

CONDITIONAL USE RESOLUTION NO. CON2004-00006

WHEREAS, Tim Buchannan, Twenty First Grown, LLC (Owner/Applicant) Greg Allison, MKEC, (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 1.02 acres zoned "SF-5" Single-family Residential described as:

A portion of Reserve A, Hawthorne Second Addition, Wichita, Sedgwick County, Kansas; said portion being more particularly described as follows: beginning at the Southwest most corner of Lot 10, Block 1, of said Addition, said point being coincident with the Northerly line of said Reserve A; thence along said Northerly line on a platted bearing of N85°40'02"E, 136.34 feet; thence continuing along said Northerly line, S01°25'27"E, 83.31 feet; thence continuing along said Northerly line, S81°34'54"E, 156.38 feet to the Southeast corner of Lot 7, Block 1, said addition; thence S01°25'27"E, 50.07 feet to a point on a curve to the left, said curve being the Northerly right-of-way line of Camden Chase Street; thence along said curve and along said Northerly right-of-way line, 264.98 feet, said curve having a central angle of 65°26'24", a radius of 232.00 feet, and a long chord distance of 250.81 feet, bearing S49°23' 40"W to a point on a curve to the right; thence along said curve, also being coincident with the Northerly right-of-way line of said Camden Chase Street, 40.42 feet to the Southwest corner of said addition, said curve have a central angle of 05°56'19", a radius of 390.00 feet, and a long chord distance of 40.41 feet, bearing S19°38'37"W; thence along the West line of said Reserve A, N14°31'30"W, 358.68 feet to the point of beginning. Generally located north of 21st Street North and east of 127th Street East.

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 March 11, 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 Conditional Use to permit a Neighborhood Swimming Pool on 1.02 acres zoned "SF-5" Single-family Residential described as:

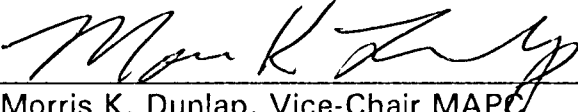
A portion of Reserve A, Hawthorne Second Addition, Wichita, Sedgwick County, Kansas; said portion being more particularly described as follows: beginning at the Southwest most corner of Lot 10, Block 1, of said Addition, said point being coincident with the Northerly line of said Reserve A; thence along said Northerly line on a platted bearing of N85°40'02"E, 136.34 feet; thence continuing along said Northerly line, S01°25'27"E, 83.31 feet; thence continuing along said Northerly line, S81°34'54"E, 156.38 feet to the Southeast corner of Lot 7, Block 1, said addition; thence S01°25'27"E, 50.07 feet to a point on a curve to the left, said curve being the Northerly right-of-way line of Camden Chase Street; thence along said curve and along said Northerly right-of-way line, 264.98 feet, said curve having a central angle of 65°26'24", a radius of 232.00 feet, and a long chord distance of 250.81 feet, bearing S49°23' 40"W to a point on a curve to the right; thence along said curve, also being coincident with the Northerly right-of-way line of said Camden Chase Street, 40.42 feet to the Southwest corner of said addition, said curve have a central angle of 05°56'19", a radius of 390.00 feet, and a long chord distance of 40.41 feet, bearing S19°38'37"W; thence along the West line of said Reserve A, N14°31'30"W, 358.68 feet to the point of beginning. Generally located north of 21st Street North and east of 127th Street East.

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 north property lines where abutting Lots 7, 9, & 10, Block 1, Hawthorne 2nd Addition and along the east property line where abutting Lot 7, Block 1, Hawthorne 2nd Addition.
4. Prior to the issuance of a building permit, an administrative adjustment to permit parking within the front setback and to waive the screening requirement along property lines adjacent to an open space reserve 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.

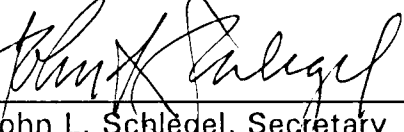
Adopted this 11th DAY of MARCH, 2004. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

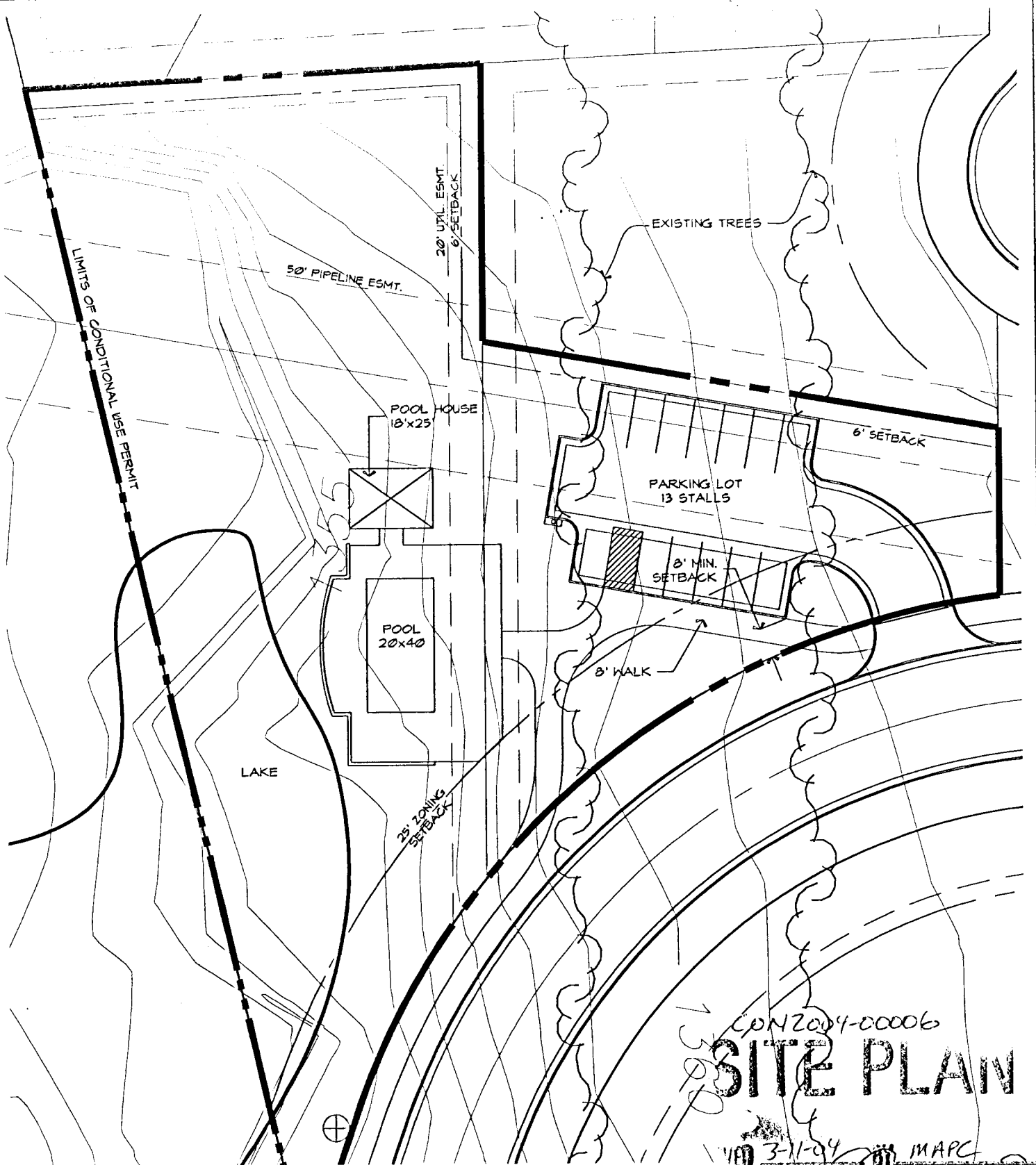


Morris K. Dunlap, Vice-Chair MAPC

ATTEST:



John L. Schlögel, Secretary



SCALE: 1" = 40'

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MKEC
 ENGINEERING
 CONSULTANTS
 411 N. WEBB ROAD
 WICHITA, KS. 67206
 316 - 684 - 9600

THE HAWTHORNE
 PROJECT NAME

POOLHOUSE SITE PLAN
 SHEET TITLE

LAB DESIGN BY:	LAB DRAWN BY:	JAG CHECKED BY:
FEBRUARY 2004 DATE	02167 JOB NO.	1 / 1 SHEET/OF

STAFF REPORT

MAPC March 11, 2004

CASE NUMBER: CON2004-00006

APPLICANT/AGENT: Twenty First Growth LLC c/o Tim Buchanan (Applicant);
MKEC c/o Greg Allison (Agent)

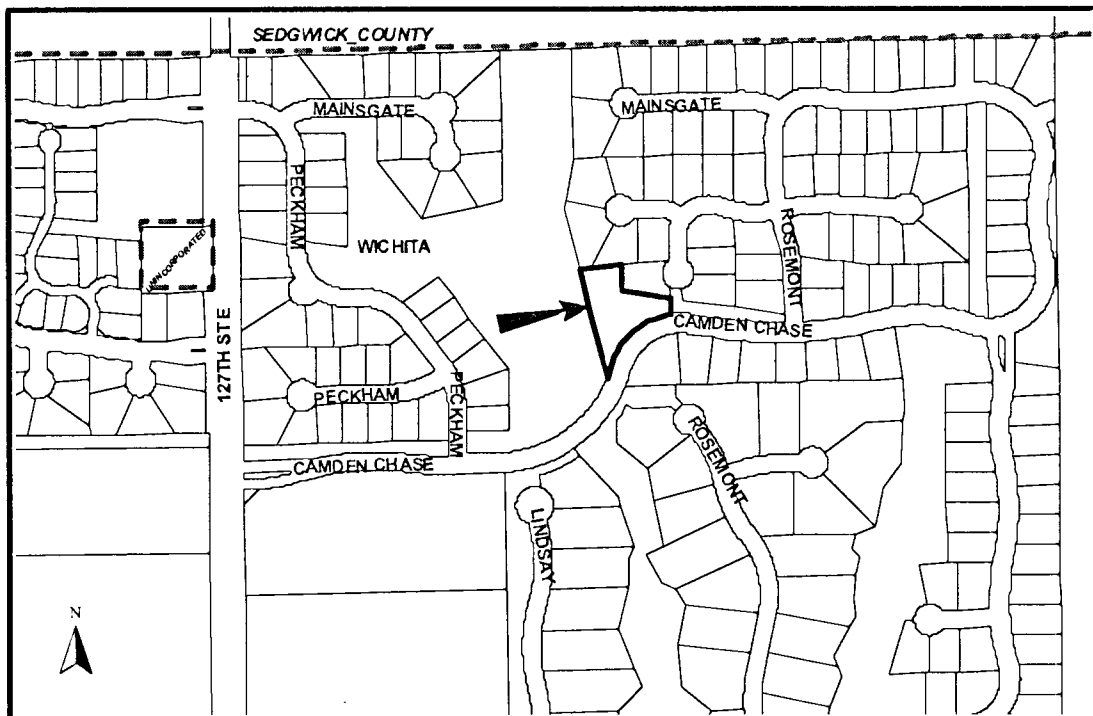
REQUEST: Conditional Use to permit a Neighborhood Swimming Pool

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

SITE SIZE: 1.02 acres

LOCATION: North of 21st Street North and east of 127th Street East

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a 1.02 acre portion of Reserve A, Hawthorne 2nd Addition. The subject property is generally located north of 21st Street North and east of 127th Street East and is more particularly located approximately one-quarter mile east of 127th Street East on the north side of Camden Chase Street. The subject property is zoned "SF-5" Single-Family Residential and is currently undeveloped. A neighborhood swimming pool can 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 and associated open space reserves.

The attached site plan shows a 20-foot by 40-foot swimming pool, 13 parking spaces (including one ADA designated space) located east of the swimming pool, and an 18-foot by 25-foot pool house located north of the pool. As proposed, the parking area meets the Unified Zoning Code requirements except for an encroachment of the southeast corner of the parking area into the front setback. The applicant has submitted a request for an administrative adjustment to permit the proposed encroachment into the front setback, and planning staff will approve the administrative adjustment request if the Conditional Use request is approved.

Section IV-B.3. of the UZC requires that screening in the form of decorative fencing, evergreen vegetation, or landscaped earth berms be provided along the east, west, and north property lines. However, a portion of the east property line and all of the west property line abut an open space reserve, and the applicant has requested an administrative adjustment to waive the screening requirement along these property lines. Planning staff will approve the administrative adjustment request if the Conditional Use request is approved.

The Landscape Ordinance requires a landscaped street yard along Camden Chase Street, a landscape buffer along the east, west, and north property lines, and parking lot screening landscaping. 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 A, Hawthorne 2nd Addition, which was recorded September 18, 2003.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject property has access to Camden Chase Street, a two-lane residential street. 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 north property lines where abutting Lots 7, 9, & 10, Block 1, Hawthorne 2nd Addition and along the east property line where abutting Lot 7, Block 1, Hawthorne 2nd Addition.
4. Prior to the issuance of a building permit, an administrative adjustment to permit parking within the front setback and to waive the screening requirement along property lines adjacent to an open space reserve 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.

All of 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 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.