CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 6, 2010

Sherman McNeely
Sherrie Powell
Shelli Trefethen
Rt 2 Box, 84B
Sedgwick, KS 67135

RE: **CON2010-00005** - County Conditional Use for a pump station for Bentley Water Supply (Utility, Major) on property zoned RR Rural Residential, generally located on the southeast corner of 151st Street West and 117th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on **March 4, 2010**, 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,

Dale Miller
Current Plans Manager
Current Plans Division

DLM:mc
Enclosure

Copies to: Schwab-Eaton, PA, 8615 W. Frazier, Suite 2, Wichita, KS 67212
BCOC III Karl Peterjohn, Mail Stop County, Room 320
Bill Buchanan, County Manager, Mail Stop County Room 343
Bob Parnacott, County Attorney, Mail Stop County Room 359
Eagle Township, Terry D. Jacob, 9317 SW 72nd St, Sedgwick, KS 67135-9236
Bentley City Hall, PO Box 273, Bentley, KS 67016

CONDITIONAL USE RESOLUTION NO. CON2010-00005

WHEREAS, Sherman H. McNeely, Sherri D. Powell and Shelli Trefethen (owners/applicants); 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 eight acres zoned RR Rural Residential ("RR") described as:

A tract beginning in the Northwest corner of the Northwest Quarter; thence East 659.92 feet; thence South 664.51 feet to the North line of the South half of the Northwest Quarter of the Northwest Quarter; thence West to the West line; thence North to beginning EXCEPT for the roads on the North and West, Section 11, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, generally located southeast of North 151th Street West and West 117th 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 March 4, 2010, 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 8 acres zoned RR Rural Residential described as:

A tract beginning in the Northwest corner of the Northwest Quarter; thence East 659.92 feet; thence South 664.51 feet to the North line of the South half of the Northwest Quarter of the Northwest Quarter; thence West to the West line; thence North to beginning EXCEPT for the roads on the North and West, Section 11, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, generally located southeast of North 151th Street West and West 117th Street North.

Approved subject to the following conditions:

A. 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.
B. 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 4th Day of March 2010

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

Bentley P.C. 2-23-10
MAPC 3-4-10

CASE NUMBER: CON2010-00005

APPLICANT/AGENT: Shelli Trefethen, Sherri Powell and Sherman H. McNeely (owner)

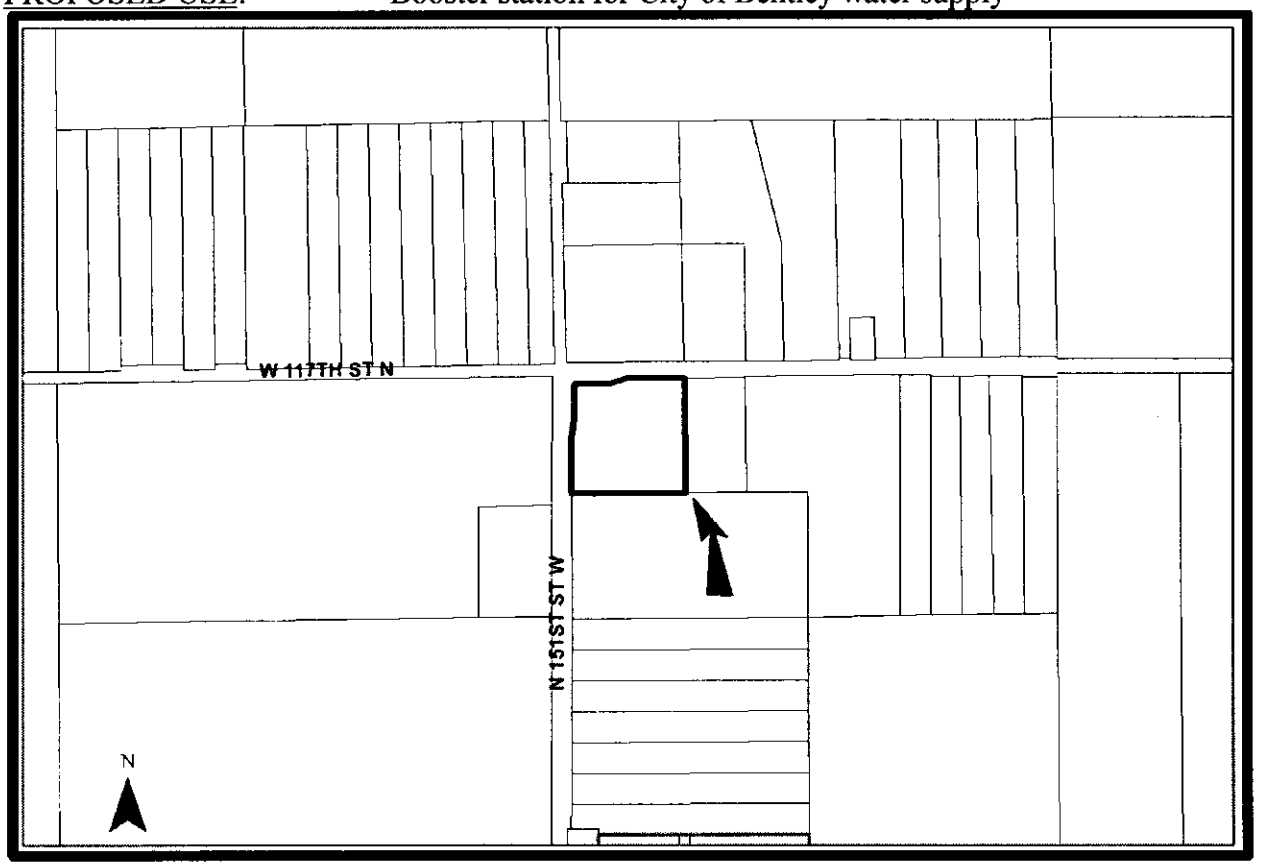
REQUEST: Conditional Use to permit a "Utility, Major"

CURRENT ZONING: RR Rural Residential

SITE SIZE: Approximately 8 acres.

LOCATION: Southeast corner of North 151st Street West and West 117th Street North

PROPOSED USE: Booster station for City of Bentley water supply



BACKGROUND: The application area contains approximately eight acres located at the southwest corner of North 151st Street West and West 117th Street North. The property is zoned RR Rural Residential ("RR") and contains Wichita Water Well No. 29 and a pump station. The applicants are seeking Conditional Use approval to permit a "utility, major" on their RR zoned land. County-wide zoning did not go into effect until 1985, the existing facilities on this site are considered to be legal non-conforming uses.

The City of Bentley obtains its water from a different well that is also owned by the City of Wichita, but the Kansas Department of Health and Environment has told the City of Bentley it can no longer use that water well; however they have given permission to use Well No. 29. To get water from Well No. 29 to Bentley a new booster pump station needs to be installed. See the site plan associated with this application.

Section II-B.13.i and j of the Wichita-Sedgwick County Unified Zoning Code (UZC) defines a "utility, major" as generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks...and similar facilities of agencies that are under public franchise or ownership...that exceed 150 cubic feet in size and six feet in height. Utility, majors are permitted in the RR district with Conditional Use approval. A portion of the site will be enclosed with a chain link fence. A six-inch water line will be installed that will carry the water west of the well to the North 151st Street West right-of-way, and then south to Bentley.

Surrounding property is zoned RR Rural Residential and either developed with large lot residences, farmsteads or agriculture.

CASE HISTORY: None identified

ADJACENT ZONING AND LAND USE:

NORTH:	RR Rural Residential; large lot residential or agriculture
SOUTH:	RR Rural Residential; large lot residential or agriculture
EAST:	RR Rural Residential; large lot residential or agriculture
WEST:	RR Rural Residential; large lot residential or agriculture

PUBLIC SERVICES: The facility will not require sewer or water service beyond what the project will provide itself.

CONFORMANCE TO PLANS/POLICIES: The County's 2030 functional land use guide designates this site as "Rural" and not within any small city's 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The greater neighborhood is a rural portion of the county that is typically used for agriculture but has seen substantial large lot residential development. There are a number of wellheads and pump stations in the greater area. These properties are zoned RR Rural Residential.

2. The suitability of the subject property for the uses to which it has been restricted: The site has an existing water well and pump station; however, the new circumstance of providing water to Bentley requires an additional pump station.

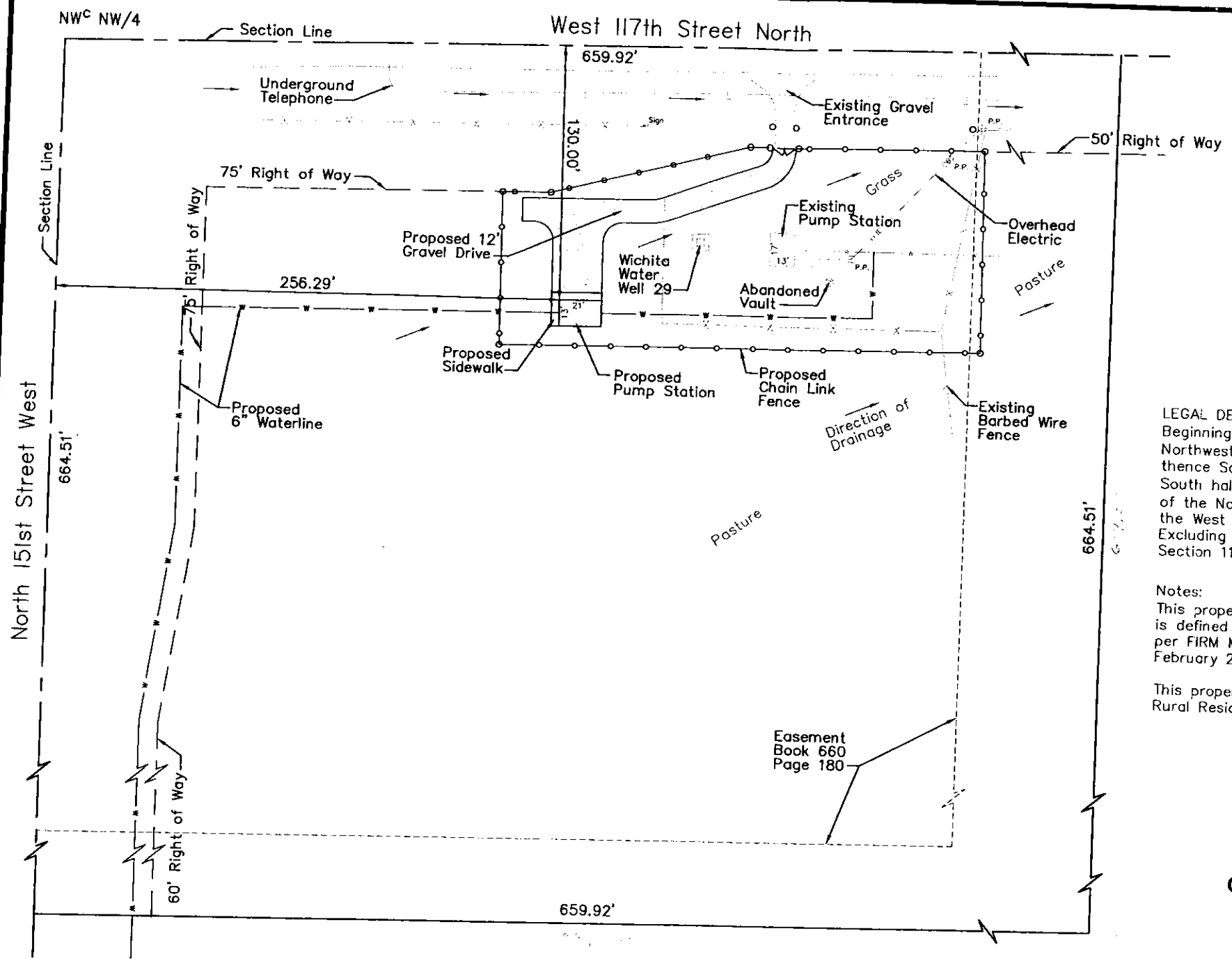
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed new pump station should not have any greater impact than the existing pump station.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The purpose of the project is to provide a safe and reliable water supply for the citizens of Bentley. Approval of the request would allow the project to move ahead in a timely and economical manner. Denial presumably would be a hardship to providing the community with a safe and reliable supply of water.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The project is consistent with adopted plans in that the request should not increase any noise, odor or other nuisance factors not already present.

6. Impact of the proposed development on community facilities: The project should improve water service for the City of Bentley.

PLAT NO.



SCALE 1" = 50'

LEGAL DESCRIPTION
Beginning at the Northwest corner (NWc) of the Northwest Quarter (NW/4); thence East 659.92 Feet; thence South 664.51 Feet, to the North Line of the South half (S/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4); thence West to the West Line; thence North to the Beginning. Excluding roads on the North and West.
Section 11, Township 25 South, Range 2 West

Notes:
This property is in Zone X (other flood areas), which is defined as an area of 0.2% annual chance flood per FIRM Map Number 20173C0050E, effective date February 2, 2007.

This property and all adjacent property is zoned Rural Residential.

SITE PLAN

Water Supply Improvements

FOR

CITY OF BENTLEY, KANSAS

Schwab-Eaton, P.A.
CIVIL ENGINEERS - LAND SURVEYORS AND LANDSCAPE ARCHITECTS
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