



FILE COPY

December 15, 2000

Wichita-Sedgwick County Metropolitan Area Planning Department

City of Wichita
Sewer and Water Department
%David Warren
455 N. Main 8th Floor Mail Stop 1-81
Wichita, KS 67202

RE: ZON2000-00046 (Associated with CON2000-00040) – Zone change from “SF-6” Single-family Residential to “LC” Limited Commercial and Conditional Use to permit a “major utility” (pump station). Generally located on the southeast corner of 135th Street West and 21st Street.

Dear Ladies and Gentlemen:

At its regular meeting on December 12, 2000, the Wichita City Council considered the above-captioned request. The action of the City Council was the following to APPROVE subject to platting within one year and the following conditions and Protective Overlay:

Conditional Use

- A. Those parcels requiring a Conditional Use shall be developed and maintained in compliance with approved site plans and permitted uses listed on the approved site plan.
- B. Buildings on Parcel 4 shall be developed with an exterior of split face block or brick. If Parcel 3 is developed with a government service, it shall use exterior building materials similar to those used on Parcel 4.
- C. Prior to the issuance of a building permit, the applicant shall submit a landscape plan prepared by a Landscape Architect for approval by the Planning Director.
- D. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Protective Overlay for the “LC” Zoned Parcels

- A. Development shall occur on these parcels that is consistent with the approved site plan.
- B. Building coverage shall be limited to 30% of parcel size (Parcel 1: 14,916 sq. ft.; Parcel 2: 13,582 sq. ft.; Parcel 3: 15,360 sq. ft.) and a floor area ratio of 35%.

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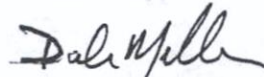
T 316.268.4421 F 316.268.4390

www.wichitagov.org

- C. Signage shall be monument type signs that are a maximum of 20 feet in height and 100 square feet in area. No temporary display signs are permitted, including the use of commercial flags, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting, off-site signs and balloons. Banners are also prohibited except they may be permitted during the grand opening
- D. Lighting standards shall be architecturally similar and be a similar color and be limited to a maximum height of 14 feet.
- E. Buildings on Parcels 1 and 2 shall be developed with exterior building materials and colors that are consistent. If Parcel 3 is not developed with a government service, and is zoned "LC", then buildings built on Parcel 3 shall be developed with exterior architectural materials consistent with those on Parcels 1 and 2. Use of metal as an exterior facade is prohibited on all parcels. Exterior use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.
- F. Prior to the issuance of a building permit, the applicant shall submit for approval by the Planning Director a landscape plan for all required landscaping prepared by a Landscape Architect that supercedes minimum code requirements by 1-1/2 times.
- G. If Parcel 3 is not developed with a government service, access along 135th Street should be limited to one drive shared by Parcels 1, 3 and 4.

Enclosed is a signed Conditional Use Resolution. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Dale Miller
Chief Planner

DLM/rs

Cc: Professional Engineering Corporation, %Rob Hartman, 303 S. Topeka, Wichita, KS 67202
District Advisory Board V, Dana L. Brown, Mail Stop 1-135
City Council Member District V, Bob Martz, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2000-00040

WHEREAS, City of Wichita, Sewer and Water Department %David Warren, Professional Engineering Corporation (Robert Hartman) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow "major utility" (pump station) on 2.19 acres zoned "LC" Limited Commercial described as:

A tract of land in the Northwest Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M. described as beginning 30 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of said Section 12, thence East 457.1 feet; thence South 15 feet; thence East 9.75 feet; thence South 451.85 feet; thence West 466.85 feet; thence North 466.85 feet to the beginning.

EXCEPT

A tract of land described as beginning on the West line, 450 feet South of the Northwest corner of the Northwest Quarter of Section 12, Township 27 South, Range 2 West; thence North along the West line of the Northwest Quarter a distance of 450 feet to the Northwest corner of the Northwest Quarter; thence East along the North line of the Northwest Quarter a distance of 482.10 feet; thence South 45 feet; thence East 9.75 feet; thence South 20 feet to a point 491.85 feet East and 65 feet South of the Northwest corner of the Northwest Quarter; thence West parallel to the North line of the Northwest Quarter, to a point 65 feet South and 50.59 feet East of the Northwest corner of the Northwest Quarter of Section 12; thence Southerly to a point 400 feet South and 40 feet East of the Northwest corner of the Northwest Quarter; thence Southerly to a point 450 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of Section 12, thence West 25 feet to the point of beginning, as deeded to the Board of County Commissioners of Sedgwick County, Kansas, all in Sedgwick County, Kansas. Generally located at the southeast corner of 135th Street West and 21st Street.

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 November 9, 2000, 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 a conditional use to allow "major utility" (pump station) on 2.19 acres zoned "LC" Limited Commercial described as:

A tract of land in the Northwest Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M. described as beginning 30 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of said Section 12, thence East 457.1 feet; thence South 15 feet; thence East 9.75 feet; thence South 451.85 feet; thence West 466.85 feet; thence North 466.85 feet to the beginning.

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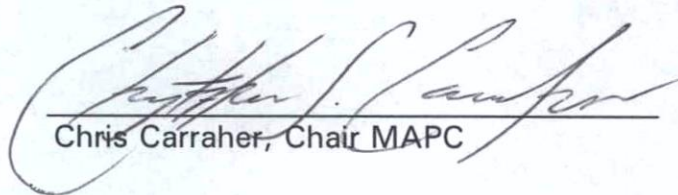
A tract of land described as beginning on the West line, 450 feet South of the Northwest corner of the Northwest Quarter of Section 12, Township 27 South, Range 2 West; thence North along the West line of the Northwest Quarter a distance of 450 feet to the Northwest corner of the Northwest Quarter; thence East along the North line of the Northwest Quarter a distance of 482.10 feet; thence South 45 feet; thence East 9.75 feet; thence South 20 feet to a point 491.85 feet East and 65 feet South of the Northwest corner of the Northwest quarter; thence West parallel to the North line of the Northwest Quarter, to a point 65 feet South and 50.59 feet East of the Northwest corner of the Northwest Quarter of Section 12; thence Southerly to a point 400 feet South and 40 feet East of the Northwest corner of the Northwest Quarter; thence Southerly to a point 450 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of Section 12, thence West 25 feet to the point of beginning, as deeded to the Board of County Commissioners of Sedgwick County, Kansas, all in Sedgwick County, Kansas. Generally located at the southeast corner of 135th Street West and 21st Street.

subject to the following conditions:

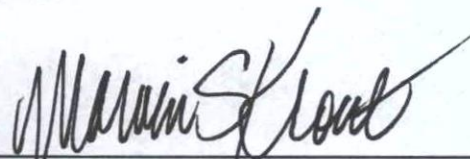
- A. Those parcels requiring a Conditional Use shall be developed and maintained in compliance with approved site plans and permitted uses listed on the approved site plan.
- B. Buildings on Parcel 4 shall be developed with an exterior of split face block or brick. If Parcel 3 is developed with a government service, it shall use exterior building materials similar to those used on Parcel 4.
- C. Prior to the issuance of a building permit, the applicant shall submit a landscape plan prepared by a Landscape Architect for approval by the Planning Director.
- D. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Adopted this 19th day of November, 2000. 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


Chris Carraher, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

AGENDA ITEM NO. #6A + 6B

STAFF REPORT

MAPC, 11/9/00
DAB V, 11/6/00

FILE COPY

CASE NUMBER: ZON2000-00046 and CON2000-00040 (DLM)

OWNER/APPLICANT: City of Wichita

AGENT: Professional Engineering Corporation (Rob Hartman) and City of Wichita Sewer and Water Department (David Warren)

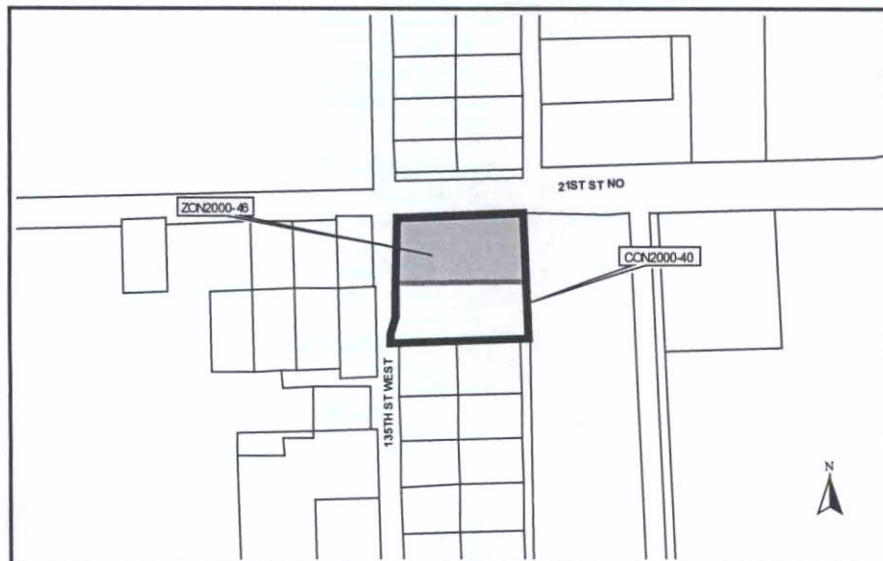
REQUEST: "LC" Limited Commercial and Conditional Use to permit a "major utility" (pump station)

CURRENT ZONING: "SF-6" Single-family Residential

SITE SIZE: 2.19 acres

LOCATION: Southeast corner of 135th Street West and 21st Street

PROPOSED USE: wastewater pump station and commercial uses



BACKGROUND: The City of Wichita is currently developing a new wastewater treatment plant at 37th Street North and 135th Street West. In order for the new plant to effectively serve its designated service area, a pumping station is needed to pump sewage from the collection lines to the wastewater treatment plant. The collection lines feeding the pump station operate on gravity flow so the potential location of the pump station is strongly influenced by the station's elevation relative to the service area's collection system. The City has acquired 2.19 acres of "SF-6" Single-family Residential zoned land located at the southeast corner of 21st Street and 135th Street West. The City would like to develop the pump station, a fire station and two retail pad sites at this location. This location was selected after a lengthy analysis of possible sites by both city staff and a consultant.

To accomplish this project, a Conditional Use permit to allow a "major utility" is necessary for the pump station. A Conditional Use to permit a "government service" is required for the fire station (if the parcel on which the fire station is proposed is not zoned "LC") and "LC" Limited Commercial is needed for the two-retail pad sites. The application area is currently developed with a home and outbuildings. A significant tree row exists along most of the east and south property lines.

The proposed site plan indicates that the pump station is to occupy Parcel 4, located in the southeast corner of sites. Parcel 4 is 36,371 square feet in size. The pump station would be enclosed within a 40 by 60-foot building that is to be constructed of either brick or split-face block. Height of the building is expected to be 20 to 25 feet. No noise should be discernable from the pump station during normal operations as the pumps are driven by electric motors, except during emergency situations. A back-up generator will be on-site and may make some noise when it is utilized or test run. The latest odor control equipment will also be installed. A 50-foot building setback line is shown along the south and east property line. Access to Parcel 4 is via an access easement across Parcel 3 connecting to 135th Street or by an access drive located between Parcels 1 and 2 that leads to 21st Street. A 20-foot wide landscape buffer is depicted along the east and south property line. The only use proposed for Parcel 4 is a pump station. The pump station is scheduled to go in use in June 2002. Parcel 4 would remain zoned "SF-6" Single-family Residential even with the approval of the Conditional Use request.

Parcel 3 is 45,400 square feet in size and is located in the southwest corner of the application area. A fire station may be located on Parcel 3. Adopted plans depict the need for a fire station in the 13th Street and 135th Street to 37th Street and 119th Street area. Construction for this station is scheduled for 2007. This parcel will have direct access to 135th Street. This parcel would

also have access to 21st Street via an access drive that is centered on the lot line between Parcels 1 and 2. A 20-foot landscape buffer is depicted along the south property line. A 35-foot building setback is shown along 135th Street. In addition to the fire station, proposed uses are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, drinking establishments, drive in or drive through restaurants, convenience stores, service stations, car wash or auto repair or supply store with overhead doors. Parcel 3 would be rezoned from SF-6 to "LC" Limited Commercial if this request is approved. If the "LC" rezoning is not approved, a Conditional Use to permit a "government service" is needed, as "government services" are permitted uses in the "LC" district, but require a "CU" in the "SF-6" district.

Parcels 1 and 2 both front 21st Street. Parcel 1 also has frontage along 135th Street. Parcel 1 contains approximately 49,720 square feet while Parcel 2 contains approximately 45,276 square feet. A 35-foot building setback is shown along the north side of Parcel 2 and along the north and west side of Parcel 1. Both parcels would take access from a single joint access drive off of 21st Street. Proposed uses for these two parcels are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, and drinking establishments.

Signage is proposed to be limited by the Sign Code. Landscape screening along the south property lines of Parcels 3 and 4 and along the east property line of Parcel 4 will be provided at 1 1/2 times minimum code standards. Lighting will be shielded to reflect away from residential areas. Trash receptacles will be screened to reasonably hide them from ground view.

All neighboring land is zoned "SF-20" Single-family Residential, and developed with single-family residential or agricultural uses or is vacant.

The Unified Zoning Code requires screening by fencing, evergreen vegetation or landscaped berms along the side and rear lot lines of nonresidential uses when those uses are adjacent to residential zoning.

CASE HISTORY: The site was annexed by the City of Wichita in 2000.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-20" Single-family Residential; single-family residences, church
SOUTH: "SF-20" Single-family Residential; single-family residences
EAST: "SF-20" Single-family Residential; vacant, Eberly Farms
WEST: "SF-20" Single-family Residential; single-family residences

PUBLIC SERVICES: 135th Street is currently a sand and gravel two lane arterial roadway. 21st Street is designated as a 4-lane arterial and is a paved road. Current traffic volumes are not available. No road improvement projects, other than those that will be required at the time of platting, appear to be planned for 135th Street. Neither public sewer nor water is currently available at this location. Capital Improvement Projects are scheduled in 2003 to extend water west ½ mile along 21st Street, and in 2005 to extend water two miles north, along 135th Street. Sewer service is expected to become available in June 2002. A lift station is required to extend and improve sanitary sewer service to northwest Wichita. Studies have indicated the need for a fire station in this general area. Locating a fire station in this location would improve service to northwest Wichita and near northwest Sedgwick County.

CONFORMANCE TO PLANS/POLICIES: The "1999 Update to the Wichita-Sedgwick County Comprehensive Plan" contains an objective that states that the community is to "promote the development of a comprehensive set of sanitary sewer systems that provide the most economic and efficient service possible." Convenience commercial centers (2-4 acres in size) are encouraged to locate at the corner of arterial intersections. Retail commercial uses should be located in a manner which provides convenient access to the public and which minimizes detrimental impact to other adjacent land uses. Public safety services are to be developed in a manner that provides residents with the highest quality and most efficient public services.

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

Conditional Use

- A. Those parcels requiring a Conditional Use shall be developed and maintained in compliance with approved site plans and permitted uses listed on the approved site plan.
- B. Buildings on Parcel 4 shall be developed with an exterior of split face block or brick. If Parcel 3 is developed with a government service, it shall use exterior building materials similar to those used on Parcel 4.
- C. Prior to the issuance of a building permit, the applicant shall submit a landscape plan prepared by a Landscape Architect for approval by the Planning Director.
- D. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Protective Overlay for the "LC" Zoned Parcels

- A. Development shall occur on these parcels that is consistent with the approved

- site plan.
- B. Building coverage shall be limited to 30% of parcel size (Parcel 1: 14,916 sq. ft.; Parcel 2: 13,582 sq. ft.; Parcel 3: 15,360 sq. ft.) and a floor area ratio of 35%.
 - C. Signage shall be monument type signs that are a maximum of 20 feet in height and 100 square feet in area. No temporary display signs are permitted, including the use of commercial flags, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting, off-site signs and balloons. Banners are also prohibited except they may be permitted during the grand opening
 - D. Lighting standards shall be architecturally similar and be a similar color and be limited to a maximum height of 14 feet.
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 - F. Prior to the issuance of a building permit, the applicant shall submit for approval by the Planning Director a landscape plan for all required landscaping prepared by a Landscape Architect that supercedes minimum code requirements by 1-1/2 times.
 - G. If Parcel 3 is not developed with a government service, access along 135th Street should be limited to one drive shared by Parcels 1, 3 and 4.

This recommendation is based on the following findings:

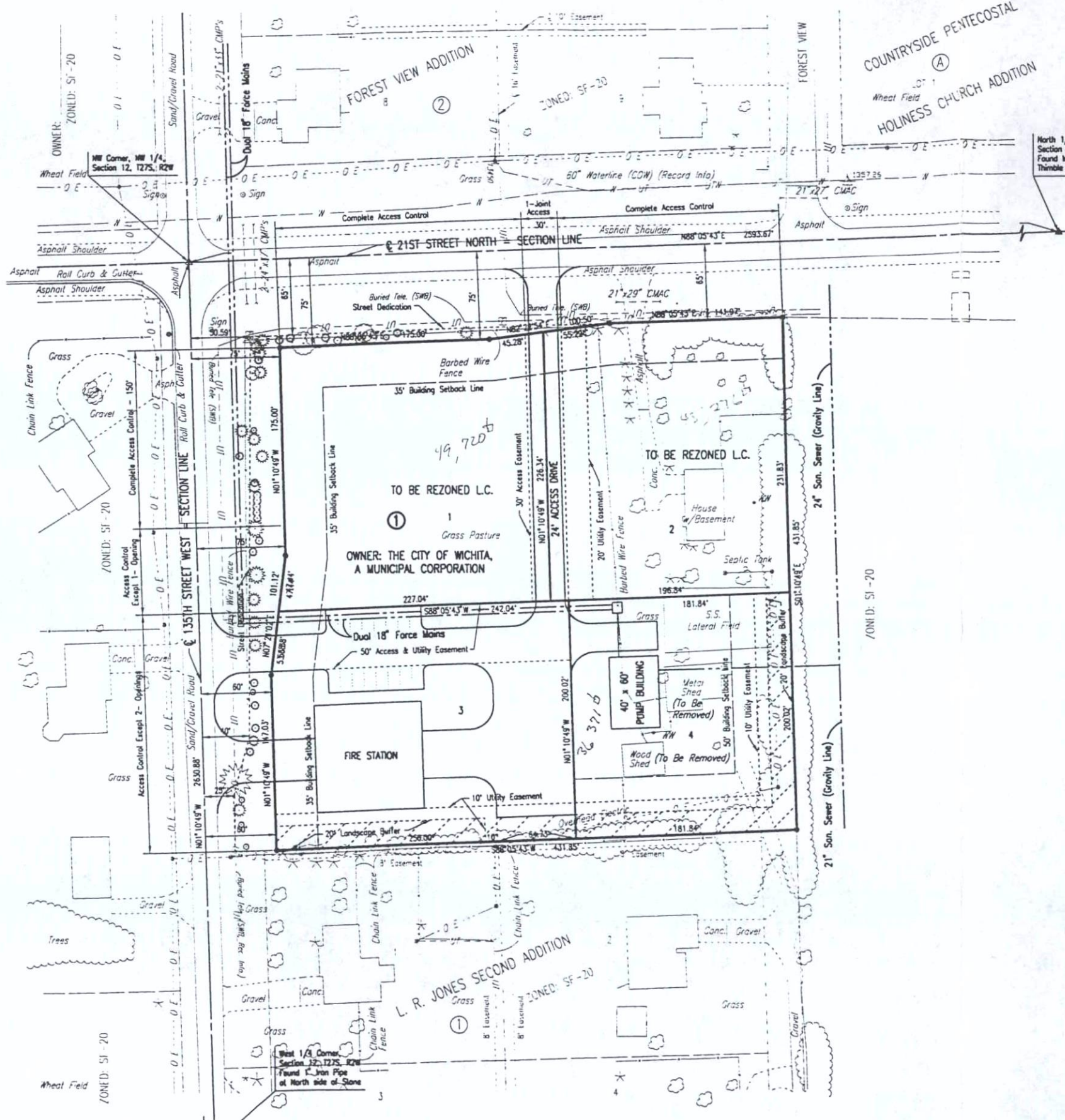
1. The zoning, uses and character of the neighborhood. Surrounding property is zoned "SF-20" Single-family Residential. Many of the lots are developed with large-lot residential uses, some are vacant and some are used for agricultural uses. The character of this area is that of semi-rural large-lot residential uses that will soon abut urban scale development and experience transition development pressures that accompany new construction, increased density and intensity of uses.
2. The suitability of the subject property for the uses to which it has been restricted. The site is currently zoned "SF-6" Single-family Residential, which is one of the most restrictive zoning districts in the code. It would be atypical for "SF-6" zoning to remain very long at the corner of the intersection of two arterial streets once the corner has been annexed and urban services become available. More intense zoning is typically seen on property located at the corner of two arterials. The size of the lots to be zoned "LC" are well under the six acres that are typically zoned for retail commercial uses. The pump station and fire station would be

acceptable buffer uses for the adjoining lots located to south. These two uses can also be approved without a zone change.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The setbacks, fencing, landscaping and development controls applied to the application area should minimize any detrimental impacts to adjoining property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Plan" contains an objective that states that the community is to "promote the development of a comprehensive set of sanitary sewer systems that provide the most economic and efficient service possible." Convenience commercial centers (2-4 acres in size) are encouraged to locate at the corner of arterial intersections. Retail commercial uses should be located in a manner which provides convenient access to the public and which minimizes detrimental impact to other adjacent land uses. Public safety services are to be developed in a manner that provides residents with the highest quality and most efficient public services. This proposal is consistent with those goals.
5. Impact of the proposed development on community facilities: Traffic generation will increase on those sites zoned "LC" when contrasted with "SF-6" zoning. The fire station and pump station will enhance and provide service in areas under served or lacking in service which will result in a positive impact.

NW PUMP STATION CONDITIONAL USE SITE PLAN

PREPARED FOR : CITY OF WICHITA, 455 N. MAIN, WICHITA, KANSAS 67202



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE 6TH P.M., DESCRIBED AS BEGINNING 30 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE EAST 457.1 FEET; THENCE SOUTH 15 FEET; THENCE EAST 9.75 FEET; THENCE SOUTH 451.85 FEET; THENCE WEST 466.85 FEET; THENCE NORTH 466.85 FEET TO THE BEGINNING. EXCEPT:

A TRACT OF LAND DESCRIBED AS BEGINNING ON THE WEST LINE, 450 FEET SOUTH OF THE NW CORNER OF THE NW 1/4 OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST; THENCE NORTH ALONG THE WEST LINE OF THE NW 1/4 A DISTANCE OF 450 FEET TO THE NW CORNER OF THE NW 1/4; THENCE EAST ALONG THE NORTH LINE OF THE NW 1/4 A DISTANCE OF 482.10 FEET; THENCE SOUTH 45 FEET; THENCE EAST 9.75 FEET; THENCE SOUTH 20 FEET TO A POINT 491.85 FEET EAST AND 65 FEET SOUTH OF THE NW CORNER OF THE NW 1/4; THENCE WEST PARALLEL TO THE NORTH LINE OF THE NW 1/4, TO A POINT 65 FEET SOUTH AND 50.59 FEET EAST OF THE NW CORNER OF THE NW 1/4 OF SECTION 12; THENCE SOUTHERLY TO A POINT 400 FEET SOUTH AND 40 FEET EAST OF THE NW CORNER OF THE NW 1/4; THENCE SOUTHERLY TO A POINT 450 FEET SOUTH AND 25 FEET EAST OF THE NW CORNER OF THE NW 1/4 OF SECTION 12; THENCE WEST 25 FEET TO THE POINT OF BEGINNING, AS DEEDED TO THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ALL IN SEDGWICK COUNTY, KANSAS.

1. PARCEL DESCRIPTIONS:

- PARCEL 1 & 2:
 PROPOSED USE: ALL USES ALLOWED IN "L.C." ZONING EXCEPT ADULT ENTERTAINMENT, GROUP HOUSES, GROUP RESIDENTIAL HALF-WAY HOUSES, CORRECTIONAL PLACEMENT RESIDENCES, PRIVATE CLUBS, TAVERNS AND DRINKING ESTABLISHMENTS, RESTAURANTS THAT SERVE LOUOR CAN BE DEVELOPED IF FOOD IS THE PRIMARY SERVICE OF THE ESTABLISHMENT.
- PARCEL 3:
 PROPOSED USE: SHALL PERMIT THE SAME USES AS PARCELS 1 & 2 WITH THE ADDITION OF A FIRE STATION AND EXCEPT DRIVE IN OR DRIVE THROUGH RESTAURANTS, CONVENIENCE STORES, SERVICE STATIONS, CAR WASH OR AUTO SUPPLY WITH OVERHEAD DOORS.
- PARCEL 4:
 PROPOSED USE: PUMP STATION FOR TREATMENT FACILITY.

2. SCREENING: ALL PARCELS SHALL COMPLY WITH THE CITY LANDSCAPE CODE. IN ADDITION, THERE SHALL BE A 20 FEET LANDSCAPE BUFFER ALONG THE SOUTH PROPERTY LINES OF PARCELS 3 & 4 AND ALONG THE EAST PROPERTY LINE OF PARCEL 4. SAID BUFFER SHALL BE 1 1/2 TIMES THE LANDSCAPE REQUIREMENTS SPECIFIED IN THE CITY LANDSCAPE CODE. EXISTING TREES MAY BE UTILIZED TO MEET THESE REQUIREMENTS.
3. SETBACKS: 35 FEET ALONG 21ST STREET NORTH AND 135TH STREET WEST, 30 FEET ALONG THE SOUTH PROPERTY LINE OF PARCEL 3 AND 50 FEET ALONG THE SOUTH AND EAST PROPERTY LINE OF PARCEL 4.
4. SIGNS: AS PERMITTED IN THE SIGN CODE OF THE CITY OF WICHITA.
5. LIGHTS: ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD AND AWAY FROM RESIDENTIAL AREAS.
6. ACCESS CONTROL: ACCESS TO 21ST STREET NORTH SHALL BE LIMITED TO ONE JOINT OPENING BETWEEN PARCEL 1 & 2. ACCESS TO 135TH STREET WEST SHALL BE LIMITED TO ONE OPENING TO PARCEL 1 ON THE SOUTH 70 FEET AND TWO OPENINGS TO PARCEL 3.
7. TRASH RECEPTACLES: TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.
8. UTILITIES: ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

SITE PLAN

APPROVED 12/15/00 BY DM

DSNR: GLM OPER: GLM SCALE: 1"=50.00
 Q:\1999\99452\004\Main PS\dwg\CON USE 10-02-2000 12:29:36 am