CITY OF WICHITA

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

EVERGY Kansas South, Inc.
818 S. Kansas Ave.
Topeka, KS 66612

January 17, 2020

Professional Engineering Consultants. P.A.
303 S. Topeka
Wichita, KS 67202

**RE: CON2019-00032 - City Conditional Use to permit Utility, Major (electric substation expansion associated with BZA2019-52) on property zoned SF-5 Single Family Residential and generally located approx. 800 feet east of South Seneca and ½ mile south of West Pawnee (behind 835 W. 26sth Street South)**

Dear Applicant;

At its regular meeting on **January 9, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the attached conditions.

Property owners opposed to the application may file with the City 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 **January 23, 2020**. 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 City Clerk by **January 23, 2020 at 5:00 p.m.**

If any protest petitions are filed against the above the captioned case, the application will be scheduled for consideration by the City Council. The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas. If no protest petitions are filed, then the ruling the Wichita - Sedgwick County Metropolitan Area Planning Commission is final subject to meeting the attached conditions.

This is a reminder that the 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,

Matt Williams
Associate Planner

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV
Adam Barlow-Thompson, Southwest NA, 417 E. Gilbert, Wichita, KS 67211

Conditions for Approval

A. The site is to be developed as shown on the Seneca Substation Site Plan dated 11/2019 by PEC, PA.
B. Any changes to the site or screening design, shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.
C. 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.

## CONDITIONAL USE RESOLUTION NO. CON2019-00054

**WHEREAS**, EVERGY Kansas South, Inc. (Applicant) Professional Engineering Consultants, P.A. (Agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Utility, Major, (associated with BZA2019-00052) on property zoned SF-5 Single Family Residential generally located behind 835 West 26th Street South and legally described as follows:

> Legal Description: BEGINNING 723.4 FEET EAST AND 530 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, THENCE NORTH 125 FEET, THENCE EAST 191.3 FEET, THENCE SOUTH 125 FEET, THENCE WEST 191.3 FEET TO BEGINNING; ENCOMPASSING 23,964 SQUARE FEET (0.55 ACRE), MORE OR LESS.

**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 9, 2020, 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 Utility, Major, on property zoned SF-5 Single Family Residential generally located behind 835 West 26th Street South and legally described as follows:

> Legal Description: BEGINNING 723.4 FEET EAST AND 530 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, THENCE NORTH 125 FEET, THENCE EAST 191.3 FEET, THENCE SOUTH 125 FEET, THENCE WEST 191.3 FEET TO BEGINNING; ENCOMPASSING 23,964 SQUARE FEET (0.55 ACRE), MORE OR LESS.

Subject to the following conditions:

1. The site is to be developed as shown on the Seneca Substation Site Plan dated 11/2019 by PEC, PA.

2. Any changes to the site or screening design, shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.

3. 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.

Adopted this 6th Day of February, 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair

ATTEST:

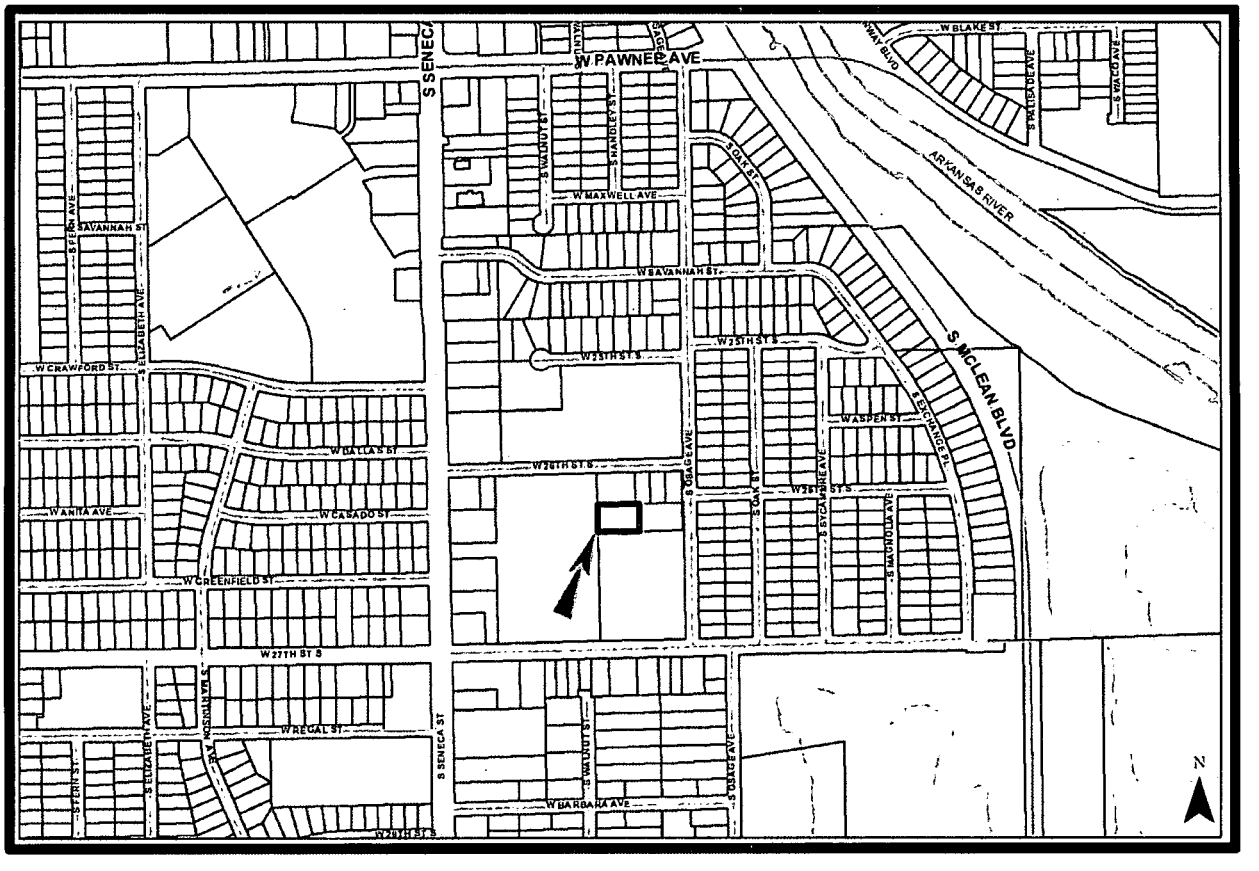
Scott Knebel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

**STAFF REPORT**
MAPC January 9, 2020
DAB IV January 6, 2020

| | |
|---|---|
| CASE NUMBER: | CON2019-00054 |
| APPLICANT/AGENT: | Evergy Kansas South, Inc. / Professional Engineering Consultants, Charlie Brown |
| REQUEST: | Conditional Use for Utility, Major (electric substation expansion associated with BZA2019-52) |
| CURRENT ZONING: | SF-5 Single Family |
| SITE SIZE: | 0.55 acres |
| LOCATION: | Generally located approximately 800 feet east of South Seneca and one-half mile south of West Pawnee (behind 835 W. 26th Street South) |



**BACKGROUND**: This application was filed to request a Conditional Use Permit for the expansion of an existing electrical substation, generally located approximately 800 feet east of South Seneca and one-half mile south of West Pawnee. The site is zoned SF-5 Single Family. This case is being heard concurrently with BZA2019-00052- a request for a variance to allow a nine-foot tall screening wall within the building setback. An electrical substation is classified by the Unified Zoning Code as a "Utility, Major" and can be permitted by Conditional Use in SF-5 zoning.

The purpose of this application is to allow for Evergy to expand the Seneca Substation to the east. An expansion would allow for both better and more reliable service to the current businesses and residents of the area, as well as increased capacity to cover any growth that may occur.

The applicant included a Landscaping Plan that shows existing trees along with additional plantings along the north, east, and west property lines. The Landscaping Plan is attached.

Currently this substation is surrounded by a chain link screening fence. The applicant is proposing to replace the chain link fence with a nine-foot tall pre-cast screening wall system. This would meet Article IV Section B.3.h. of the Unified Zoning Code that states: "Screening Walls and Fences shall be constructed of standard building materials customarily used for Wall and Fence construction such as brick, stone, concrete masonry, stucco, concrete or wood." The applicant is also proposing to replace the gravel drive on the west side with a 20-foot concrete access drive that enters the substation through a 20-foot ornamental gate.

**SURROUNDING DEVELOPMENT:** To the north and west are apartment buildings with B-Multi Family zoning. To the east is an empty lot with SF-5 Single Family zoning. To the south is a church with SF-5 Single Family zoning.

**CASE HISTORY:** The property is being platted as the Seneca Substation Addition, SUB2019-00060. The property has also filed for a variance to permit the nine-foot screening wall within a building setback, BZA2019-00052. The existing electrical substation is a non-conforming use.

**ADJACENT ZONING AND LAND USE:**

| | | |
|---|---|---|
| NORTH: | B Multi Family | Apartments |
| SOUTH: | SF-5 Single Family | Church |
| EAST | SF-5 Single Family | Vacant Lot |
| WEST: | B Multi Family | Apartments |

**PUBLIC SERVICES:** The site currently has access easements to the north and east, however with the site plan indicating a concrete access drive from the west, a new access easement is being required as part of the platting process on this site (SUB2019-00060). This access drive will lead to South Seneca Street, an arterial. All municipal utilities are available at the property.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan,* identifies the site as Industrial. The proposed use is consistent with the industrial designation for this area. As an expansion of an existing substation it would simply be continuing the same use as before but on a slightly different footprint and in conformance with current screening standards.

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

a. The site is to be developed as shown on the Seneca Substation Site Plan dated 11/2019 by PEC, PA.
b. Any changes to the site or screening design, shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.
c. 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:** To the north and west are apartment buildings with B-Multi Family zoning. To the east is an empty lot with SF-5 Single Family zoning. To the south is a church with SF-5 Single Family zoning.

(2) **The suitability of the subject property for the uses to which it has been restricted:** The proposed utility facility is a reasonable use of the property. The application is for an expansion of a use that already exists on the property and an expansion would allow for both better and more reliable service to the current businesses and residents of the area.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The existing utility station has been in operation for many years and has not had an adverse effect on nearby property. The site will be screened appropriately, and the nearby uses should not be negatively impacted by this use.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as Industrial. The proposed use is consistent with the industrial designation for this area. As an expansion of an existing substation it would simply be continuing the same use as before but on a slightly different footprint and in conformance with current screening standards.

(5) **Impact of the proposed development on community facilities:** The aesthetic impacts of this should be minimal, and the additional plantings and better screening wall will enhance the site as it is today. This facility will also enhance the surrounding area by providing a higher capacity service of a critical utility than currently exists. The site currently has access easements to the north and east, however with the site plan indicating a concrete access drive from the west, a new access easement is being required as part of the platting process on this site (SUB2019-00060). This access drive will lead to South Seneca Street, an arterial. All municipal utilities are available at the property.

Staff Report Attachments:
1. Aerial Map
2. Land Use Map
3. Zoning Map
4. Conditional Use Site Plan
5. Landscaping Plan

# SITE PLAN

30.0' R.O.W. EASEMENT (VACATED HANDLEY STREET)

10" Bush

Sign

Kingsborough Apartments LLC
1300 Sovereign Row
Oklahoma City, OK 73108-1825

Asphalt

Concrete
Found 1283.3'

8.0' EASEMENT

Chainlink Fence

EXTEND ACCESS EASEMENT TO R.O.W.

RELOCATE UTILITY POLE

25.0' ACCESS EASEMENT

51.5'

P/L

ELR

Post BM-202

Vestar

DM

Asphalt Fence

Baseball Fence

20' DOUBLE LEAF CHAIN LINK GATE

BASEBALL FIELD BACKSTOP

OVERHEAD ELECTIC CLEAR PLANTING ZONE

Concrete Electrical Box

BM-20

20.0' (TYP)

15" Cedar

16.4'

40.0'

11.7'

85.4' ACCESS EASEMENT

EDGE OF AGGREGATE PAD (TYP)

5" Bush

REMOVEABLE PANELS AND COLUMN FOR FUTURE ACCESS

18" Deciduous

KS Gas & Electric CO
P.O. Box 208
Wichita, KS 67201-0208

KS Seventh Day Adventist Conf. Assoc.
5111 W 27TH ST. S.
Wichita, KS 67217 1015

Kingsborough Apartments LLC
300 Sovereign Row
Oklahoma City, OK 73108-1...

Signs

20' DOUBLE LEAF CHAIN LINK GATE

25.0' ACCESS EASEMENT

PROPOSED PRE-CAST SCREENING WALL SYSTEM (9'-0")

20' ORNAMENTAL SWING GATE

36" Deciduous

76.9' ACCESS EASEMENT

Do Not Block Exit Sign

Chainlink Fence

EXISTING SUBSTATION FENCE, TO BE REMOVED

104.8' F.C.

10.0' T.C.E.

65.2'

Grass

Limit

Asphalt

20.0' (TYP)

18" Cedar

4" Bush

121.5' F.C.

4.8'

12" Cedar

4.0' CLEAR

HCP 127

P/L

OVERHEAD ELECTIC CLEAR PLANTING ZONE

KS Seventh Day Adventist Conf. Assoc.
8211 W 27TH ST. S.
Wichita, KS 67212-1018

20.0' UTILITY EASEMENT

10.0' KG&E EASEMENT

10.0' UTILITY EASEMENT

APPROVED 11/4/2020 BY: Matthew Williams

N

10 0 5 10 20
( IN FEET )

## LEGEND

| | | |
|---|---|---|
| F.C. | = | FENCE CORNER |
| R.O.W. | = | RIGHT OF WAY |
| P/L | = | PROPERTY LINE |
| T.C.E. | = | TEMPORARY CONSTRUCTION EASEMENT |

## LEGAL DESCRIPTION

SUBJECT PROPERTY:

"SUBJECT PROPERTY" INCLUDES ALL THE LAND DESCRIBED BY SECURITY 1ST TITLE, LLC, IN OWNERS AND ENCUMBRANCES REPORT FILE NUMBER: 2333520, WHICH IS AN UNPLATTED TRACT OF LAND.

"EAST ADJOINER" INCLUDES THE UNPLATTED LAND DESCRIBED IN REPORT FILE NUMBER: 2333522, WHICH ABUTS THE EAST LINE OF SUBJECT PROPERTY, BUT IS NOT PART OF SUBJECT PROPERTY.

LAND DESCRIPTION OF SUBJECT PROPERTY
PER REPORT FILE NUMBER: 2333520.

BEGINNING 723.4 FEET EAST AND 530 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, THENCE NORTH 125 FEET, THENCE EAST 191.3 FEET, THENCE SOUTH 125 FEET, THENCE WEST 191.3 FEET TO BEGINNING.

LAND DESCRIPTION OF EAST ADJOINER
PER REPORT FILE NUMBER: 2333522.

BEGINNING 914 FEET EAST AND 530 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, THENCE NORTH 125 FEET; THENCE EAST 191.7 FEET; THENCE SOUTH 125 FEET; THENCE WEST TO THE POINT OF BEGINNING.

NOTE: THE DESCRIPTION IN FILE NUMBER 2333522 DOES NOT INCLUDE THE STRIP OF LAND ADJOINING ON THE EAST SIDE OF THIS TRACT, SAID STRIP OF LAND DESCRIBED AS "BLOCK 8 EXCEPT THE SOUTH 490 FEET AND EXCEPT THE NORTH 9 FEET, FRANCIS HARVEY 2ND ADDITION TO WICHITA, KANSAS." THE EAST LINE OF THIS STRIP OF LAND IS THE WEST LINE OF THE RIGHT OF WAY FOR OSAGE STREET.

PEC #: 199030-058
PEC PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
420 S KANSAS AVE. #200
TOPEKA, KS 66603
785-233-8300
www.pec1.com

| REV. | REVISION DESCRIPTION | DATE | BY/CK |
|---|---|---|---|
| 8 | | | |
| 7 | | | |
| 6 | | | |
| 5 | | | |
| 4 | | | |
| 3 | | | |
| 2 | | | |
| 1 | | | |

DRAWN BY MDL - PEC DATE 11/2019
DESIGNED BY CRG - PEC DATE 11/2019
APPROVED BY RAK - PEC DATE 11/2019

SCALE: NONE
W.R. NO. ####

evergy.

TITLE: SENECA SUBSTATION PERMITTING PLAN

DWG. NO. SK9400_PM01
SHEET NO. 1 OF 1
REV. 0

GROUP: ESUB

CAD FILE NO.: SENECA SITE PLAN.DWG