



Wichita-Sedgwick County Metropolitan Area Planning Department

August 19, 2022

Pawnee Developers
Attn: Gene Vitarelli, Managing Member
PO Box 781974
Wichita, KS 67278

Garver USA
Attn: Chris Bohm
1995 Midfield
Wichita, KS 67209

RE: CON2022-00026: Conditional Use request in the City for Neighborhood Swimming Pool on property zoned SF-5 Single-Family Residential; generally located one-quarter mile south of East Pawnee Road and one-quarter mile west of East 143rd Street South (2548 Spring Hollow Street).

Dear Applicant;

At its regular meeting on **August 4, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to the enclosed conditions.

No protests were filed against this case. Therefore, the decision of the MAPC is final.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Copies to: MABCD
Becky Tuttle, District Advisory Board II
Cory Buchta, CSR District II



Wichita-Sedgwick County Metropolitan Area Planning Department

August 5, 2022

Pawnee Developers
Attn: Gene Vitarelli, Managing Member
PO Box 781974
Wichita KS 67278

Garver LLC
Attn: Chris Bohm
1995 Midfield
Wichita, KS 67209

RE: CON2022-00026: Conditional Use request in the City for Neighborhood Swimming Pool on property zoned SF-5 Single-Family Residential; generally located one-quarter mile south of East Pawnee Road and one-quarter mile west of East 143rd Street South (2548 Spring Hollow Street).

Dear Applicant;

At its regular meeting on August 4, 2022, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on August 18, 2022. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the County Clerk by August 18, 2022 at 5:00 p.m.

Please note that the County Clerk's office has a new address. It is now located at 100 N. Broadway, Ste 620, Wichita, KS 67202.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans, Associate Planner

Copies to: MABCD
Becky Tuttle, District Advisory Board II
Cory Buchta, CSR District II

CONDITIONAL USE RESOLUTION NO. CON2022-00026

WHEREAS, Pawnee Developers, Owner, 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 allow Neighborhood Swimming Pool on property zoned SF-5 Single-Family Residential on property legally described as:

Lots 51 and 52, Block 3, Clear Ridge Addition, Wichita, Sedgwick County, Kansas.

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 August 4, 2022, 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 allow a Conditional Use to allow Neighborhood Swimming Pool on property zoned SF-5 Single-Family Residential on property legally described as:

Lots 51 and 52, Block 3, Clear Ridge Addition, Wichita, Sedgwick County, Kansas.

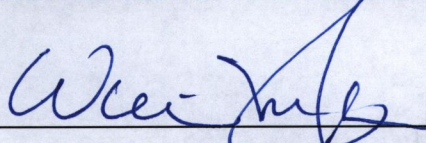
Approved subject to the following conditions:

1. The Conditional Use shall adhere to all the Supplementary Use Regulations set forth in Section III-D.6.aa of the Unified Zoning Code.
2. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

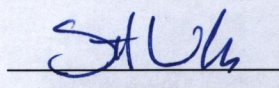
Adopted this 18th Day of SEPTEMBER 2022.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



William M. Johnson, Chairman



Scott Wadle, Secretary



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	288466	Print Legal Ad - IPL0080777	OCA 150004	\$206.32	3	82 L

Attention: MANDY HEBERT
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on July 14, 2022
 (One Time Only)
 MAFC/BZA August 4, 2022
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 4, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

BZA2022-00027: Variance in the City to the sign code to permit an electronic message sign and increase permitted size from 32 square feet to 58 square feet on property zoned NO Neighborhood Office; generally located southeast of West 21st Street North and North Maize Road (1830 North Maize Road).

CON2022-00026: Conditional Use request in the City for Neighborhood Swimming Pool on property zoned SF-5 Single-Family Residential; generally located one-quarter mile south of East Pawnee Road and one-quarter mile west of East 143rd Street South (2548 Spring Hollow Street).

CON2022-00027: Conditional Use request in the City for Ancillary Parking In SF-5 Single-Family zoning; generally located 180 feet west of South Seneca Street and within one-quarter mile north of West Pawnee Avenue.

CUP2022-00032: Request in the City to amend Community Unit Plan (DP-333) to allow Sign #4 to be an off-site sign, increase allowed size of Sign 4, and increase allowed signage along K-96; generally located one-quarter mile north of East 21st Street North and K-96.

VAC2022-00012: Request in the City to Vacate a portion of a platted front setback on SF-5 Single-Family Residential zoned property; generally located north of East 21st Street North, east of North Webb Road, south of East Clubhouse Street, on the south side of North Vinegate Circle (2327 North Vinegate Circle).

ZON2022-00035: Zone Change request in the City from B Multi-Family to LC Limited Commercial for site development; generally located on the west side of North West Street and within one-quarter mile south of West Zoo Boulevard (1101 North West Street).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAFC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAFC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING.

THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate:

- 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAFC, prior to or during the meeting.

Email: Planning@wichita.gov

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on July 14, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0080777

Jul 14 2022

In The STATE OF KANSAS
 In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 07/14/2022

Ending Issue of: 07/14/2022

STATE OF KANSAS)

SS

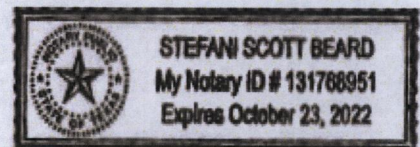
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 07/14/2022 to 07/14/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 07/14/2022

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!



STAFF REPORT
MAPC: August 4, 2022
DAB II: August 8, 2022

CASE NUMBER: CON2022-00026 (City)

APPLICANT/AGENT: Pawnee Developers/Gene Vitarelli (Applicant)
Garver LLC/Chris Bohm (Agent)

REQUEST: Conditional Use to allow Neighborhood Swimming Pool

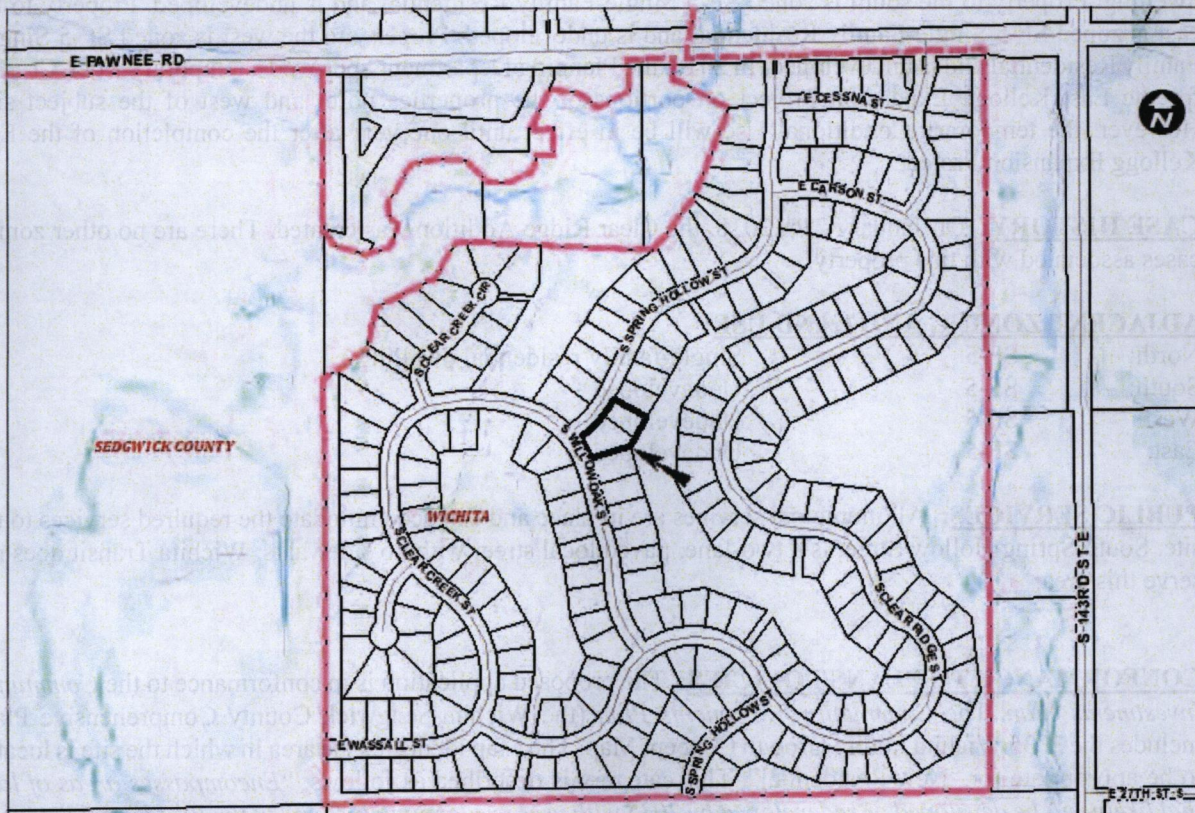
CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.60 acres

LOCATION: Generally located within one-quarter mile southwest of the intersection of East Pawnee Road and East 143rd Street South (2548 Spring Hollow Street)

PROPOSED USE: To allow Neighborhood Swimming Pool

RECOMMENDATION: Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow Neighborhood Swimming Pool in SF-5 Single-Family Residential zoning to serve the Clear Ridge Addition. The property is generally located within one-quarter mile southwest of the intersection of East Pawnee Road and East 143rd Street South (2548 Spring Hollow Street).

A 20-foot by 44-foot pickleball court, a 40-foot by 50-foot basketball court, a 1,326-square foot clubhouse, a 20-foot by 40-foot swimming pool, and parking will be developed on the two parcels associated with this proposed complex. A 24-foot-wide asphalt driveway will be constructed from South Spring Hollow Street to serve the parking area. The proposed complex will adhere to the 25-foot front setback and 15-foot side setback regulations. Landscaping will be planted along the perimeter of the complex.

The parking lot will include 11 parking spaces, including one accessible space. Site requirements for off-street parking and loading require one parking space per 110 square feet of pool area, plus one per 100 square feet of clubhouse area, excluding restrooms and dressing rooms. Based on the size of the proposed clubhouse and pool area, 20 off-street parking spaces are required. While the ancillary parking requirements do not meet the minimum parking requirements, the proposed complex primarily serves the residents within the housing development. A sidewalk will also be constructed on the north side of South Spring Hollow Street. On street parking will also be permitted on South Spring Hollow Street, near the proposed complex.

The Unified Zoning Code defines Neighborhood Swimming Pool as “any non-publicly owned swimming pool that is not located on the same Lot as a residential Dwelling Unit but that is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivisions in the immediate vicinity”. Swimming pools are permitted in SF-5 zoning by Conditional Use subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.aa.

Property to the north is zoned SF-5 Single-Family Residential and is developed with a single-family residential dwelling. Property to the south is zoned SF-5 Single-Family Residential and is undeveloped. Property to the east is zoned SF-5 Single-Family Residential and is undeveloped. Property to the west is zoned SF-5 Single-Family Residential and is undeveloped. In 2016, the Planning Department approved a temporary Rock Crusher for the East Kellogg Expansion Project on portions of the properties north and west of the subject site. However, the temporary Conditional Use will be in effect until one year after the completion of the East Kellogg Expansion Project.

CASE HISTORY: On January 23rd, 2018, the Clear Ridge Addition was created. There are no other zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-family residential dwelling
South:	SF-5	Undeveloped
West:	SF-5	Undeveloped
East:	SF-5	Undeveloped

PUBLIC SERVICES: All municipal services are in place and can accommodate the required services to the site. South Spring Hollow Street is a two-lane, paved local street with no sidewalks. Wichita Transit does not serve this area.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “New Residential”. This category is described as follows: “*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category.*”

Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

1. The Conditional Use shall adhere to all the Supplementary Use Regulations set forth in Section III-D.6.aa of the Unified Zoning Code.
2. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, 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: Property to the north is zoned SF-5 Single-Family Residential and is developed with a single-family residential dwelling. Property to the south is zoned SF-5 Single-Family Residential and is undeveloped. Property to the east is zoned SF-5 Single-Family Residential and is undeveloped. Property to the west is zoned SF-5 Single-Family Residential and is undeveloped. In 2016, the Planning Department approved a temporary Rock Crusher for the East Kellogg Expansion Project on portions of the properties north and west of the subject site. However, the temporary Conditional Use will be in effect until one year after the completion of the East Kellogg Expansion Project.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable as zoned SF-5 Single-Family Residential and can be developed with a single-family residence. Neighborhood Swimming Pools are permitted in SF-5 zoning by Conditional Use subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.aa. The property is currently undeveloped.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions will not detrimentally affect nearby properties. The swimming pool is allowed by a Conditional Use and is subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.aa. Said regulations are designed to mitigate possible negative impacts on surrounding properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan*, as discussed in the staff report.
6. Impact of the proposed development on community facilities: The proposed use should have not significant negative impacts on community facilities.

Attachments:

1. Section III-D.6.aa of the Unified Zoning Code
2. General Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Unified Zoning Code, Section III-D.6.aa

Neighborhood Swimming Pool. Although listed as a Conditional Use in all districts where allowed, a Neighborhood Swimming Pool shall be permitted by right if it is identified as a permitted Use in the platting of "reserves" or as a permitted use within a residential CUP, provided that a detailed site plan shall be submitted to the Planning Director for approval at the time the final plat is submitted for scheduling before the Subdivision Committee of the Planning Commission. Should the plan not be approved, an application for a Conditional Use may be filed in accordance with Sec. V-D of this Code.

GARVER
 2020 S. W. 10th St., Suite 100
 Wichita, KS 67208
 (316) 264-6000

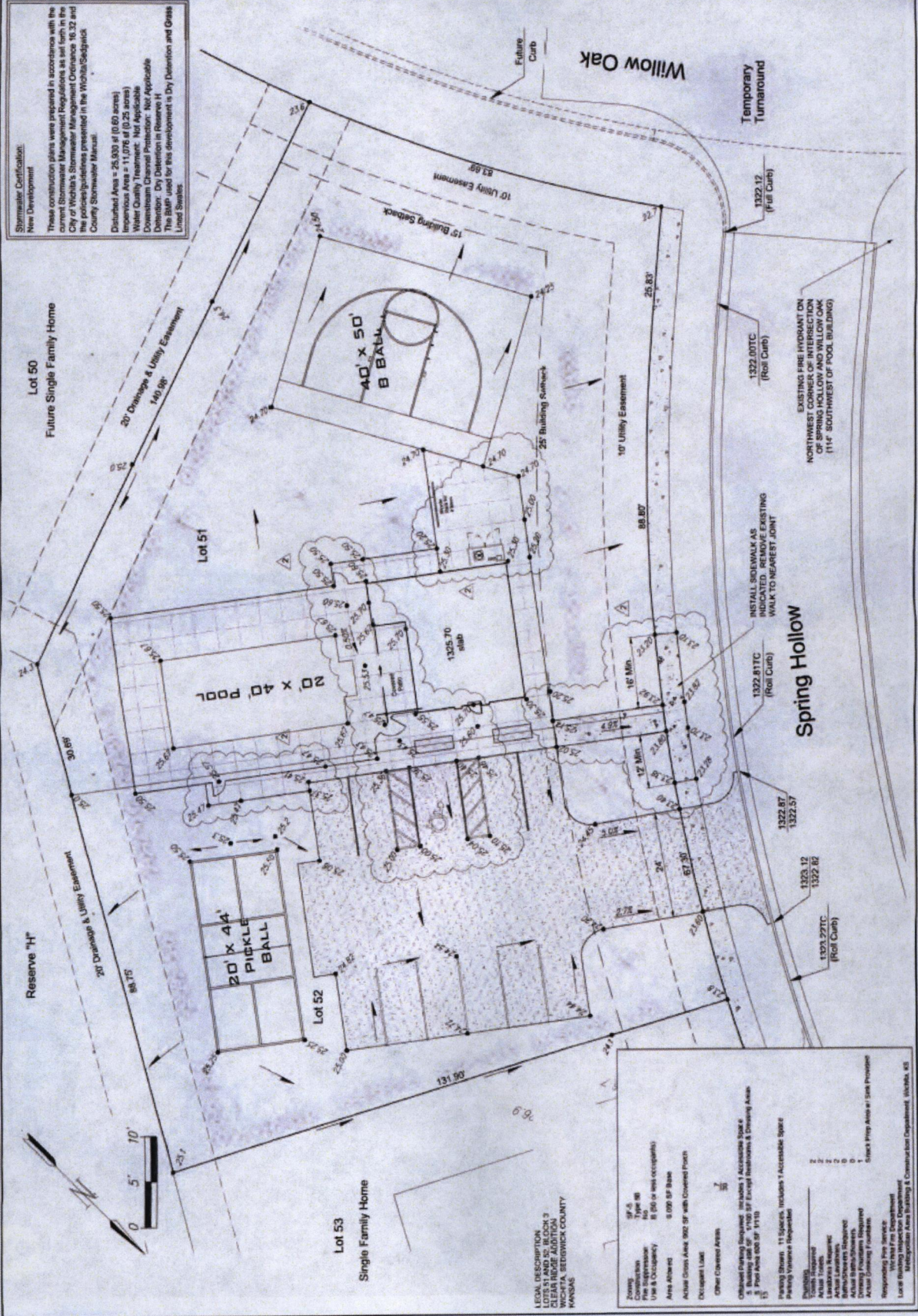
10/21/22
 10/21/22
 10/21/22

REV.	DATE	DESCRIPTION
04-21-22		Addressed Review Comments
06-05-22		Addressed Review Comments

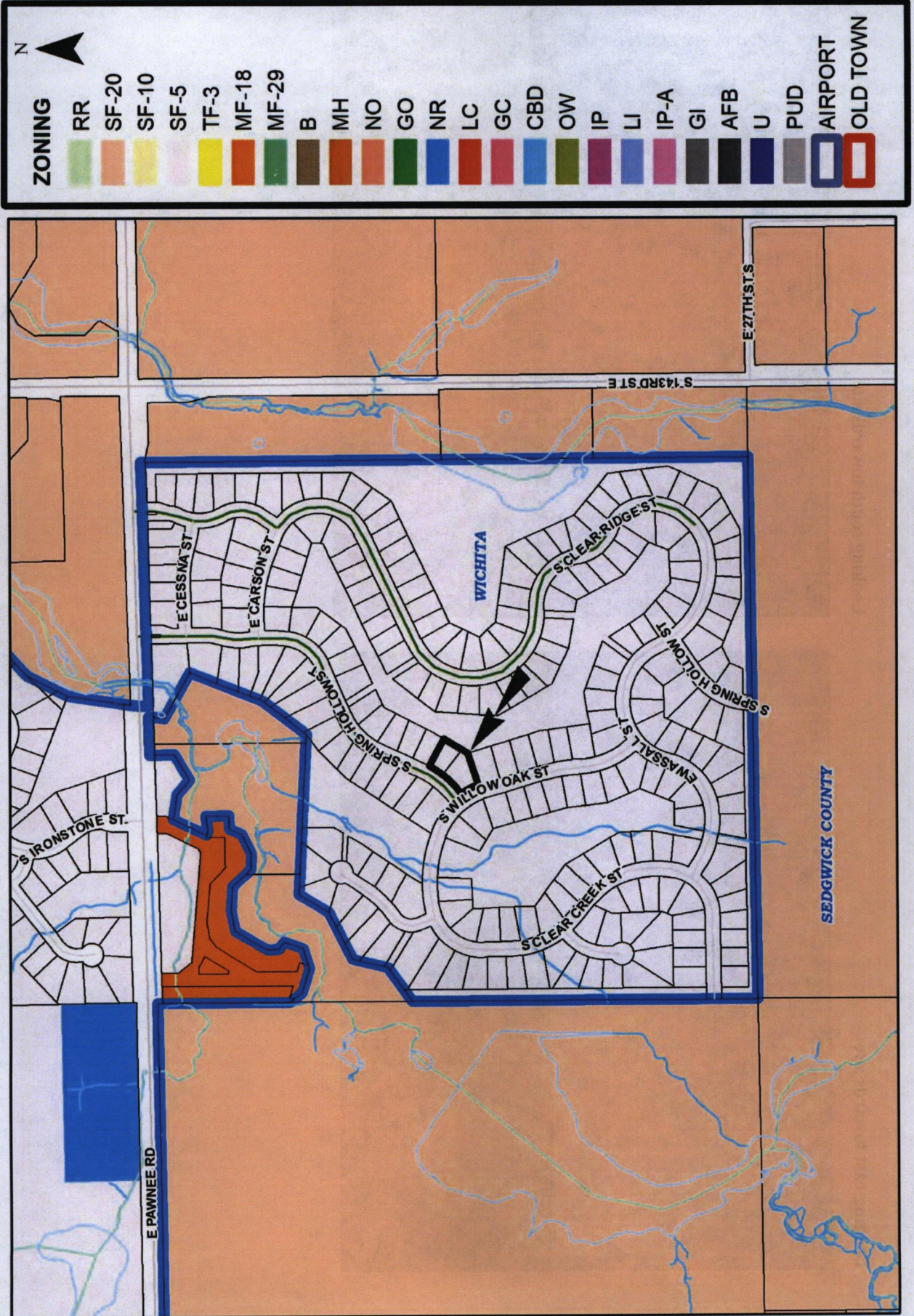
PLANS
 CLEAR RIDGE ADDITION
 WICHITA, KANSAS

GRADING PLAN
 COMMUNITY POOL

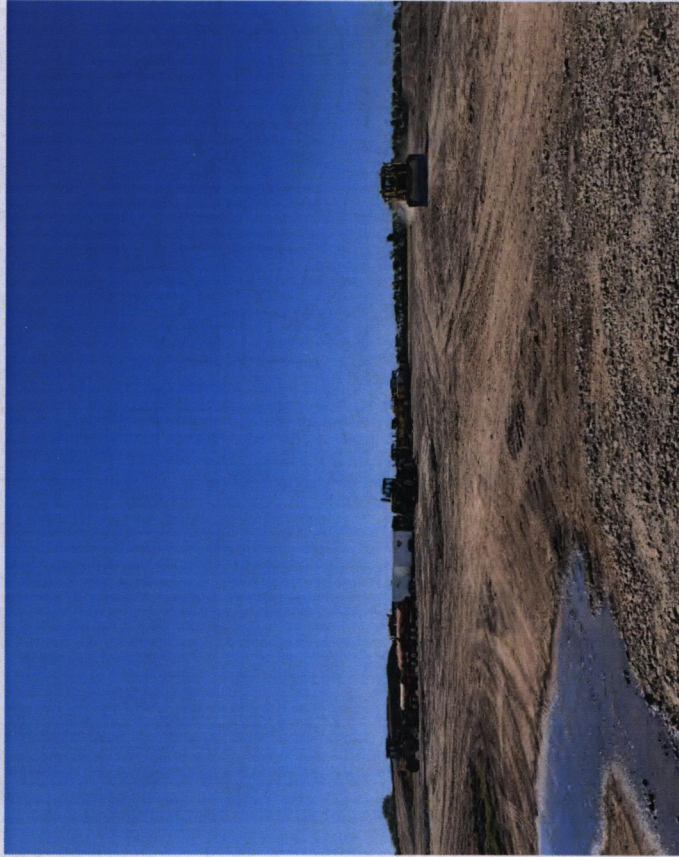
JOB NO.: 19741999
 DATE: 06-25-2021
 DESIGNED BY: DWL
 DRAWN BY: PRL
 CHECKED BY: PRL
 PROJECT NO.: 19741999
 DRAWING NUMBER: C101
 SHEET NUMBER



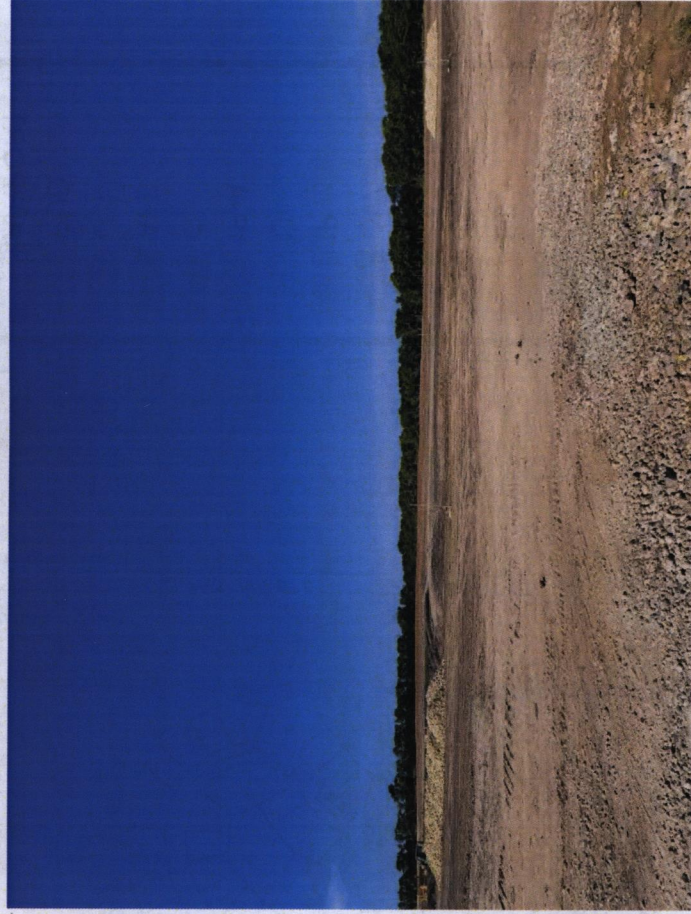




Looking east towards site



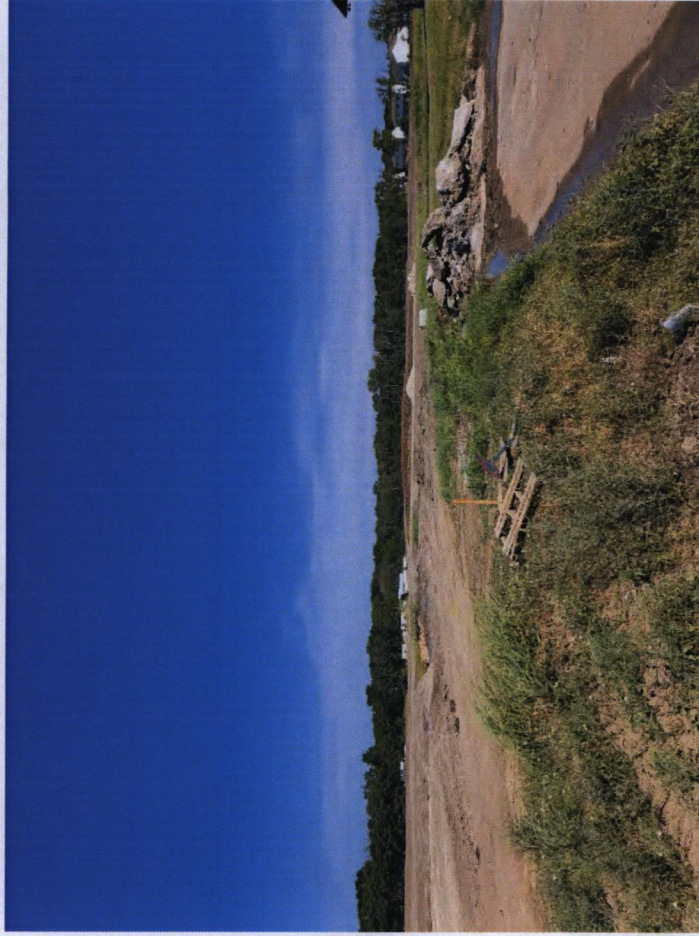
Looking south towards site

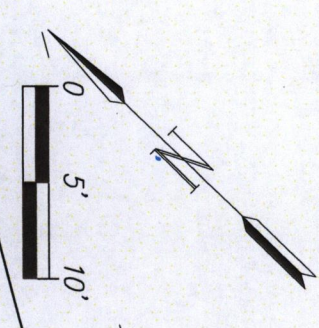


Looking north away from site



Looking west towards site





LEGAL DESCRIPTION
 LOTS 51 AND 52, BLOCK 3
 CLEAR RIDGE ADDITION
 WICHITA, SEDGWICK COUNTY
 KANSAS

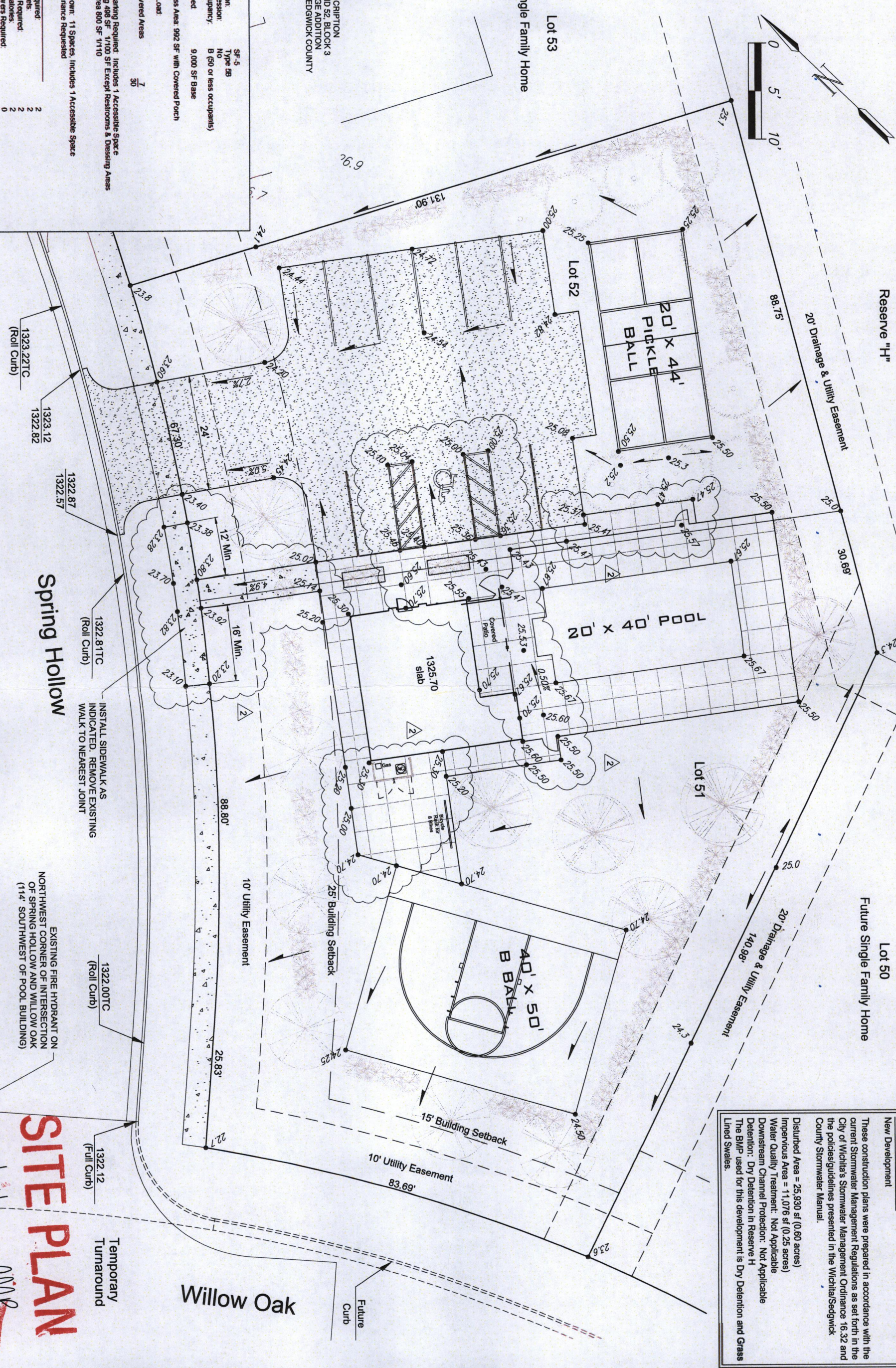
Single Family Home

Zoning: SF-5
 Construction: Type SB
 Fire Suppression: No
 Use & Occupancy: B (50 or less occupants)
 Area Allowed: 9,000 SF Base
 Actual Gross Area: 992 SF with Covered Porch
 Occupant Load: 7
 Other Covered Areas: 30

Onsite Parking Required: Includes 1 Accessible Space
 5 Building 498 SF 1/100 SF Except Restrooms & Dressing Areas
 8 Pool Area 800 SF 1/110
 13
 Parking Shown: 11 Spaces, Includes 1 Accessible Space
 Parking Variance Requested

Plumbing
 Toilets Required: 2
 Actual Toilets: 2
 Lavatories Required: 2
 Actual Lavatories: 2
 Bathtubs/Showers Required: 0
 Actual Bathtubs/Showers: 0
 Drinking Fountains Required: 1
 Actual Drinking Fountains: 1
 Street Prep Area w/ Sink Provided: 1

Responding Fire Service:
 Wichita Fire Department
 Local Building Inspection Department
 Metropolitan Area Building & Construction Department, Wichita, KS



Reserve "H"

Future Single Family Home

Stormwater Certification:
 New Development

These construction plans were prepared in accordance with the current Stormwater Management Regulations as set forth in the City of Wichita's Stormwater Management Ordinance 16.32 and the policies/guidelines presented in the Wichita/Sedgwick County Stormwater Manual.

Disturbed Area = 25,930 sf (0.60 acres)
 Impervious Area = 11,076 sf (0.25 acres)
 Water Quality Treatment: Not Applicable
 Downstream Channel Protection: Not Applicable
 Detention: Dry Detention in Reserve H
 The BMP used for this development is Dry Detention and Grass Lined Swales.

SITE PLAN

Temporary Turnaround

APPROVED 8/28/22 BY *CMB*

1 OF 1

GARVER

15372
 WICHITA, KS
 LICENSED PROFESSIONAL ENGINEER

8635 E. 21st St., N.
 Suite 130
 Wichita, KS 67206
 (316) 264-8008

REV.	DATE	DESCRIPTION	BY
1	04-21-22	Addressed Review Comments	
2	06-06-22	Addressed Review Comments	

CLEAR RIDGE ADDITION
 WICHITA, KANSAS

COMMUNITY POOL PLANS

GRADING PLAN

JOB NO.: 19T41999
 DATE: 10-25-2021
 DESIGNED BY: KWL
 DRAWN BY: KWL

SHEET NUMBER C101