

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 3

March 26, 1990

SECRETARY'S REPORT

CASE NUMBER: BZA 4-90

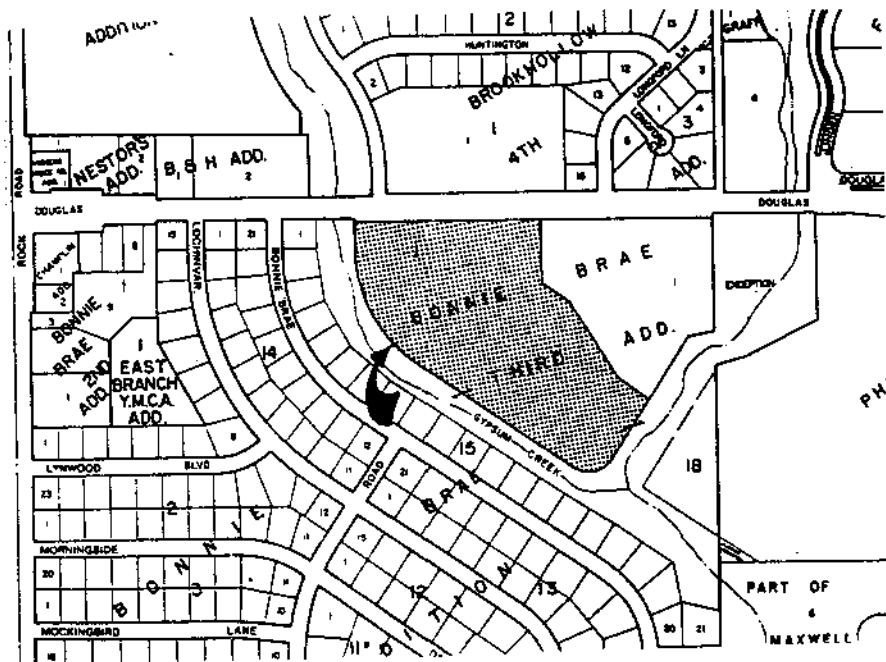
OWNER/APPLICANT/AGENT: Jean K. Garvey & The Independent School
(owners)
Wichita Swim Club, c/o Alex Dean, President
(applicant)
Lawrence E. Wells, Architect (agent)

REQUEST: Exception to permit a swimming club.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 13 acres

LOCATION: South of Douglas in an area east of Bonnie Brae.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception, provided the conditions set out in Section 28.04.182 can be complied with.

BACKGROUND: The applicant is requesting a use exception for a swimming club in the "AA" district as provided for in recently amended Section 28.04.182 of the City Code. Prior to this amendment last August, swim clubs in residential districts were reviewed as special use permits by the City Council after public hearing and recommendation by the MAPC. Section 28.04.182 specifies that the Board may approve swimming clubs in any district where not permitted as a use by right, provided the Board first finds that "the location of such use is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan and will preserve property values, personal and property rights, as well as promote the general welfare of the community."

The applicant is the Wichita Swim Club which proposes to lease property from Jean Garvey and The Independent School at 8301 E. Douglas. The site plan submitted with the application shows a 140-foot by 212-foot building in the south portion of the property which will house a 50-meter competitive swimming pool, a 55-foot warm-water lesson pool, shower and locker rooms, administrative offices, and a meeting room/concession area. As of the writing of this report, total occupancy capacity of the building (and thus total parking requirement) has not been determined, as some bleachers will be permanent, but most will be temporary.

The building will be constructed of pre-stressed concrete panels and roof beams similar to the buildings of The Independent School. The proposed building height is 18 feet on the southwest, but only about 12 feet on the northeast, where natural topography change will allow the building to nestle into the "hillside". There will be windows in the building which can be opened for ventilation.

The facilities at the Wichita Swim Club are available to members who participate in competitive swimming and to individuals who enroll in swimming lesson classes, including learn-to-swim, exercise, and therapy classes. The facilities are NOT available for recreational, pay-as-you-use swimming as are public pools. The Wichita Swim Club holds approximately 5 invitational swim meets per year, 3 in the winter, 2 in the summer. The July meet is the largest with approximately 250 competitors, plus spectators, present at any one time. A swim meet typically lasts from 8 a.m. to 4 p.m. on a Saturday and a Sunday.

According to the general manager, on a typical weekday there will be about 100 swimmers using the facilities between 5 a.m. and 9 p.m. Weekend hours are much shorter, with an average of 50 swimmers per day. During the school year, when The Independent School is in session, the hours for swimming instruction will be from 4 p.m. to about 7:30 p.m. so as to avoid conflicts with the school traffic, which ends before 4 p.m. Parents typically bring their children to these lessons, drop them off, and return to pick them up after the lessons are over.

Analysis: A swim club at the proposed site seems appropriate for several reasons: 1) It is similar in nature to the school and its recreational facilities (many of which are still proposed, such as track, football and soccer fields); 2) It is naturally separated from adjacent residential areas to the west, south and southeast by Gypsum Creek; 3) All vehicular access is to and from Douglas, which is a paved, four-lane arterial with adequate capacity to handle the projected additional traffic; and 4) There are opportunities for shared parking with the school during swim meets when parking demand is much greater than during other, more ordinary use times.

There are a few concerns, however, which need to be addressed. Of paramount concern to residents in the neighborhood is that of potential noise from a facility such as this. During swim meets, the noise could be considerable if windows and doors are left open, and even on ordinary days, the sounds from starting guns, whistles, megaphones, etc. could be out of character and stressful in residential areas unless care is taken to contain this noise within the building.

A second concern is with the practicability of the access and parking for the club. If most patrons, being children, are dropped off and picked up at the pool, it would seem highly desirable to have a drop-off/pickup lane near the front door rather than having to stop behind a parked car to let the child out, as would be necessary with the proposed layout. Also, the entire access drive and all adjacent parking spaces are entirely within a platted 50-foot-wide drainage easement which has been determined to be needed for channel improvements at some future time. Although it may be many years before the drainage channel improvements are made in this area, the drive and parking would be required to be relocated at that time.

A third concern is that of screening this institutional use from adjacent residential properties. Section 28.04.160.K. of the zoning ordinance states that institutional uses established on property within or adjacent to residential zoning districts must provide screening along all sides and rear lot lines. Screening is defined by the ordinance as "decorative fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms." Screening may be omitted if there is a 25-foot landscaped yard adjacent to the property line, but the landscaped yard cannot be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses. It is doubtful the applicants intend to construct a 1/4-mile-long decorative fence along the west property line. If neither a fence nor a 25-foot landscaped yard is to be provided, a variance of the screening requirement would be necessary.

A solution to these last two concerns could be achieved by relocating the access drive and parking out of the 50-foot drainage easement, or at least out of the westerly 25 feet which could be landscaped to provide the required screening. Perhaps the road labeled "future

street" should provide access to the swim club instead of a road along the west boundary of the site. This more internal location would keep vehicular noise and lights further from the surrounding residences and could be better utilized by future buildings and outdoor uses planned for the total site. A parking lot could be located northwest of the building.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Church
SOUTH	"AA"	One-family dwellings
EAST	"R-5" & "AA"	Multi-family dwellings; undeveloped; one-family dwellings
WEST	"AA"	One-family dwellings

RECOMMENDATION: Should the Board determine that a swim club at this location is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan and will preserve property values, personal and property rights, as well as promote general welfare of the community, then it is recommended that the use exception be approved subject to the following conditions:

1. Uses of the proposed swim club facilities shall not produce noise levels at the southeasterly and southwesterly property lines which are more than 5 decibels above the ambient noise level measured at the rear of residential properties to the southeast and southwest.
2. The number of invitational swim meets held per year at this facility shall not exceed 6. Each meet shall be limited to no more than 2 days' duration. No overnight camping on the site shall be permitted during these meets or at any other time.
3. The applicant shall provide the number of paved parking spaces on site as required by code, unless a variance is requested and approved. Any additional spaces which may be provided are also required to be paved to City specifications.
4. Any outdoor lights at this facility shall be directed away from adjacent properties.
5. Within 60 days following approval of this use exception by the Board, and prior to release of the resolution, the applicant shall submit to the Board for review and approval a revised site plan which shows access to the swim club along the easterly rather than the westerly side of the property. A landscape plan shall also be submitted for the southwesterly and southeasterly sides of the property adjacent to the proposed building and parking areas. The plant materials shall be identified by name, quantity and size at installation. The method of providing water to the plant materials shall also be indicated.

BZA 4-90 Staff Report
Page 5

6. The proposed Wichita Swim Club facility shall be constructed within one year following release of the resolution authorizing this use exception or the resolution shall be considered null and void.

Alex Dean/BZA 4-90

Page 2

✓ a written parking agreement which is acceptable to our Law Department and which will be recorded with the Register of Deeds. Let me again emphasize that, as stated in the platator's text of the Bonnie Brae Third Addition, "fences, hedges, structures or fill are not permitted within the drainage easement". Can the proposed fire truck turnaround be built without any fill within this easement?

I will be happy to meet with you to discuss any of these required plans. Please call me at your convenience. My number is 268-4421.

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: Lawrence Wells, 254 Laura, Ste. 205, 67211
Jean Garvey, c/o The Independent School, 8301 E. Douglas,
67201
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

April 4, 1990

Alex Dean, President
Wichita Swim Club
P. O. Box 8079
Wichita, KS 67208

FILE COPY

Re: BZA 4-90 - Exception to permit a swimming club on property zoned the "AA" One-Family Dwelling District, located south of Douglas in an area east of Bonnie Brae.

Dear Mr. Dean:

At the special meeting of the Board of Zoning Appeals on April 3, 1990, the proposed site plan for the Wichita Swim Club was reviewed. After much discussion, the Board made the following clarification of their previous motion (on March 26, 1990) regarding the need for a revised site plan:

"... the applicant shall submit to the Secretary a landscape plan and site plan which address the screening on the creek side of the building, which would be the southwest side, specifically providing screening which would visually screen the walkway on that side of the building from the residents on the west side of Gypsum Creek; that the access to the site be closed from Douglas onto the drainage easement to keep unauthorized vehicular traffic out of the easement after dark; that access control in the form of a gate, chain across the driveway, or some other type of acceptable closure be provided at the north end of the east drive to close off access to the Wichita Swim Club premises after hours of operation insofar as City Code will allow; and that the architecture of the Swim Club building be such that the major entrance to the building for swim meets, including dual and regional meets, be on the southeast side of the building."

The revised site plan, landscape plan, and parking plan (these may be submitted as one combined plan as long as all the required landscaping information is included thereon) must be submitted prior to release of the resolution authorizing this swim club facility, but no later than May 25, 1990. If you intend to utilize for the swim club facility any of the parking that is provided for The Independent School, you will need to submit to CID

traffic out of the easement after dark; that access control in the form of a gate, chain across the driveway, or some other type of acceptable closure be provided at the north end of the east drive to close off access to the Wichita Swim Club premises after hours of operation insofar as City Code will allow; and that the architecture of the Swim Club building be such that the major entrance to the building for swim meets, including dual and regional meets, be on the southeast side of the building.

ADOPTED AT WICHITA, KANSAS, this 3rd day of April, 1990.

ATTEST:


Sharon Ryan, President
Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 4-90

WHEREAS, Wichita Swim Club, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a swimming club on property zoned the "AA" One-Family Dwelling District and legally described as follows:

A portion of Lot 1, Block 1, Bonnie Brae Third Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the northwest corner of said Lot 1; thence S 89°59'55" E, along the north line of said Lot 1, 695 feet; thence S 00°00'05" W, 230 feet; thence S 56°00'10" E, 125 feet; thence S 29°45'17" E, 338.94 feet; thence S 56°00'10" E, 145 feet to a point on the southeasterly line of said Lot 1; thence S 33°58'26" W, along the said southeasterly line of Lot 1, 260 feet to the P.C. of a curve to the right having a radius of 100.03 feet; thence southwest-erly, westerly, and northwesterly along said curve through a central angle of 90°01'24" and having an arc distance of 157.17 feet to the P.T. of said curve; thence N 56°00'10" W, along the southwesterly line of said Lot 1, 696.98 feet to the P.C. of a curve to the right having a radius of 512.07 feet; thence northwesterly along said curve through a central angle of 56°24'14" and having an arc distance of 504.16 feet to the P.T. of said curve; thence N 00°24'31" E, 99.99 feet to the point of beginning. Generally located on the south side of Douglas in an area east of Bonnie Brae.

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 March 26, 1990, consider said application and did, at the meeting of April 3, 1990, discuss and clarify a portion of their previous action regarding the site plan approval; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit a swimming club on property zoned the "AA" One-Family Dwelling District, subject to the conditions outlined in Section 28.04.182, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit a swimming club on property zoned the "AA" One-Family Dwelling District and legally described as follows:

A portion of Lot 1, Block 1, Bonnie Brae Third Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the northwest corner of said Lot 1; thence S 89°59'55" E, along the north line of said Lot 1, 695 feet; thence S 00°00'05" W, 230 feet; thence S 56°00'10" E, 125 feet; thence S 29°45'17" E, 338.94 feet; thence S 56°00'10" E, 145 feet to a point on the southeasterly line of said Lot 1; thence S 33°58'26" W, along the said southeasterly line of Lot 1, 260 feet to the P.C. of a curve to the right having a radius of 100.03 feet; thence southwest-erly, westerly, and northwesterly along said curve through a central angle of 90°01'24" and having an arc distance of 157.17 feet to the P.T. of said curve; thence N 56°00'10" W, along the southwesterly line of said Lot 1, 696.98 feet to the P.C. of a curve to the right having a radius

of 512.07 feet; thence northwesterly along said curve through a central angle of $56^{\circ}24'14''$ and having an arc distance of 504.16 feet to the P.T. of said curve; thence $N 00^{\circ}24'31'' E$, 99.99 feet to the point of beginning. Generally located on the south side of Douglas in an area east of Bonnie Brae.

subject to the following conditions:

1. Uses of the proposed swim club facilities shall not produce noise levels at the southeasterly and southwesterly property lines which are more than 5 decibels above the ambient noise level measured at the rear of residential properties to the southeast and southwest.
2. The number of regional swim meets held per year at this facility shall not exceed 6. Each meet shall be limited to no more than 3 days' duration. No overnight camping on the site shall be permitted during these meets or at any other time.
3. Prior to release of the resolution, the applicant shall submit a site plan to the secretary for review and approval which provides the number of paved parking spaces on site as required by code (188), unless a variance is requested and approved. Any additional spaces which may be provided are also required to be paved to City specifications.
4. Any outdoor lights at this facility shall be directed away from adjacent properties.
5. Within 60 days following approval of this use exception by the Board, and prior to release of the resolution, the applicant shall submit to the secretary for review and approval a landscape plan for the southwesterly and southeasterly sides of the property adjacent to the proposed building and parking areas. The plant materials shall be identified by name, quantity and size at installation. The method of providing water to the plant materials shall also be indicated.
6. The proposed Wichita Swim Club facility shall be constructed within one year following release of the resolution authorizing this use exception or the resolution shall be considered null and void.
(resolution released July 11, 1990)
7. No loudspeakers or amplification system shall be used so as to be heard outside of the swim club building.
8. Any commercial dispensing of beverages, food and tobacco shall be from coin-operated machines as required by Section 28.04.182(1.4) of the City Code, unless application for a variance is requested and approved.
9. Any violation of the provisions of approval for a swim club as set forth in this resolution shall be cause for revoking this use exception permit.
10. The applicant (and interested parties) shall investigate and analyze options to the position, location and/or landscaping of subject site and return a site plan to the Secretary prior to release of the resolution.

As further clarification of this condition of approval, the Board requires that the applicant shall submit to the Secretary a landscape plan and site plan which address the screening on the creek side of the building, which would be the southwest side, specifically providing screening which would visually screen the walkway on that side of the building from the residents on the west side of Gypsum Creek; that the access to the site be closed from Douglas onto the drainage easement to keep unauthorized vehicular



25'
BUILDING
SETBACK LINE

FENCE

O M.H.

AUSTRIAN
PINE (2)

BALD
CYPRESS

UPRIGHT
RED CEDAR TREE
TWINING (2)

CEGAR FENCE
BUT.

BALD
CYPRESS (2)

O M.H.

SCOTCH
PINE (5)

FIRE LANE
TOWN AROUND

EXISTING SMALL DOGWOOD

EXISTING
LARGE
PINES

EXISTING
MAJOR TREES

EARTH BERRY
W/ RELIABLE
RED CEDAR (Landscape by owner)
BORN HEIGLY
TO BE DETERMINED

SCALE 1" = 50'

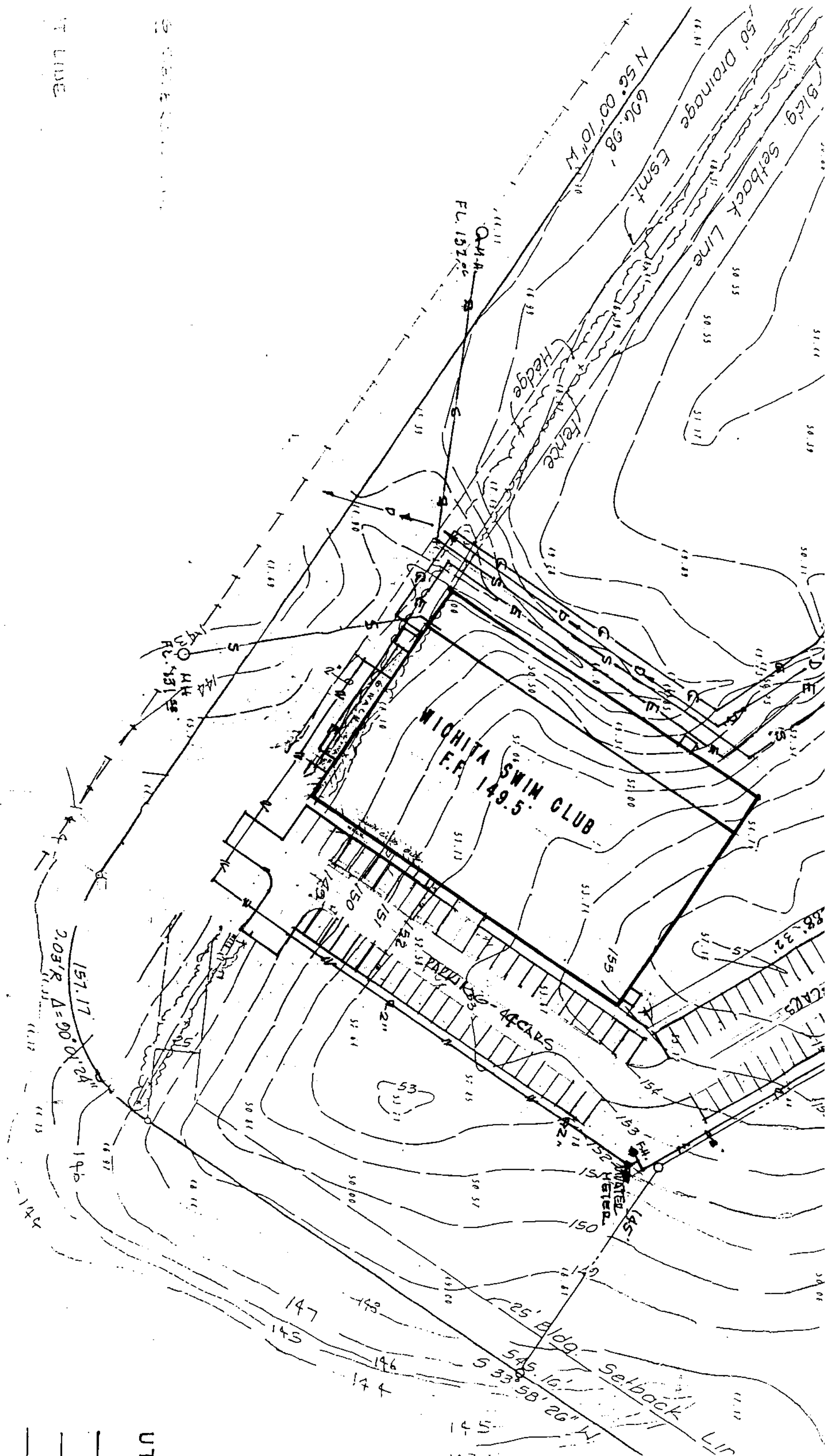
SCHOOL

CLUB

WICHITA, KANSAS

4-90 APPROVED LANDSCAPE PLAN

LETTER OF JULY 11, 1990.



Site Plan As approved by BZA