



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

February 11, 2008

Whispering Lakes, LLC
Attn: Joe Kramer
1999 N Amidon #375
Wichita KS 67203

RE: CON2007-46 - Conditional use for neighborhood swimming pool on property zoned "SF-5" Single-family Residential, generally located 1/2 mile south of Harry and 1/2 mile west of 159 Street East (15314 East Rosewood Street).

Dear Ladies and Gentlemen:

At its regular meeting on **January 10, 2008**, 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, AICP
Senior Planner
Current Plans Division

JM/mc
Enclosure

cc: Ruggles & Bohm, Attn: Terry Smythe, 924 N. Main, Wichita, KS 67203
Sue Schlapp, WCC II, Mail Stop #1-13
Antoine Sherfield, NA WCC II, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71

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CONDITIONAL USE RESOLUTION NO. CON2007-46

WHEREAS, Whispering Lakes LLC; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a Neighborhood Swimming Pool on .5 acres zoned "SF-5" Single-family Residential described as:

Lot 12, Block 5, Whispering Lakes Estates Addition to Wichita, Sedgwick County, Kansas. Generally located ½ mile south of Harry and ½ mile west of 159th Street East (15314 E. Rosewood St.).

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 January 10, 2008, 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 for a Neighborhood Swimming Pool on .5 acres zoned "SF-5" Single-family Residential described as:

Lot 12, Block 5, Whispering Lakes Estates Addition to Wichita, Sedgwick County, Kansas. Generally located ½ mile south of Harry and ½ mile west of 159th Street East (15314 E. Rosewood St.).

Approved subject to the following conditions:

1. Prior to the issuance of building permits the applicant shall provide for review and approval a landscape plan consistent with Landscape Ordinance requirements.
2. The property will be developed in general conformance with the approved site plan.
3. Development and use of this site for a neighborhood swimming pool shall be in accordance with all applicable codes, including building, construction, health and operational standards.
4. Violation of the foregoing conditions, after appropriate due process considerations, can result in the Conditional Use being declared null and void.

Adopted this 10th Day of January 2008.

METROPOLITAN AREA PLANNING COMMISSION

M.S. Mitchell
M.S. Mitchell, Chair MAPC

ATTEST:

John L. Schlegel
John L. Schlegel, Secretary

STAFF REPORT

MAPC January 10, 2008

CASE NUMBER: CON2007-46

APPLICANT/AGENT: Whispering Lakes LLC c/o Joe Kramer (owner) / Ruggles and Bohm P.A. c/o Terry Smythe (agent)

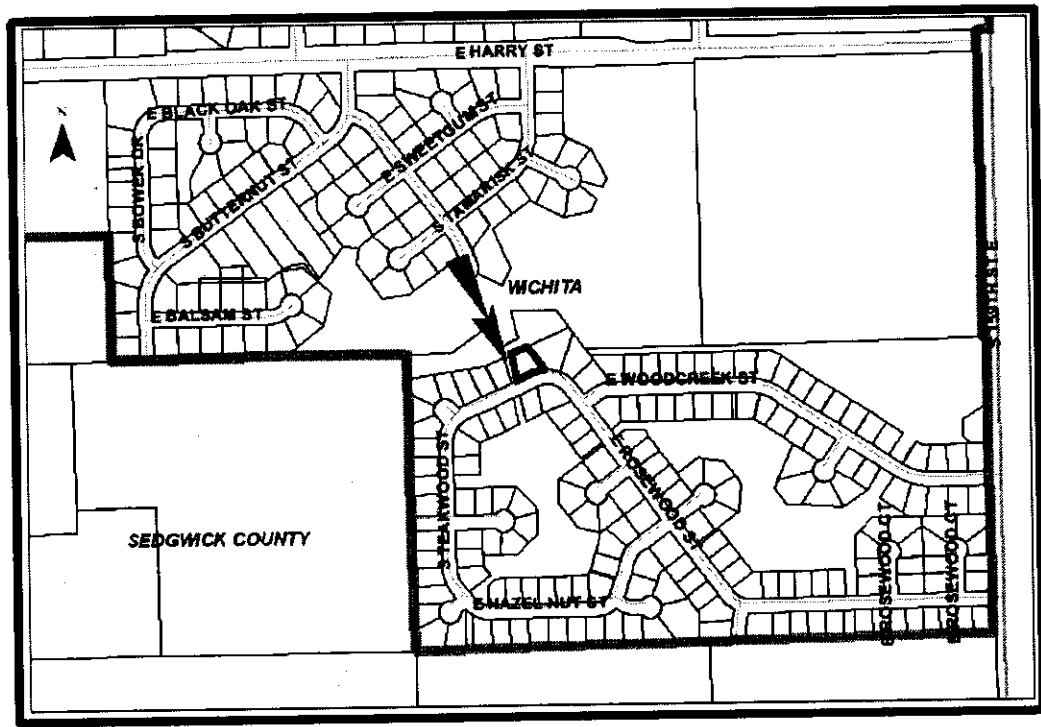
REQUEST: Conditional Use to permit a neighborhood swimming pool

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: .5 acre

LOCATION: ½ mile south of Harry and ½ mile west of 159th Street East (15314 E. Rosewood St.)

PROPOSED USE: Neighborhood swimming pool



BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a lot located on the north side of E. Rosewood Street, approximately ½ mile west of 159th Street E. and ½ mile south of E. Harry. A 1,000 square foot pool and 200 square foot pool house are proposed with 8 parking spaces. The platted lot is undeveloped. The applicant is also seeking a variance of the Zoning Code parking requirement, reducing the required parking from 10 to 8 spaces. See the attached site plan.

North and west of the site is a platted reserve; east, west and south of the site are platted, vacant, residential lots. The hours of operations and maintenance of the pool will be determined by the homeowner's association. The code requires a landscape street yard and buffer landscaping; outdoor light that employs cut-off luminaries and light mounting standards that are not higher than one-half the distance to SF-5 zoned property. The 27-foot wide platted reserve west of the site, and 50-foot pipeline easement east of the site should ensure adequate separation from future residences.

The Unified Zoning Code defines a "neighborhood swimming pool" as a 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.

Neighborhood swimming pools can be a "use-by-right" if the site is identified at the time of platting, and a site plan is submitted for review and approval. After the plat is recorded, a Conditional Use is required.

CASE HISTORY: The Whispering Lakes Estates Addition was recorded in 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Platted reserve
SOUTH:	SF-5	Vacant residential lots
EAST:	SF-5	Vacant residential lots
WEST:	SF-5	Vacant residential lots

PUBLIC SERVICES: All Public services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property appropriate for "urban residential." This category encompasses areas that reflect the full range of residential development densities and types typically found in a large urban municipality.

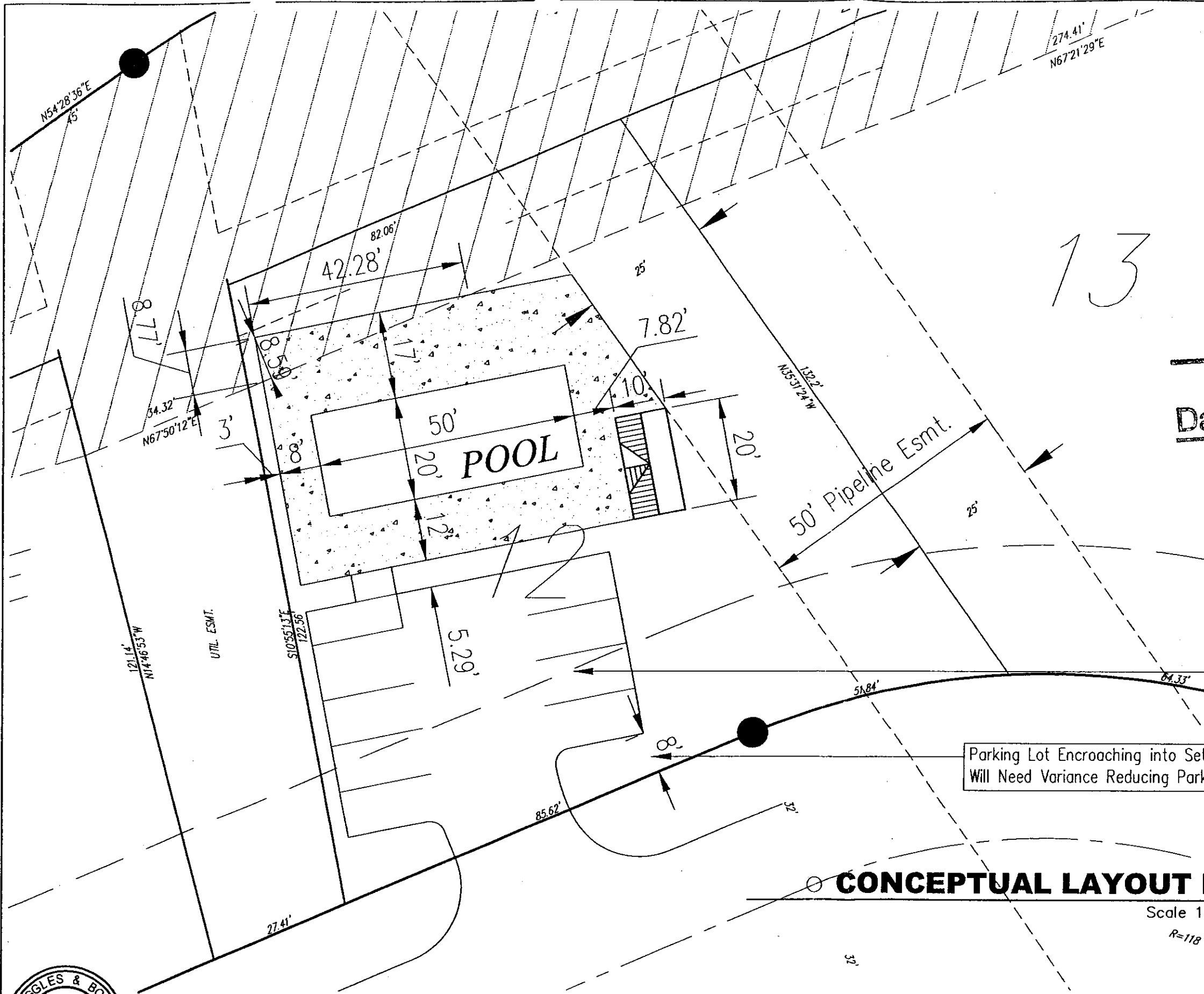
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. Prior to the issuance of building permits the applicant shall provide for review and

- approval a landscape plan consistent with Landscape Ordinance requirements.
2. The property will be developed in general conformance with the approved site plan.
 3. Development and use of this site for a neighborhood swimming pool shall be in accordance with all applicable codes, including building, construction, health and operational standards.
 4. Violation of the foregoing conditions, after appropriate due process considerations, can result in the Conditional Use being declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property is located within a generally undeveloped portion of an SF-5 zoned single-family subdivision. HOA owned pools are common in newer subdivisions; the proposed pool will not be out of character with the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed as currently zoned with a single-family residence.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval will introduce a use that is not currently permitted by right. Traffic during the summer may increase when compared to a residence, however landscaping and setback standards should mitigate detrimental affects. This request is prior to development of the surrounding lots; future residential neighbors will be aware of the proposed pool prior to purchasing property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this property appropriate for "urban residential." The proposed pool is to be used by the surrounding residential neighbors, and is consistent with the Comprehensive Plan.
5. Impact of the proposed development on community facilities: Trips to this site would likely be greater than trips generated by a single-family residence. Use of the facility will be limited to neighborhood residents and their guests, thereby minimizing traffic volume and demand for other services such as police, EMS or code enforcement. Adequate community facilities and services are in place to meet expected demands.



APPROVED
 SITE PLAN CON2007-46

William J. ...

Date: *2-11-08*

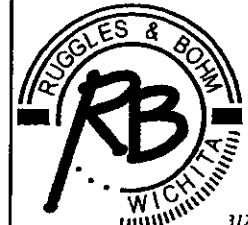
8 Parking Spaces. Will Need Variance Since 10 Spaces are Required (1 Space per 100 SF of Pool Area)

Parking Lot Encroaching into Setback. Will Need Variance Reducing Parking Setback to 8'.

CONCEPTUAL LAYOUT PLAN

Scale 1" = 20'-0"

R=118



Whispering Lakes Pool