



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 11, 2017

Charlie Brown  
July 21, 2017  
303 South Topeka Avenue  
Wichita, KS 67202

Katie Walbridge  
818 South Kansas Avenue  
Wichita, KS. 66601

**RE: CON2017-000026 – City Conditional Use for a Utility, Major expansion located at 4100 East 17<sup>th</sup> Street North**

Dear Mr. Brown,

At its regular meeting on July 20, 2017, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned-request. The action of the MAPC was to APPROVE the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle C. Kobe'.

Kyle C. Kobe  
Associate Planner

KCK:al  
Attachment

Copies to: MABCD  
Lavonta Williams, Council Member District I  
Kameelah Alexander, CSR I

## **CONDITIONAL USE RESOLUTION NO. CON2017-00026**

**WHEREAS**, Westar Energy, (Owner) 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 a Major Utility, specifically being a the expansion of the Innovation Station Electrical Substation, on property zoned B Multi-Family District at 4100 East 17<sup>th</sup> Street North and legally described as:

A parcel of land in the Northeast Quarter of Section 11, Township 27 South, Range 1 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas described as follows: Beginning at the Southwest corner of Lot 1, Wheatshocker Addition to Wichita, Sedgwick County, Kansas; thence bearing North 00°00'00" East along the West line of said Lot 1 for a distance of 160.00 feet; thence bearing North 89°39'30" East, parallel with the South line of said Lot 1, for a distance of 80.00 feet; thence bearing North 00°00'00" East parallel with the West line of said Lot 1 for a since of 6.00 feet; thence bearing North 89°39'30" East, parallel with the South line of said Lot 1, for a distance of 62.00 feet; thence bearing South 00°00'00" West, parallel with the West line of said Lot 1, for a distance of 166.00 feet to the South line of said Lot 1; thence bearing South 89°39'30" West, along the South line of said Lot 1, for a distance of 142.00 feet to the Point of Beginning; said Parcel encompassing 0.53 acres, more or less (23,092 square feet, 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 July 20, 2017, 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 a Major Utility, specifically being the expansion of the Innovation Station Electrical Substation, on property zoned B Multi-Family District at 4100 East 17<sup>th</sup> Street North and legally described as:

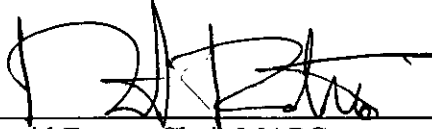
A parcel of land in the Northeast Quarter of Section 11, Township 27 South, Range 1 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas described as follows: Beginning at the Southwest corner of Lot 1, Wheatshocker Addition to Wichita, Sedgwick County, Kansas; thence bearing North 00°00'00" East along the West line of said Lot 1 for a distance of 160.00 feet; thence bearing North 89°39'30" East, parallel with the South line of said Lot 1, for a distance of 80.00 feet; thence bearing North 00°00'00" East parallel with the West line of said Lot 1 for a since of 6.00 feet; thence bearing North 89°39'30" East, parallel with the South line of said Lot 1, for a distance of 62.00 feet; thence bearing South 00°00'00" West, parallel with the West line of said Lot 1, for a distance of 166.00 feet to the South line of said Lot 1; thence bearing South 89°39'30" West, along the South line of said Lot 1, for a distance of 142.00 feet to the Point of Beginning; said Parcel encompassing 0.53 acres, more or less (23,092 square feet, more or less).

Subject to the following conditions:

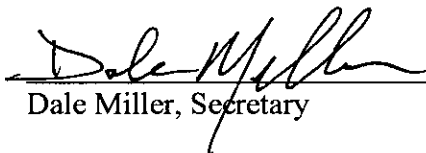
1. The site is to be developed as shown on the Innovation Station Substation Plan dated 5/17 by Westar Energy.
2. Any changes to the site or screening design, the size of the area to be expanded to, or the location of the expansion will require review by the Planning Department.
3. If the Zoning Administrator 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.

Adopted this 20 Day of July 2017

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
David Foster, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
Dale Miller, Secretary

## STAFF REPORT

MAPC July 20, 2017

DAB I August 7, 2017

CASE NUMBER:

CON2017-00026

**APPLICANT/AGENT:**

**Westar Energy/ Professional Engineering Consultants, Charles Brown**

REQUEST:

Conditional Use for a Utility, Major to allow the expansion of an existing electric substation.

**CURRENT ZONING:**

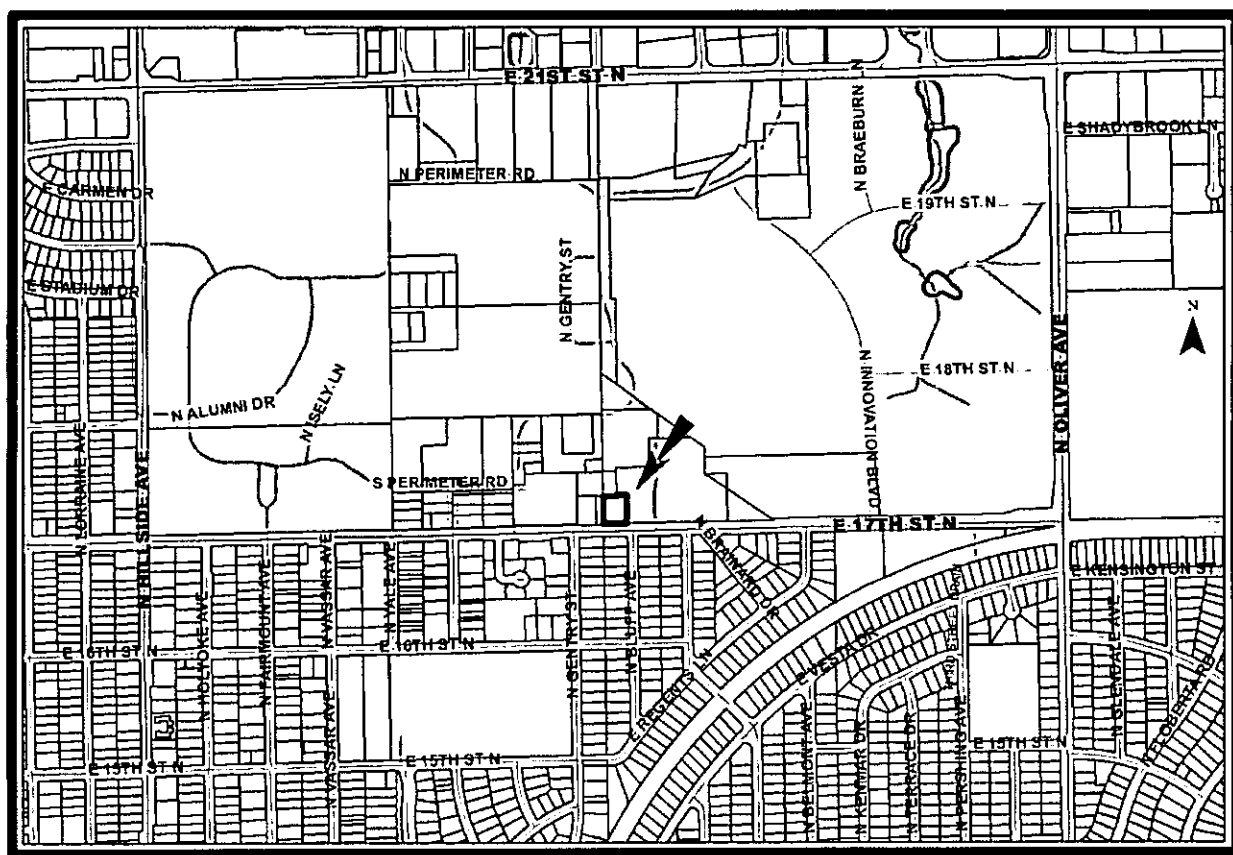
### B Multi Family

**SITE SIZE:**

0.53 acres

**LOCATION:**

Generally located on the north side of East 17<sup>th</sup> Street North, approximately 150 feet east of North Gentry Street (4100 East 17<sup>th</sup> Street North)



**BACKGROUND:** This application was filed to request a Conditional Use Permit for a major utility to allow the expansion of an existing electrical substation at roughly 4100 East 17<sup>th</sup> Street North. The site is adjacent to the grounds of Wichita State University and is zoned B Multi-Family.

The purpose of this application is to allow for Westar to expand its level of service to the area and to take advantage of the existing infrastructure already in place in the form of transmission lines and access to the grid. The substation, the Innovation Station Electrical Substation, will provide power for Wichita State University, as well as provide interactive data to the school to be used as a teaching tool.

The applicant explains that transporting electricity over long distances is more efficient at higher voltage levels. Substations like this convert that electricity into lower voltages to make it appropriate for regular consumption. The station will function much the same way as before, save that it will be able to provide an increase in service capacity for the surrounding areas. The applicant proposes beginning construction in the Fall of 2017 and to begin operations in 2018.

The substation will be screened on all sides by a nine foot tall stonecast fence. This will obstruct the view of the station from the street, though there will be some equipment that is still visible over this wall. The tallest equipment on the site is 45 feet tall. With the exception of the construction process, there will be no increase to traffic due to this proposed development.

Staff inquired about landscaping in front of the screening wall. The applicant indicated that as a security measure Westar does not allow landscaping within ten feet of a fence line. The stonecast fence is 10 feet from the property. Westar policy would not allow plantings in this area.

**SURROUNDING DEVELOPMENT:** To the north and west are grounds belonging to Wichita State University. However, immediately to the west is the St. Paul University Parish, which is owned by the Catholic Diocese of Wichita. To the north and east are Wichita State University Facilities and Landscaping Maintenance, with a large parking lot immediately abutting the proposed expansion area to the east. To the south, across East 17<sup>th</sup> Street North is residential development, including an apartment complex immediately across the street.

**CASE HISTORY:** The property is platted as a part of Lot 1 of Wheatshocker Addition, 16 March 1965.

**ADJACENT ZONING AND LAND USE:**

|        |          |                                              |
|--------|----------|----------------------------------------------|
| NORTH: | SF-5, B  | University affiliated industrial uses        |
| SOUTH: | SF-5, LC | single-family residential, apartments        |
| EAST   | B        | parking lot, Wheatshocker apartments         |
| WEST:  | B        | light industrial, St. Paul University Parish |

**PUBLIC SERVICES:** East 17<sup>th</sup> Street North is a fully improved arterial street. All municipal utilities are available at the property.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as Major Institutional on the Future Growth Map Concept Map. The proposed use is consistent with the Institutional category for this area. Further, as an expansion of an existing use it would simply be continuing the same thing as before but on a slightly different footprint.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

- a. The site is to be developed as shown on the Innovation Station Substation Plan dated 5/17 by Westar Energy.
- b. Any changes to the site or screening design, the size of the area to be expanded to, or the location of the expansion will require review by the Planning Department.
- c. 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.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The types of land uses in the area are split north and south of E 17<sup>th</sup> St N. To the north of the street are lots either owned directly by the University or are designed to work in concert with the University. These uses are varied, involving residential, institutional, and light industrial. South of the street is dominated by residential uses. These mostly consist of single family homes but also includes an apartment complex as well as some light commercial uses.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The proposed utility facility is a reasonable use of the property, after review and approval of a Conditional Use application. The application is for an expansion of the same use that already occurs on the property. The existing utility station is zoned SF-5 Single Family, and this proposal would include B Multi Family. A major utility can be authorized in both of these districts by a Conditional Use Permit.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The existing utility station has been in operation for many years and has not had an adverse effect on nearby property. The site will be screened appropriately and there should be no discernable negative effects for nearby residents.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as Major Institutional. This type of land use fits with the Comprehensive Plan category, as well as with the surrounding area north of the street.
- (5) **Impact of the proposed development on community facilities:** The aesthetic impacts of this should be minimal. However, this facility will enhance the surrounding area by providing a higher capacity service of a critical utility than currently exists.

Staff Report Attachments:

1. Conditional Use Area Map
2. Conditional Use Site Plan

# SITE PLAN

APPROVED 7-20-17 BY MAPC

OWNER: WICHITA PUBLIC BLDG COMM

EXCEPTION  
REVENUE  
SUBSTATION

OWNER: KG&E

OWNER: KANSAS BOARD OF  
REGENTS-WSU

WHEATSHOCKER ADDITION  
LOT 1

OWNER: KANSAS BOARD OF  
REGENTS-WSU

PARCEL 2

OWNER: CATHOLIC DIOCESE  
OF WICHITA

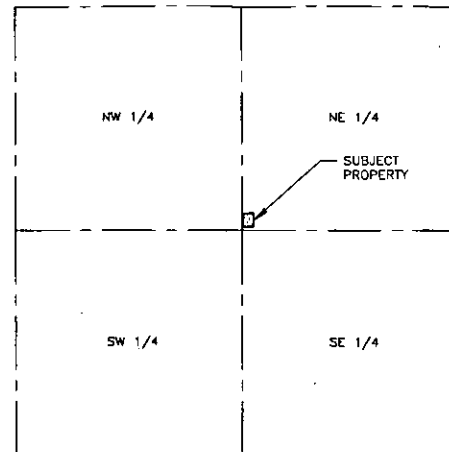
OWNER: STATE OF KANSAS

SUBJECT PROPERTY  
0.53 ACRES (23,092 SQ. FT.)

PROPOSED SUBSTATION  
PRECAST SCREENING WALL

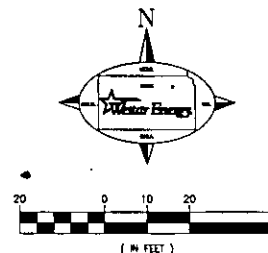
E 17TH STREET N

S.W. Corner, NE 1/4  
Sec. 11, 27S, R1E  
Reset 1/2" Bar w/PEC Cap



VICINITY MAP

Section 11, Township 27 South, Range 1 East



## LEGAL DESCRIPTION

THE LAND REFERRED TO IN TITLE COMMITMENT NUMBER 2156287 BY FIRST AMERICAN INSURANCE COMPANY, EFFECTIVE DATE JANUARY 22, 2016, IS DESCRIBED AS FOLLOWS:

LOT 1, WHEATSHOCKER ADDITION TO WICHITA, KANSAS, SEDGWICK COUNTY KANSAS, EXCEPT THAT BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, AND BEARING N 89°39'30" E, A DISTANCE OF 363.31 FEET; THENCE S 53°40'34" E, A DISTANCE OF 192.58 FEET; THENCE S 89°39'30" W, A DISTANCE OF 248.33 FEET; THENCE S 00°00'00" W, A DISTANCE OF 168.5 FEET; THENCE S 89°39'30" W, A DISTANCE OF 190.01 FEET; THENCE S 00°00'00" W, A DISTANCE OF 18.0 FEET; THENCE S 89°39'30" W, A DISTANCE OF 80.0 FEET TO A POINT IN THE WEST LINE OF SAID LOT 1; THENCE N 00°00'00" E, A DISTANCE OF 301.50 FEET TO POINT OF BEGINNING; AND EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, WHEATSHOCKER ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 1 AND BEARING S 89°39'30" W A DISTANCE OF 270.20 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID LOT 1, AND BEARING N 00°00'00" E, A DISTANCE OF 193.48 FEET; THENCE S 54°37'13" E, A DISTANCE OF 331.39 FEET TO THE POINT OF BEGINNING.

THAT PART OF THE ABOVE DESCRIBED LAND, WHICH IS THE SUBJECT PROPERTY SHOWN ON THIS SURVEY, IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, WHEATSHOCKER ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 160.00 FEET; THENCE BEARING NORTH 89°39'30" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 80.00 FEET; THENCE BEARING NORTH 00°00'00" EAST PARALLEL WITH THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 6.00 FEET; THENCE BEARING NORTH 89°39'30" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 62.00 FEET; THENCE BEARING SOUTH 00°00'00" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 186.00 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE BEARING SOUTH 89°39'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 142.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL ENCOMPASSING 0.53 ACRES, MORE OR LESS (23,092 SQUARE FEET, MORE OR LESS).

EASEMENTS AND RESTRICTIONS OF RECORD PER FIRST AMERICAN INSURANCE COMPANY, TITLE COMMITMENT NUMBER 2156287, EFFECTIVE DATE JANUARY 22, 2016.

SCHEDULE B, SECTION 8, EXCEPTIONS  
ITEM NO.

- THE FOLLOWING MATTERS SHOWN ON OR DISCLOSED BY THE RECORDED PLAT OF WHEATSHOCKER ADDITION REFERRED TO IN THE LEGAL DESCRIPTION: EASEMENTS AND ACCESS CONTROLS. (PLOTTED ON DRAWING)
  - AN EASEMENT FOR UTILITY RECORDED IN/ON MISC. BOOK 557, PAGE 544. (NOT A PART OF SUBJECT PROPERTY)
  - AN EASEMENT FOR SEWER RECORDED IN/ON FILM 942, PAGE 396. (NOT A PART OF SUBJECT PROPERTY)
  - AN EASEMENT FOR SEWER RECORDED IN/ON FILM 942, PAGE 397. (SAME LOCATION AS ITEM 10; NOT A PART OF SUBJECT PROPERTY)
  - THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT" BETWEEN WICHITA STATE UNIVERSITY AND COX COMMUNICATIONS FILED AS FILM 2432, PAGE 838. (NOT PLOTTABLE)
  - THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT AND MEMORANDUM OF AGREEMENT" BETWEEN WICHITA STATE UNIVERSITY AND COX COMMUNICATIONS FILED AS DOC//FILM-PG: 29046845. (NOT PLOTTABLE)
  - AN EASEMENT FOR WATERLINE RECORDED IN/ON DOC//FILM-PG: 29511087. (NOT A PART OF SUBJECT PROPERTY)
  - AN EASEMENT FOR UTILITY RECORDED IN/ON DOC//FILM-PG: 29520015. (NOT A PART OF SUBJECT PROPERTY)
  - RIGHT OF THE U.S.A. TO RECOVER ANY PUBLIC FUNDS ADVANCED UNDER THE HIGHER EDUCATION FACILITIES ACT OR THE HIGHER EDUCATION AMENDMENTS OF 1992 OR 1998. (NOT PLOTTABLE)
  - GROUND LEASE DATED DECEMBER 1, 2014 EXECUTED BY KANSAS BOARD OF REGENTS, AS LESSOR, AND SEDGWICK COUNTY PUBLIC BUILDING COMMISSION, AS LESSEE, AS EVIDENCED BY THE NOTICE OF LEASE RECORDED DECEMBER 30, 2014 AS DOC//FILM-PG: 29498478. (AS TO A PORTION) (THE MOST WESTERLY LINE OF SAID GROUND LEASE IS COINCIDENT WITH THE EAST LINE OF SUBJECT PROPERTY, AND IS THEREFORE NOT A PART OF SUBJECT PROPERTY.)
  - LEASE DATED DECEMBER 1, 2014 EXECUTED BY SEDGWICK COUNTY PUBLIC BUILDING COMMISSION, AS LESSOR AND THE BOARD OF TRUSTEES OF WICHITA STATE UNIVERSITY, AS LESSEE, AS EVIDENCED BY THE NOTICE OF LEASE RECORDED DECEMBER 30, 2014 AS DOC//FILM-PG: 29498478. (AS TO A PORTION) (THE MOST WESTERLY LINE OF SAID GROUND LEASE IS COINCIDENT WITH THE EAST LINE OF SUBJECT PROPERTY, AND IS THEREFORE NOT A PART OF SUBJECT PROPERTY.)
  - SUBLEASE DATED DECEMBER 1, 2014 EXECUTED BY THE BOARD OF TRUSTEES OF WICHITA STATE UNIVERSITY, AS LESSOR, AND WICHITA STATE UNIVERSITY, AS LESSEE, AS EVIDENCED BY THE NOTICE OF LEASE RECORDED DECEMBER 30, 2014 AS DOC//FILM-PG: 29498478. (AS TO A PORTION) (THE MOST WESTERLY LINE OF SAID GROUND LEASE IS COINCIDENT WITH THE EAST LINE OF SUBJECT PROPERTY, AND IS THEREFORE NOT A PART OF SUBJECT PROPERTY.)
  - A FINANCING STATEMENT RECORDED DECEMBER 30, 2014 AS DOC//FILM-PG: 29498479 (AS TO A PORTION) (THE MOST WESTERLY LINE OF SAID GROUND LEASE IS COINCIDENT WITH THE EAST LINE OF SUBJECT PROPERTY, AND IS THEREFORE NOT A PART OF SUBJECT PROPERTY.)
- DEBTOR: BOARD OF TRUSTEES OF WICHITA STATE UNIVERSITY  
SECURED PARTY: SEDGWICK COUNTY PUBLIC BUILDING COMMISSION AND SECURITY BANK OF KANSAS CITY, AS BOND TRUSTEE
- RIGHTS OF PARTIES IN POSSESSION UNDER UNRECORDED LEASES (NOT PLOTTABLE)
  - THE APPLICATION FOR TITLE INSURANCE DOES NOT GIVE THE NAME OF THE PROSPECTIVE PURCHASER. WHEN SUCH NAME IS ASCERTAINED, THE RECORDS MUST BE SEARCHED FOR POSSIBLE JUDGMENTS. IF THE PURCHASER IS TO BE AN ENTITY OTHER THAN A NATURAL PERSON OR PERSONS, CERTAIN ADDITIONAL REQUIREMENTS MAY BE NECESSARY. (NOT PLOTTABLE)
  - THE ACTUAL VALUE OF THE ESTATE OR INTEREST TO BE INSURED MUST BE DISCLOSED TO THE COMPANY, AND SUBJECT TO APPROVAL BY THE COMPANY, ENTERED AS THE AMOUNT OF THE POLICY TO BE ISSUED. IT IS AGREED THAT, AS BETWEEN THE COMPANY, THE APPLICANT FOR THIS COMMITMENT, AND EVERY PERSON RELYING ON THIS COMMITMENT, THE AMOUNT OF THE REQUESTED POLICY WILL BE ASSUMED TO BE \$1,000.00, AND THE TOTAL LIABILITY OF THE COMPANY ON ACCOUNT OF THIS COMMITMENT SHALL NOT EXCEED THAT AMOUNT, UNTIL SUCH TIME AS THE ACTUAL AMOUNT OF THE POLICY TO BE ISSUED SHALL HAVE BEEN AGREED UPON AND ENTERED AS AFORESAID, AND THE COMPANY'S APPLICABLE INSURANCE PREMIUM CHARGE FOR SAME SHALL HAVE BEEN PAID. (NOT PLOTTABLE)

## LEGEND

P/L = PROPERTY LINE  
S/L = SECTION LINE

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

DRAWN BY: CRG - PEC DATE: 05/2017  
DESIGNED BY: CRG - PEC DATE: 05/2017  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE: NONE  
W.R. NO.



TITLE: INNOVATION STATION SUBSTATION  
SITE PLAN

DWG. NO.: SOXXXX\_PL01  
SHEET NO.: 1 OF 1  
REV.: 0

GROUP: