

Background: The applicant requests a Conditional Use to permit a neighborhood swimming pool and playground on two platted lots within the Ridge Port North 5th Addition. The two lots are located west of the Brookview Circle and Hazelwood intersection, on a dead end portion of Brookview Circle. The subject 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 property to the north, south and east is zoned "SF-5" Single Family residential and is developed or being developed with single-family residences. South of the site is a neighborhood water feature, west of the site is a nursing home on property zoned "GO" General Office.

The attached site plan shows a 20 by 40-foot swimming pool and equipment/bath house on the southwest lot. A playground and 10 parking spaces (including two ADA designated spaces) are located on the northeast lot. The proposed parking configuration does not conform to the UZC in that all parking is proposed within the building setback, which would require an administrative adjustment. Likewise, the proposed parking configuration consumes the south boundary of the north lot, where a landscape street yard would normally be located. A parking lot would normally require landscape screening; the proposed configuration would leave no landscaping between the lot and residential neighbors to the south, and require a landscape screening waiver. The site plan does not show UZC required screening where abutting single-family residential uses. The site plan does show landscaping; an approved landscape plan would be required for this proposal.

Analysis: DAB V heard this request on November 16, 2005; neighboring property owners spoke for and against the request with concerns regarding traffic, parking, noise, screening and fencing. The action of the DAB was to approve subject to staff comments by a vote of 7-3. The MAPC heard this request on November 3, 2005; several neighboring property owners again spoke for and against the request with concerns regarding traffic, parking, noise, screening and fencing. The action of the MAPC was to approve the staff report with modified conditions to require additional landscape buffering and parking lot screening (11-0). See the attached resolution for the complete set of MAPC approved conditions. One protest petition was filed from a residential property owner, amounting to 3.75 percent of the protest area. The protest forced this request to go to the City Council for final approval; the request can be approved with a simple majority vote.

Financial Considerations: None.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the Conditional Use subject to approved conditions, and place the resolution on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

City of Wichita
City Council Meeting
December 13, 2005

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: CON2005-00046 – Conditional Use to permit a neighborhood swimming pool and playground on property zoned “SF-5” Single-family Residential. Generally located west of the Hazelwood and Brookview Circle intersection. (District V)

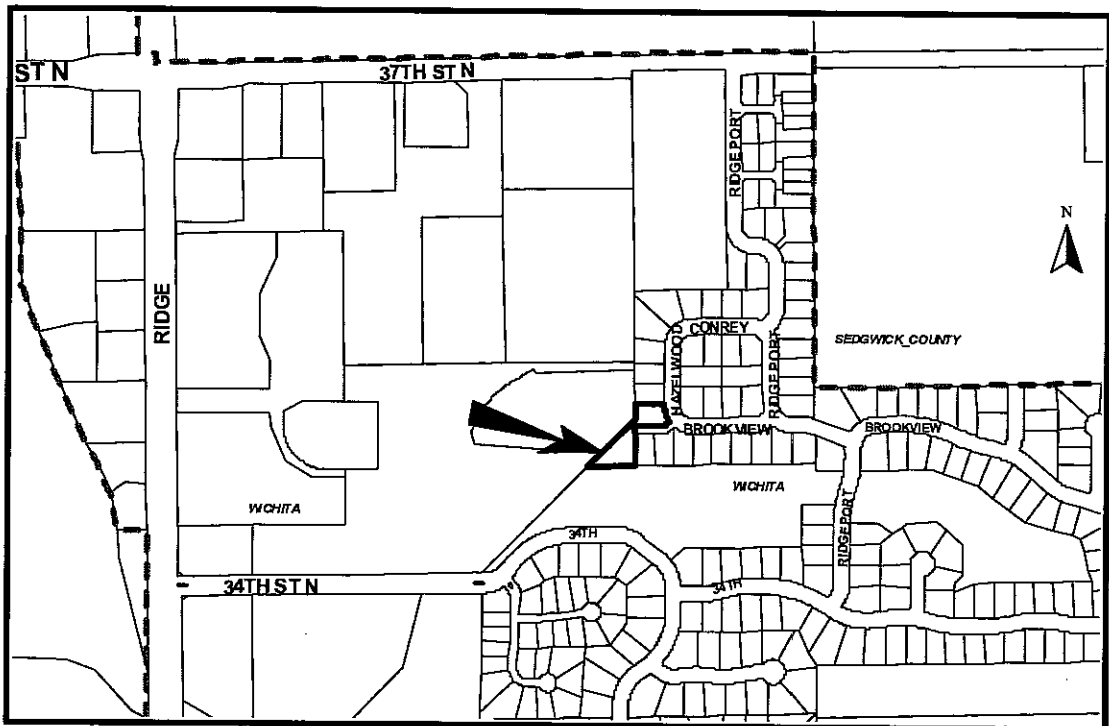
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approved, subject to staff comments with modified conditions to require additional landscape buffering and parking lot screening, (11 -0).

MAPD Staff Recommendations: Approve, subject to conditions.

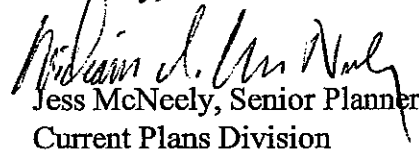
DAB Recommendations: Approved, subject to conditions, (7-3).



9. 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.

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: Steve Stark, Fleeson, Gooing, Coulson & Kitch, P O BO 997, Wichita, KS 67201-0997
Bob Martz, WCC V , Mail Stop, 1-13
Ridge Port North Homeowners Association, PO Box 75503, Wichita, KS 67275
Roger L. Oswald, 2841 Spring Meadow Ct., Wichita, KS 67205
Mike Love, PO Box 7, Valley Center, KS 67147
Jeffery A. & Brenda L. Preston, 6605 W. Brookview Cr., Wichita, KS 67205
Donald K. & Virginia Bryant, 6523 W. Brookview Cr., Wichita, KS 67205
Danahy Construction, Inc., 33501 W. 6th S, Garden Plain, KS 67050
Via Christi Property Services, Inc., 1035 N. Emporia #195, Wichita, KS 67214
Cornerstone Assisted Living, Inc., 3636 N. Ridge Rd. #400, Wichita, KS 67205
Mike Erickson, 6302 W Brookview St, Wichita KS 67205
Monty Warren, 3636 N Ridge rd, Wichita KS 67205
Willie Robinson, 3411 Ridge Port St, Wichita Ks 67201



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 16, 2005

Julie Smith
Ridge Port North H.O.A.
2251 N. Maize Rd Suite 105-82
Wichita, KS 67205

RE: CON2005-00046 – Conditional Use request to permit a neighborhood swimming pool and playground on property zoned “SF-5” Single-family Residential. Generally located west of the Hazelwood and Brookview Circle intersection. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **December 13, 2005**, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE subject to the following conditions:

1. The applicant shall submit a revised site plan within 60 days of approval, demonstrating screening in accordance with Section IV-B.3.a. of the Unified Zoning Code, the site shall be developed in general conformance with the approved site plan.
2. The revised site plan shall include a landscape buffer along the west property line, to be approved by the planning director.
3. The revised site plan shall include a three-foot landscape buffer along the south curb line of the parking lot, except for an access drive, to be approved by the planning director.
4. All parking spaces shall be separated from sidewalks by a three foot landscaped buffer.
5. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance per an approved landscape plan.
6. If required, a zoning adjustment to permit parking within the front setback shall be approved prior to the issuance of a building permit.
7. Outdoor lighting shall be limited to 14 feet in height, and shall be shielded downward and away from all neighboring properties.
8. 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.

operational standards.

9. 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

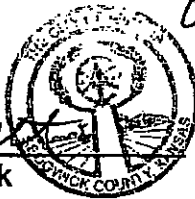
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

December 13, 2005.

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



for Carlos Mayans, Mayor

Approved as to form:

Gary E Rebenstorff
Gary E Rebenstorff, City Attorney



State of Kansas }
Sedgwick County }
City of Wichita }
Karen Sublett

I, **Karen Sublett**, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas

this June 25, 2006
Karen Sublett, CMC

City Clerk

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NEIGHBORHOOD SWIMMING POOL AND PLAYGROUND ON 0.68 ACRES ZONED "SF-5" SINGLE-FAMILY RESIDENTIAL, LOCATED WEST OF THE HAZELWOOD AND BROOKVIEW CIRCLE INTERSECTION IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit a neighborhood swimming pool and playground on 0.68 acres zoned "SF-5" Single-family Residential legally described below:

Case No. CON2005-00046

A Conditional Use to permit a neighborhood swimming pool and playground on 0.68 acres zoned "SF-5" Single-family Residential described as:

Lots 12 and 13, Block B, Ridgeport North 5th Addition. Generally located west of the Hazelwood and Brookview Circle intersection.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall submit a revised site plan within 60 days of approval, demonstrating screening in accordance with Section IV-B.3.a. of the Unified Zoning Code, the site shall be developed in general conformance with the approved site plan.
2. The revised site plan shall include a landscape buffer along the west property line, to be approved by the planning director.
3. The revised site plan shall include a three-foot landscape buffer along the south curb line of the parking lot, except for an access drive, to be approved by the planning director.
4. All parking spaces shall be separated from sidewalks by a three foot landscaped buffer.
5. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance per an approved landscape plan.
6. If required, a zoning adjustment to permit parking within the front setback shall be approved prior to the issuance of a building permit.
7. Outdoor lighting shall be limited to 14 feet in height, and shall be shielded downward and away from all neighboring properties.
8. 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

Date: 4-22-06



1 SITE PLAN
SCALE: 1"=20'-0"

SP1.1
SHEET NUMBER