CITY OF
WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 7. 2009

City of Wichita
Water Utilities
455 N. Main, 8th Floor
Wichita, KS 67202

RE: **CON2009-00031** - County Conditional Use for a Major Utility (well house) in RR Rural Residential ("RR") zoning, generally located north of 117th Street N and west of 183rd Street W.

Dear Ladies and Gentlemen:

At its regular meeting on **November 5, 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 case please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC:mc

Copies to: PEC, P.A. , ATTN: Rob Hartman, 303 S Topeka, Wichita, KS 67202
BCOC III Karl Peterjohn, Mail Stop County, Room 320
Bill Buchanan, County Manager, Mail Stop County Room 343
Bob Parnacott, County Law, Mail Stop Room 359
Eagle Township, Terry D. Jacob, 9317 SW 72nd St, Sedgwick, KS 67135-9236
Glen Wiltse County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2009-00031

WHEREAS, the City of Wichita Water Utilities (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 Utility, Major (well house) on 4 acres zoned RR Rural Residential ("RR") described as:

> ASR MR 55 Well Site Addition to Sedgwick County, Kansas, generally located north of 117th Street N and west of 183rd Street W.

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 November 5, 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 Utility, Major (well house) on 4 acres zoned RR Rural Residential described as:

> ASR MR 55 Well Site Addition to Sedgwick County, Kansas, generally located north of 117th Street N and west of 183rd Street W.

Approved subject to the following conditions:

A. The Conditional Use for a Utility, Major permits a one-story well control house, air relief structure, waste holding tank, parking, fencing, and underground waterlines.
B. The site shall be developed and maintained in substantial conformance with the approved site plan, and in compliance with all applicable local, state and federal regulations and codes.
C. Lighting on the site shall not exceed 15 feet in height, and shall be directed away from surrounding properties.
D. Signage is limited to a maximum of 32 square feet and 10 feet in height. If the sign is lighted, lighting shall be designed to minimize light pollution and night time glare.
E. If the Zoning Administrator finds there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing other remedies set forth in Article VIII of the Unified Zoning Code may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 5th Day of November 2009

METROPOLITAN AREA PLANNING COMMISSION

G. Nelson Van Fleet, Chair MAPC

ATTEST:

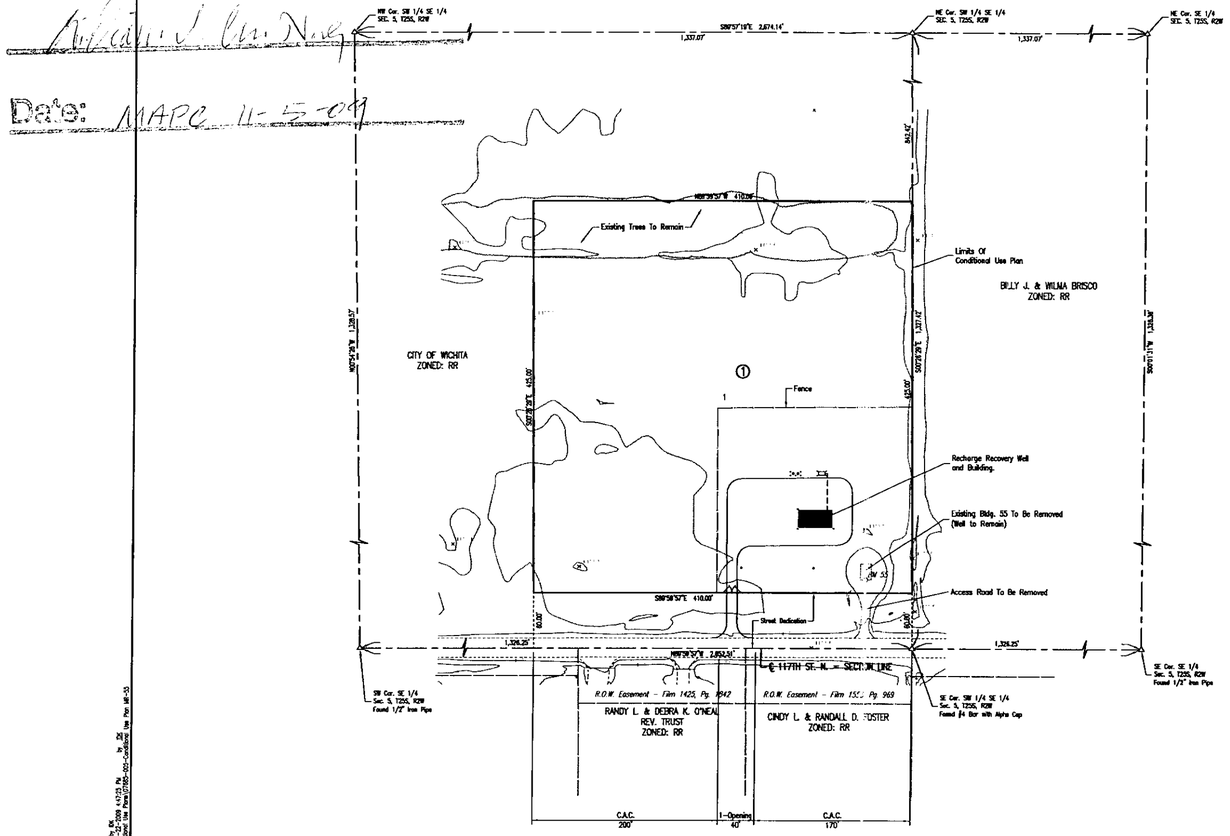
John L. Schlegel, Secretary

APPROVED

SITE PLAN CON 2009-31

Vicinity Map Only

Date: MAPC 11-5-09





BENCHMARKS

BM 55

A CHISELED SQUARE IN THE CORNER OF THE DOORWAY, ON THE CONCRETE FLOOR OF THE EXISTING BUILDING, LOCATED AT THE CITY OF WICHITA WELL HOUSE #55, ON THE NORTH SIDE OF 117TH ST. NORTH, WEST OF HIGHD ST. WEST, IN SEDGWICK COUNTY.

ELEV. 1404.22 NAVD88

LEGAL DESCRIPTION

THE SOUTH 415.00 FEET OF THE EAST 410.00 FEET OF THE SW 1/4 OF THE SE 1/4, SECTION 5, TOWNSHIP 25 SOUTH, RANGE 2 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

GENERAL PROVISIONS

PROPOSED USES: MAJOR UTILITY

INCLUDING THE FOLLOWING USES: WELL CONTROL HOUSE, AIR RELIEF STRUCTURE, WASTE HOLDING TANK, PARKING AND UNDERGROUND WATERLINES.

EXISTING ZONING: RURAL RESIDENTIAL

TOTAL AREA: 4 ACRES

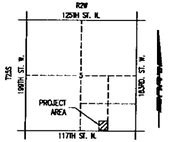
FENCING: 8 FOOT CHAIN LINK WITH 3 STRANDS OF BARB WIRE ON TOP FOR 200' X 200' AREA AROUND WELL HOME

MAXIMUM BUILDING HEIGHT: 35 FEET

SITE LIGHTING: OUTSIDE POLE LIGHTING SHALL BE DIRECTED ONTO THE SITE AND AWAY FROM ALL ADJACENT RESIDENTIAL DEVELOPMENT.

SIGNS: SIGNS ALL LIMITED TO A MAXIMUM OF 32 SQUARE FEET WITH A MAXIMUM HEIGHT OF 10 FEET. IF THE SIGN IS LIGHTED, LIGHTING SHALL BE DESIGNED TO MINIMIZE LIGHT POLLUTION AND GLARE.

OWNER: CITY OF WICHITA (WATER UTILITIES)
455 N. MAIN
WICHITA, KANSAS 67202



VICINITY MAP

No.	Revision	By	Date
1	Revised Note - Exist. Bldg. 55 to be removed	KK	10/22/09

CONDITIONAL USE PLAN
ASR MR-55 WELL SITE
WICHITA, KANSAS

Professional Engineering Consultants, P.A.
300 E. TOMRA - WICHITA, KANSAS 67202
316-262-2691 - FAX 316-262-8063

Design by	RMH	Checked by	RMH
Drawn by	ACE	Date	09/15/09

Job No. 07685-005

CON2009-31

Saved: 10-22-2009 4:44:40 PM by RK
Plotted: 10-22-2009 4:45:29 PM by RK
G:\2007\07685\005_Civil\Drawings\Conditional Use Plan\07685-005-conditional use plan MR-55.dwg

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

STAFF REPORT

MAPC 11-5-2009

CASE NUMBER: CON2009-31

APPLICANT/AGENT: City of Wichita Water Utility (owner/applicant), Professional Engineering Consultants c/o Rob Hartman (agent)

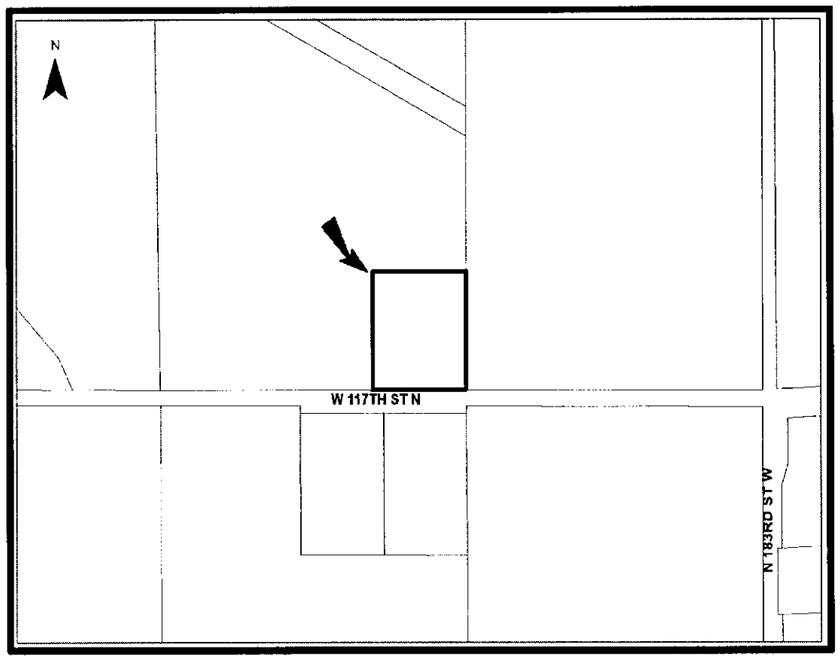
REQUEST: Utility, Major

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 4 acres

LOCATION: North of 117th Street North and 1,300 feet west of 183rd Street West

PROPOSED USE: Well house, piping, and controls



BACKGROUND: The application area has an existing brick, one-story well house for the City of Wichita Water Utility. The existing well house was built prior to zoning or Conditional Use requirements in the County. The City of Wichita Water Utility now wishes to replace the existing well house a new, one story, brick well house, see the attached site plan provided by the applicant. The new well house will be slightly larger, the site will be fenced with an 8-foot chain link fence, it could have lighting that would be directed into the site and away from surrounding properties, and it could have up to a 32 square-foot sign. The requested facilities are associated with the City of Wichita's Aquifer Storage and Recovery (ASR) project. The applicant is concurrently platting the property.

All property surrounding the site is zoned RR Rural Residential ("RR"). Property north and west of the site is also owned by the City of Wichita, is used for agriculture. Property east of the site is under another ownership and is also used for agriculture. Two 4.5-acre parcels immediately south of the site are developed with single-family residences and associated accessory structures.

CASE HISTORY: The property was zoned RR in 1985 when the county adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agriculture
SOUTH:	RR	Single-family residential, agriculture
EAST:	RR	Agriculture
WEST:	RR	Agriculture

PUBLIC SERVICES: 117th Street North is an unpaved section line road with a 40-foot half width right-of-way (ROW) at the site. The proposed plat of the site will bring the ROW half width at the site up to 60 feet. 117th Street North is maintained by the township.

CONFORMANCE TO PLANS/POLICIES: The County's 2030 functional land use guide designates this site as "Rural" and not within the Bentley 2030 Urban Growth Area. The Rural category encompasses land outside the 2030 urban growth areas for Wichita and small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in the County, and predominantly larger lot residential uses. The utilities location guidelines of the Comprehensive Plan indicate utility facilities that produce significant noise, odor and other nuisance elements should be located away from residential areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year, and the following conditions:

A. The Conditional Use for a Utility, Major permits a one-story well control house, air relief structure, waste holding tank, parking, fencing, and underground waterlines.
B. The site shall be developed and maintained in substantial conformance with the approved site plan, and in compliance with all applicable local, state and federal

regulations and codes.

C. Lighting on the site shall not exceed 15 feet in height, and shall be directed away from surrounding properties.
D. Signage is limited to a maximum of 32 square feet and 10 feet in height. If the sign is lighted, lighting shall be designed to minimize light pollution and night time glare.
E. If the Zoning Administrator finds there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing other remedies set forth in Article VIII of 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 property surrounding the site is zoned RR. Property north and west of the site is also owned by the City of Wichita, is used for agriculture. Property east of the site is under another ownership and is also used for agriculture. Two 4.5-acre parcels immediately south of the site are developed with single-family residences and associated accessory structures.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR Rural Residential, which allows agriculture and residences with a minimum lot size of between two and four and one-half acres, depending upon the on-site sewer solution. The site was developed with a utility before zoning existed in the County. The site has legal non-conforming use rights for a utility, but cannot be significantly improved without the requested Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A well house has existed on the site for over 24 years without any apparent negative effect on surrounding properties. The two residences south of the site were built after the well house existed.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The County's 2030 functional land use guide designates this site as "Rural" and not within the Bentley 2030 Urban Growth Area. The Rural category encompasses land outside the 2030 urban growth areas for Wichita and small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in the County, and predominantly larger lot residential uses. The utilities location guidelines of the Comprehensive Plan indicate utility facilities that produce significant noise, odor and other nuisance elements should be located away from residential areas.

5. Impact of the proposed development on community facilities: Approval will provide the means to increase stored water volume and quality that can be made available for beneficial use. Projects of this type enhance the quality and quantity of beneficial yield of the aquifer, creating a more sustainable water supply.