CITY OF
WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 7. 2009

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

Carolyn Williams
303 E 5th
Halstead, KS 67056

RE: **CON2009-00030** - County Conditional Use for a Major Utility (surge tank) in RR Rural Residential ("RR") zoning, generally located south of 109th Street N and east of 167th 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
Bentley City Hall, 150 S. Wichita Ave., P O Box 273, Bentley, KS 67016-0273
Bill Buchanan, County Manager, Mail Stop 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
Eagle Township, Terry D. Jacobs, 9317 SW Wanda St, Sedgwick, KS 67135-9236

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CONDITIONAL USE RESOLUTION NO. CON2009-00030

WHEREAS, Carolyn Williams, (Owner), and the City of Wichita (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 (surge tank) on 2.31 acres zoned RR Rural Residential ("RR") described as:

> ASR Surge Tank Site Addition to Sedgwick County, Kansas, generally located south of 109th Street N and east of 167th 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 (surge tank) on 2.31 acres zoned RR Rural Residential described as:

> ASR Surge Tank Site Addition to Sedgwick County, Kansas, generally located south of 109th Street N and east of 167th Street W.

Approved subject to the following conditions:

A. The Conditional Use for a Utility, Major permits a 100-foot tall water surge tank, parking, waterlines, and controls.
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 25 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

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

Bentley 10-27-2009
MAPC 11-5-2009

CASE NUMBER: CON2009-30

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

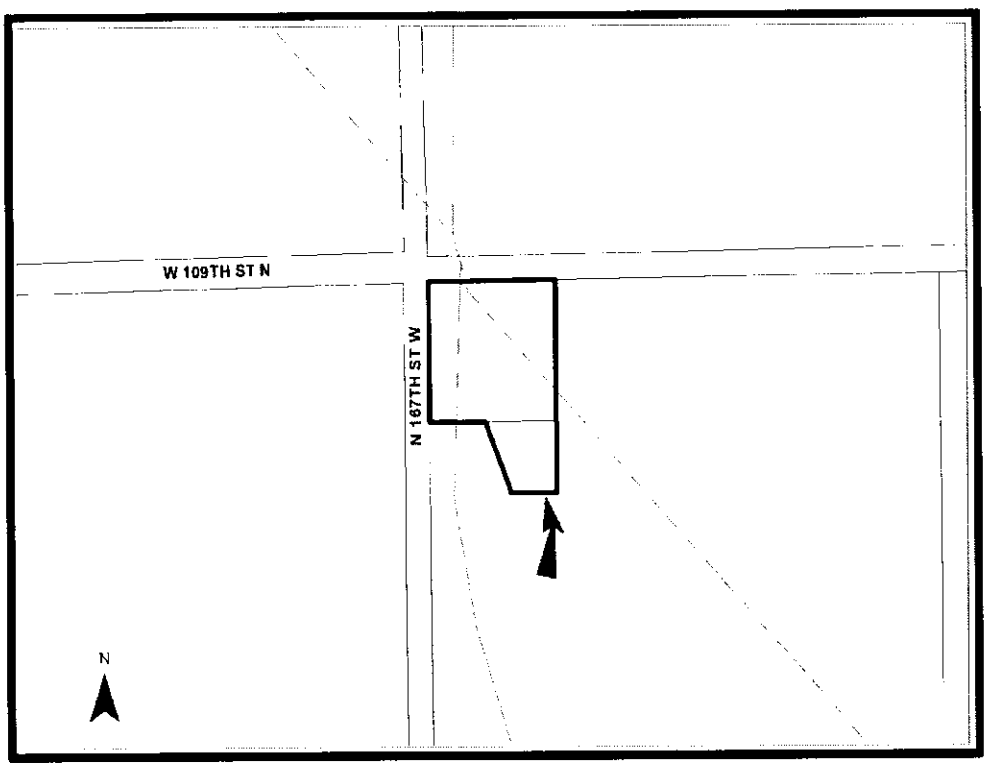
REQUEST: Utility, Major

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 2.31 acres

LOCATION: South of 109th Street North and east of 167th Street West

PROPOSED USE: Surge tank, piping, and controls



BACKGROUND: The application area has an existing 56-foot tall, 95-foot diameter, 3-million gallon surge tank for the City of Wichita Water Utility. The existing tank was built in the 1950s, prior to Conditional Use requirements in the County. The City of Wichita Water Utility now wishes to replace the existing tank with a new 2.5-million gallon tank further south on the site, see the attached site plan provided by the applicant. The new tank will be between 75 and 80 feet in diameter, and will be up to 100 feet tall. The tank must have 80 feet of water elevation to maintain necessary pressure, requiring the 100-foot height. The site will be fenced with an 8-foot chain link fence, will have lighting directed into the site and away from surrounding properties, and will have a 32 square-foot sign. Significant vegetation exists south and west of the site. The requested facilities are associated with the City of Wichita's Aquifer Storage and Recovery (ASR) project. The applicant is concurrently platting the property. The site is one mile west of the City of Bentley and within the Bentley Zoning Area of Influence. The Bentley Planning Commission will hear this request on October 27, 2009.

All property surrounding the site is zoned RR Rural Residential ("RR") and is used for agriculture. All property southeast of the site is under the same ownership as the application area. The nearest residence is 1,600 feet southwest of the site and is screened from the tank with significant existing vegetation.

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	Agriculture
EAST:	RR	Agriculture
WEST:	RR	Agriculture

PUBLIC SERVICES: 109th Street North and east of 167th Street West are unpaved section line roads with a 30-foot half width right-of-way (ROW) at the site. The proposed plat of the site will dedicate ROW, bringing the ROW half width at the site to 60 feet, tapering to 75 feet at the intersection. The streets are maintained by the township.

CONFORMANCE TO PLANS/POLICIES: The application area is located within Bentley's Zoning Area of Influence. According to the *Wichita-Sedgwick County Unified Zoning Code*, the Bentley Planning Commission is given the opportunity to review and make a recommendation prior to the case being forwarded to the Metropolitan Area Planning Commission (MAPC). After hearing the case, and if the Bentley Planning Commission recommends denial, the code specifies that the Board of County Commissioners may overturn a denial by Bentley's planning commission with a unanimous vote.

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 100-foot tall water surge tank, parking, waterlines, and controls.
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 25 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 and is used for agriculture. All property southeast of the site is under the same ownership as the application area. The nearest residence is 1,600 feet southwest of the site and is screened from the tank with significant existing vegetation.

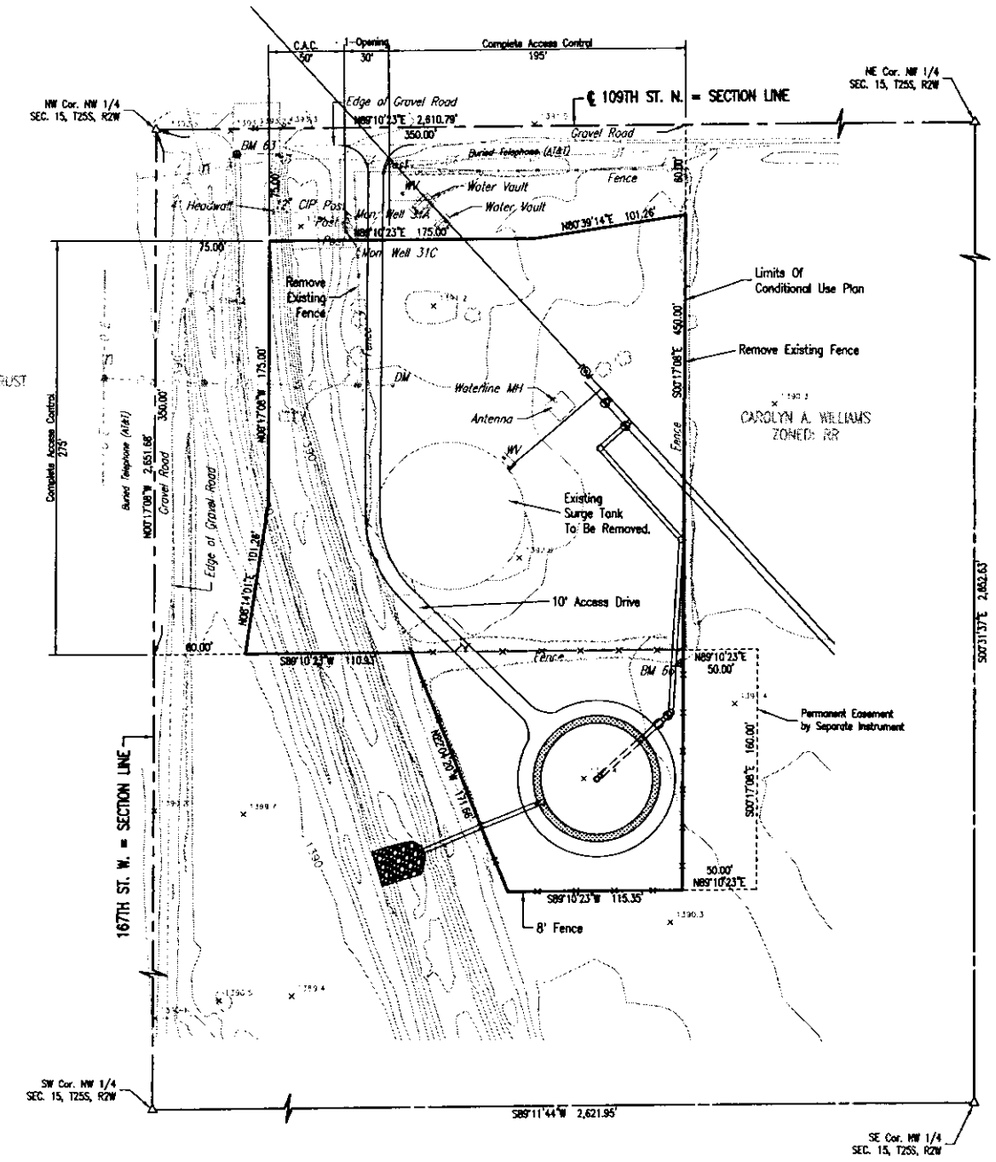
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR Rural Residential, which allows agriculture and residences with a minimum lot size of between two and four and one-half acres, depending upon the on-site sewer solution. The site was developed 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 large water tank has existed on the site for over 50 years without any apparent negative effect on surrounding properties. Existing vegetation will partially screen the proposed tank from the nearest residence.

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.



CON2009-30

SCALE: 1" = 50'

0 50 100

LEGAL DESCRIPTION

A PARCEL OF LAND 350 FEET BY 350 FEET IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 25 SOUTH, RANGE 2 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 25 SOUTH, RANGE 2 WEST, THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION FOR A DISTANCE OF 350 FEET; THENCE SOUTHERLY AT APPROXIMATELY RIGHT ANGLES TO SAID NORTH LINE, FOR A DISTANCE OF 350 FEET; THENCE WESTERLY AT APPROXIMATELY RIGHT ANGLES, 350 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 15, THENCE NORTHERLY ALONG THE SAID WEST LINE, 350 FEET TO POINT OF BEGINNING, IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 25 SOUTH, RANGE 2 WEST.

TOGETHER WITH

A TRACT DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 25 SOUTH, RANGE 2 WEST OF THE 5DTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 15, A DISTANCE OF 350 FEET; SAID LINE BEING THE NORTH LINE OF RIGHT OF WAY TRACT 34 AS DESCRIBED IN BOOK 394, PAGE 544, SEDGWICK COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTHERLY AT APPROXIMATE RIGHT ANGLES TO SAID NORTH LINE, ALONG THE EAST LINE OF SAID TRACT 34, A DISTANCE OF 350 FEET TO THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00°17'08"E, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 160.00 FEET; THENCE S89°10'23"W, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 115.35 FEET; THENCE N32°04'20"W, 171.66 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 34; THENCE N89°10'23"E ALONG SAID SOUTH LINE, 178.06 FEET TO THE POINT OF BEGINNING.

GENERAL PROVISIONS

PROPOSED USES: MAJOR UTILITY

INCLUDING THE FOLLOWING USES: SURGE TANK, PARKING AND UNDERGROUND WATERLINES

EXISTING ZONING: RURAL RESIDENTIAL

TOTAL AREA: 2.81 ACRES

FENCING: 8 FOOT CHAIN LINK WITH 3 STRANDS OF BARB WIRE ON TOP AROUND SOUTH 160' OF SITE.

MAXIMUM TANK HEIGHT: 100'

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 NIGHT TIME GLARE.

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

BENCHMARKS

BM 63

A CHISELED SQUARE ON THE TOP OF A CONCRETE BRIDGE HUBGUARD AT THE SOUTHWEST CORNER OF AN RCB. LOCATED 75'+/- EAST SOUTHEAST OF THE INTERSECTION OF 109TH ST. NORTH AND 167TH ST. WEST, NEAR THE SURGE TANK SITE IN SEDGWICK COUNTY.

ELEV. 1394.93 NAVD88

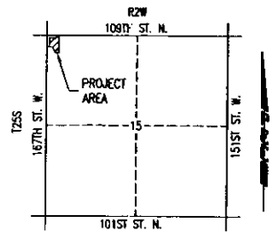
BM 66

30" TEE-POST DRIVEN 6" BELOW GRADE 354 FEET SOUTH AND 350 FEET EAST OF THE INTERSECTION OF 109TH ST. NORTH AND 167TH ST. WEST. LOCATED 10 FEET SOUTH AND 2 FEET WEST OF THE SOUTHEAST CORNER OF THE CHAIN LINK FENCE AT THE EXISTING SURGE TANK SITE.

ELEV. 1391.07 NAVD88

APPROVED
SITE PLAN CON2009-30

Date: MHPC 11-5-09



VICINITY MAP

No.	Revision	By	Date

CONDITIONAL USE PLAN
ASR SURGE TANK SITE
WICHITA, KANSAS

Professional Engineering Consultants, P.A.
303 S. TOPEKA - WICHITA, KANSAS 67202
316-262-2691 • FAX 316-262-3003

Design by	RMH	Checked by	RMH	
Drawn by	AEE	Date	09/21/09	Job No. 07685-005

Plot Scale 1:1:2.9145 09-28-2009 11:14:37 AM by AEE
G:\2007\07685\005_ASR Conditional Use Plans\07685-005-Conditional Use Plan Surge Tank