

CONDITIONAL USE RESOLUTION NO. CON2003 -00031

WHEREAS, Gene L. and Kay E. Woodard (Owner/Applicants); Westar Energy c/o Cindy Risch (Applicant); Baughman Company c/o Russ Ewy (Agent) 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 major utility on 5.05 acres zoned "RR" Rural-Family Residential described as:

A tract of land located in the NW 1/4 of Section 21, Township 26 South, Range 1 West in Sedgwick County, Kansas, more particularly described as follows: Beginning at the SW corner of said NW 1/4, thence North along the West line of said NW 1/4 a distance of 400 feet; thence East parallel to the South line of said NW 1/4 a distance of 550 feet; thence South parallel to the West line of said NW 1/4 a distance of 400 feet; thence West along the South line of said NW 1/4 a distance of 550 feet to the point of beginning, containing 5.05 acres. Generally located east side of Tyler, 1/2 mile south of 53rd Street North.

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 September 18, 2003, 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 for a major utility on property zoned "RR" Rural-Family Residential and described as:

Lot 1, Block A, Westar Addition, Sedgwick County, Kansas. Generally located east side of Tyler, 1/2 mile south of 53rd Street North.

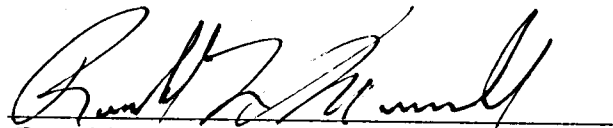
The Conditional Use shall be subject to following conditions:

1. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to the commencement of operations.
2. Screening by evergreen vegetation shall be installed within 18 months of approval of the Conditional Use and shall be continuously maintained in general conformance with a landscape plan approved by the Planning Director.

3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 the Conditional Use null and void.

Adopted this 18th DAY of SEPTEMBER, 2003. 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


Ronald L. Marnell, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

SITE PLAN FOR:
MAIZE SUBSTATION

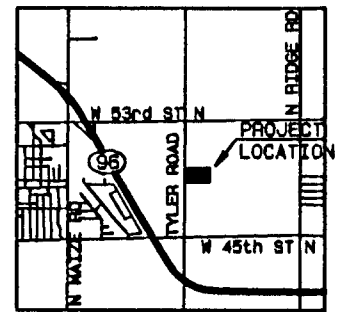
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF
SECTION 21, TOWNSHIP 26 SOUTH, RANGE 1 WEST
OF THE 6TH P.M. IN SEDGWICK COUNTY, KANSAS.

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER
OF SECTION 21, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF SEDGWICK
COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST
QUARTER, THENCE NORTH ALONG THE WEST LINE OF SAID
NORTHWEST QUARTER A DISTANCE OF 400 FEET; THENCE EAST
PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST QUARTER A
DISTANCE OF 550 FEET; THENCE SOUTH PARALLEL TO THE WEST
LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 400 FEET;
THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHWEST
QUARTER 550 FEET TO THE POINT OF BEGINNING, CONTAINING
5.05 ACRES.

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT ELEVATION
- CHAIN LINK FENCE
- BARBED WIRE FENCE
- LIMBER PINE
- SEA GREEN JUNIPER
- ELECTRIC POWER LINE
- TREE LINE
- YARD LIGHT



VICINITY MAP
no scale

- NOTES:
- SUBSTATION FENCE WILL BE 8' CHAIN LINK WITH 3 STRANDS OF BARBED WIRE
 - SUBSTATION PAD AND ENTRANCE WILL BE SURFACED WITH COMPACTED, TYPE S93 CRUSHED ROCK. ALL OTHER AREAS WILL BE GRASS.
 - YARD LIGHTS WILL FACE THE INTERIOR OF THE SUBSTATION PAD AND WILL BE TURNED ON ONLY DURING EMERGENCY WORK.

APPLICANT:
WESTAR ENERGY
P.O. BOX 889
TOPEKA, KS 66601
ATTN: CINDY RISCH

OWNER:
GENE WOODARD AND KAY WOODARD
4230 N. MAIZE ROAD
MAIZE, KS 67101

8			4			DRAWN BY	CJR	DATE	05/01/03	SCALE:	1"=60'		TITLE	MAIZE SUBSTATION SITE PLAN	DWG. NO. SK9757*SI01	
7			3			DESIGNED BY	CJR	DATE	05/01/03	W.O. NO. A09240						
6			2			APPROVED BY		DATE								
5			1													
REV.	REVISION DESCRIPTION	DATE	BY	REV.	REVISION DESCRIPTION	DATE	BY								SHEET NO. 1 of 1	REV. 0

REVISE ON TERRACES ONLY

FILE NAME SK9757 ALL

CON2003-00031
SITE PLAN
APPROVED 9-18-03 BY MAPC



AGENDA ITEM NO. 5

STAFF REPORT

Maize September 4, 2003
MAPC September 18, 2003

CASE NUMBER: CON2003-00031

APPLICANT/AGENT: Gene L. & Kay E. Woodard (Owners); Westar Energy c/o Cindy Risch (Applicant); Baughman Company c/o Russ Ewy (Agent)

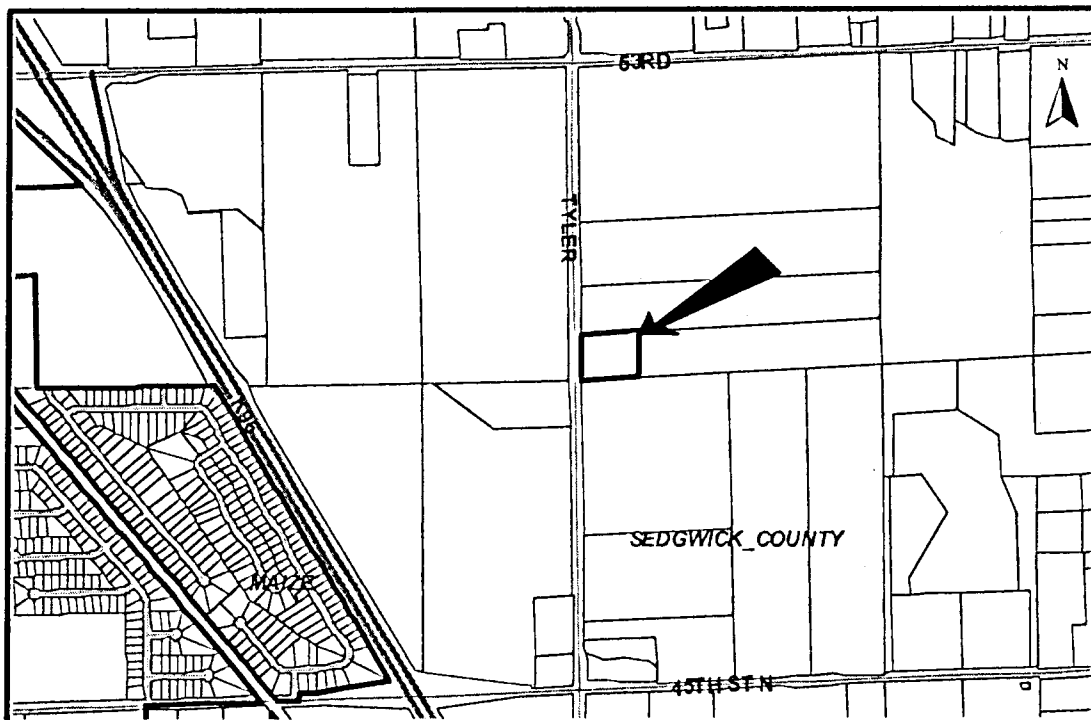
REQUEST: Conditional Use for a major utility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5.05 acres

LOCATION: East side of Tyler, ½ mile south of 53rd Street North

PROPOSED USE: Electrical substation



BACKGROUND: Westar Energy is requesting a Conditional Use for a major utility to permit an electrical substation to be located on the east side of Tyler, approximately ½ mile south of 53rd Street North on approximately five acres zoned "RR" Rural Residential. A major utility may be permitted with the approval of a Conditional Use in the "RR" Rural Residential zoning district.

While the application area is just over five acres in size, the equipment will be contained within a 200' x 310' compound. The remainder of the tract will be used as buffer and landscaped space, and the proposed evergreen landscaping meets the screening requirements of the Unified Zoning Code. Except for poles, the tallest equipment will be 30 feet tall. Westar indicates that the City of Maize has a growing demand for electricity, and this facility is needed to meet projected needs. The applicant indicates that the site was chosen based upon the following circumstances: 1) the land was for sale; 2) the site is near existing transmission lines; 3) the site is centrally located to the area they expect to serve and 4) there was enough land available for sale to meet project's needs (see attached documents).

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; agriculture
SOUTH: "RR" Rural Residential; agriculture
EAST: "RR" Rural Residential; agriculture
WEST: "RR" Rural Residential; agriculture

PUBLIC SERVICES: Tyler Road is paved. No personnel are assigned to the site, with personnel visits occurring about once a month. Therefore, the facility will have minimal impact on county provided services. The approval of this request will enhance the delivery of electric service to the Maize area.

CONFORMANCE TO PLANS/POLICIES: The plan is silent regarding the siting of utilities such as the proposed electrical substation. Prudent planning principles indicate that the electrical substations should be located so they facilitate the orderly growth of the county and the communities they serve.

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

1. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to the commencement of operations.

2. Screening by evergreen vegetation shall be installed and maintained in general conformance with a landscape plan approved by the Planning Director.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All surrounding property is in agricultural use and is zoned "RR" Rural Residential. The application area is rural in character. The proposed electrical substation is compatible with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and could be used as presently zoned. However, the site is located near transmission lines and the projected customer base for the facility.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will not detrimentally impact nearby property as electrical facilities of this type are located throughout the county, and adequate screening will be provided. The request is well in advance of development providing ample time for property owners to plan accordingly.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Electrical service is used by everyone, and there is a need to adequately provide the service in the most efficient manner possible.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The plan is silent regarding the siting of utilities such as the proposed electrical substation. Prudent planning principles indicate that the electrical substations should be located so they facilitate the orderly growth of the county and the communities they serve.
6. Impact of the proposed development on community facilities: Approval of the request will improve the delivery of electrical service throughout the county.