CONDITIONAL USE RESOLUTION NO. CU-485

WHEREAS, Argonne National Labortory, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a major utility on 8 acres zoned "RR" Rural Residential described as:

> A diamond shaped area containing 7.57 acres located within Sedgwick County, the south half of the Southwest Quarter, Township 25 South, Range 2 East, Section 26. The corners of this diamond are are as follows: South Corner: 53.32/688.98; West Corner: 459.3/283.0; North Corner: 865.28/688.98; East Corner: 459.3/1094.96. The first number indicates feet north of the centerline of 85th St. N. The second number indicates feet east of the centerline of 127th St. E. July 16, 1998 Generally located north of 85th Street North and east of 127th Street East.

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 16, 1998, 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 conditional use to allow a major utility on 8 acres zoned "RR" Rural Residential described as

> A diamond shaped area containing 7.57 acres located within Sedgwick County, the south half of the Southwest Quarter, Township 25 South, Range 2 East, Section 26. The corners of this diamond are are as follows: South Corner: 53.32/688.98; West Corner: 459.3/283.0; North Corner: 865.28/688.98; East Corner: 459.3/1094.96. The first number indicates feet north of the centerline of 85th St. N. The second number indicates feet east of the centerline of 127th St. E. Generally located north of 85th Street North and east of 127th Street East.

subject to the following conditions:

1. The applicant shall obtain all applicable permits and comply with all zoning code requirements.

2. Noise emitted by the equipment installed on this site shall be limited to 80dB or less as measured at the boundaries of the site.

3. Development of the property shall be limited to a weather station and be in accordance with the approved site plan.

4. The color of all above ground equipment shall be silver or gray or a similar unobtrusive color and shall not have any nighttime lighting.

5. This conditional use may be declared null and void upon a finding by the Board of County Commission that the applicant has failed to comply with any of the foregoing conditions.

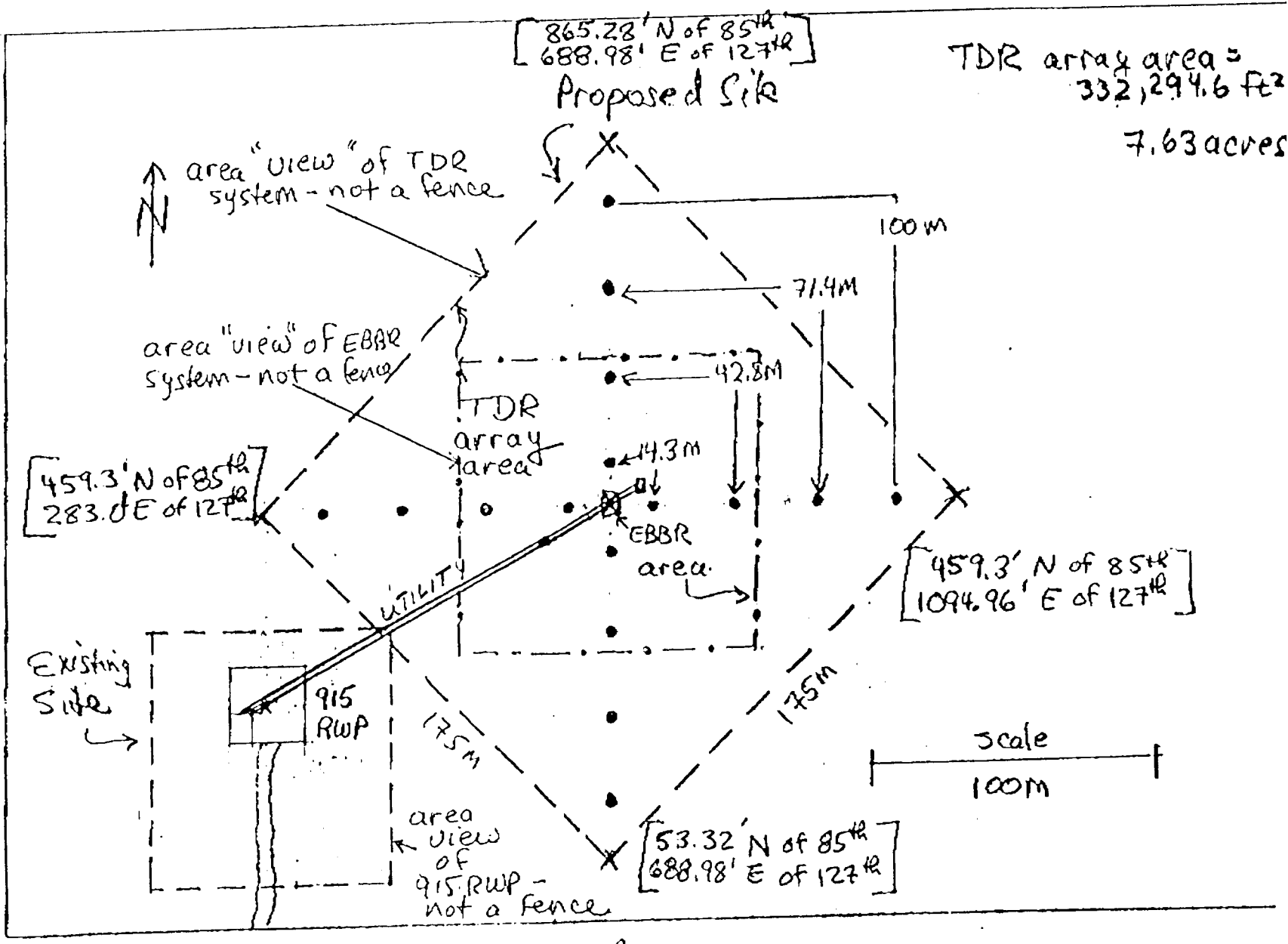
Adopted this 16th day of July, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

Richard E. Lopez, Chairman

ATTEST:

Marvin S. Krout, Secretary


[865.28' N of 85th
688.98' E of 127th]
Proposed Site
TDR array area =
332,294.6 ft²
7.63 acres
area "view" of TDR system - not a fence
area "view" of EBBR system - not a fence
100 m
71.4M
42.8M
14.3M
TDR array area
EBBR area
[459.3' N of 85th
283.0' E of 127th]
[459.3' N of 85th
1094.96' E of 127th]
UTILITY
Existing Site
915 RWP
175m
175m
scale
100m
area view of 915 RWP - not a fence
[53.32' N of 85th
688.98' E of 127th]
127th Street E.
85th Street N.

2/20/98

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC July 16, 1998

CASE NUMBER: CU-485

APPLICANT/AGENT: Argonne National Laboratory (applicant); Jerry Klazura (agent)

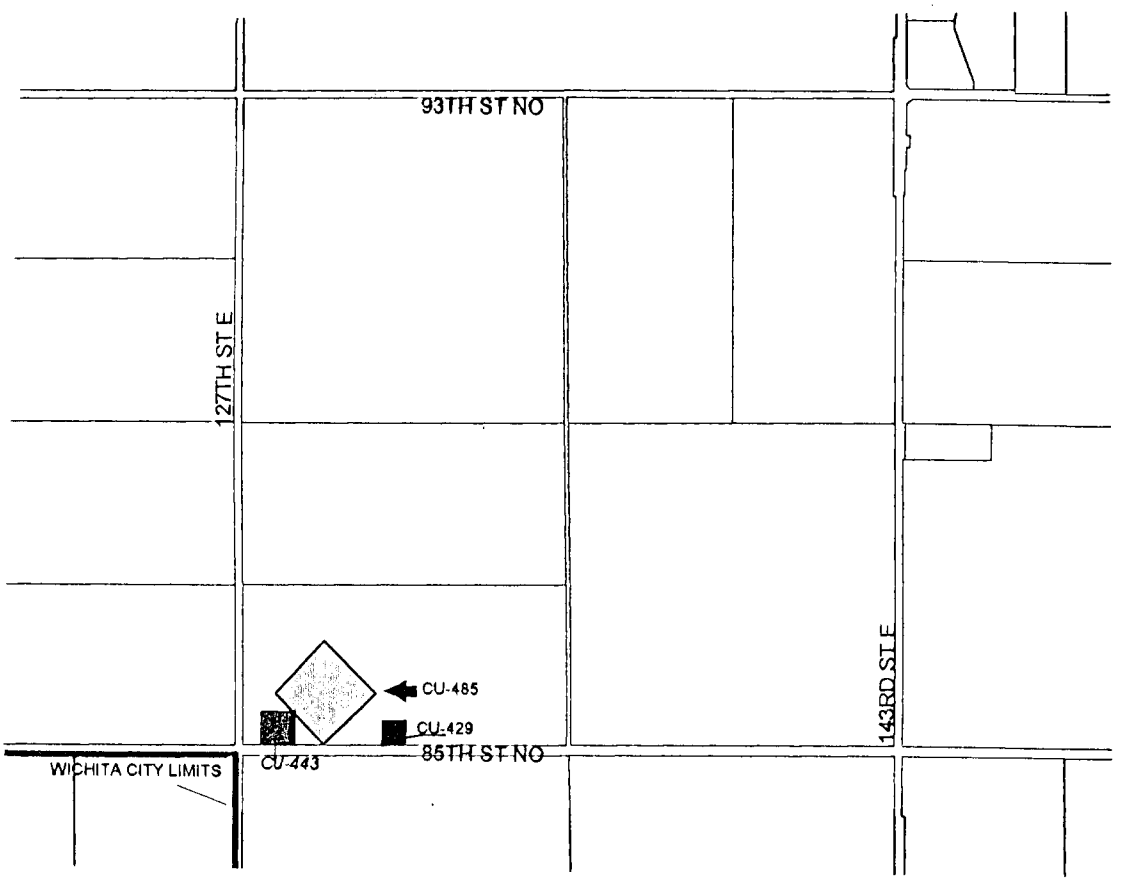
REQUEST: Conditional use to allow a major utility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 8 acres

LOCATION: North of 85th Street North and east of 127th Street East

PROPOSED USE: Weather station



BACKGROUND: The applicant requests a conditional use to permit a utility facility (weather facility) on an 8 acre unplatted tract located east of 127th Street East and north of 85th Street North. The application area (574 feet by 574 feet) is a portion of a Chemical Waste Management of Kansas site (320 acres) which the applicant has leased to locate the weather station equipment. The lease and surrounding area is zoned "RR" Rural Residential. The Unified Zoning Code permits "utility, major" as a Conditional Use in the "RR" Rural Residential District. The applicant requested and received a Conditional Use Permit, CU-429 on April 10, 1997, to permit the weather station to be located east of this location. Before construction this location was determined by the applicant to be inappropriate due to the location of an off-site structure and its' impact on the sensitive weather equipment. Another Conditional Use was approved on July 17, 1997 by the MAPC to allow the placement of the existing facility 167 feet east of 127th Street East and north of 85th Street North. This site is just west of the application area.

The applicant has stated that there will be 16 soil probes, a total of three power and data boxes, and a Energy Balance Bowen Ratio (EBBR) on this application area. Only the boxes and the EBBR will be located above ground, and they will be located in the center of the application area. The applicant has also stated none of these devices emit any noise, radiation or other pollutants. This site will study hydrology and other underground characteristics (soil, evaporation, etc.) and the impact on weather, while the existing site to the west will study the above ground typical meteorology characteristics (i.e. temperature, wind, barometric pressure, etc.).

The Argonne National Laboratory is establishing a new weather observation network with sites in Butler, Sedgwick and Cowley Counties in the lower Walnut River Watershed. It will operate for ten to fifteen years in support of long-term atmospheric research designed to improve weather forecasting, understanding of hydrological processes, and climate modeling. Automated Weather Stations, upward-pointing Doppler radars and acoustic echo sounders will continuously measure temperature, humidity, and winds in the lowest 5,000 to 10,000 feet at three "Profiler" sites near Beaumont, Oxford and Whitewater, Kansas. These sites were selected because of their proximity to the eastern, southern, and western edges of the watershed, respectively. The Beaumont and Oxford sites are already operating. This equipment is located on land as approved for CU-443 and is currently being installed at this location, just west of the application area.

Five "surface characterization" sites are also planned to be located within this triangle of "Profiler" sites on different land surfaces (e.g., grass, wheat, etc.). These sites will be equipped with Automated Weather Stations and eddy correlation instruments. The eddy correlation instruments will not be located on this site. Automated Weather Stations comprised of computers and instruments will continuously measure wind direction, wind speed, temperature, pressure, humidity and rain rate. Eddy correlation instruments will measure the flow of heat and moisture. The first surface

characterization site is located near Smileyberg, Kansas, and became operational in April, 1997. The other four sites will be operational by December, 1999.

Data from all of these weather observations sites will be transmitted to the project office which will be centrally located within the "Profiler" triangle six miles southeast of Augusta, Kansas. The data will be quality checked, archived and then made available to research scientist, operational meteorologists (including the Wichita National Weather Service Office) and the public via the Internet in near-real time.

As part of the CU-443 application, the applicant developed and distributed a newsletter which describes the project and answers questions about the program. This newsletter was provided to residents near the application area and is attached for MAPC review.

CASE HISTORY: CU-429 granted a weather station site east of the application area. CU-443 was approved in 1997 to allow for a major utility, which is just west of this application area.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Chemical Waste Storage Facility
SOUTH:	"RR"	Agricultural Use
EAST:	"RR"	Agricultural Use
WEST:	"RR"	Agricultural Use

PUBLIC SERVICES: This site is not served by public services. The intended use does not require municipal sewer or water services.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "agricultural." This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage.

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

1. The applicant shall obtain all applicable permits and comply with all zoning code requirements.

2. Noise emitted by the equipment installed on this site shall be limited to 80dB or less as measured at the boundaries of the site.

3. Development of the property shall be limited to a weather station and be in

accordance with the approved site plan.

4. All above equipment shall be fenced with a minimum 8 foot high cyclone fence.

5. The color of all above ground equipment shall be silver or gray or a similar unobtrusive color and shall not have any nighttime lighting.

6. This conditional use may be declared null and void upon a finding by the Board of County Commission that the applicant has failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood:All of the land adjacent to the application area is zoned "RR" Rural Residential, and is used for agriculture or a waste storage facility. The closest residence is 3/4 of a mile from the application area. The overall character of eh area is rural agricultural.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "RR" Rural Residential, which permits "major utilities" as a conditional use. Given the existence of the mix of agricultural uses and waste storage, the proposed weather station is a suitable use at this location provided it complies with code requirements and conditions.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of he application area, the separation of the site from residential dwellings, there should not be any detrimental affects on nearby property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The plan does not speak specifically to weather stations, but the information collected by these facilities serves a public purpose in providing improved weather forecasting and climate modeling.

5. Impact of the proposed development on community facilities: None identified.