



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

Kansas Gas & Electric Co.
Attn: Harvey Siemens
PO Box 208
Wichita, KS 67201

KG&E Real Estate Services
Attn: Dena Prentiss
818 South Kansas Avenue
Topeka, KS 66601

RE: CON 2006-00057- Conditional Use to permit a Utility, Major, generally located south of East 61st Street North and East of North 143rd Street East (5946 North 143rd Street East)

Dear Ladies and Gentlemen:

At its regular meeting on January 18, 2007, 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,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

cc: Stan Landwehr, 105 N. Washington, Wichita, KS 67202
Dave Unruh, County Commissioner District I, Mail Stop, County Room 320

CONDITIONAL USE RESOLUTION NO. CON2006-00057

WHEREAS, Kansas Gas & Electric Co. (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 an Utility, Major on 40 acres zoned “RR” Rural Residential described as:

Sedgwick County, Kansas. Generally located South of East 61st Street North and East of North 143rd Street East (5946 North 143rd Street East)

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 January 18, 2007, 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 an Utility, Major on 40 acres zoned “RR” Rural Residential described as:

Sedgwick County, Kansas. Generally located South of East 61st Street North and East of North 143rd Street East (5946 North 143rd Street East)

Approved subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

STAFF REPORT

MAPC 1-18-2007

CASE NUMBER: CON 2006-00057

APPLICANT/AGENT: Harvey Siemens / Kansas Gas & Electric Co.
Dena Prentiss / KG&E Real Estate Services

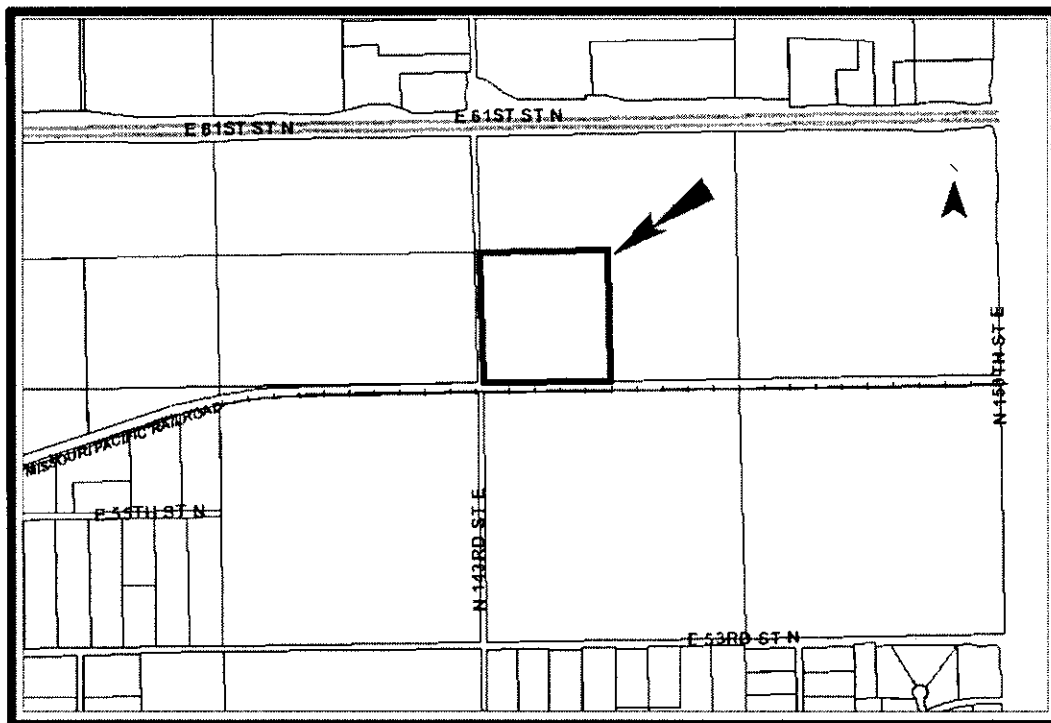
REQUEST: Conditional Use to permit a Utility, Major

CURRENT ZONING: RR Rural Residential

SITE SIZE: 40 acres

LOCATION: South of East 61st Street North and East of North 143rd Street East (5946 North 143rd Street East)

PROPOSED USE: Remove pre-existing non-conforming use and allow for a pole storage yard on site.



BACKGROUND: The applicant is requesting to bring a non-conforming use to conformance by applying for a conditional use for a major utility in a "RR" Rural Residential district and propose to add a pole storage yard on the subject site encompassing approximately 40 acres, located south of East 61st Street North and east of North 143rd Street East. The electrical substation provides a voltage regulator for customers of the service. The substation is located, mostly, in the upper half of the property, encompassing approximately 14 acres of the 40-acre subject property. The pole storage yard is proposed to be located in the southern half of the property, 150 feet south of the southern boundary of the existing substation and along the west side of the existing railroad spur. The size of the storage yard is proposed to be approximately 4.5 acres. The pole storage yard will be used to store excess poles and old poles that have been replaced. Currently, poles are scattered throughout the property that surrounds the substation. Part of this application is to create this storage yard so that pole storage can be done in a central location and in a more orderly fashion. The site is to be fenced and gated. County Public Works has reviewed the proposed site plan and approved the access point.

The *Wichita-Sedgwick County Unified Zoning Code* defines a "utility, major" as a service similar to services and facilities of agencies that provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar services that exceed 150 cubic feet in size and six feet in height that might generate discernable noise, odor or vibration in a residential district. The code permits a major utility as a Conditional Use in the RR district.

Surrounding land is zoned RR Rural Residential and there is very little development near the site with an agricultural use across North 143rd Street East and an office/warehouse use at the intersection of East 61st Street North and North 143rd Street East. There is agricultural cropland surrounding all four sides of the subject site.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	RR Rural Residential	Agriculture
SOUTH:	RR Rural Residential	Agriculture
EAST:	RR Rural Residential	Agriculture
WEST:	RR Rural Residential	Agriculture

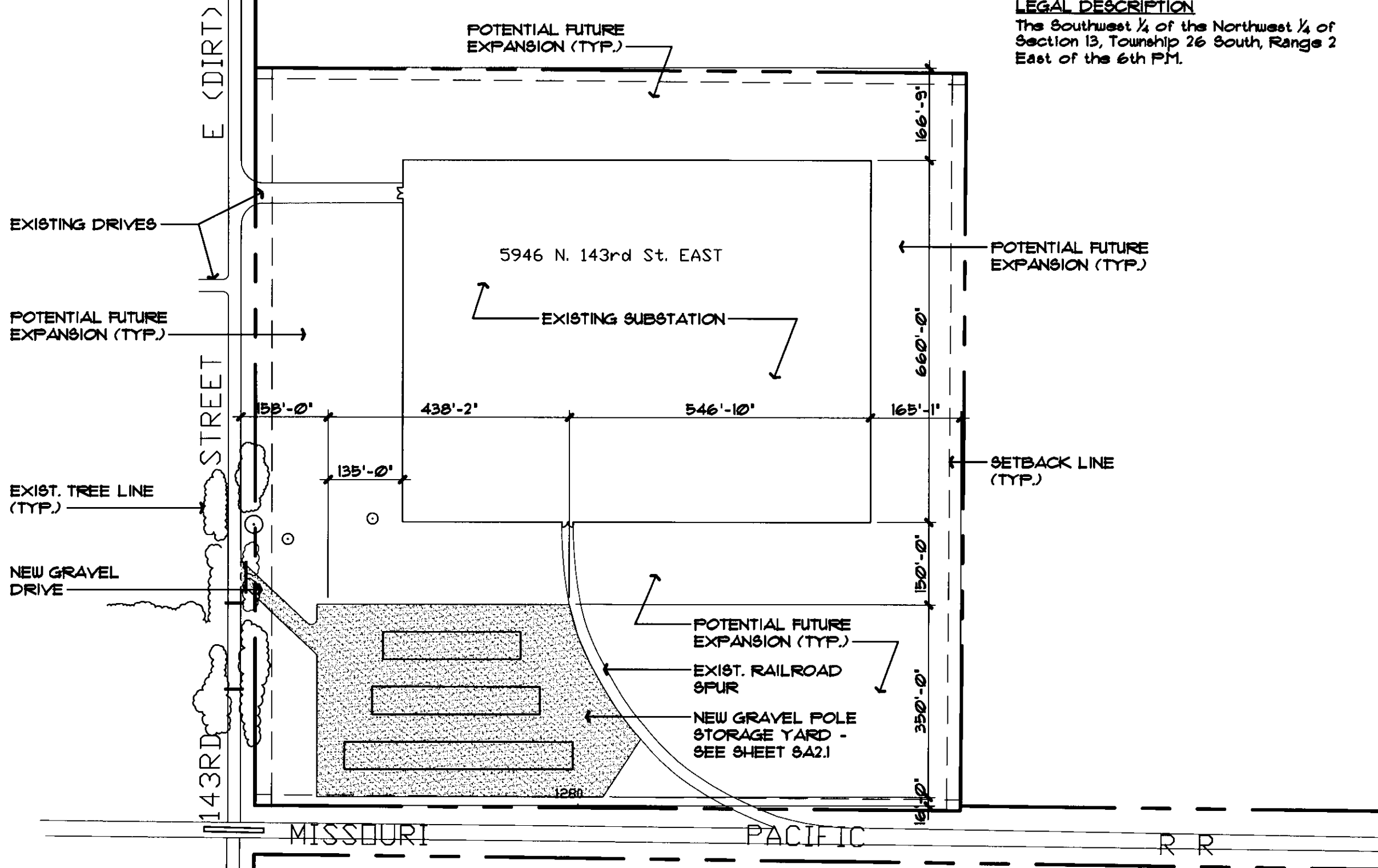
PUBLIC SERVICES: Public services are not required for this installation

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan contains location criterion recommending that utility facilities with 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 development of the site in substantial compliance with the approved site plan.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: RR Rural Residential zoning surrounds the application area. Nearby uses consists of agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as zoned, and will be brought to conformance with the Unified Zoning Code with the approval of the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: This application should not detrimentally impact nearby properties. The use is remaining on the subject site, but will be brought to conformance with a conditional use permit. The storage of poles at the site is currently occurring, but a site will be designated for the storage of poles, unlike now, and the site designated will be maintained to prevent unsightliness.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would force the applicant to remain a non-conforming use, since it is currently an existing use. Everyone uses electricity and this substation helps deliver this product to the people within the county and city. The application is also proposing a more appropriate location for the storage of power poles on site, which are also necessary for the delivery of the product.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan contains location criterion recommending that utility facilities with significant noise, odor and other nuisance elements should be located away from residential areas. This site is reasonably remote from residences.
6. Impact of the proposed development on community facilities: None identified.



LEGAL DESCRIPTION

The Southwest 1/4 of the Northwest 1/4 of Section 13, Township 26 South, Range 2 East of the 6th P.M.



Wilson Darnell Mann P.A.
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WESTAR ENERGY BENTON SUBSTATION

5946 N. 143rd St. East
SEDGWICK COUNTY, KANSAS

PRINTS ISSUED
12/06/06 FOR MAPD APPROVAL

WDM No. 06298
drawn: EAP
checked: SJI



SITE PLAN

1" = 200' - 0"

SAI.1

LEGAL DESCRIPTION

The Southwest 1/4 of the Northwest 1/4 of
Section 13, Township 26 South, Range 2
East of the 6th PM.

EXIST. CHAIN-LINK
FENCING

EXISTING SAPPLINGS
TO BE REMOVED AS
NECESSARY

NEW REINF. CONC.
CULVERT

NEW GRAVEL
DRIVE

EXIST. CONC.
CULVERTS

NEW GRAVEL YARD
SURFACE (TYP.)

CENTERLINE OF
DRIVE

POLE STORAGE RACK
LOCATIONS (TYP.)



YARD PLAN

1" = 80' - 0"



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WESTAR ENERGY BENTON SUBSTATION

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SEDGWICK COUNTY, KANSAS

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SA2.1