CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

Evergy Kansas South, Inc.
Attn: Jessica Keck
818 S. Kansas Ave
Topeka, KS 66601

February 26, 2024

PEC, PA
Attn: Rebecca Mellies
303 S. Topeka
Wichita, KS 67202

RE: BZA2024-00002 – Variance to allow an increase in height of solid screening wall from 8 feet to 10 feet and allow equipment footings within the zoning setback; located on the west side of North Hoover Road and West 1st Street North (255 North Hoover Road).

Dear Applicant,

At its regular meeting on **February 23, 2024**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD

BZA RESOLUTION NO. BZA2024-00002

WHEREAS, Evergy Kansas South, Inc. (owner); pursuant to Kansas Statutes Annotated 12-759, request a Variance to allow a 9-foot wall on property located at 255 North Hoover Road; legally described as follows:

> All that part of the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying East of Highway 235 and the Wichita Valley Center Flood Control Project right-of-way, EXCEPT the North 108.9 feet of the East 200 feet thereof; and EXCEPT that part beginning 1,041.74 feet South and 30 feet West of the Northeast corner thereof; thence South 30.23 feet along the Westerly right-of-way line of the public road, to the Easterly right-of-way line of the existing Highway; thence Northwesterly 138.67 feet; thence Southeasterly 110.91 feet to the beginning.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of February 22, 2024, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a Variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow a 9-foot wall, on property located at 255 North Hoover Road; legally described as follows:

> All that part of the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying East of Highway 235 and the Wichita Valley Center Flood Control Project right-of-way, EXCEPT the North 108.9 feet of the East 200 feet thereof; and EXCEPT that part beginning 1,041.74 feet South and 30 feet West of the Northeast corner thereof; thence South 30.23 feet along the Westerly right-of-way line of the public road, to the Easterly right-of-way line of the existing Highway; thence Northwesterly 138.67 feet; thence Southeasterly 110.91 feet to the beginning.

The variance is hereby **GRANTED,** subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.

ADOPTED AT WICHITA, KANSAS, this 22 **Day of** February **2024**

Robert Dool, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
23834	514932	Print Legal Ad-IPL01573790 - IPL0157379		$206.32	3	82 L

Attention: MANDY HEBERT

CITY OF WICHITA / MABCD
271 W 3RD ST N
3RD FLOOR STE 301
WICHITA, KS 67202
kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on February 1, 2024
(One Time Only)
MAPC/BZA February 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 22, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00002: Variance request in the City to allow 9 ft masonry Wall and equipment footings within zoning setback for expansion of utility substation on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CON2024-00001: Conditional Use request in the City to allow Correctional Placement Residence, Limited with additional restrictions, with ZON2024-00001 from SF-5 Single-Family to GO General Office; located on the north side of West 31st Street South and within one-quarter mile east of South Seneca (928 W 31st St).

CON2024-00002: Conditional Use request in the City to allow Utility Major on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CUP2024-00001: Request in the City to Amend the Killarney West CUP DP-156 to permit a Kennel/Boarding/Breeding/Training facility on Parcel 6 on property zoned LC Limited Commercial; located on the east side of North Woodlawn Avenue, within one-quarter mile north of East K-96 Highway (3590 N. Woodlawn).

CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

DER2023-00017: Unified Zoning Code amendment (City and County) to the Use Regulations pertaining to requirements for all Solar Energy Conversion Systems (SECS) applications.

VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow walking for a walking connection between two buildings on property zoned LI Limited Industrial District, generally located on southeast corner of Esthner Avenue and Meridian Avenue(2621 W Esthner Ct).

VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building, located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.).

VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District, generally located on southwest corner of 37th Street N & Saint Francis Street.

VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus, generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St).

VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).

ZON2024-00001: Zone Change request in the City from SF-5 Single-Family to GO General Office with CON2024-00001 to allow Correctional Placement Residence, Limited with additional restrictions; located on the north side of West 31st Street South, within one-quarter mile east of South Seneca (928 W. 31st St South).

ZON2024-00002: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex on property located within 237 ft northwest of the intersection of West 2nd Street North and North Doris Street (321 N Doris St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 3rd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, 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 MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)
The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on February 1, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0157379
Feb 1 2024

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

1 insertion(s) published on:
02/01/24

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth 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 02/01/2024 to 02/01/2024.

Stefani Beard

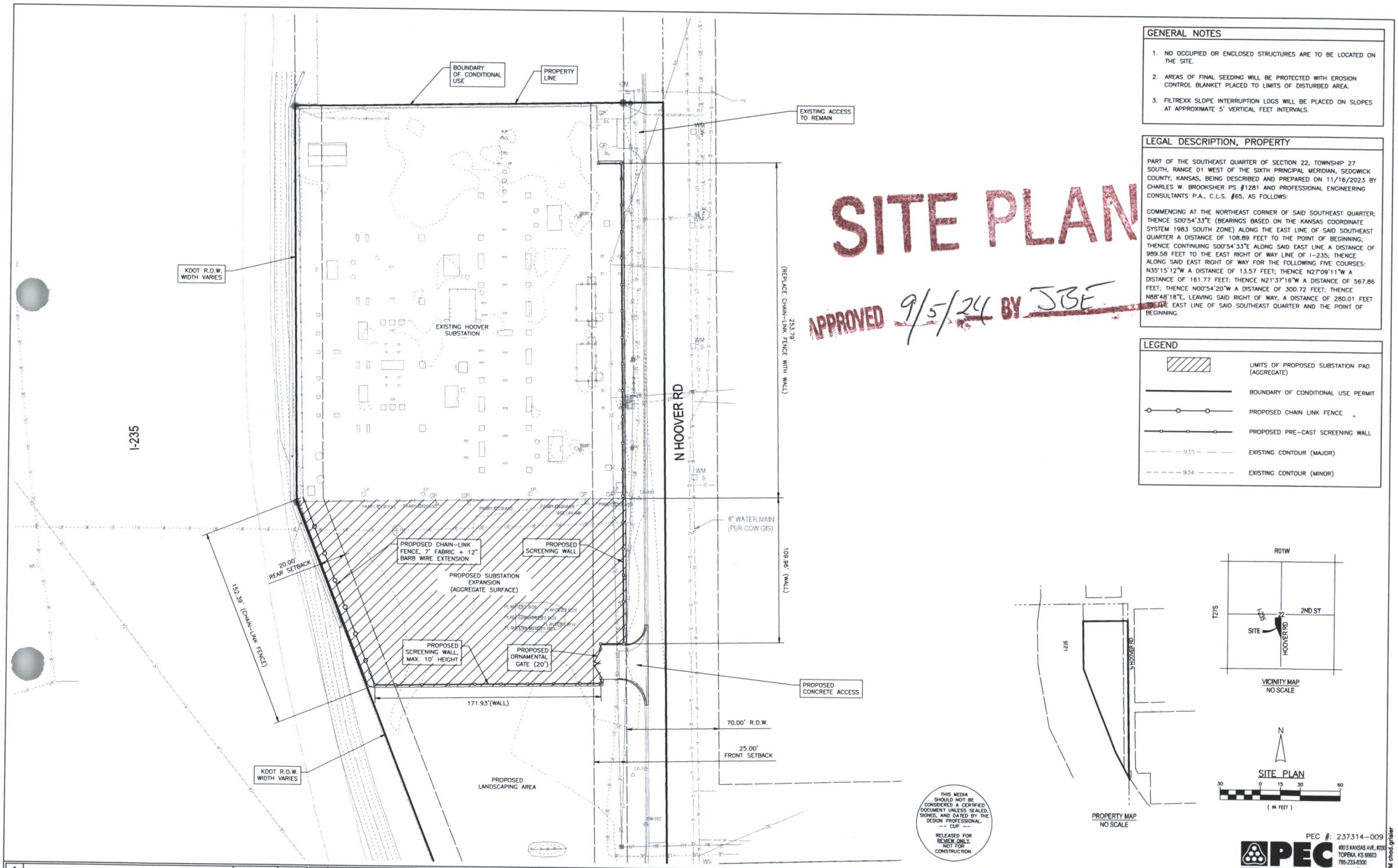
I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/05/2024

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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



SITE PLAN

APPROVED 9/5/24 BY JBE

GENERAL NOTES

1. NO OCCUPIED OR ENCLOSED STRUCTURES ARE TO BE LOCATED ON THE SITE.
2. AREAS OF FINAL SEEDING WILL BE PROTECTED WITH EROSION CONTROL BLANKET PLACED TO LIMITS OF DISTURBED AREA.
3. FILTREXX SLOPE INTERRUPTION LOGS WILL BE PLACED ON SLOPES AT APPROXIMATE 5' VERTICAL FEET INTERVALS.

LEGAL DESCRIPTION, PROPERTY

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 01 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON 11/16/2023 BY CHARLES W. BROOKSHER PS #1281 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°54'33"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 108.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°54'33"E ALONG SAID EAST LINE A DISTANCE OF 989.58 FEET TO THE EAST RIGHT OF WAY LINE OF I-235; THENCE ALONG SAID EAST RIGHT OF WAY FOR THE FOLLOWING FIVE COURSES: N35°15'12"W A DISTANCE OF 13.57 FEET; THENCE N27°09'11"W A DISTANCE OF 161.77 FEET; THENCE N21°37'16"W A DISTANCE OF 567.86 FEET; THENCE N00°54'20"W A DISTANCE OF 300.72 FEET; THENCE N88°48'18"E, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 280.01 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING.

LEGEND

- LIMITS OF PROPOSED SUBSTATION PAD (AGGREGATE)
- BOUNDARY OF CONDITIONAL USE PERMIT
- PROPOSED CHAIN LINK FENCE
- PROPOSED PRE-CAST SCREENING WALL
- 935 — EXISTING CONTOUR (MAJOR)
- 934 — EXISTING CONTOUR (MINOR)

PROPERTY MAP
NO SCALE

VICINITY MAP
NO SCALE

SITE PLAN

THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS SEALED, SIGNED, AND DATED BY THE DESIGN PROFESSIONAL.
-- CUP --
RELEASED FOR REVIEW ONLY. NOT FOR CONSTRUCTION.

PEC #: 237314-009

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

REV.	REVISION DESCRIPTION	DATE	BY/CK
8			
7			
6			
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DRAWN BY CRG - PEC DATE 12/2023
DESIGNED BY CRG - PEC DATE 12/2023
APPROVED BY AMD - PEC DATE 12/2023

SCALE: AS NOTED
W.R. NO. XXXXX

evergy

TITLE: HOOVER SUBSTATION EXPANSION SITE PLAN

DWG. NO. SKXXXX_SP01
SHEET NO. 1 OF 1
REV. 0

GROUP: ESUB

CAD FILE NO.: SKXXXX_SP0101.DWG

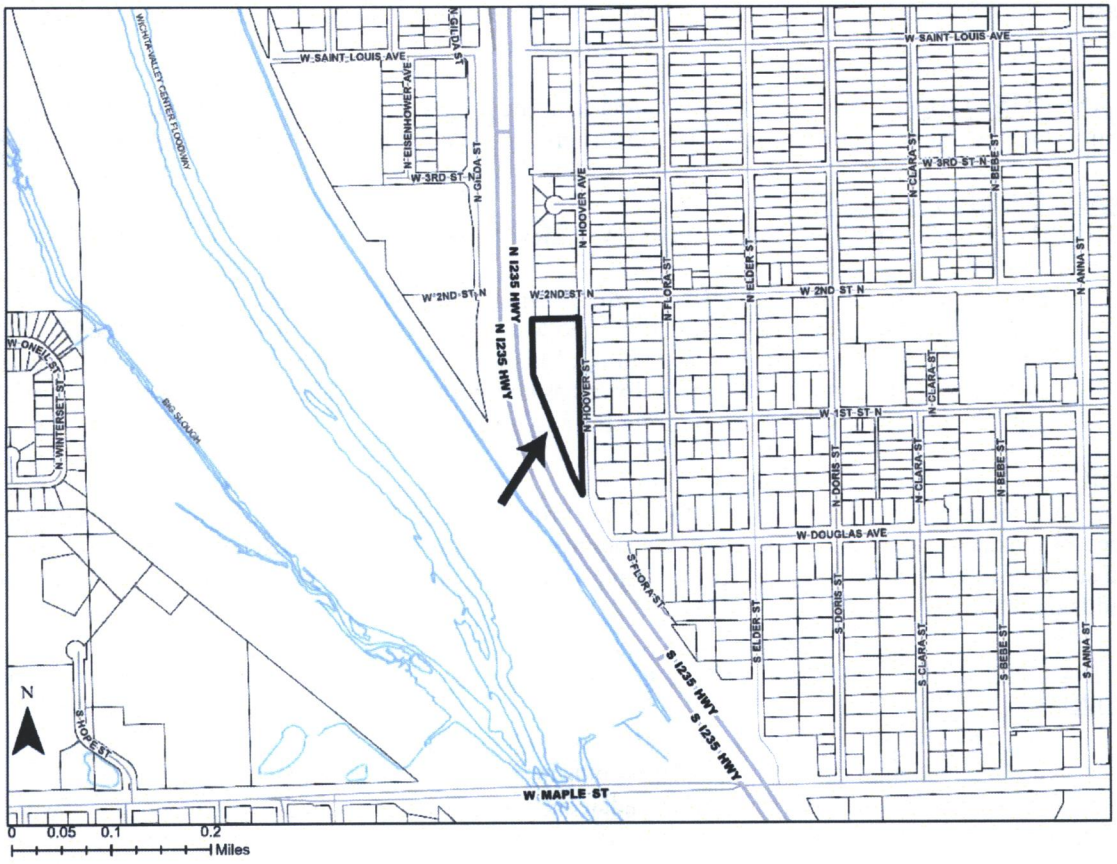
12/19/2023 3:13 PM chad.grisier

Wichita-Sedgwick County Zoning Board of Appeals
February 22, 2024

AGENDA ITEM NO. 2

SECRETARY'S REPORT

CASE NUMBER:	BZA2024-00002 (City)
APPLICANT:	Evergy Kansas South Inc. (Owner) /Professional Engineering Consultants (Agent)
REQUEST:	Variance to allow an increase in height of solid screening wall from 9 feet to 10 feet and allow equipment footings within the zoning setback.
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	3.6 acres
LOCATION:	Generally located on the west side of North Hoover Road and West 1st Street North (255 North Hoover Road).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant requests a Variance to increase the height of a screening wall from nine feet to ten feet on the entire east and south sides (approximately 534 feet) of an existing electrical substation on the west side of the North Hoover Street and West 1st Street intersection. The applicant is also seeking to expand the substation to the south, where the screening wall will also be applied. The screening wall will be built on the east property line and at the southerly portion of the expanded substation.

In 2022, the Planning Department granted a Variance to allow an increase in height of solid screening wall from 8 feet to 9-10 feet (BZA2022-0042) and waived the landscape requirement for this property. The applicant is requesting a 9-10 foot wall section because of the wall fabricator's options.

SURROUNDING DEVELOPMENT: Properties to the north are zoned SF-5 and are developed with what Sedgwick County tax records identify as two single-family dwellings. Properties to the east are zoned SF-5 and TF-3 Two-Family Residential District (TF-3) and are developed with single-family dwellings. Property to the south is the Interstate 235 right-of-way and the MS Mitch Mitchell Floodway. Property to the west, across I-235, is zoned GC General Commercial District (GC) and is developed with an industrial use of some kind.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-Family Dwellings
South:	ROW	ROW for I-235, MS Mitch Mitchell Floodway
East:	SF5, TF-3	Single-Family Dwellings
West:	ROW, GC	I-235, Industrial use

CASE HISTORY: The subject site is unplatted. The property is exempt from platting due to its public utility status per Subdivision Section 3-105(D). There are no past zoning cases associated with this property.

WALL HEIGHT VARIANCE
THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.
    a. The existing zoning on the parcel is SF-5 and the existing and proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The proposed screening wall will shield the view of the substation from the east and south.

Staff Analysis:
It is staff's opinion that the use of the SF-5 zoned property for an electrical substation is unique to the site because expansion at this site is necessary to continue to provide enough electricity to the area. An electrical substation, which is classified as a Utility, Major, is not typically located within a residential zoning district and is only allowed by a Conditional Use.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
    a. The variance will not adversely affect the rights of the adjacent property owners. The additional height of the proposed screening wall will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners, and it will reduce the view into the substation from the adjacent parcels, which include residential properties as well as Highway I-235.

Staff Analysis:
It is staff's opinion that allowing a nine to ten-foot screening wall at this location will not adversely affect the rights of adjacent property owners.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.

a. The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses. The screening wall height of 9- 10 push
b. ft is needed to provide adequate security to the interior of the substation.

Staff Analysis
The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses. The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

a. The additional height of the proposed screening wall will not adversely affect public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. In fact, it will enhance the harmonious development of the community by providing additional barrier of the electric substation from the adjacent residential zoning districts. It will not create an undesirable large vertical wall directly adjacent to pedestrian access routes or structures on adjacent properties.

b. The proposed electric substation serves the community and will provide resiliency in the system. The additional height of the screening wall is needed to enhance the security of the interior of the substation.

Staff Analysis:
The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels. The additional height will improve the harmonious development of the community.

5. The granting of the Variance will not be opposed to the general spirit and intent of the code.

a. The Zoning Code, in part, is intended to protect residential districts from adverse impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will provide a visual barrier to the interior of the substation and is needed to ensure the security of the substation.

b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."

Staff Analysis:
It is staff's opinion that granting the requested variance supports the intent of the Zoning Code, to protect residential districts from adverse visual impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will reduce negative visual and noise impacts to the adjacent uses. The electric substation helps to achieve the purpose of the Zoning Code by helping to provide the highest quality utility services to the public. The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to protect and preserve

the human-made and natural elements which support human habitation, add to the community's quality-of-life, and create a unique living environment.

SETBACK VARIANCE
THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.
    a. The existing zoning on the parcel is SF-5 and the existing and proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The narrowness of the property limits the ability to construct the necessary equipment within the space outside of the setbacks so encroaching in them is needed.

Staff Analysis:
It is staff's opinion that as the property continues south, it begins to become narrower, making it harder to install the large equipment necessary for an electrical substation. This makes the property unique and was not created by the applicant.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
    a. The variance will not adversely affect the rights of the adjacent property owners. The necessary equipment will all be contained within the limits of the proposed screening wall and will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners.

Staff Analysis:
It is staff's opinion that allowing an encroachment of twenty inches into a 25-foot setback will not adversely affect the rights of adjacent property owners.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
    a. The strict application of zoning code setback will minimize the ability to expand the substation which will have a negative impact on the quality and ability to provide affordable electric service to the area.

Staff Analysis
The strict application of zoning code setback will decrease the ability to expand the substation which would limit the amount of service the substation could provide to the area.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.
    a. The encroachment into the setback will not adversely affect public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community as the equipment will all be contained within the confines of the wall/fence.

    b. The proposed electric substation serves the community and will provide resiliency in the system. The encroachment into the setback is needed to properly construct the critical equipment of the substation meeting all safety and separation requirements.

Staff Analysis:
The encroachment into the setback by twenty inches will not adversely affect the public health safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

5. The granting of the Variance will not be opposed to the general spirit and intent of the code.

a. The Zoning Code, in part, is intended to protect residential districts from adverse impacts associated with non-residential development. Screening of non-residential uses as well as equipment from residential uses is a requirement of the Zoning Code. The equipment being contained inside the proposed wall helps support that intent.

b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The allowance of the encroachment into the setback will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."

Staff Analysis:
It is staff's opinion that granting the requested variance supports the intent of the Zoning Code, to protect residential districts from adverse visual impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The encroachment into the setback is minimal and would have been allowed to be granted administratively. The electric substation helps to achieve the purpose of the Zoning Code by helping to provide the highest quality utility services to the public.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, the recommendation of Staff is that the variance to allow a nine-ten foot screening wall within the setback and the variance to encroach 20 inches in to the east setback be ***GRANTED***, subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.

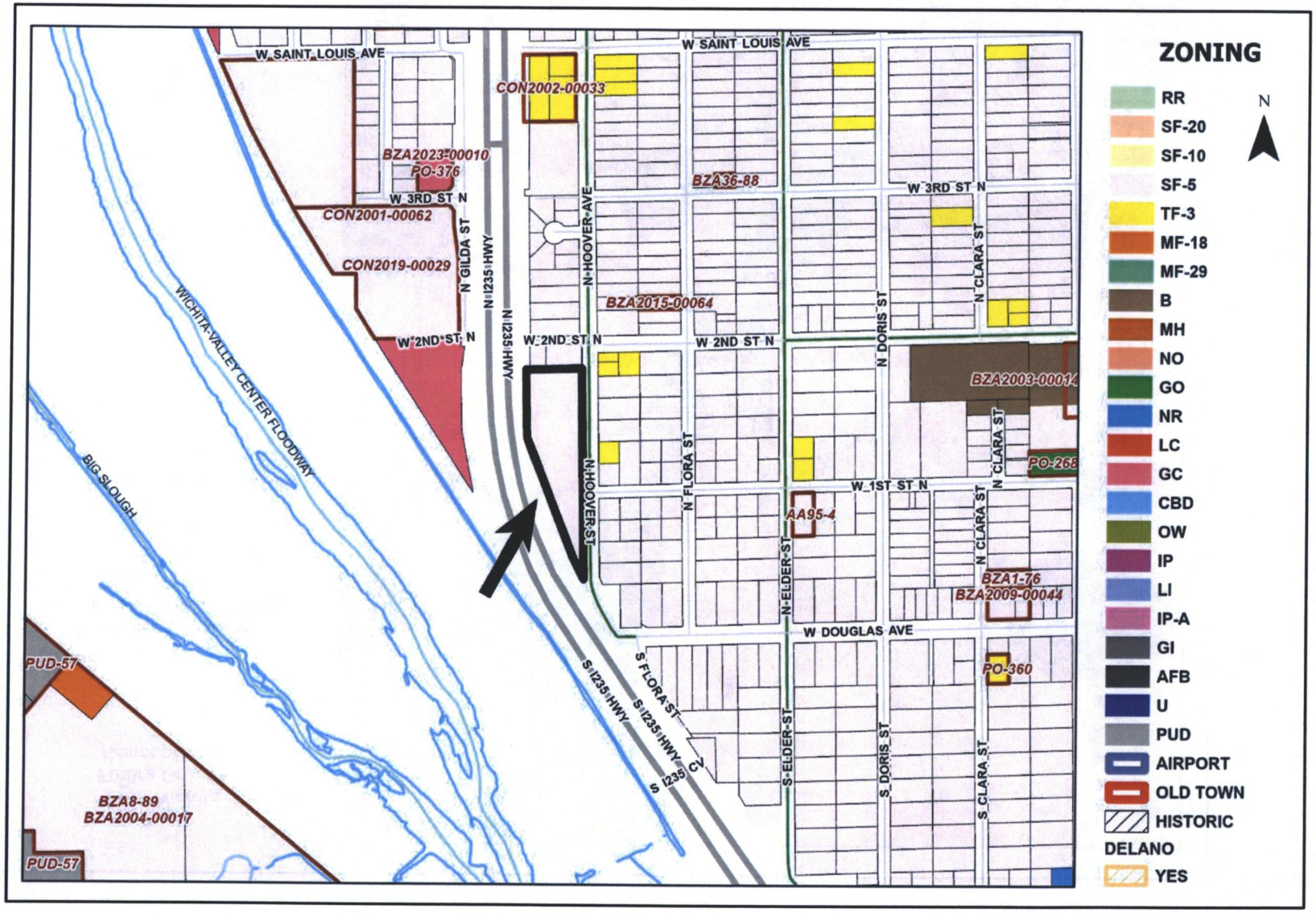
Staff Report Attachments:
1. Aerial Map
2. Land Use Map
3. Zoning Map
4. Site Plan
5. Wall Height Variance Justification Letter
6. Setback Variance Justification Letter

Aerial Map

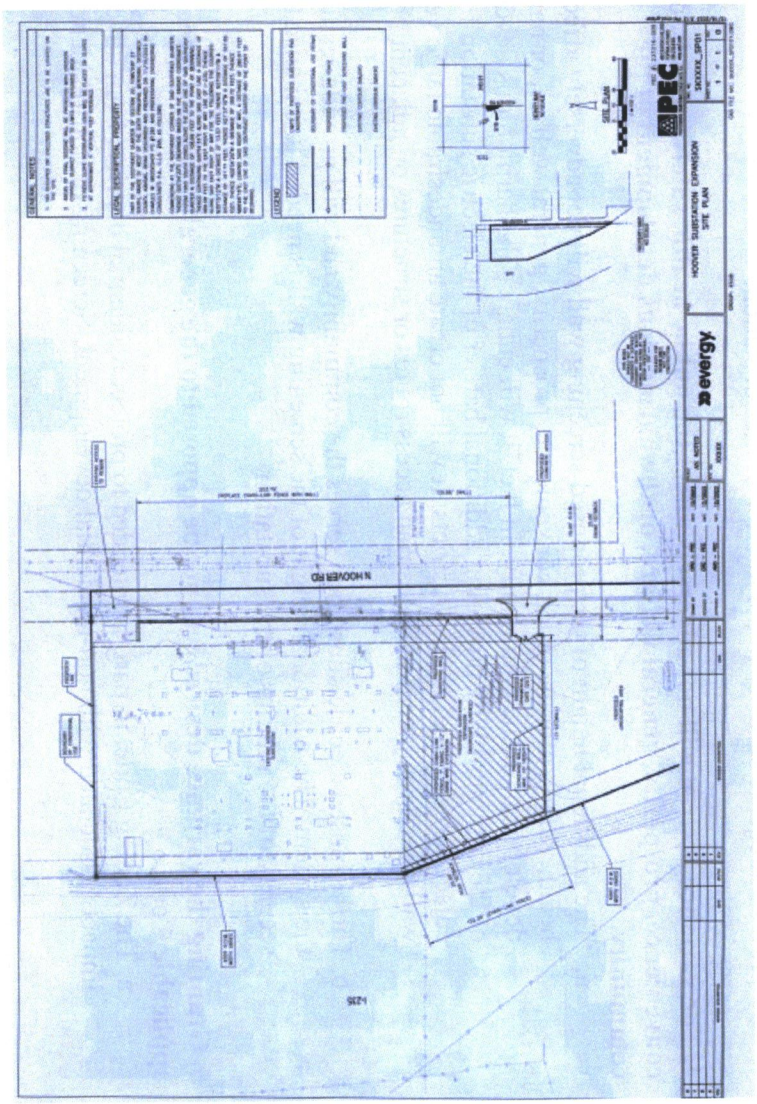

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Miles


2035 Wichita
Future Growth
Concept Map
Legend
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Statistical Development Areas
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
Major Institutional
Neighborhood/Area Plans
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9TH
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CENTRAL
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WILLO ESQUE
DOUGLAS
MAPLE
TAFT
JULIA
DUGAN
KELLOGG
MID CONTINENT
AIRPORT
PUEBLO

Zoning Map


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
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W SAINT LOUIS AVE
CON2002-00033
BZA2023-00010
PO-376
CON2001-00062
CON2019-00029
W 3RD ST N
N GILDA ST
N I235 HWY
N HOOVER AVE
BZA36-88
BZA2015-00064
W 2ND ST N
N DORIS ST
N CLARA ST
BZA2003-00014
PO-268
N FLORA ST
W 1ST ST N
AA95-4
N ELDER ST
BZA1-76
BZA2009-00044
W DOUGLAS AVE
PO-360
S I235 HWY
S FLORA ST
S ELDER ST
S DORIS ST
S CLARA ST
WICHITA VALLEY CENTER FLOODWAY
BIG SLOUGH
PUD-57
BZA8-89
BZA2004-00017

Site Plan


N HOOVER RD
I-235
HOOVER SUBSTATION EXPANSION
SITE PLAN
PEC
evergy

Applicant's Wall Height Variance Justification Letter

The applicant is seeking a variance of the height restriction for a screening wall around the proposed project within the SF-5 Single Family zoning district.

1. The variance requested arises from condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action of the property owner or the applicant.

a. The existing zoning on the parcel is SF-5 and the existing and proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The proposed screening wall will shield the view of the substation from the east and south.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

a. The variance will not adversely affect the rights of the adjacent property owners. The additional height of the proposed screening wall will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners, and it will reduce the view into the substation from the adjacent parcels, which include residential properties as well as Highway I-235.

3. The strict application of the provisions of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

a. The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses. The screening wall height of up to 10-ft is needed to provide adequate security to the interior of the substation.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

a. The additional height of the proposed screening wall will not adversely affect public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. In fact, it will enhance the harmonious development of the community by providing additional barrier of the electric substation from the adjacent residential zoning districts. It will not create an undesirable large vertical wall directly adjacent to pedestrian access routes or structures on adjacent properties.

b. The proposed electric substation serves the community and will provide resiliency in the system. The additional height of the screening wall is needed to enhance the security of the interior of the substation.

5. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.

a. The Zoning Code, in part, is intended to protect residential districts from adverse impacts associated with non-residential development. Screening of non-residential uses

as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will provide a visual barrier to the interior of the substation and is needed to ensure the security of the substation.
b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."

Applicant's Setback Variance Justification Letter

The applicant is seeking a variance of the setback restriction within the SF-5 Single Family zoning district.

1. The variance requested arises from condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action of the property owner or the applicant.

a. The existing zoning on the parcel is SF-5 and the existing and proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The narrowness of the property limits the ability to construct the necessary equipment within the space outside of the setbacks so encroaching in them is needed.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

a. The variance will not adversely affect the rights of the adjacent property owners. The necessary equipment will all be contained within the limits of the proposed screening wall and will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners.

3. The strict application of the provisions of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

a. The strict application of zoning code setback will minimize the ability to expand the substation which will have a negative impact on the quality and ability to provide affordable electric service to the area.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

a. The encroachment into the setback will not adversely affect public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community as the equipment will all be contained within the confines of the wall/fence.

b. The proposed electric substation serves the community and will provide resiliency in the system. The encroachment into the setback is needed to properly construct the critical equipment of the substation meeting all safety and separation requirements.

5. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.

a. The Zoning Code, in part, is intended to protect residential districts from adverse impacts associated with non-residential development. Screening of non-residential uses

as well as equipment from residential uses is a requirement of the Zoning Code. The equipment being contained inside the proposed wall helps support that intent.

b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The allowance of the encroachment into the setback will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."