CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 24, 2009

Sedgwick County
525 N Main
Wichita, KS 67203

RE: **CON2009-00007** - County Conditional Use to permit the construction of a storm water pump station, generally located 900 feet west of Ridge Road on the south side of 45th Street North (7453 West 45th Street North).

Dear Ladies and Gentlemen:

At its regular meeting on **April 9, 2009**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: John Dodds, 4565 N. Ridge Road, Wichita, KS 67205
Kent Dodds, 650 Daisy Lane, Andover, KS 67002
BCOC IV, Kelly Parks, Mail Stop County, Room 320
Bill Buchanan, County Manager, County Room 343
Bob Parnacott, County Law, Mail Stop Room 359
Glen Wiltse County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213
Park Township, Richard L McClure, 5500 N Maize Road, Maize, KS 67101
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72

CONDITIONAL USE RESOLUTION NO. CON2009-00007

WHEREAS, Sedgwick County, (Owner/Applicant); 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 a Utility, Major on 1.67 acres zoned SF-20 Single-family Residential ("SF-20") described as:

> A tract of land located in the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as: commencing at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 80 degrees 50 minutes 07 seconds West a distance of 900.00 feet to a point on the North line of said Northeast Quarter; thence S 00 degrees 09 minutes 53 seconds East a distance of 50.00 feet to a point of beginning; thence South 00 degrees 09 minutes 53 seconds East a distance of 180.00 feet; thence South 89 degrees 50 minutes 07 second West a distance of 406.71 feet; more or less, to a point 1330.08 feet East of the West line of said Northeast Quarter; thence N 00 degrees 37 minutes 52 seconds East a distance of 180.02 feet to a point 1330.08 feet East of the West line of said Northeast Quarter; thence N 89 degrees 50 minutes 07 seconds East a distance of 404.21 feet, more or less, to the point of beginning; generally located 900 feet west of Ridge Road on the south side of 45th 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 April 9, 2009, 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 for a Utility, Major on 1.67 acres zoned SF-20 Single-family Residential ("SF-20") described as:

> A tract of land located in the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as: commencing at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 80 degrees 50 minutes 07 seconds West a distance of 900.00 feet to a point on the North line of said Northeast Quarter; thence S 00 degrees 09 minutes 53 seconds East a distance of 50.00 feet to a point of beginning; thence South 00 degrees 09 minutes 53 seconds East a distance of 180.00 feet; thence South 89 degrees 50 minutes 07 second West a distance of 406.71 feet; more or less, to a point 1330.08 feet East of the West line of said Northeast Quarter; thence N 00 degrees 37 minutes 52 seconds East a distance of 180.02 feet to a point 1330.08 feet East of the West line of said Northeast Quarter; thence N 89 degrees 50 minutes 07 seconds East a distance of 404.21 feet, more or less, to the point of beginning; generally located 900 feet west of Ridge Road on the south side of 45th Street North.

Approved subject to the following conditions:

1. In addition to the uses permitted in the SF-20 Single-family Residential ("SF-20") zone district, the

site may be developed with a "utility, major" use', and accessory uses as depicted on the approved site plan. The site shall be developed in substantial conformance with the approved site plan.

2. The applicant shall obtain all permits necessary to construct the storm water pump station prior to the operation commencing and the site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

3. In addition to other code required development standards, the site shall be developed with: paved parking and circulation areas, including the plant access road; identification of the location, height and type of support structure for any communication support structures; installation of a minimum of a 6-foot security fence; maximum height of lighting standards, including base, shall be 15 feet; setbacks shall be as depicted on the site plan and utilities serving the plant will be underground.

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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 9th Day of April, 2009

METROPOLITAN AREA PLANNING COMMISSION

Darrell Downing, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 9

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC April 9, 2009
Tentative BoCC Meeting: May 13, 2009

CASE NUMBER: CON2009-00007

APPLICANT/AGENT: Sedgwick County, c/o James Weber (Owner/Applicant)

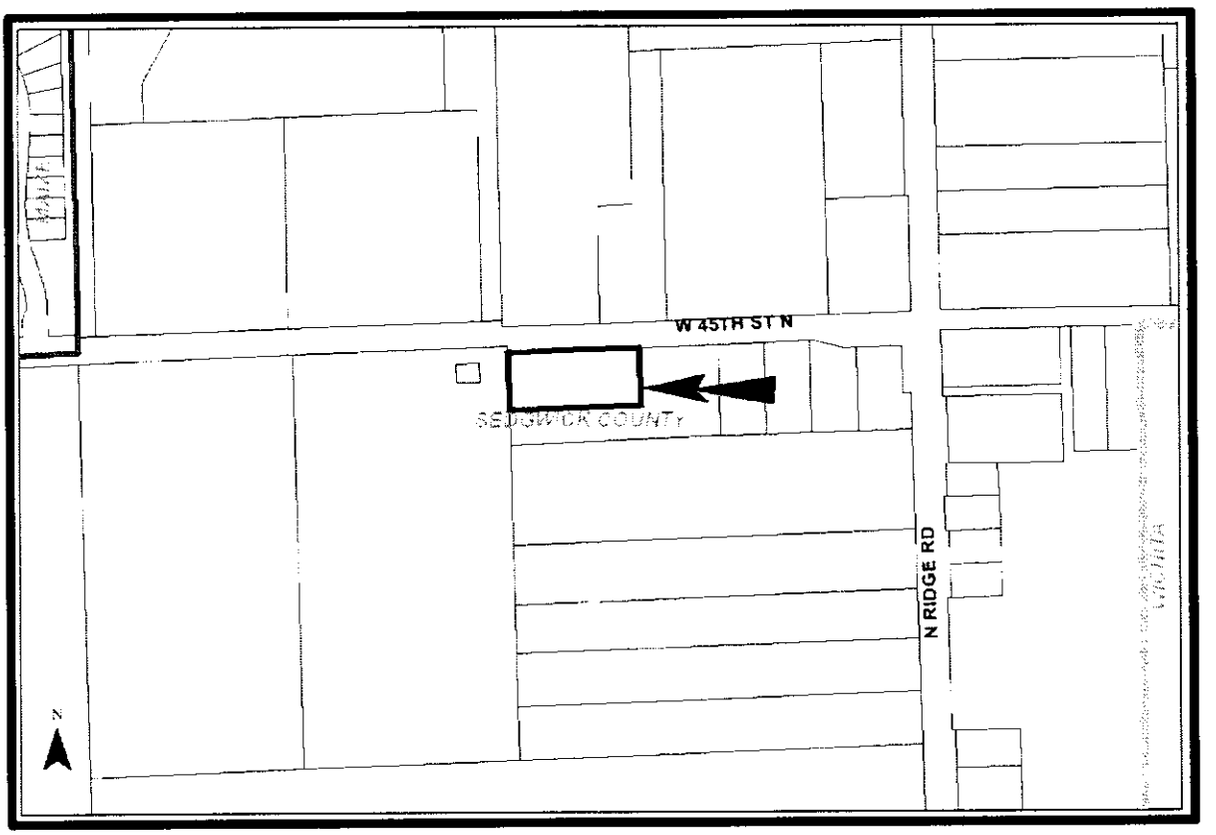
REQUEST: Conditional Use for the construction of a storm water pump station (Utility, Major)

CURRENT ZONING: SF-20 Single-Family Residential ("SF-20")

SITE SIZE: Approximately 1.67 acres

LOCATION: Generally located 900 feet west of Ridge Road on the south side of 45th Street North

PROPOSED USES: Storm Water Pump Station



BACKGROUND: Sedgwick County Public Works is seeking Conditional Use approval for a "utility, major," on property zoned SF-20 Single-family Residential ("SF-20") to permit the construction of a storm water pump station, as defined per Section II-B, #13(h) of the Unified Zoning Code (UZC.) A "utility, major" is a Conditional Use in all zoning districts.

The applicant has stated that a future storm water pump station will be situated on an approximately 1.67-acre unplatted site located approximately 900 feet west of Ridge Road, along the south side of 45th Street North, on property owned by Sedgwick County. The application area is currently unplatted and undeveloped. Access to the site would be from 45th Street North. According to the submitted site plan, the applications area is located in the floodway and the 100-year floodplain of the Little Slough. The site plan shows the pump located on the site, just outside of the floodway.

The applicant is seeking Conditional Use approval for the entire 1.67-acre site. The submitted preliminary site plan locates the pump station on the west side of the subject site. The proposed pump station will be positioned to provide adequate drainage for the area along Ridge Road between K-96 and 53rd Street North in northwest Wichita.

Recommended development standards include: paved parking and circulation areas, including the plant access road; identification of the location, height and type of support structure for any communication support structures; installation of a minimum of a 6-foot security fence; maximum height of lighting standards, including base, shall be 15 feet; setbacks shall be as depicted on the site plan and utilities serving the plant will be underground.

Property to the north is zoned SF-20 and is currently undeveloped, but there is one residence to the northeast of the subject site. Property located directly to the east and south is under the same ownership, and is developed with a single-family residence. Property to the west is zoned SF-20, and is also developed with a residence. The property to the west also has a County Board of Zoning Appeals case on it that allows for the placement of a manufactured home (COBZA 9-90). All property surrounding the subject site is located in the unincorporated Sedgwick County.

CASE HISTORY: The site is in Lot 10, Block 1, Country Acres Addition, which was recorded with the Register of Deeds on June 21, 1955.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Residence
EAST:	SF-20	Residence
SOUTH:	SF-20	Vacant
WEST:	SF-20	Vacant

PUBLIC SERVICES: The site can access to 45th Street North, a two-lane, unimproved, minor arterial. There are no traffic counts along this stretch of 45th Street. There are not any traffic counts within two miles of the subject site. Currently there are not any

municipally supplied services to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" map (adopted 2005) of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "Employment/Industry Center" within the Wichita 2030 Urban Growth Area. This category encompasses areas with uses that constitute centers or concentrations or employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The current zoning of the site is SF-20, and "utility, major" is a Conditional Use in the SF-20 district, per the regulations detailed in the Unified Zoning Code ("UZC"). The property immediately surrounding the area is shown on the "2030 Wichita Functional Land Use Guide" map as a similar classification as the subject site. Utility location guideline 2 (p.36, 1999 Comprehensive Plan Update) states that utilities with significant noise and odor and other nuisance elements should be located away from residential areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, subject to the following conditions:

1. In addition to the uses permitted in the SF-20 Single-family Residential ("SF-20") zone district, the site may be developed with a "utility, major" use, and accessory uses as depicted on the approved site plan. The site shall be developed in substantial conformance with the approved site plan.

2. The applicant shall obtain all permits necessary to construct the storm water pump station prior to the operation commencing and the site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

3. In addition to other code required development standards, the site shall be developed with: paved parking and circulation areas, including the plant access road; identification of the location, height and type of support structure for any communication support structures; installation of a minimum of a 6-foot security fence; maximum height of lighting standards, including base, shall be 15 feet; setbacks shall be as depicted on the site plan and utilities serving the plant will be underground.

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 Article VIII of 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**: Property to the north is

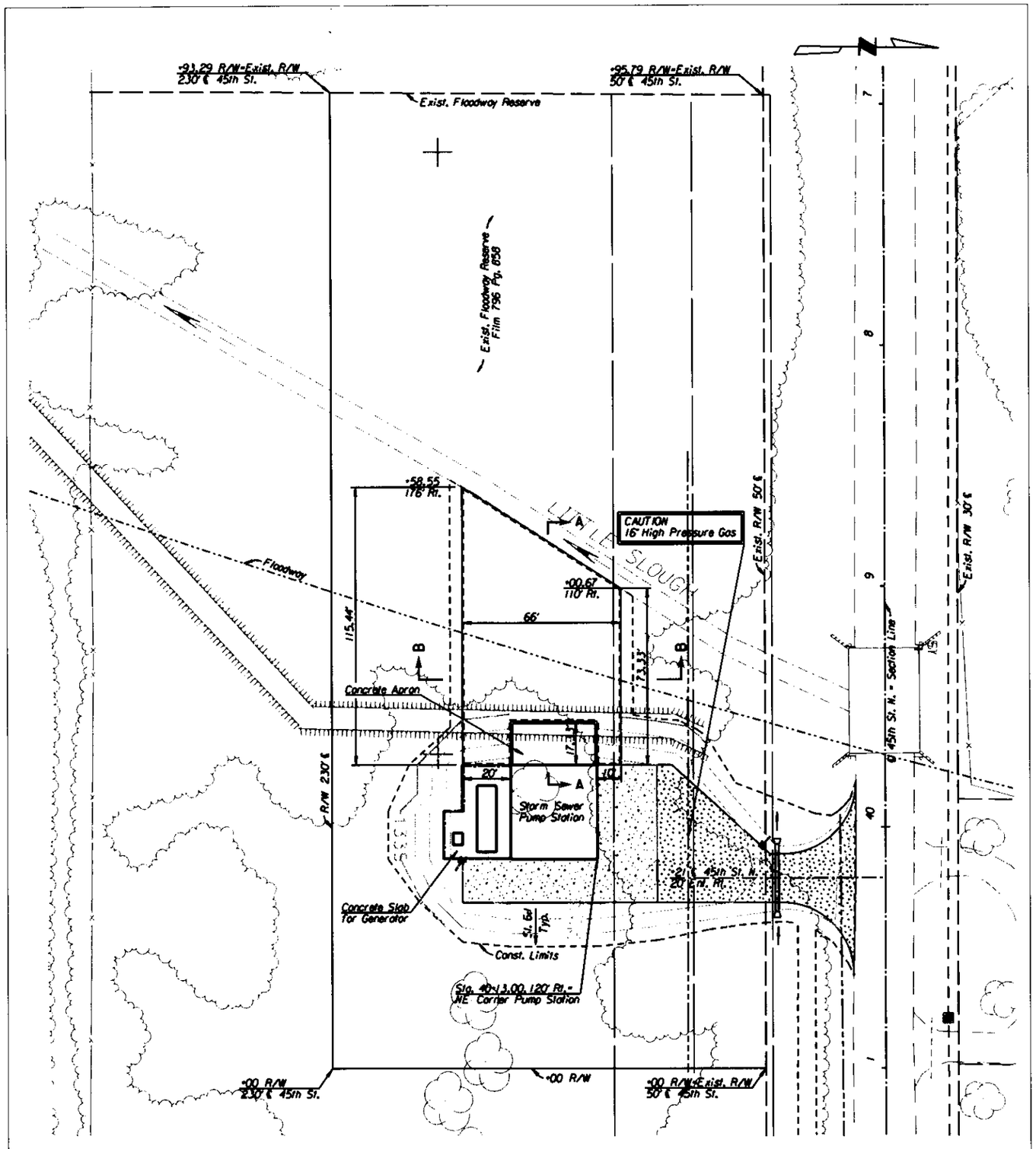
zoned SF-20 and is currently undeveloped, but there is one residence to the northeast of the subject site. Property directly to the east and south are under the same ownership and developed with a single-family residence. Property to the west is zoned SF-20 and is also developed with a residence. The property to the west also has a County Board of Zoning Appeals case on it that allows for the placement of a manufactured home (COBZA 9-90). All property surrounding the subject site is located in the unincorporated Sedgwick County.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site could continue to be used by Sedgwick County as currently zoned. However, the proposed pump will provide additional drainage capabilities to an area that is lacking such service, and will provide for, and support a more efficient future growth pattern for the area.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Primary anticipated impacts on adjoining property could be noise. Detrimental affects on nearby residential uses in the area should be minimized by the conditions of the Conditional Use, which should limit negative activity from adversely impacting these existing uses.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The "2030 Wichita Functional Land Use Guide" map (adopted 2005) of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "Employment/Industry Center" within the Wichita 2030 Urban Growth Area. This category encompasses areas with uses that constitute centers or concentrations or employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The current zoning of the site is SF-20 and "utility, major" is a Conditional Use for the SF-20 zone, per the regulations detailed in the Unified Zoning Code ("UZC"). The property immediately surrounding the area is shown on the "2030 Wichita Functional Land Use Guide" map as a similar classification as the subject site. Utility location guideline 2 (p.36, 1999 Comprehensive Plan Update) states that utilities with significant noise and odor and other nuisance elements should be located away from residential areas.

5. **Impact of the proposed development on community facilities**: This storm water pump station will allow for a more efficient growth pattern for the community and provide additional drainage capabilities to an area that is currently lacking such service.



LEGEND

- Concrete Pavement 12" Uniform (AE)
- 6" Bituminous Mix HMA Commercial Grade (Class A)
- 8' Chain Link Fence

STORM WATER PUMP STATION

PUMP STATION SITE PLAN

PROJECT NO. 87 C-4294-01