



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 1, 2005

Marv Schellenberg
Prairie Point Development, LLC
7926 W. 21st St. North
Wichita, KS 67205

RE: CON2005-24 – Conditional Use to permit a Neighborhood Swimming Pool on property zoned “SF-5” Single-family Residential. Generally located north of 37th Street North and west of maize Road. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **July 14, 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,

A handwritten signature in cursive script that reads 'Dale Miller for'.

Jess McNeely, Associate Planner
Current Plans Division

JMC/rms

CC: Rob Hartman, PEC, 303 S. Topeka, Wichita, KS 67202
Bob Martz, City Council, District 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 14th DAY of July, 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



Morris K. Dunlap, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00024

WHEREAS, Prairie Point Development, LLC, c/o Marv Schellenberg (Owners/Applicants); PEC, c/o Rob Hartman (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 0.40 acres zoned "SF-5" Single-family Residential described as:

A PORTION OF RESERVE B, PRAIRIE POINTE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF RESERVE B, PRAIRIE POINTE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING N01 degrees 02'13"W, A DISTANCE OF 100.48 FEET; THENCE BEARING N34 degrees 03'39"W, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING; THENCE BEARING N46 degrees 18'53"E, A DISTANCE OF 161.31 FEET; THENCE BEARING N23 degrees 41'44"W; A DISTANCE OF 128.97 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 3 OF SAID ADDITION; THENCE BEARING S66 degrees 18'16"W, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 3; A DISTANCE OF 98.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 3, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 282.00 FEET, A CHORD BEARING OF S12 degrees 21'59"E, A CHORD DISTANCE OF 110.80 FEET, THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22 degrees 39'32", AN ARC DISTANCE OF 111.52 FEET TO THE P.T. OF SAID CURVE; THENCE BEARING S01 degrees 02'13"E, A DISTANCE OF 81.78 FEET TO THE POINT OF BEGINNING. Generally located north of 37th Street North and west of Maize Road.

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 July 14, 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 0.40 acres zoned "SF-5" Single-family Residential described as:

A PORTION OF RESERVE B, PRAIRIE POINTE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF RESERVE B, PRAIRIE POINTE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING N01 degrees 02'13"W, A DISTANCE OF 100.48 FEET; THENCE BEARING N34 degrees 03'39"W, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING; THENCE BEARING N46 degrees 18'53"E, A DISTANCE OF 161.31 FEET; THENCE BEARING N23 degrees 41'44"W; A DISTANCE OF 128.97 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 3 OF SAID ADDITION; THENCE BEARING S66 degrees 18'16"W, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 3; A DISTANCE OF 98.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 3, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 282.00 FEET, A CHORD BEARING OF S12 degrees 21'59"E, A CHORD DISTANCE OF 110.80 FEET, THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22 degrees 39'32", AN ARC DISTANCE OF 111.52 FEET TO THE P.T. OF SAID CURVE; THENCE BEARING S01 degrees 02'13"E, A DISTANCE OF 81.78 FEET TO THE POINT OF BEGINNING. Generally located north of 37th Street North and west of Maize Road.

APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan, except that landscaping shall be in conformance with the landscape plan required by Condition #2.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a. of the Unified Zoning Code per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
3. Prior to the issuance of a building permit, a Zoning Adjustment to permit parking within the front setback shall be acquired.
4. 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.
5. 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.

Waterside=
Manchester

LOT 1, BLOCK 3

LEGAL DESCRIPTION

A PORTION OF RESERVE B, PRAIRIE POINTE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF RESERVE B, PRAIRIE POINTE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING N01°02'13"W, A DISTANCE OF 100.48 FEET; THENCE BEARING N34°03'39"W, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING; THENCE BEARING N46°18'53"E, A DISTANCE OF 161.31 FEET; THENCE BEARING N23°41'44"W, A DISTANCE OF 128.97 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 3 OF SAID ADDITION; THENCE BEARING S66°18'16"W, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 3; A DISTANCE OF 98.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 3, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 282.00 FEET, A CHORD BEARING OF S12°21'59"E, A CHORD DISTANCE OF 110.80 FEET, THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°39'32", AN ARC DISTANCE OF 111.52 FEET TO THE P.T. OF SAID CURVE; THENCE BEARING S01°02'13"E, A DISTANCE OF 81.78 FEET TO THE POINT OF BEGINNING.

ENCOMPASSING 17,529 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

APPLICANT

PRAIRIE POINTE DEVELOPMENT L.L.C.
7926 W. 21ST ST. N.
WICHITA, KS 67205

PREPARED BY

PROFESSIONAL ENGINEERING CONSULTANTS
303 S. TOPEKA
WICHITA, KS 67202

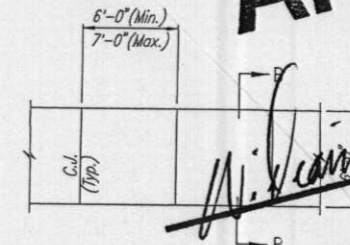
COORDINATE LIST		
POINT	NORTH	EAST
100	10,241.3038	8,892.9704
101	10,245.6778	8,933.5383
102	10,199.8141	8,936.4200
103	10,199.0595	8,894.7314

100 = COORDINATE POINT NO.
= DRAINAGE FLOW ARROWS

CON 2005-24
APPROVED
SITE PLAN

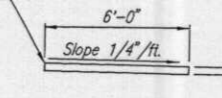
W. Schell
PLAN

Date: 8-1-05

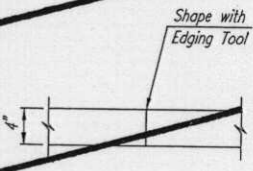


OWNER: 18001-SHELL LLC
IMPLICATED
ZONING: SF-20
SUBJECT TO PLANTING, ZONED "LC"

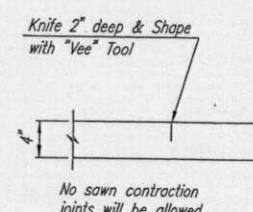
See Plan for Elevation



TYPICAL SIDEWALK SECTION

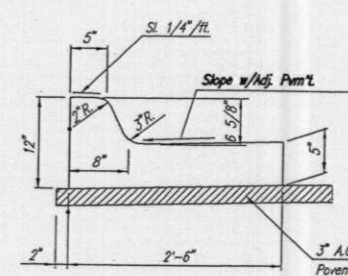


CONSTRUCTION JOINT

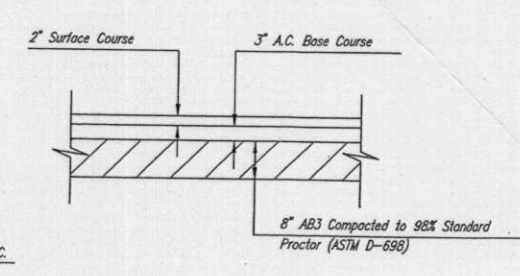


CONTRACTION JOINT

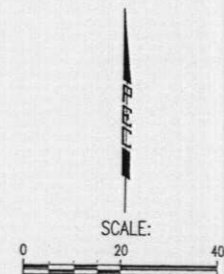
4" WALK DETAILS



STANDARD COMBINED CURB AND GUTTER



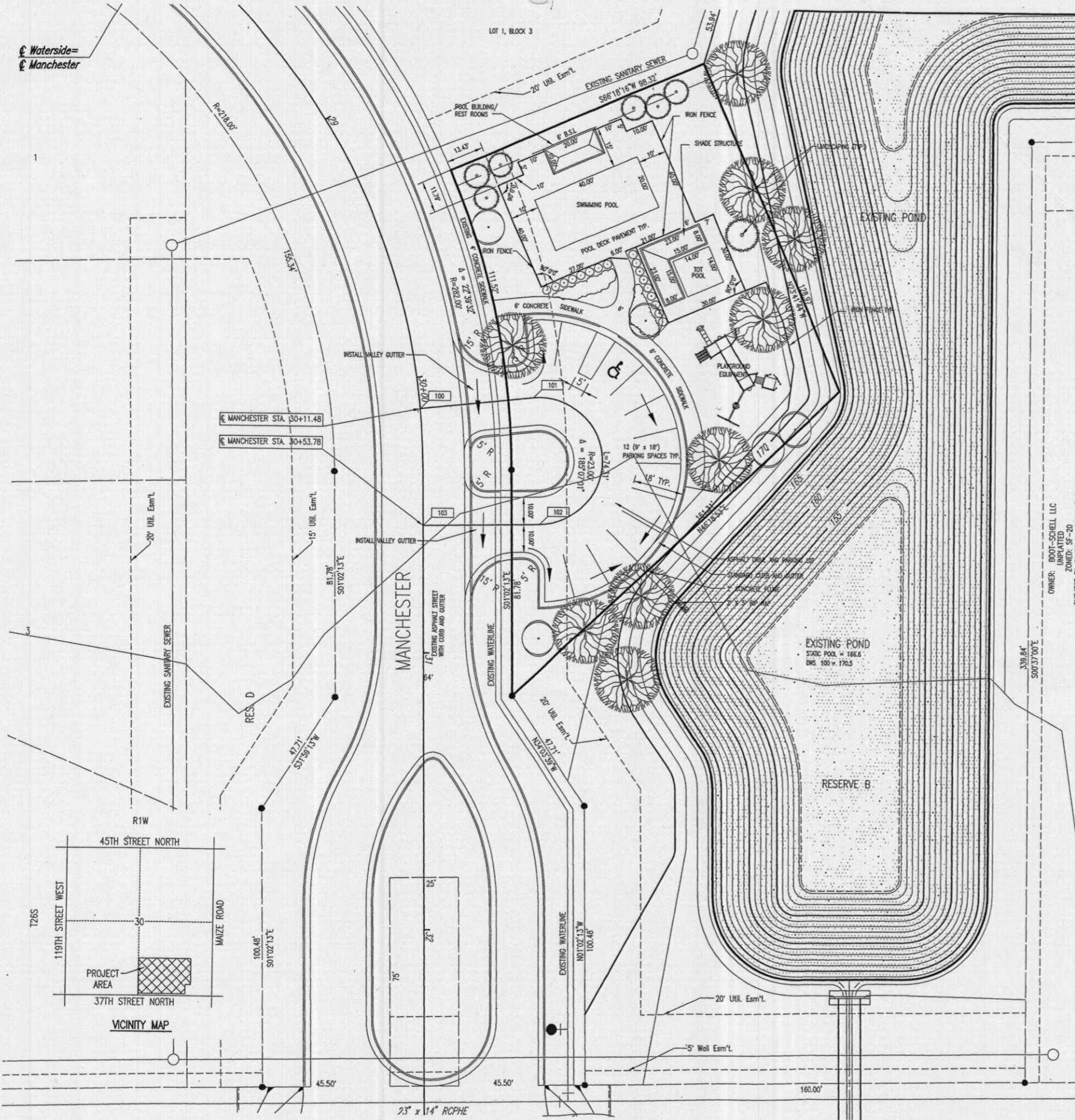
5" ASPHALTIC CONCRETE PAVEMENT



SCALE: 0 20 40

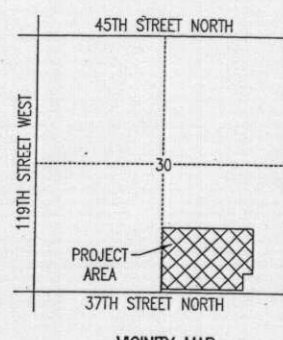


No.	Revision	By	Date
CONDITIONAL USE PLAN PRAIRIE POINTE POOL / PARK PLAN			
Professional Engineering Consultants, P.A. 303 S. TOPEKA • WICHITA, KANSAS 67202 316-262-2691 • FAX 316-262-3003			
Designed by	RMH, IDK	Job No.	03271-5340
Drawn by	IDK	Date	MAY 3, 2005
			Sht. 1 of 1



MANCHESTER STA. 30+11.48
MANCHESTER STA. 30+53.78

EXISTING POND
STATIC POOL = 166.6
DMS 100 + 176.5



VICINITY MAP

DSNR: RMH OPER: IDK SCALE: 1=20.00
 C:\2003\03271\03271-ParkPlan 05-13-2005 11:11:27 am

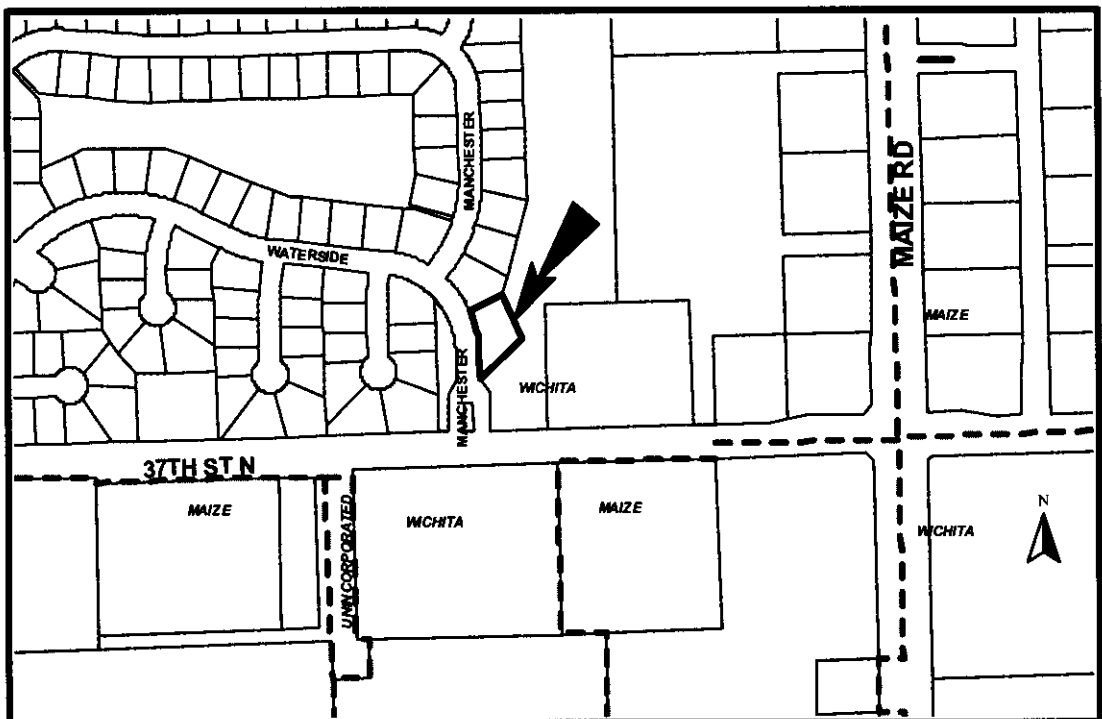
consistent with the Land Use Guide and the identified objective of the Comprehensive Plan.

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. Many neighbors will have easy pedestrian access to the site because of its location.

STAFF REPORT

MAPC July 14, 2005

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- CASE NUMBER:** CON2005-00024
- APPLICANT:** Prairie Point Development, LLC, c/o Marv Schellenberg
- AGENT:** PEC, c/o Rob Hartman
- REQUEST:** Conditional Use to permit a Neighborhood Swimming Pool
- CURRENT ZONING:** "SF-5" Single-Family Residential
- SITE SIZE:** 0.40 acres
- LOCATION:** Generally located north of 37th Street North and west of Maize Road
- PROPOSED USES:** Neighborhood Swimming Pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a portion of Reserve B, Prairie Point Addition. The 0.40-acre subject property is located northeast of the 37th Street North and Manchester intersection. The subject property is zoned "SF-5" Single-Family Residential and is currently undeveloped. A neighborhood swimming pool may 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.

The attached site plan shows a 20-foot (x) 40-foot swimming pool, a 14-foot (x) 14-foot tot pool, 12 parking spaces (including one ADA designated space) located south of the swimming pool, and a 20-foot (x) 10-foot pool house north of the pool area. As proposed, the parking area meets the Unified Zoning Code (UZC) required 1 space per 100-square feet of pool area plus the 1 space per 100-square feet of associated building area. The site plan does not show screening, as required per Art. IV, Section IV-B. 3a of the UZC. The site plan does show landscaping; planning staff recommends that the required screening be installed per a landscape plan to be approved by the Planning Director prior to the issuance of a building permit.

CASE HISTORY: The subject property is part of Reserve B, Prairie Point Addition, which was recorded June 3, 2004. The Platter's Text for Reserve B includes recreational uses.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Developing single-family residence
EAST:	"SF-5"	Subdivision Reserve, detention pond
SOUTH:	"SF-5"	Subdivision Reserve, detention pond
WEST:	"SF-5"	Subdivision Reserve, developing single-family residence

PUBLIC SERVICES: The subject property has access to Manchester Street, 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 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, except that landscaping shall be in conformance with the landscape plan required by Condition #2.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance and screening shall be provided in accordance with Section IV-B.3.a. of the Unified Zoning Code per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
3. Prior to the issuance of a building permit, a Zoning Adjustment to permit parking within the front setback shall be acquired.
4. 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.
5. 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 or subdivision reserve features. 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 will be an amenity to the neighborhood.
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 is