conditional Use Permit and prior to the issuance of any building permits, the applicant shall submit to the Planning Department for review and approval eight copies of the landscape plan for this property. The plan shall provide for landscaping in accordance with the City of Wichita Landscape Ordinance.
- C. Development of the swimming pool shall include a screening fence to shield the pool area from adjoining residential properties.
- D. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, health codes, and operational standards.
- E. Prior to occupancy, the applicant shall amend platlor's text concerning Reserve "G" to permit a neighborhood swimming pool.
- F. Prior to occupancy, the applicant shall vacate a portion of the platted 25 feet building setback on Bridgefield and obtain the necessary variance from the Board of Zoning Appeals to permit the proposed building within the setback area.
- G. Violation of the foregoing conditions shall be cause for declaring this conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is situated in the middle of a developing residential area. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirement minimizes the number of parked cars on the local street. Small private pools areas like this are becoming more commonplace in new subdivisions.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Locating a neighborhood swimming pool along a local street within a residential development would generate more traffic, and probably noise at that site than a single-family home, as well as increasing pedestrian traffic. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the Conditional Use would minimize these problems. The property immediately adjacent to the sites currently undeveloped and apparently have not

been sold as of yet.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: Although the swimming pool is for use by the neighborhood, it would assist in meeting the Comprehensive Plan's goal of creating a neighborhood park within each square mile in developing areas.
4. Impact of the proposed development on community facilities: The proposed swimming pool would increase trips to the site, but the impact should be minimal. The pool's hours will be regulated by the neighborhood association, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing the need for additional police patrols.