CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 26, 2014

Westar Energy, Inc.
Attn: Allyson Wetter
PO Box 889
Topeka, KS 66601

Walter Dean and Brenda J. Lorenz
33413 West 15th Street, South
Garden Plain, KS 67050

RE: **CON2013-0037** – County Conditional Use request to permit a "utility, major" (electric substation) on property zoned RR Rural Residential on the southwest corner of West 15th Street South and South 327th Street West.

Dear Ladies and Gentlemen:

Attached is *corrected* Resolution for the above Conditional Use request reflecting the proper acreage and that it is not subject to platting.

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

Sincerely,

Dale Miller
Current Plans Manager

DLM/mc
Attachments

Copies to: Karl Peterjohn, BoCC District #3, County Room 320
Bob Parnacott, County Law, County Room 359
Jim Weber, County Public Works, 1144 South Seneca, Wichita, KS 67213
Kelly Dixon, MABCD, 1144 South Seneca, Wichita, KS 67213

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2013-00037

WHEREAS, Walter Dean and Brenda J. Lorenz and Westar Energy, Inc.; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit an "utility, major" (electric substation) on approximately 2.07 acres zoned LI Limited Industrial ("LI") ("RR"), described as:

A tract of land in the Northeast Quarter of Section 35, Township 27 South, Range 4 West, of the 6th P.M. Sedgwick County, Kansas, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 35, Township 27 South, Range 4 West, thence west on the north line of said section 233.71 feet, thence south parallel to the east line of said section 238.71 feet, thence east parallel to the north line of said section 233.71 feet more or less to the east line of said section, thence north on the east line of said section 238.71 feet more or less to point of beginning.

Encompassing 1.28 acres more or less.

A tract of land in the Northeast Quarter of Section 35, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Commencing at the Northeast corner of said Northeast Quarter of Section 35; thence bearing South 89°03'08" West, along the North line of said Northeast Quarter, a distance of 233.71 feet to the Point of Beginning; thence continuing along the North line of said Northeast Quarter, bearing South 89°03'08" West, a distance of 25.00 feet; thence bearing South 0°00'39" West, parallel with the East line of said Northeast Quarter, a distance of 348.73 feet; thence bearing North 89°03'08" East, parallel with the North line of said Northeast Quarter, a distance of 258.71 feet to the East line of said Northeast Quarter; thence bearing North 0°00'39" East along the East line of said Northeast Quarter for a distance of 110.02 feet; thence bearing South 89°03'08" West, parallel with the North line of said Northeast Quarter, a distance of 233.71 feet; thence bearing North 0°00'39" East, parallel with the East line of said Northeast Quarter, a distance of 238.71 feet to the Point of Beginning. Said tract contains 0.79 acres, more or less.

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 February 6, 2014, 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 an "utility, major" (electric substation) on property zoned RR Rural Residential (RR), described as:

A tract of land in the Northeast Quarter of Section 35, Township 27 South, Range 4 West, of the 6th P.M. Sedgwick County, Kansas, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 35, Township 27 South, Range 4 West, thence west on the north line of said section 233.71 feet, thence south parallel to the east line of said section 238.71 feet, thence east parallel to the north line of said section 233.71 feet more or less to the east line of said section, thence north on the east line of said section 238.71 feet more or less to point of beginning.

Encompassing 1.28 acres more or less.

A tract of land in the Northeast Quarter of Section 35, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Commencing at the Northeast corner of said Northeast Quarter of Section 35; thence bearing South 89°03'08" West, along the North line of said Northeast Quarter, a distance of 233.71 feet to the Point of Beginning; thence continuing along the North line of said Northeast Quarter, bearing South 89°03'08" West, a distance of 25.00 feet; thence bearing South 0°00'39" West, parallel with the East line of said Northeast Quarter, a distance of 348.73 feet; thence bearing North 89°03'08" East, parallel with the North line of said Northeast Quarter, a distance of 258.71 feet to the East line of said Northeast Quarter; thence bearing North 0°00'39" East along the East line of said Northeast Quarter for a distance of 110.02 feet; thence bearing South 89°03'08" West, parallel with the North line of said Northeast Quarter, a distance of 233.71 feet; thence bearing North 0°00'39" East, parallel with the East line of said Northeast Quarter, a distance of 238.71 feet to the Point of Beginning. Said tract contains 0.79 acres, more or less.

Adopted this 6th day of February 2014.

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer, Chair MAPC

ATTEST:

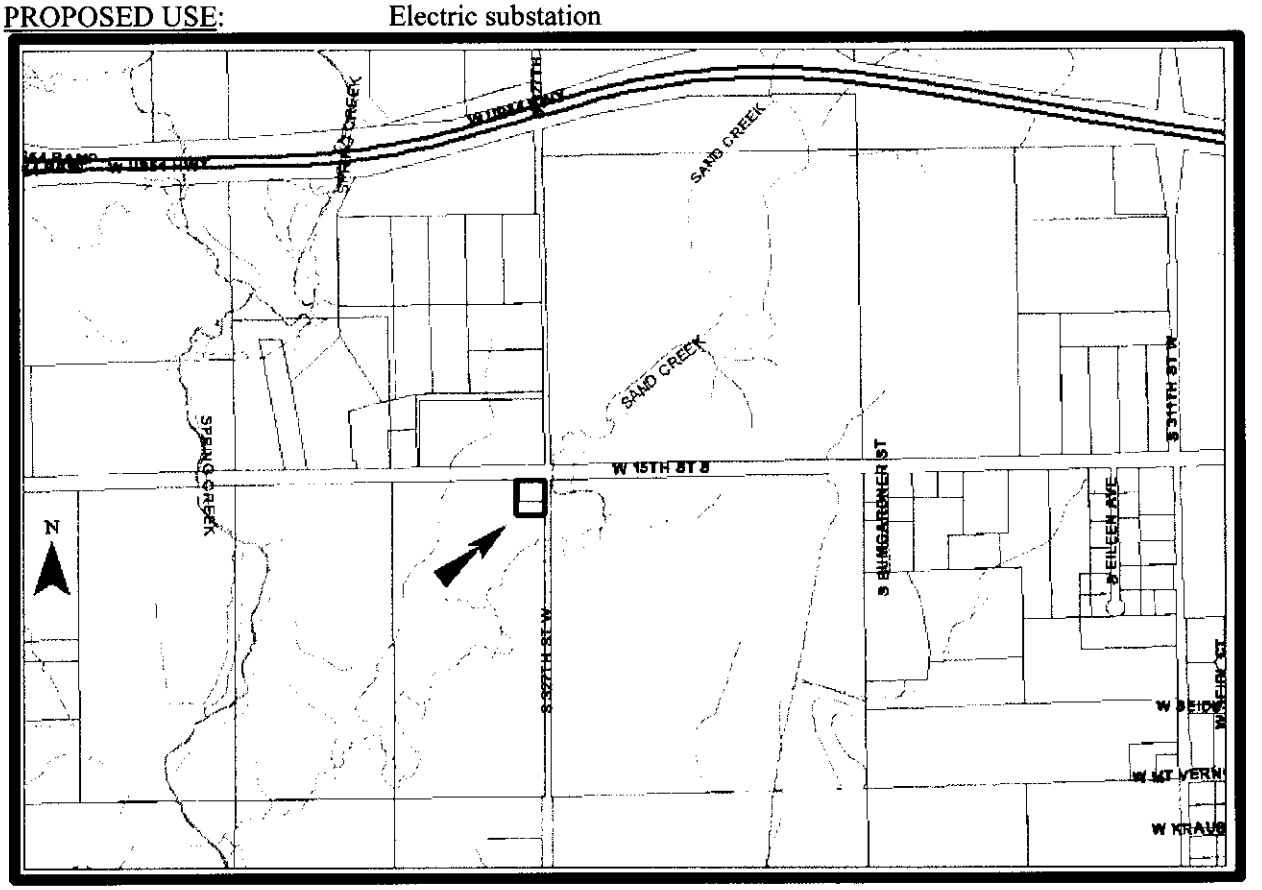
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT
Garden Plain 1-29-2014
MAPC 2-6-2014

CASE NUMBER:	CON2013-00037
APPLICANT/AGENT:	Walter Dean and Brenda J. Lorenz / Allyson L. Wetter (Westar Energy, Inc.)
REQUEST:	Conditional Use to permit a "utility, major"
CURRENT ZONING:	RR Rural Residential (RR)
SITE SIZE:	1.57 acres, excluding right-of-way
LOCATION:	Southwest corner of the intersection of West Harry Street and South 327th Street West
PROPOSED USE:	Electric substation



BACKGROUND: Westar Energy, Inc. is requesting conditional use approval for a "utility, major" to permit the expansion of an existing electric substation on property that is zoned RR Rural Residential (RR). Westar Energy, Inc. currently has a non-conforming electric substation located at the southwest corner of West 15th Street South (West Harry Street) and South 327th Street West. The existing substation occupies approximately .87 acre. With the current application, Westar Energy, Inc. wishes to add 25 feet to the west and 110 feet to the south, approximately .70 acre, of the company's existing ownership that will allow the existing facility to be upgraded. See the attached site plan. The proposed improvements will allow Westar Energy, Inc. to comply with new minimum power reliability standards established for western Sedgwick County and the city of Garden Plain, and to bring the existing substation into zoning compliance. See the attached letter of explanation.

The proposed site plan indicates the site will be enclosed by a chain link fence. The north fence line is to be set back from the West 15th Street South right-of-way 20 feet. A new 24-foot wide drive is proposed off of West 15th Street South. A 75-foot tall transmission pole is located on the northeast corner of the site and will remain. A 21-foot wide driveway is currently located approximately 55 feet south (measured from to the centerline of the driveway) of the intersection of West 15th Street South and South 327th Street West; it is proposed for this drive to remain. A second driveway (24-feet wide) exists approximately 160 feet south of the intersection of West 15th Street South and South 327th Street West; the applicant proposes to replace that drive with another drive located approximately 230 feet south of the centerline of the intersection. The improved part of the application area is to be graveled.

The application area is located in a very rural portion of Sedgwick County. All surrounding land is zoned RR, and is used for farming or ranching with scattered farmsteads. There are two residences located within 1,000 feet of the site.

In part, the "Wichita-Sedgwick County Unified Zoning Code" defines a "utility, major" as generating plants, electrical switching facilities, primary substations and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam or similar service. "Utility, major" uses are permitted in the RR district only with conditional use approval.

The application is eligible for a platting exemption per "Wichita-Sedgwick County Unified Zoning Code" Section 3-105(D).

The application area is located in the Garden Plain "zoning area of influence." The application is scheduled to be heard by the Garden Plain Planning Commission on January 29, 2014.

CASE HISTORY: The site's existing RR zoning was applied in 1985 when Sedgwick County adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; agriculture
South: RR; agriculture
East: RR; agriculture
West: RR; agriculture

PUBLIC SERVICES: West 15th Street has 120 feet of full right-of-way. South 327th Street West has 40 feet of full street right-of-way. The substation does not require sewer or water services.

CONFORMANCE TO PLANS/POLICIES: The Wichita and Small Cities 2030 Urban Growth Areas map classifies the application area as a rural area, which is defined as: land located outside the 2030 urban growth areas for Wichita and the small cities. The rural area is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved, subject to the following conditions:

1. The Conditional Use permits the installation of a "utility, major" as defined in the Wichita-Sedgwick County Unified Zoning Code.
2. The site shall be developed, maintained and operated in substantial compliance with the approved site plan, the conditions of approval and in compliance with all applicable local, state or federal laws and regulations.
3. 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 the conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located in a very rural portion of Sedgwick County. All surrounding land is zoned RR, and is used for farming or ranching with scattered farmsteads. There are two residences located within 1,000 feet of the site.

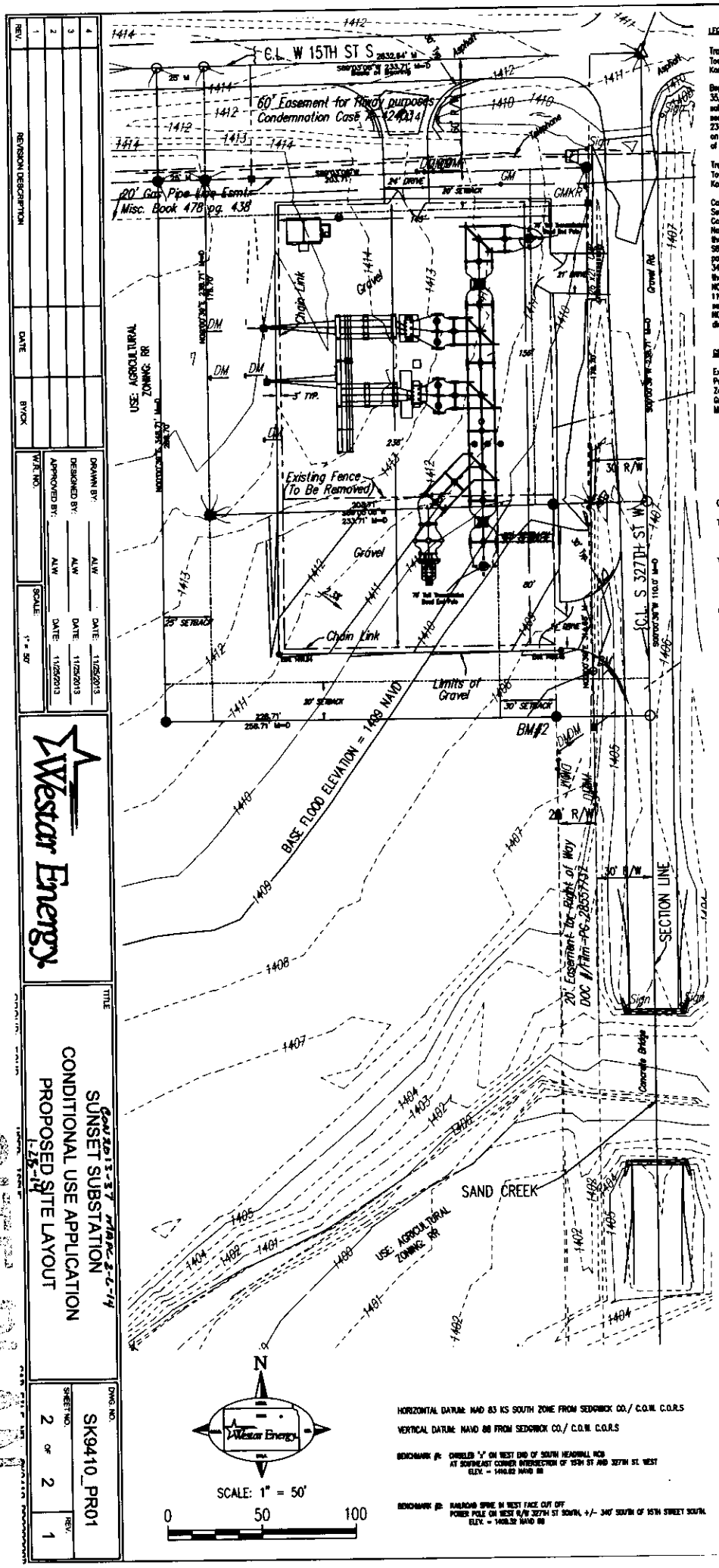
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which permits a limited range of agricultural, large-lot residential and public uses. Part of the site is already developed with an electric substation, which cannot be expanded without conditional use approval. For the applicant, without the "conditional use" the site's RR zoning is unsuitable for the intended use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: As previously noted part of the site is already developed with an electric substation. Approval of the request will not introduce a use that is not already present and the recommended conditions of approval should mitigate anticipated impacts to nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will assist with the long term delivery of electricity to the area served by the substation, which benefits the public's health, safety and welfare. Denial would create a substantial burden to the utility and its ability to meet the standards by which electric service is evaluated.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map classifies the application area as a rural area, which is defined as: land located outside the 2030 urban growth areas for Wichita and the small cities. The rural area is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions.

6. Impact of the proposed development on community facilities: Approval of the request would enhance the delivery of electric service to the area served by the substation. An electric substation does not require sewer or water service.



LEGAL DESCRIPTION

Tract 1: A tract of land in the Northeast quarter of Section 35, Township 27 South, Range 4 West, of the 6th P.M. Sedgwick County, Kansas, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 35, Township 27 South, Range 4 West; thence West on the North line of said section 233.71 feet; thence South parallel to the East line of said section 238.71 feet; thence East parallel to the North line of said section 238.71 feet more or less to the East line of said section; thence North on the East line of said section 238.71 feet more or less to the Point of Beginning, all in Sedgwick County, Kansas.

Tract 2: A tract of land in the Northeast quarter of Section 35, Township 27 South, Range 4 West, of the 6th P.M. Sedgwick County, Kansas, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 35, Township 27 South, Range 4 West, of the 6th P.M., Sedgwick County, Kansas; thence bearing S88°03'08"W, along the North line of said Northeast Quarter, a distance of 233.71 feet to the Point of Beginning; thence continuing along the North line of said Northeast Quarter, bearing S88°03'08"W, a distance of 25.00 feet; thence bearing S00°00'38"E, parallel with the East line of said Northeast Quarter, a distance of 348.71 feet; thence bearing N88°03'08"E, parallel with the North line of the said Northeast Quarter, a distance of 258.71 feet; thence bearing N00°00'38"E along the East line of said Northeast Quarter, a distance of 110.0 feet; thence bearing S88°03'08"W, parallel with the North line of said Northeast Quarter, a distance of 233.71 feet; thence bearing N00°00'38"E, parallel with the East line of said Northeast Quarter, a distance of 238.71 feet to the Point of Beginning.

GENERAL PROVISIONS:

Existing Use: Tract 1: Electrical Substation, Tract 2: Agricultural
Proposed Use: Electrical Substation
Zoning: Rural Residential
Gross Site Area: 3.55 Acres (Tract 1: 1.28 Acres, Tract 2: 2.27 Acres)
Maximum Substation Equipment Height: 25 ft.

OWNERS:

Tract 1: Westar Energy
PO Box 889
Topeka, KS 66601

Tract 2: Walter and Brenda Lorenz
33413 W. 15th St.
Garden Plain, KS 67050

APPLICANT:

Westar Energy
PO Box 889
Topeka, KS 66601

Utilities shown as a result of Kansas-1-Call locate request ticket #13472275, above ground appurtenances and markings set by utility company representatives.

LEGEND

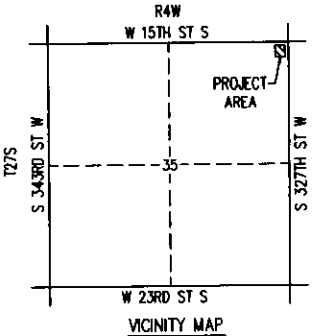
- No Monument Set
- Set 1/2" Bar PEC Cap
- D Deed
- M Measured
- M=D Measured = Deed
- Culvert
- Guard Rail
- 6' Tall Chain Link Fencing
- Overhead Electric Line
- Buried Telephone Line
- Gas Line
- Limits of Gravel
- 1408 Existing Minor Contour
- 1410 Existing Major Contour
- 1412 Proposed Contour
- Power Pole
- Telephone Pedestal
- DM Dead Man
- GMKR Gas Pipeline Marker

HORIZONTAL DATUM: NAD 83 KS SOUTH ZONE FROM SEDGWICK CO./ C.O.W. C.O.R.S

VERTICAL DATUM: NAVD 88 FROM SEDGWICK CO./ C.O.W. C.O.R.S

BENCHMARK #1: CHISELED "X" ON WEST END OF SOUTH HEADWALL ROB AT SOUTHEAST CORNER INTERSECTION OF 15TH ST AND 327TH ST. WEST ELEV. = 1416.82 NAVD 88

BENCHMARK #2: RAILROAD SPIKE IN WEST FACE CUT OFF POWER POLE ON WEST R/W 327TH ST SOUTH, +/- 340' SOUTH OF 15TH STREET SOUTH. ELEV. = 1408.32 NAVD 88



VICINITY MAP

REV.	REVISION DESCRIPTION	DATE	BY/CK
1			
2			
3			
4			

W.R. NO.

DRAWN BY: ALW DATE: 11/25/2013
DESIGNED BY: ALW DATE: 11/25/2013
APPROVED BY: ALW DATE: 11/25/2013
SCALE: 1" = 50'

Westar Energy

TITLE
CONDITIONAL USE APPLICATION
PROPOSED SITE LAYOUT
Conf. 13-37 Mapc 2-6-14
12-5-14

DWG NO. SK9410_PR01
SHEET NO. 2 OF 2
REV. 1

APPROVED 12-7-14 BY

SITE PLAN