

CONDITIONAL USE RESOLUTION NO. CON2002-00031

WHEREAS, Sawmill Creek, L.L.C., c/o Everett Long (Applicant/Owner), Ruggles & Bohm, P.A., c/o Kenneth Lee (Agent) 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 on .53 acres zoned "SF-5" Single-Family Residential described as:

Lots 49 and 50, Block 7, Sawmill Creek Addition, Wichita, Sedgwick County, Kansas.
Generally located northwest corner of Old Mill and Spyglass.

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 July 25, 2002, 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 on .53 acres zoned "SF-5" Single-Family Residential Commercial described as:

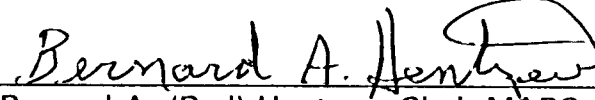
Lots 49 and 50, Block 7, Sawmill Creek Addition, Wichita, Sedgwick County, Kansas.
Generally located northwest corner of Old Mill and Spyglass.

subject to the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain a zoning adjustment to allow parking within the 25-foot front setback on Old Mill, but not within eight (8) feet of the property line.
3. Development and use of this site for a home owner's association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes, and operational standards.
4. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 25th DAY of JULY, 2002. 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


Bernard A. (Bud) Hentzen, Chair MAPC

ATTEST:


Mike Lindebak, Secretary

DRAINAGE CALCULATIONS

PRE DEVELOPMENT

Area = 0.53 acres
 % Impervious = 0%
 $C_s = 0.37$
 $C_{100} = 0.65$
 $I_s = 4.56$ in/hr
 $I_{100} = 7.37$ in/hr
 $Q_s = 0.9$ cfs
 $Q_{100} = 2.5$ cfs

POST DEVELOPMENT

Area = 0.53 acres
 % Impervious = 30%
 $C_s = 0.54$
 $C_{100} = 0.74$
 $I_s = 4.56$ in/hr
 $I_{100} = 7.37$ in/hr
 $Q_s = 1.3$ cfs
 $Q_{100} = 2.9$ cfs

Developed Areas

Pervious = 16,010 S.F.
 Impervious = 6,861 S.F.

LEGAL DESCRIPTION

LOTS 49 & 50, BLOCK 7, SAWMILL CREEK ADDITION
 WICHITA, SEDGWICK COUNTY, KANSAS

GENERAL NOTES

- Existing utilities and their location, as shown on the plans, represent the best information obtainable for design. The Contractor will be required to work around existing utilities within the right-of-way which do not conflict with proposed construction.
- A saw cut of at least one-half the depth of existing surface courses or one-fourth the depth of existing total pavement thickness shall be provided at locations where proposed construction abuts an existing surface course or pavement for which partial removal of that surface or pavement is required, except when such saw cuts are within three (3) feet of an existing joint the limits of removal shall be extended to the existing joint. Such saw cuts will not be paid for directly and this cost shall be considered as subsidiary to the removal of the surface or pavement.
- The Contractor shall be responsible for preserving property irons. The Contractor will be required to re-establish any property irons which are damaged or destroyed by his construction operations. Such irons shall be re-established by a licensed land surveyor in accordance with state laws.
- The Contractor shall give all property owners and/or tenants of developed property directly abutting the construction of this project a minimum of ten (10) days advance notice prior to start of construction.
- Contractor will be required to provide a minimum advance notice of twenty-four (24) hours to utility companies prior to starting any excavation as follows:

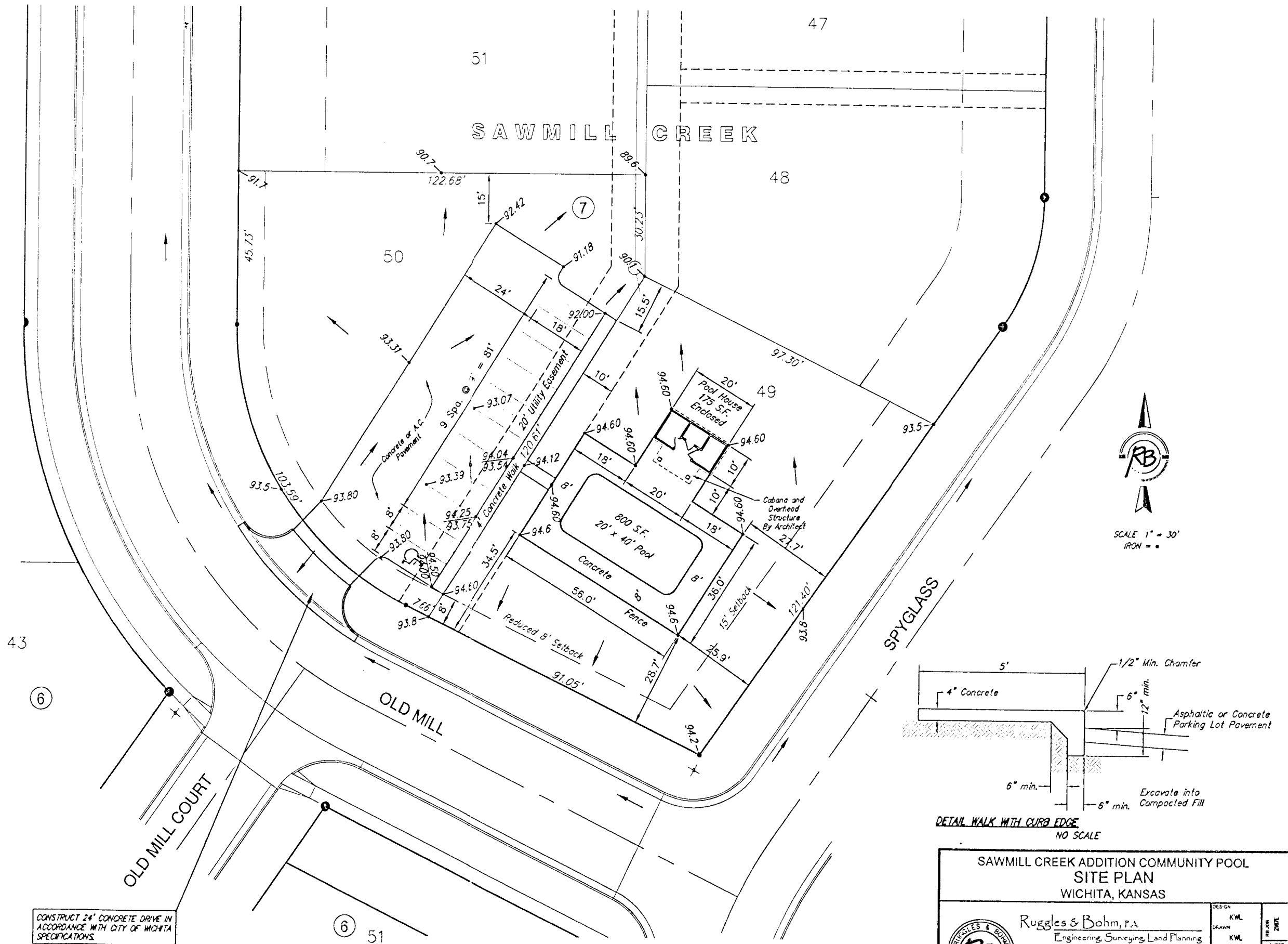
Kansas One-Call 687-2470

The Contractor must notify the following in case of an emergency:

Cox Communications	262-0661
Kansas Gas Service	383-8600
K.G.&E. Electric	383-8600
Peoples Natural Gas Company	1-800-303-0357
Southwestern Bell Telephone Company	1-800-286-8313
City of Park City Water Dept.	794-2026
City of Park City Sewer Maintenance	794-2026

- Pavement to be constructed with asphalt or concrete pavement (thickness to be determined by a soils report). Subgrade shall be treated and compacted per geotechnical recommendations.
- Concrete drive to be constructed per City of Wichita specifications.
- All disturbed areas are to be seeded, fertilized and mulched per landscape requirements.

CONSTRUCT 24' CONCRETE DRIVE IN ACCORDANCE WITH CITY OF WICHITA SPECIFICATIONS.



STAFF REPORT

MAPC – 7/25/02

CASE NUMBER: CON2002-00031

APPLICANT/AGENT: Sawmill Creek, L.L.C., Everett Long (Applicant)
Ruggles & Bohm, P.A., Kenneth Lee (Agent)

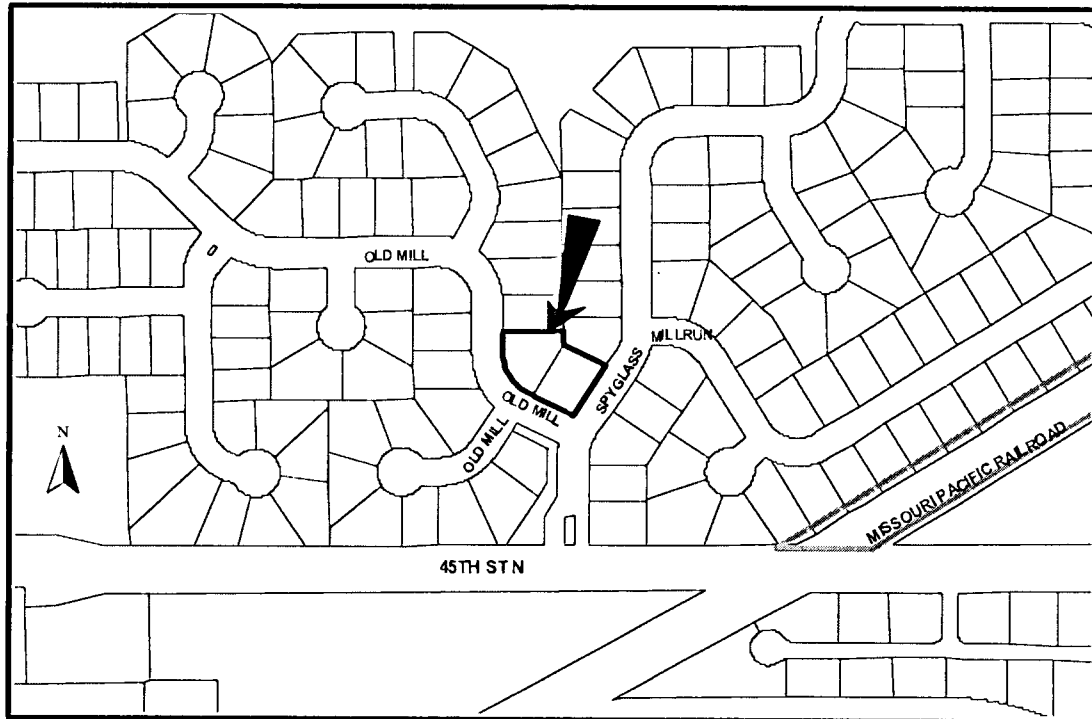
REQUEST: Conditional Use to Permit a Neighborhood Swimming Pool

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

SITE SIZE: .53 acres

LOCATION: Northwest corner of Old Mill and Spyglass (8370 E. Old Mill)

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on two platted lots in the "Sawmill Creek Addition." The application area is an irregular shaped parcel and is located at the northwest corner of Old Mill and Spyglass. The attached site plan shows a 20-foot by 40-foot swimming pool, ten parking spaces (to include an ADA designated space) west of the swimming pool, and a small pool house north of the pool. The attached landscape plan demonstrates open space and vegetation buffers between the application area and adjoining single-family residential lots, but not sufficient landscaping to meet the screening requirement of the Unified Zoning Code (UZO). The site plan also shows parking within the 25-foot setback on Old Mill; the applicant will require a zoning adjustment to provide parking within the setback but not within eight feet of the property line. Use of the facilities will be limited to residents of the Sawmill Creek Addition. Access will be from one opening along Old Mill.

This property is zoned "SF-5" Single-Family Residential and is currently undeveloped. Neighborhood swimming pools can be a "use-by-right" if the site is identified at the time of platting and a site plan is submitted for review and approval. After the plat is recorded, a Conditional Use is required. Adjoining lots to the north of the application area are vacant and platted for single-family residential development. One of the adjoining lots is still owned by the subdivision developer, the other is owned by a builder.

The UZO requires "one parking slot per 100 square feet of pool area" for a "swimming pool, private/neighborhood." The ten parking spaces shown exceed the eight spaces required by the UZO. The UZO also requires screening between residential and non-residential uses, and screening of parking areas, which can be accomplished through the use of screen walls, landscaping, or a combination of the two.

The hours of operation for and maintenance of the pool will be determined by the homeowners' association by restrictive covenant. A six to eight foot fence will surround the pool. Paying members of the homeowners association, and their guests, will be given access to the pool.

CASE HISTORY: The application area was platted as part of the "Sawmill Creek Addition" in 2001.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family Residential	Undeveloped
EAST:	"SF-5" Single-Family Residential	Undeveloped
SOUTH:	"SF-5" Single-Family Residential	Single-Family Residences
WEST:	"SF-5" Single-Family Residential	Single-Family Residences

PUBLIC SERVICES: Old Mill is a two-lane residential street. Traffic volumes are not rated. Water/sewer and other municipal services will be provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property 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. 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.”

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to an updated site plan approved by the planning director which includes screening as per the UZC and landscaping as per the Landscape Ordinance, and the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain a zoning adjustment to allow parking within the 25-foot front setback on Old Mill, but not within eight (8) feet of the property line.
3. Development and use of this site for a home owner’s association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes, and operational standards.
4. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the 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. Surrounding properties are all zoned “SF-5.” Access to the site is from a residential street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Locating a neighborhood swimming pool along a local street with residential development will introduce more noise for the nearby residential properties. 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 will minimize these problems. A neighborhood swimming pool will most likely 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 this property 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. 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."
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. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing impact on community facilities.