CONDITIONAL USE RESOLUTION NO. CU-564

WHEREAS, City of Wichita (c/o David Warren)/Professional Engineering Consultants (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), requested a Conditional Use to allow construction of a wastewater treatment plan and associated uses on 101.75 acres zoned "SF-6" Single-Family Residential described as:

> Beginning at the northeast corner of the southwest Quarter of Section 25, Township 26 South, Range 2 west of the 6th Principal Meridian, Sedgwick County, Kansas; thence S0°05'17"W along the east line of said southwest quarter a distance of 2606.26 feet; thence N87°40'22"W parallel to the south line of said southwest quarter and being 50 feet north of said south line a distance of 765.11 feet; thence N02°19'38"W a distance of 1276.29 feet; thence S87°41'44"W parallel to the north line of said southwest quarter and being 1328 feet south of said north line a distance of 1756.38 feet; thence N0°00'00"E parallel to the west line of said southwest quarter and being 50 feet of said west line a distance of 1329.07 feet; thence N87°41'44"E along the north line of said southwest quarter a distance of 2577.36 feet to the point of beginning. Containing 101.75 acres more or less. Generally located north and east of the northeast corner of 37th Street North and 135th Street West.

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 February 10, 2000, 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 construction of a wastewater treatment plan and associated uses on 101.75 acres zoned "SF-6" Single-Family Residential described as:

> Beginning at the northeast corner of the southwest Quarter of Section 25, Township 26 South, Range 2 west of the 6th Principal Meridian, Sedgwick County, Kansas; thence S0°05'17"W along the east line of said southwest quarter a distance of 2606.26 feet; thence N87°40'22"W parallel to the south line of said southwest quarter and being 50 feet north of said south line a distance of 765.11 feet; thence N02°19'38"W a distance of 1276.29 feet;

thence S87°41'44"W parallel to the north line of said southwest quarter and being 1328 feet south of said north line a distance of 1756.38 feet; thence N0°00'00"E parallel to the west line of said southwest quarter and being 50 feet of said west line a distance of 1329.07 feet; thence N87°41'44"E along the north line of said southwest quarter a distance of 2577.36 feet to the point of beginning. Containing 101.75 acres more or less. Generally located north and east of the northeast corner of 37th Street North and 135th Street West.

MAPC approved the application subject to platting and the following conditions:

1. Except for the Operations Building, a six-eight foot screening wall consistent with the zoning code requirements shall enclose the entire treatment plant facility. Colors shall be compatible with those used on the operations building.

2. The applicant shall obtain all federal, state and local permits required prior to beginning plant operations.

3. The site shall be developed and maintained in a manner that is generally consistent with the approved site plan.

4. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

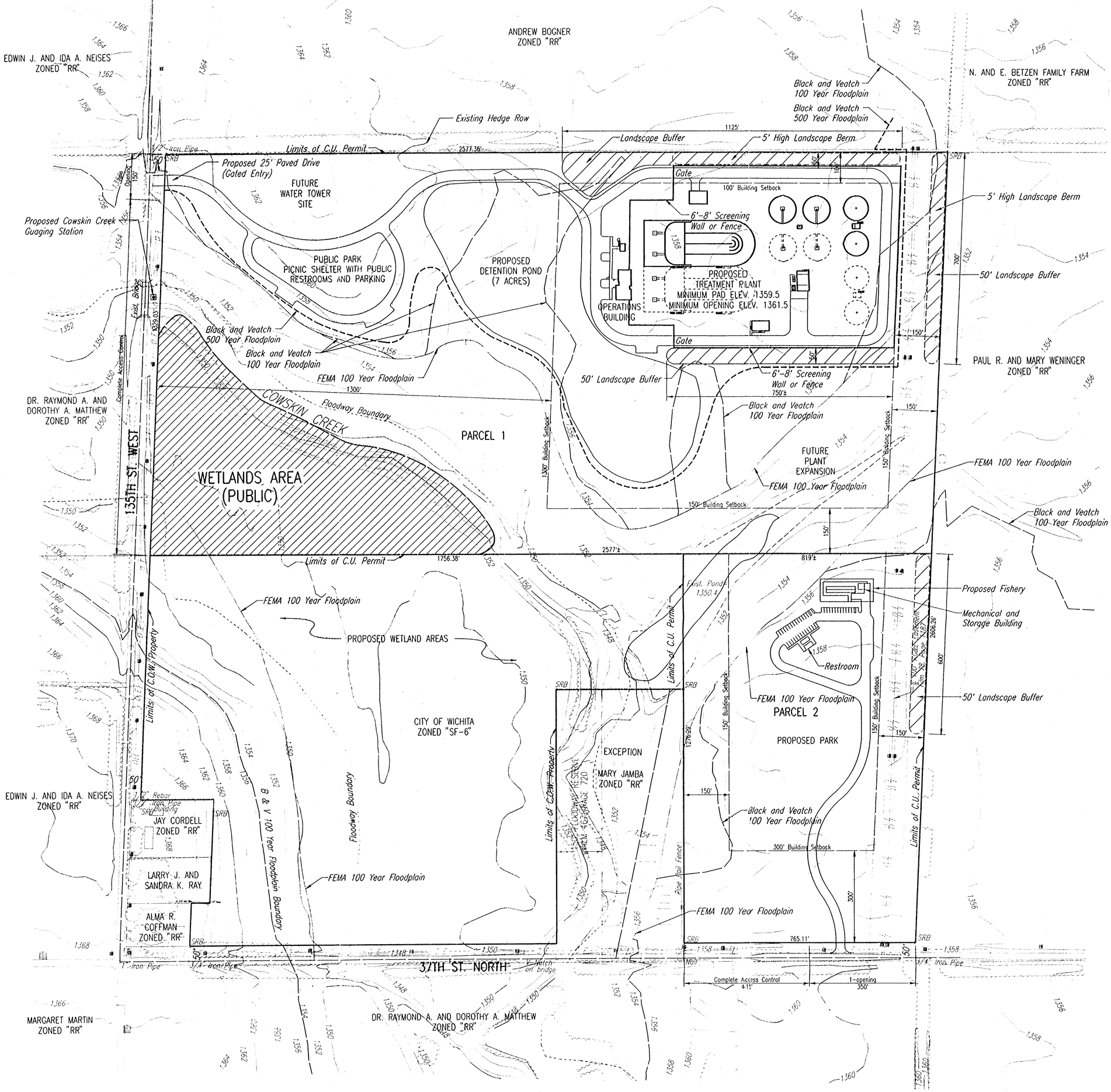
Adopted this 10th day of February, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary



JANUARY 3, 2000

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 26 SOUTH, RANGE 2 WEST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE S0°05'17"W ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2606.26 FEET; THENCE N87°40'22"W PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND BEING 50 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 765.11 FEET; THENCE N02°19'38"W A DISTANCE OF 1276.29 FEET; THENCE S87°41'44"W PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER AND BEING 1328 FEET SOUTH OF SAID NORTH LINE A DISTANCE OF 1756.38 FEET; THENCE N0°00'00"E PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND BEING 50 FEET EAST OF SAID WEST LINE A DISTANCE OF 1329.07 FEET; THENCE N87°41'44"E ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2577.36 FEET TO THE POINT OF BEGINNING. CONTAINING 101.75 ACRES MORE OR LESS.

SCREENING WALL

EXCEPT FOR THE OPERATIONS BUILDING, THE ENTIRE TREATMENT PLANT FACILITY SHALL BE ENCLOSED BY A 6'-8' SCREENING WALL CONSISTENT WITH THE ZONING CODE REQUIREMENTS. COLORS SHALL BE COMPATIBLE WITH THOSE USED ON THE OPERATIONS BUILDING.

LANDSCAPE BUFFER

THERE SHALL BE A 50' LANDSCAPE BUFFER ALONG THE NORTH PROPERTY LINE FROM THE END OF THE EXISTING HEDGE ROW TO THE WEST LINE OF THE KGE EASEMENT (1125') WITH A 5' HIGH LANDSCAPE BERM ADJACENT TO THE PROPOSED MASONRY WALL.

THERE SHALL BE A 50' LANDSCAPE BUFFER ALONG THE EAST PROPERTY LINE ON THE NORTH 700' OF PARCEL 1 WITH A 5' HIGH LANDSCAPE BERM.

THERE SHALL BE A 50' LANDSCAPE BUFFER ALONG THE SOUTH SIDE OF THE TREATMENT PLANT ADJACENT TO THE PROPOSED MASONRY WALL FROM THE WEST LINE OF THE KGE EASEMENT WEST 750'.

THERE SHALL BE A 50' LANDSCAPE BUFFER ALONG THE EAST PROPERTY LINE ON THE NORTH 600' OF PARCEL 2.

LANDSCAPE BUFFERS SHALL CONSIST OF NATIVE PLANTINGS AND SHALL BE 1 1/2 TIMES THE REQUIREMENT OF THE LANDSCAPE CODE OF THE CITY OF WICHITA.

DETENTION POND

THE 7 ACRE DETENTION POND IS DESIGNED TO REDUCE THE RUNOFF FROM THE DEVELOPED SITE TO PRE-DEVELOPED CONDITIONS. IT ALSO SERVES AS A ASTHETIC WATER FEATURE ON THE SITE, WHILE PROVIDING STORAGE FOR APPROXIMATELY 3 DAYS WORTH OF EFFLUENT DISCHARGE DURING TIMES OF COWSKIN CREEK FLOODING. THERE SHALL BE A CREEK GUAGING STATION ON THE 135TH STREET WEST BRIDGE OVER THE COWSKIN CREEK THAT WILL CONTROL THE DISCHARGE OF EFFLUENT DURING COWSKIN CREEK FLOODING AND NOTIFY AUTHORITIES OF POTENTIAL FLOODING.

FLOODPLAIN

THERE ARE TWO FLOODPLAINS DELINEATED ON THE PLAN. ONE IS THE 100 YEAR FLOODPLAIN AS MAPPED BY FEMA AND THE OTHER IS THE 100 YEAR FLOODPLAIN AS MAPPED BY A RECENT STUDY PREPARED BY BLACK AND VEATCH, WHICH HAS NOT BEEN APPROVED BY FEMA. THE APPROXIMATE ELEVATION OF THE 100 YEAR FLOODPLAIN IS 1355 M.S.L. THE APPROXIMATE ELEVATION OF THE 500 YEAR FLOODPLAIN AS MAPPED BY BLACK AND VEATCH IS 1357 M.S.L.

THE MINIMUM PAD ELEVATION FOR THE PROPOSED TREATMENT PLANT SHALL BE 1359.5 M.S.L., WHICH IS TWO AND ONE-HALF FEET ABOVE THE 500 YEAR FLOODPLAIN.

LIGHTING

LIGHTING WILL BE CONSISTENT WITH ZONING CODE REQUIREMENTS. ALL LIGHTING FIXTURES WILL BE GLARE FREE CUT-OFF TYPE FIXTURES THAT WILL BE REFLECTED DOWNWARD AWAY FROM ANY ADJOINING RESIDENTAL USES. NO LIGHTING SHALL EXCEED STANDARD STREET LIGHT HEIGHT.

SETBACKS

PARCEL 1

THERE SHALL BE A 1300' BUILDING SETBACK FROM 135TH STREET WEST, 150' SETBACK ALONG THE SOUTH AND EAST PROPERTY LINES AND A 100' SETBACK ALONG THE NORTH PROPERTY LINE.

PARCEL 2

THERE SHALL BE A 300' BUILDING SETBACK FROM 37TH STREET NORTH AND 150' BUILDING SETBACK ALONG THE WEST AND EAST PROPERTY LINES.

PROPOSED USES

PARCEL 1

WASTEWATER TREATMENT PLANT LIMITED TO THE EAST 1275', PUBLIC PARK, PUBLIC WETLANDS AND PUBLIC WATER TOWER.

PARCEL 2

PUBLIC PARK AND FISHERY.

SITE PLAN

APPROVED 2/28/00 BY Barry L. Conrell

CONDITIONAL USE SITE PLAN FOR NORTHWEST WASTEWATER TREATMENT PLANT

PREPARED FOR: CITY OF WICHITA, 455 N. MAIN, WICHITA, KS. 67202

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT
MAPC - February 10, 2000

CASE NUMBER: CU-564

APPLICANT/AGENT: City of Wichita (c/o David Warren)/*Professional Engineering Consultants (PEC)* c/o Rob Hartman (agent)

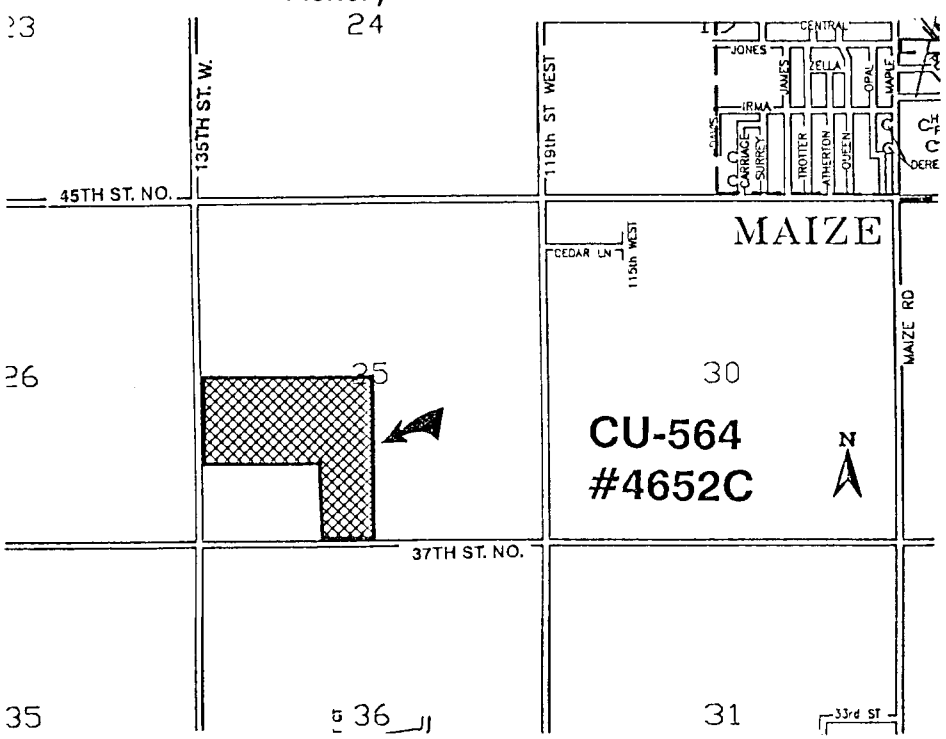
REQUEST: *Conditional Use* to allow construction of a wastewater treatment plant and associated uses.

CURRENT ZONING: *"SF-6" Single Family Residential*

SITE SIZE: 101.75 acres

LOCATION: North and East of the Northeast corner of 37th Street North and 135th Street West

PROPOSED USES: Northwest Waste Water Treatment Plant, Public Park and Fishery



BACKGROUND: The City of Wichita is requesting approval of a *Conditional Use Permit* to allow the construction of a waste water treatment plant, public park and fishery on 101.75 acres of property zoned "SF-6" Single Family Residential. The application area is an "L" shaped parcel, and is located ¼ mile north and 1860 feet east of the intersection of 37th Street North and 135th Street West (see attached site plan). The application area is currently undeveloped agricultural land. Cowskin Creek winds its way through the site from the west and then south. A lake also exists in the eastern part of the application area. The City of Wichita also owns the rest of the quarter section except for four other tracts, which are approximately 12.5 acres in size.

The treatment plant is to be located in the northeast corner of Parcel 1, occupying approximately 14 acres of the Parcel's 78 acres. Access to the site is to be from 135th Street, near the ½ mile line. The treatment plant will generate minimal traffic since it will be a "state of the art" facility and will essentially be an unmanned facility. All of the main treatment plant facilities will be enclosed within a 6 to 8-foot screening wall or fence. The north wall/fence of the facility is to be located 50 feet south of the north property line with a 100-foot building setback. The east wall/fence is to be located 150 feet east of the east property line with a 150-foot building setback. The south wall/fence is 1,950 feet north of 37th Street with a building setback located 1,430 feet north of the south property line. The west wall/fence is to be located 1,540 feet east of 135th Street with a building setback of 1300 feet east of 135th Street. The extra space located south of the proposed plant provides for future expansion of the facility. A five-foot high berm and a 50-foot wide landscaped buffer are to be located along the north and east sides of the proposed plant. A landscaped strip, but no berm, is to be located on the south. This landscaped buffer is to be planted at one and one-half times the minimum City landscape ordinance requirements. (Minimum landscape buffer requirements are one shade tree or two ornamentals per 40 feet of length) The west side of the plant will be buffered by a park and seven-acre detention pond. This detention pond will receive treated water from the plant as well as controlled drainage from the development. Water from the detention pond would be released to a second existing lake located south of the proposed facility or to the proposed fishery, located in Parcel 2 or to the wetlands area.

A waterfall feature is envisioned as part of the water flow from the plant to the detention pond. The detention pond will have enough excess capacity to hold three days worth of effluent in the event of a significant rain event. A gauging station is to be located on Cowskin Creek to monitor the creek and stop the release of effluent when warranted. All but the southeast corner of the proposed treatment plant will be located out of the FEMA 100-year floodplain, and the entire site will be raised above the floodplain. Height of the tallest structures in the waste water facility are expected to be 25 feet. The rest of Parcel 1 is to be occupied by a public park, access road, parking, wetlands area, walking paths, wildlife viewing

platforms and public use shelters.

Parcel 2 (24 acres) is to contain additional parkland and the fishery. Access to this parcel will be from 37th Street. The fishery consists of two pools of water that will be stocked with fish, and a small equipment building. The Department of Wildlife and Parks stock city lakes with fish approximately every two weeks. At this point in time they can only ship in a limited number of fish, as they do not have an adequate holding facility. These two ponds would allow Parks and Wildlife to ship in a larger quantity of fish at lower prices that would be unloaded at this location. These fish would then held at this location until they were transferred to city lakes. Traffic generated by both the park and the fishery uses is expected to be very light when compared to residential or commercial development.

The remaining southwest quarter of the City's ownership is not covered by this application, and would contain additional wetlands and public access areas. A shelter house, parking and walking paths would be constructed in this area. Access to the shelter house would be from 135th Street.

Lighting for the facilities will be reflected away from any adjoining residential uses.

There are four residential properties in this quarter section that are not part of the application. Three of these properties are located just north and east of the intersection of 37th Street North and 135th Street West. The fourth property is located on the north side of 37th Street West, approximately 1400 feet east of 135th street. This last home is located closest to the proposed treatment plant, approximately 1800 feet away. Two other homes are located south of 37th Street, 1800 feet east of 135th Street. These homes are approximately 2200 south of the proposed plant. Another home is located west of 135th Street, 2,200 feet from the plant. Another home is located approximately 2,000 feet northwest of the proposed site. Another home is located approximately 2500 feet northeast of the application area. All land immediately adjoining the application area, except for the four home sites located in the same quarter-section as the application area are used for agricultural purposes and that land is zoned "RR", Rural Residential. The 100-year floodplain extends east and northeast from the proposed treatment plant and will provide additional buffering.

Under the existing Unified Zoning Code, a waste water treatment plant is defined as a "utility major, and requires a *Conditional Use* in all districts. Public parks and recreational uses are permitted by right, in all zoning districts.

CASE HISTORY: The City of Wichita purchased the property and officially annexed it in 1999. The property is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agriculture
EAST:	"RR" Rural Residential	Agriculture
SOUTH:	"RR" Rural Residential	Agriculture, large-lot residential
WEST:	"RR" Rural Residential	Agriculture, large-lot residential

PUBLIC SERVICES: The site has access to 37th Street North and 135th Street West, both are two-lane sand and gravel township roads. Traffic volumes are not available. The proposed uses would generate a minimal increase in traffic. Water and sewer services are not currently available at this time. Since there will not be full time employees located here, there is not a need for potable water at this time.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "agriculture." The plan contains an objective stating: "Promote the development of a comprehensive set of sanitary sewer systems which provide the most economic and efficient service possible." The plan is not identified in the 1993 adopted plan, but was approved by the Wichita City Council as part of the Northwest Sewer Master Plan.

RECOMMENDATION: Waste water treatment plants typically require a large area of land; land on which to construct the actual facilities and then land to buffer the treatment operations. Obtaining a parcel of land large enough to accommodate a treatment plant is virtually impossible to obtain in developed or developing areas, forcing the siting search for these facilities to suburban and rural areas. An extensive site evaluation process was conducted to identify appropriate sites. This site fell within siting perimeters. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to platting and the following conditions:

1. Except for the Operations Building, a six-eight foot screening wall consistent with the zoning code requirements shall enclose the entire treatment plant facility. Colors shall be compatible with those used on the operations building.

2. The applicant shall obtain all federal, state and local permits required prior to beginning plant operations.

3. The site shall be developed and maintained in a manner that is generally consistent with the approved site plan.

4. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and the adjacent land is zoned "RR" Rural Residential. The bulk of the land in the Conditional Use area will be devoted to open space uses, consistent with the agricultural and large lot residential character of the vicinity. The majority use of the land in the neighborhood is agricultural with approximately nine homes in the vicinity, all at least 1800 feet from the proposed plant.

2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "RR", Rural Residential, which is primarily intended for large-lot residential uses and similar low intensity uses such as golf courses, parks and private recycling collection stations. Existing permitted uses could be developed on this site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Minimal detrimental effects are anticipated because of "state of the art" equipment the facility will use, and the extensive landscaping, screening and buffering provided. An extensive siting analysis was conducted in an attempt to locate a plant which would affect the fewest number of residences and still be able to serve the area needing service.

4. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The request is consistent with the objective stating: "Promote the development of a comprehensive set of sanitary sewer systems which provide the most economic and efficient service possible." A facility is needed to provide additional growth potential for northwest Wichita and Sedgwick County.

5. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal, generating little traffic or need for additional services. In fact, the facility will relieve existing area from potential sewer problems due to lines exceeding capacity, and will permit the expansion of sewer service to areas currently without service.