



**FILE COPY**

**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 22, 2005

Jay W. Russell  
Huntleigh, LLC  
P O Box 75337  
Wichita KS 67275-5337

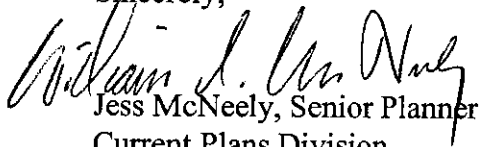
**RE: CON2005-47 – Conditional Use to permit a neighborhood swimming pool on property zoned “SF-5” Single-family Residential. Generally located at the southwest corner of Lakecrest and Havenhurst. (District V)**

Dear Ladies and Gentlemen:

At its regular meeting on November 17, 2005, 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,

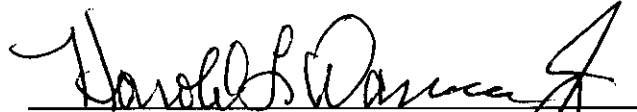
  
Jess McNeely, Senior Planner  
Current Plans Division

JMC/rms

Cc: Russ Ewy, Baughman Company, P.A., 315 Ellis, Wichita, KS 67211  
Bob Martz, WCC V, Mail Stop 1-13  
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72  
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72  
Paul Hays, Office of Central Inspection, Mail Stop 1-72  
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

Adopted this 17TH DAY of NOVEMBER, 2005. 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

  
\_\_\_\_\_  
Harold Warner, Jr., Chair MAPC

ATTEST:

  
\_\_\_\_\_  
John L. Schlegel, Secretary

## CONDITIONAL USE RESOLUTION NO. CON2005-00047

**WHEREAS**, Huntleigh, LLC, c/o Jay W. Russell (applicant); Baughman Company, c/o Russ Ewy (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 0.33 acres zoned "SF-5" Single-family Residential described as:

Lot 18, Block A, Ridge Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Lakecrest and Havenhurst.

**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 17, 2005, consider said application; and

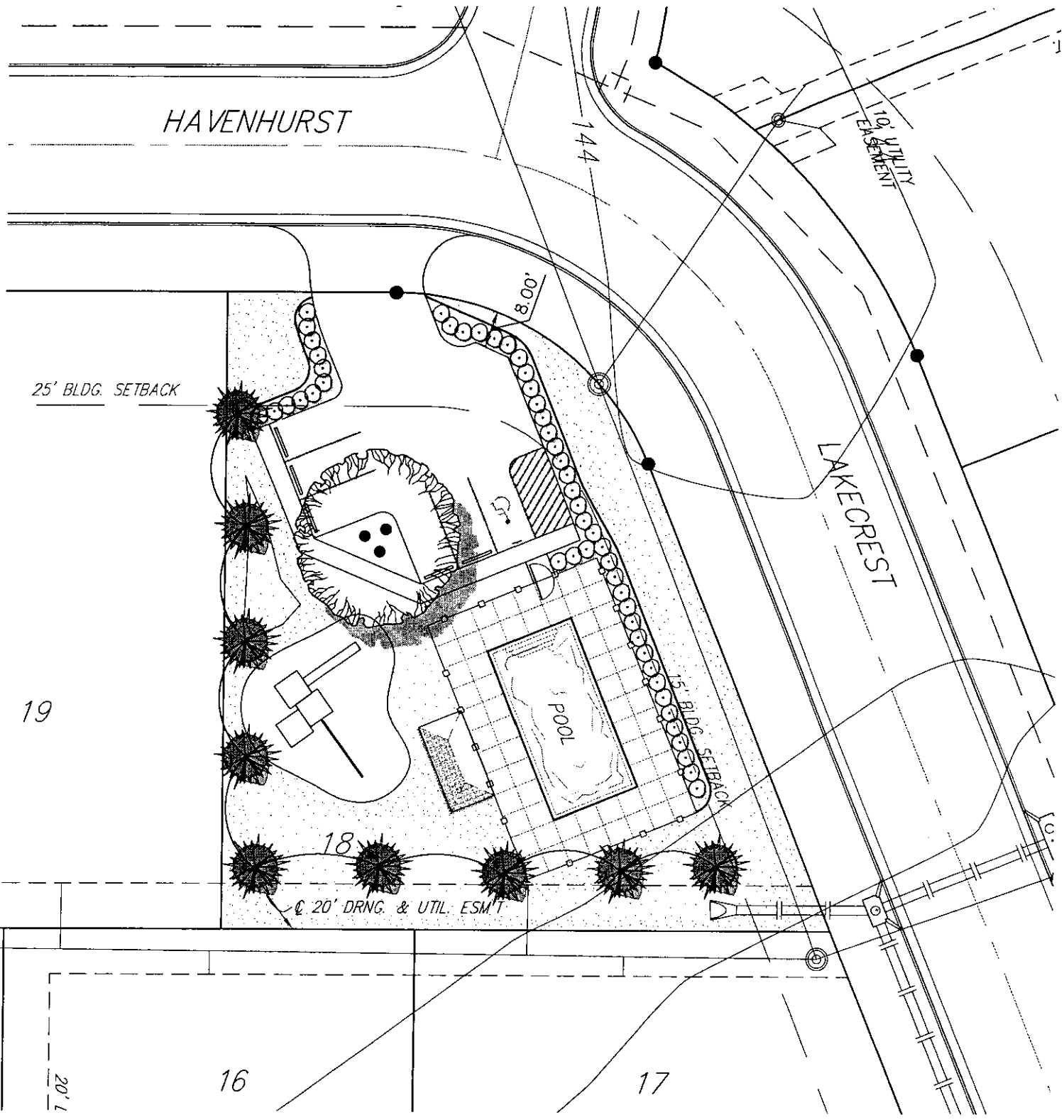
**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to permit a neighborhood swimming pool on 0.33 acres zoned "SF-5" Single-family Residential described as:

Lot 18, Block A, Ridge Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Lakecrest and Havenhurst.

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 an approved landscape plan.
3. Outdoor lighting shall be limited to 14 feet in height, and shall be shielded downward and away from all neighboring properties.
4. Development and use of the subject property for a neighborhood swimming pool and playground shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
5. If operations have not begun within one year of approval, or 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.



Baughman Company, P.A.  
 315 Ellis, Wichita, KS 67213  
 P316-262-7271 F316-262-0149

# Ridge Addition Pool

F:\Sketch\ Ridge Addition Pool\siteplan.dwg

- Landscape Ordinance per an approved landscape plan.
3. Outdoor lighting shall be limited to 14 feet in height, and shall be shielded downward and away from all neighboring properties.
  4. Development and use of the subject property for a neighborhood swimming pool and playground shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
  5. If operations have not begun within one year of approval, or 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 within "SF-5" Single-Family Residential zoning. 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. The recommended conditions of approval pertaining to screening, lighting, and landscaping should mitigate these potential problems.
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 and playground 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 not exceed the capacity of the street. Many neighbors will have easy pedestrian access to the site because of its location.

**STAFF REPORT**  
DAB V November 7, 2005  
MAPC November 17, 2005

**FILE COPY**

**CASE NUMBER:** CON2005-47

**APPLICANT:** Huntleigh, LLC, c/o Jay W. Russel

**AGENT:** Baughman Company, P.A., c/o Russ Ewy

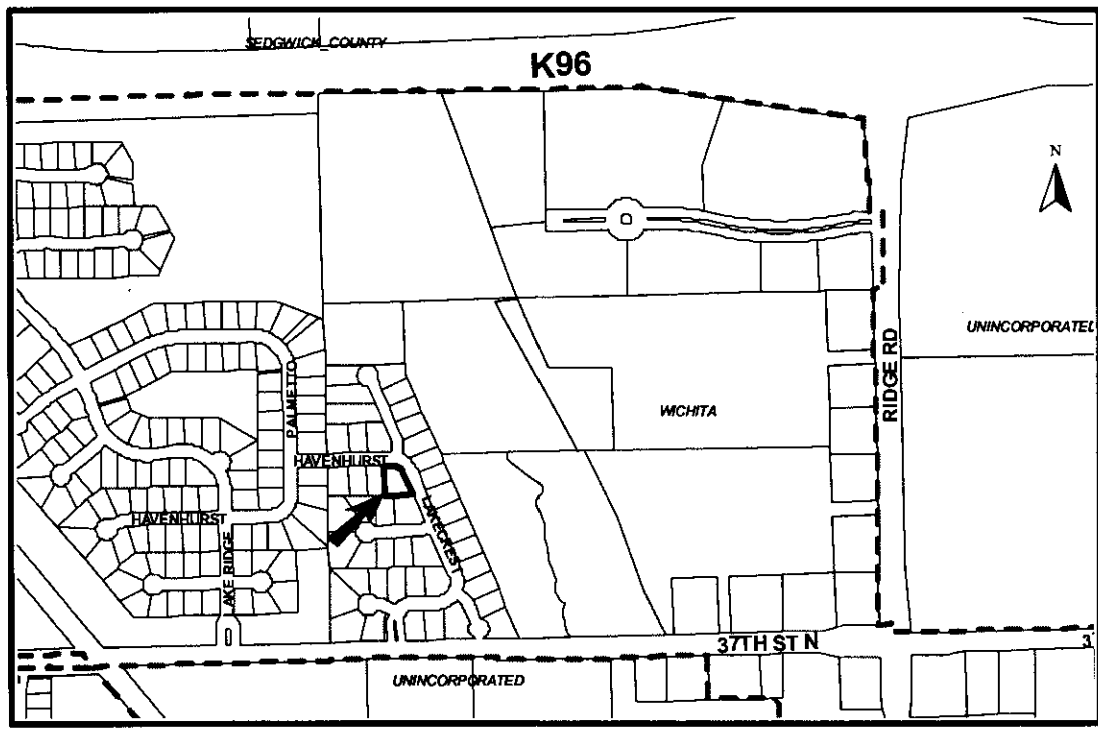
**REQUEST:** Conditional Use to permit a neighborhood swimming pool

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

**SITE SIZE:** 0.33 acres

**LOCATION:** Generally located at the southwest corner of Lakecrest and Havenhurst

**PROPOSED USES:** Neighborhood swimming pool and playground



**BACKGROUND:** The applicant requests a Conditional Use to permit a neighborhood swimming pool on a platted lots within the Ridge Addition. The site is located at the southwest corner of Lakecrest and Havenhurst. The property is zoned "SF-5" Single-Family Residential and is currently undeveloped; the Unified Zoning Code (UZC) requires a Conditional Use for neighborhood pools in SF-5 zoning. The character of the surrounding area is that of a developing single-family residential neighborhood. All surrounding property is zoned "SF-5" Single Family residential and is being developed with single-family residences.

The attached site plan shows a fenced 16 by 32-foot swimming pool, an equipment/bath house, a playground, and six parking spaces (to include one ADA space) on the lot. The site plan demonstrates landscaped screening and parking lot screening; an approved landscape plan would be required for this proposal.

**CASE HISTORY:** The subject property is platted as Lot 18 of the Ridge Addition, recorded in 2004.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-5"	Single-family residential development
SOUTH:	"SF-5"	Single-family residential development
EAST:	"SF-5"	Single-family residential development
WEST:	"SF-5"	Single-family residential development

**PUBLIC SERVICES:** The subject property has access to Havenhurst, 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 and playground is consistent with the Land Use Guide and the identified objective of the Comprehensive Plan.

**RECOMMENDATION:** No members of the public have contacted staff regarding this request. 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

