CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2005

Cindy J. Risch, P.E.
Westar Energy
P O Box 889
Topeka, KS 66601

RE: CON2004-00040 – Sedgwick County Conditional Use to permit an electrical substation on two acres zoned "SF-20" Single-family Residential. Generally located at the southeast corner of 59th Street South and Broadway. (District II)

Dear Ladies and Gentlemen:

At its regular meeting on **December 23, 2004**, 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,

Scott Knebel
Senior Planner

SK/rms

Cc: Tim R. Norton, County Commissioner District II, Mail Stop, County Room 320
Angela Millspaugh, Haysville City Hall, P O Box 404, Haysville, KS 67060-0404
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2004-00040

WHEREAS, Westar Energy, Cindy J. Risch, P.E. (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a major utility on 2.0 acres zoned "SF-20" Single-family Residential described as:

> Beginning 30 feet East of the Northwest corner of the Southwest Quarter of Section 28, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence East a distance of 417.43 feet on the Quarter Section line; thence South a distance of 208.71 feet parallel to the West Section line; thence West a distance of 417.43 feet parallel to the Quarter Section line; thence North a distance of 208.71 feet to the beginning. Generally located at the southeast corner of 59th Street South and Broadway.

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 December 23, 2004, 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 for a major utility on 2 acres zoned "SF-20" Single-family Residential described as:

> Beginning 30 feet East of the Northwest corner of the Southwest Quarter of Section 28, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence East a distance of 417.43 feet on the Quarter Section line; thence South a distance of 208.71 feet parallel to the West Section line; thence West a distance of 417.43 feet parallel to the Quarter Section line; thence North a distance of 208.71 feet to the beginning. Generally located at the southeast corner of 59th Street South and Broadway.

APPROVED, subject to platting the property within one year and subject to the following conditions:

1. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to commencement of operations.

2. The existing hedgerow shall be maintained along the north property line and shall be supplemented by evergreen vegetation to provide a year-round visual screen, as determined by the Planning Director through approval of a landscape plan prior to the issuance of a building permit.

3. The landscape plan shall be submitted no later than May 31, 2005, and all plant materials required by the landscape plan shall be planted no later than May 31, 2006.

4. All lighting shall be directed away from adjacent residential areas.

5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

6. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 23rd DAY of December, 2004. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

SITE PLAN FOR:

59TH STREET SUBSTATION

CON2004-00040

SITE PLAN

APPROVED 12-23-04 BY MAPC

LEGEND

P = Platted Dimension
M = Measured Dimension
C-D = Calculated Per Deed Dimension

- LP — Light Pole
- Yard Light
- Power Pole
- Storm Water Sewer Manhole
- TMH — Telephone Manhole
- Drainage Direction
- Chain Link Fence
- Overhead Electric Line
- Buried Telephone Line
- Storm Sewer Line
- 2" or 4" Steel Gas Line (KGS)
- Tree or Brush Line
- Proposed Chain Link Fence
- Proposed Concrete Wall
- Utility Easement
- Landscaping berms with plantings of junipers, spirea and feather reed grasses

NOTES:
1. THE SUBSTATION FENCE ON THE NORTH AND WEST SIDES WILL BE 8' BLACK VINYL-COATED CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. THE SOUTH AND EAST SIDES WILL BE 9' DECORATIVE CONCRETE WALL PAINTED WHITE.
2. SUBSTATION PAD AND ENTRANCE WILL BE SURFACED WITH COMPACTED TYPE SS3 CRUSHED ROCK. ALL OTHER AREAS WILL BE LANDSCAPING AND GRASS.
3. YARD LIGHTS WILL FACE THE INTERIOR OF THE SUBSTATION PAD AND WILL BE TURNED ON ONLY DURING EMERGENCY WORK.

OWNER:
WESTAR ENERGY
P. O. BOX 889
TOPEKA, KS 66601
ATTN: CINDY RISCH

LEGAL DESCRIPTION:
BEGINNING 30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE EAST A DISTANCE OF 417.43 FEET ON THE QUARTER SECTION LINE, THENCE SOUTH A DISTANCE OF 208.71 FEET PARALLEL TO THE WEST SECTION LINE, THENCE WEST A DISTANCE OF 417.43 FEET PARALLEL TO THE QUARTER SECTION LINE, THENCE NORTH A DISTANCE OF 208.71 FEET TO THE BEGINNING.

REV.	REVISION DESCRIPTION	DATE	BY
8			
7			
6			
5			
4			
3			
2			
1			

DRAWN BY CJR DATE 10/20/04
DESIGNED BY CJR DATE 10/20/04
APPROVED BY ____ DATE ____

SCALE: 1" =50'
W.O. NO.

Westar Energy

TITLE
59th STREET SUBSTATION
SITE PLAN

DWG. NO. SK9126_SI01
SHEET NO. 1 OF 1
REV. 0

REVISE ON TERRAMODEL ONLY FILE NAME: SK9126_ALL

2. The existing hedgerow shall be maintained along the north property line and shall be supplemented by evergreen vegetation to provide a year-round visual screen, as determined by the Planning Director through approval of a landscape plan prior to the issuance of a building permit.

3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

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 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: Most of the surrounding property is in agricultural use and is zoned "SF-20" Single Family. The application area is generally rural in character. The proposed electrical substation is compatible with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20" Single Family and could be used as presently zoned. However, the site is located immediately under transmission lines and, therefore, is the most logical location for an electrical substation.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will not detrimentally impact nearby property as electrical facilities of this type are located throughout the county, and adequate screening will be provided. The request is in advance of development of most surrounding properties, thus providing ample time for nearby property owners to plan accordingly.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Electrical service is used by everyone, and there is a need to adequately provide the service in the most efficient manner possible.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Both Sedgwick County's and Haysville's plans are silent regarding the siting of utilities such as the proposed electrical substation. The subject property is identified in the Wichita Land Use Guide as appropriate for utility use. Prudent planning principles indicate that the electrical substations should be located so they facilitate the orderly growth of the county and the communities they serve.

6. Impact of the proposed development on community facilities: Approval of the request will improve the delivery of electrical service throughout the county.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT

Haysville December 9, 2004
MAPC December 23, 2004

CASE NUMBER: CON2004-00040

APPLICANT/AGENT: Westar Energy c/o Cindy Risch (Owner/Applicant)

REQUEST: Conditional Use for a major utility

CURRENT ZONING: "SF-20" Single Family

SITE SIZE: 2 acres

LOCATION: Southeast corner of 59th Street South and Broadway

PROPOSED USE: Electrical substation

BACKGROUND: Westar Energy is requesting a Conditional Use for a major utility to permit an electrical substation to be located on the southeast corner of 59th Street South and Broadway on a two acre unplatted tract that is zoned "SF-20" Single Family. The subject property is located within the Zoning Area of Influence of the City of Haysville. A major utility may be permitted with the approval of a Conditional Use in the "SF-20" Single Family zoning district.

The attached site plan and sample photographs show electrical substation equipment contained within a compound enclosed with a combination of a concrete wall and a chain link fence. The site plan also shows an existing hedgerow along the north property line to provide screening from adjoining properties to the north. The Planning Director may approve a landscape plan to permit the existing hedgerow, supplemented by additional plantings where necessary, to be in conformance with the screening requirements of the Unified Zoning Code.

The applicant indicates that the area near the Wichita-Haysville boundary has a growing demand for electricity, and that the proposed electrical substation is needed to meet projected needs. The applicant indicates that the site was chosen based upon the following criteria: 1) the site is owned by Westar Energy and has been a proposed future electrical substation site since 1982; 2) the site is located immediately under existing transmission lines; and 3) the site located near existing distribution lines (see attached document).

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single family residences
SOUTH:	"SF-20"	Agriculture
EAST:	"SF-20"	Agriculture
WEST:	"SF-20"	Agriculture

PUBLIC SERVICES: The subject property has access to Broadway, a four-lane arterial street. No personnel are assigned to the site, with personnel visits occurring about once a month. Therefore, the facility will have minimal impact on municipal services. The approval of this request will enhance the delivery of electric service to the Haysville area.

CONFORMANCE TO PLANS/POLICIES: Both Sedgwick County's and Haysville's plans are silent regarding the siting of utilities such as the proposed electrical substation. The subject property is identified in the Wichita Land Use Guide as appropriate for utility use. Prudent planning principles indicate that the electrical substations should be located so they facilitate the orderly growth of the county and the communities they serve.

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

1. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to commencement of operations.