



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 14, 2004

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

RE: CON2004-00041 – Sedgwick County Conditional Use for a major utility on property zoned “RR” Rural Residential. Generally located at the southeast corner of 87th Street south and 187th Street West. (District III)

Dear Ladies and Gentlemen:

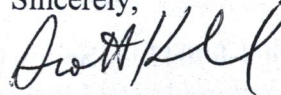
At its regular meeting on **December 9, 2004**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** subject to the following conditions:

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. Screening by evergreen vegetation as required by the Unified Zoning Code shall be installed and maintained in general conformance with a landscape plan approved by the Planning Director.
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.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing, **December 23, 2004, by 5:00 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 1,000 feet of the perimeter of the application area, unless the County Commission overrides such a protest and approves the application by a vote of 4 of its members.

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

Sincerely,



Scott Knebel
Senior Planner

SK/rms

Cc: Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Cheryl Wright, Clearwater City Hall, P O Box 453, Clearwater, KS 67206
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 3, 2005

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

RE: CON2004-00041 – Sedgwick County Conditional Use for a major utility on property zoned “RR” Rural Residential. Generally located at the southeast corner of 87th Street south and 187th Street West. (District III)

Dear Ladies and Gentlemen:

At its regular meeting on **December 9, 2004**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE 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: Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Cheryl Wright, Clearwater City Hall, P O Box 453, Clearwater, KS 67206
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2004-00041

WHEREAS, Westar Energy c/o Cindy Risch (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 3.65 acres zoned "RR" Rural Residential described as:

Lot 1, Clearwater Substation Addition, Sedgwick County, Kansas. Generally located at the southeast corner of 87th Street South and 167th Street West.

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 9, 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 3.65 acres zoned "RR" Rural Residential described as:

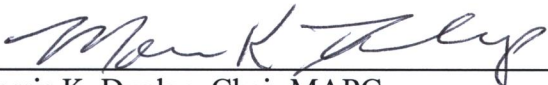
Lot 1, Clearwater Substation Addition, Sedgwick County, Kansas. Generally located at the southeast corner of 87th Street South and 167th Street West.

APPROVED, 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. Screening by evergreen vegetation as required by the Unified Zoning Code shall be installed and maintained in general conformance with a landscape plan approved by the Planning Director.
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.

Adopted this 9th 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

AFFIDAVIT OF PUBLICATION

CASE NO. CW04-857
MAPC DECEMBER 9, 2004
PUBLIC HEARING NOTICE

STATE OF KANSAS)

ss.

County of Sedgwick)

____ Susan Sublet _____, being first
duly sworn, Deposes and says: That he/she is
____ Business Manager _____ of

THE DERBY REPORTER

a daily newspaper printed in the State of Kansas,
and published in and of general circulation in
Sedgwick County, Kansas, with a general paid
circulation on a daily basis in Sedgwick County,
Kansas, and that said newspaper is not a trade,
religious or fraternal publication.

Said newspaper is a daily published Monday
through Friday, and has been so published con-
tinuously and uninterrupted in said county and
state for a period of more than five years prior to
the first publication of said notice, and has been
admitted at the post office of Derby, Kansas, in
said county as second class matter.

That the attached notice is a true copy there-
of and was published in the regular and entire
issue of said newspaper for 1 DAY the
publication thereof being made as aforesaid on
the 18TH day of NOVEMBER, 2004.

Susan Sublet

Subscribed and sworn to before me this
18TH day of NOVEMBER, 2004.

Djuana Roth

Notary Public



Printer's fee: \$ 60.30

Additional copies \$ _____

CW04-857 (Published in The Derby
Reporter, November 18, 2004) 150004
MAPC DECEMBER 9, 2004
PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that on
Thursday, DECEMBER 9, 2004, the
Wichita-Sedgwick County
Metropolitan Area Planning
Commission, in the Planning
Department Conference Room, 10th
Floor, Wichita City Hall, 455 N. Main
St., Wichita, Kansas, will consider
the following applications no earli-
er than 1:30 p.m.:

DR2003-0021 - Adoption of the
21st Street North Revitalization
Plan. Generally located two blocks
to the south and north of 21st
Street North between Amidon
Street and Hillside Street, as well as
portions of the North Central
Industrial area extending from 17th
Street North to 33rd Street North,
between North Broadway Street and
I-135.

VAC2004-00060 - Vacation of plat-
ted setbacks, street right-of-way
and utility easements. Generally
located north of 13th Street North,
approximately 1/4 mile east of
143rd Street East, on Freedom
Court.

CON2004-00038 - Sedgwick County
Conditional for accessory, tempo-
rary mobile home on property
zoned "SF-20" Single-family
Residential. Generally located east
of Webb Road and north of west
31st Street South.

CON2004-00041 - Sedgwick County
Conditional Use for an electrical
substation on property zoned "RR"
Rural Residential. Generally locat-
ed at the southeast corner of 87th
Street South and 167th Street
West. Clearwater area of influence.

CUP2004-00050 (Associated with
ZON2004-00059) The creation of
DP280 North Ridge Village
Community Unit Plan; and
Sedgwick County Zone change from
"SF-20" Single-Family Residential
to "GO" General Office and "LC"
Limited Commercial. Generally
located at the southwest corner of
K-96 and Ridge Road.

The applicant proposes to create an
8-parcel Community Unit Plan con-
taining approximately 52 acres.
Parcels 1, 2 and 8 would allow all
uses permitted in the "LC" Limited
Commercial district except for
adult entertainment, group homes,
group residences, correctional
placement residences, private
clubs, taverns and drinking estab-
lishments. Parcels 3, 4, 6 and 7
would allow all uses permitted by
right in the "GO" General Office dis-
trict plus these Conditional Uses:
personal care services; personal
improvement services; printing and
copying, limited; government ser-
vices; banking and financial institu-
tions. Parcel 5 would be limited to
open space, floodplain, drainage,
lakes, landscaping and pedestrian
access.

Requested freestanding sign
heights are one sign at 30 feet on
K-96 (300 sq ft max sign face), and
two signs on Parcels 6, 7 and 8 each
at 150 sq ft max sign face/20 feet
max ht; Ridge to have 200 sq ft sign
in Reserve "A" (identifying center
name only) plus three 150 sq ft max
signface/20 feet max ht; local
street 2 signs per parcel at 100 sq ft
max/20 feet max ht. Building wall
signage would be limited to 20% of
wall area or total of 150 sq ft per
elevation and total of three signs
per tenant with total of 210 sq ft
per tenant. Billboards and portable
signs would be prohibited.
Architectural and lighting compati-
bility is required. Maximum build-

ing coverage would be 30%; max
gross floor area would be 35%, max
building height would be 60 feet.
Access is limited to one opening on
Ridge and two cross-lot access
easements with the abutting CUP to
the south (DP-250 Northridge Plaza
CUP).

ZON2004-00059 (CUP2004-00050) -
Sedgwick County Zone change from
"SF-20" Single-family Residential to
"GO" General Office and "LC"
Limited Commercial. Generally
located at the southwest corner of
K-96 and Ridge Road.

Complete legal descriptions are avail-
able for public inspection at the
Metropolitan Area Planning
Department, Wichita City Hall - 10th
Floor. As provided in Section V of the
Wichita-Sedgwick County Unified
Zoning Code, the same will then and
there be discussed and considered by
the said MAPC, and all persons inter-
ested in said matters will be heard at
this time concerning their views and
wishes in the premises, and any
protest against any of the provisions
of the proposed changes to the zoning
regulations will be considered by the
MAPC as by law provided.

WITNESS MY HAND this 15th day of
NOVEMBER, 2004.

John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area
Planning Commission

(Nov 18)

RECEIVED
NOV 18 2004
METROPOLITAN PLANNING
ROUTE 9

CON2004-00041

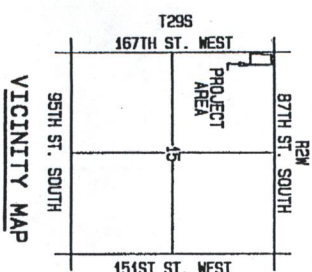
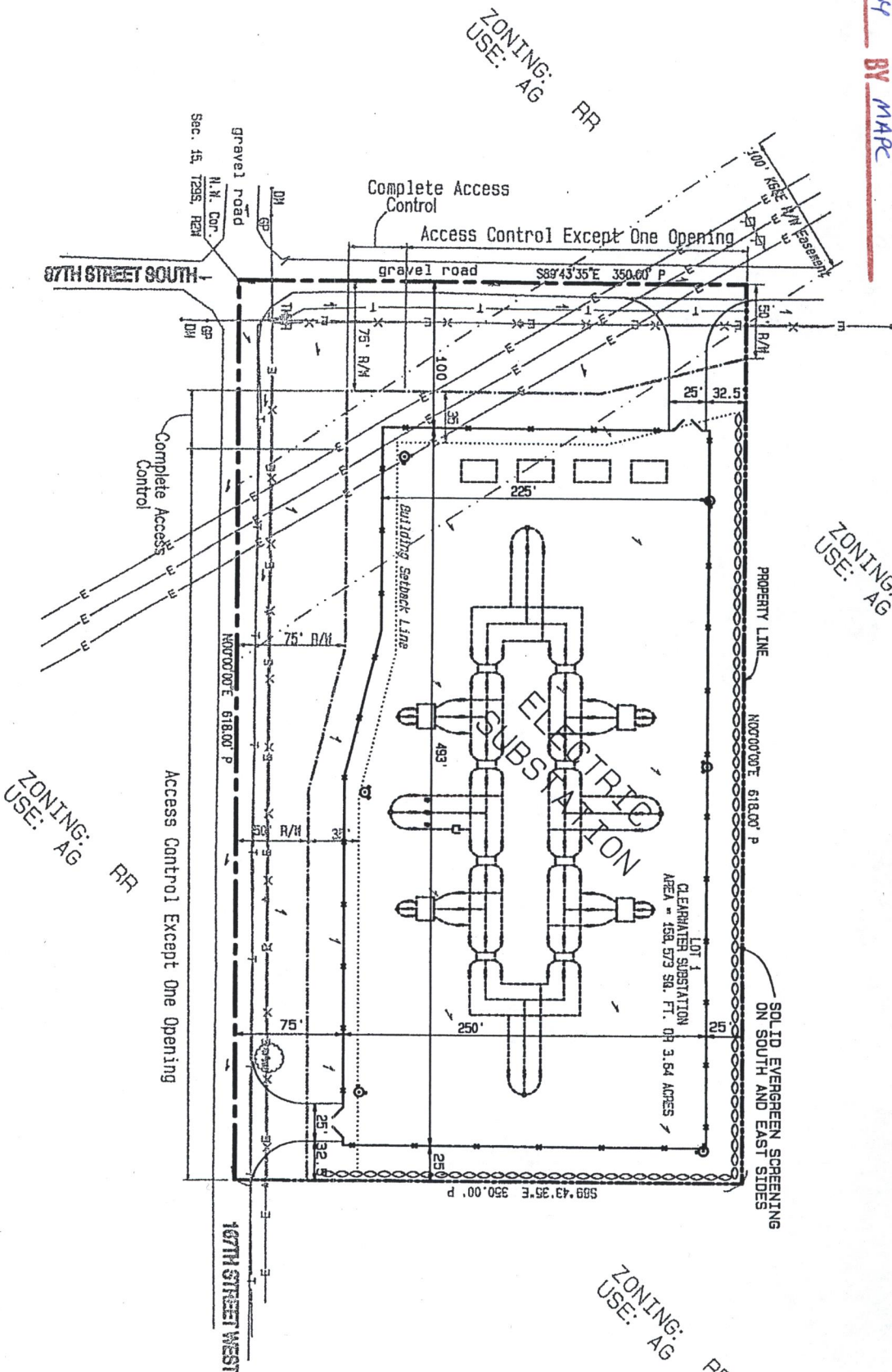
SITE PLAN

SITE PLAN FOR: CLEARWATER SUBSTATION

APPROVED 12-9-04 BY MARC

ZONING: AG RR
USE: AG

ZONING: AG RR
USE: AG



LEGEND

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

- Yard Light
- Power Pole
- Buy Pole
- Drainage Direction
- Deadman (Buy Line and Anchor)
- Telephone Marker
- Telephone Pedestal
- Barbed Wire Fence (to be removed)
- Overhead Electric Line
- Buried Telephone Line (Southern Kansas Telephone Co.)
- Road Right of Way
- Section Line
- Proposed Chain Link Fence
- Utility Easement

NOTES:
1. THE SUBSTATION FENCE WILL BE 8' BLACK VINYL-COATED CHAIN LINK WITH 3 STRANDS OF BARBED WIRE.
2. SUBSTATION PAD AND ENTRANCE WILL BE SURFACED WITH COMPACTED TYPE 363 CRUSHED ROCK. ALL OTHER AREAS WILL BE GRASS.
3. YARD LIGHTS WILL FACE THE INTERIOR OF THE SUBSTATION PAD AND WILL BE TURNED ON ONLY DURING EMERGENCY WORK.

LEGAL DESCRIPTION:
A TRACT OF LAND IN THE NW QUARTER OF SECTION 15, TOWNSHIP 29 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NW CORNER OF SAID NW QUARTER, S 89°43'35" E ON THE NORTH LINE OF SAID NW QUARTER 350.00 FEET; THENCE S 0°00' W A DISTANCE OF 518.00 FEET; THENCE N 89°43'35" W A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID NW QUARTER; THENCE N 0°0' E ALONG THE SAID WEST LINE OF SAID NW QUARTER A DISTANCE OF 518.00 FEET TO THE POINT OF BEGINNING.

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

REV.	REVISION DESCRIPTION	DATE	BY	REV.	REVISION DESCRIPTION	DATE	BY	DRAWN BY	DATE	DESIGNED BY	DATE	APPROVED BY	DATE	TITLE	DWG. NO.
1	NOTED SUBSTATION NW & ADDED SCREENING	11/29/04	CJR	1	NOTED SUBSTATION NW & ADDED SCREENING	11/29/04	CJR	CJR	10/28/04	CJR	10/28/04	CJR	10/28/04	CLEARWATER SUBSTATION	SK9157S101
2				2										SITE PLAN	1 OF 1
3				3											1
4				4											1



NOTES ON TOWNSHIP, ONLY

FILE NAME: SK9157.ALL-1

STAFF REPORT

Clearwater December 7, 2004

MAPC December 9, 2004

CASE NUMBER: CON2004-00041

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

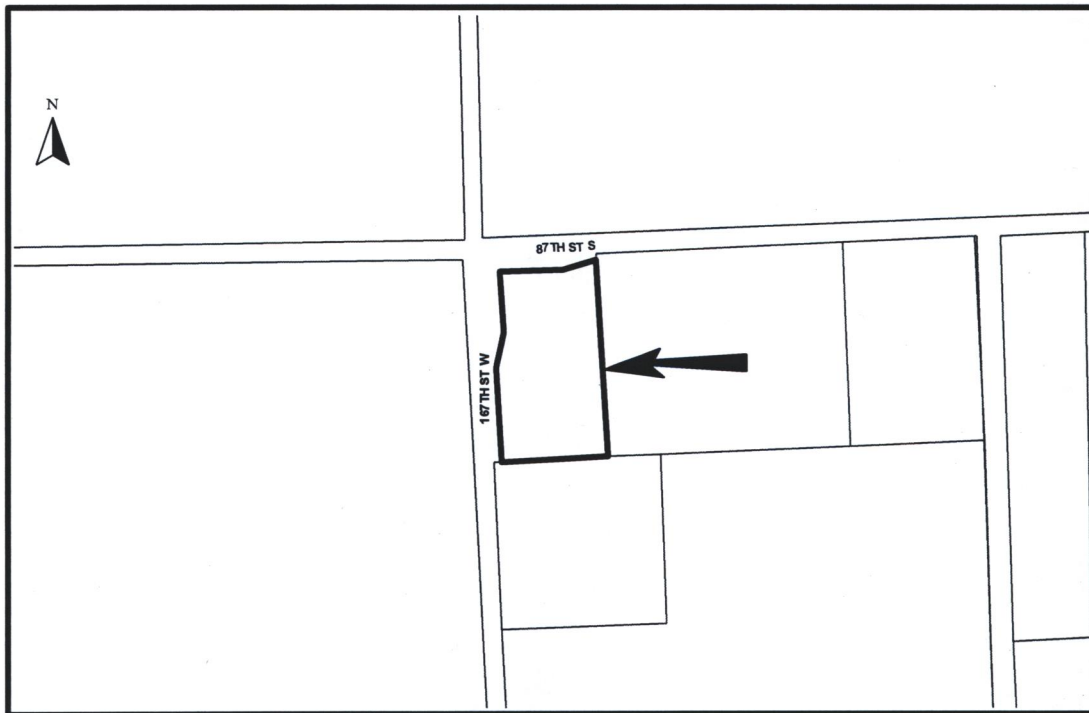
REQUEST: Conditional Use for a major utility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 3.65 acres

LOCATION: Southeast corner of 87th Street South and 167th Street West

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 87th Street South and 167th Street West on 3.65 acres zoned "RR" Rural Residential. The subject property is located within the Zoning Area of Influence of the City of Clearwater. A major utility may be permitted with the approval of a Conditional Use in the "RR" Rural Residential zoning district.

The attached site plan and sample photograph show electrical substation equipment contained within a compound enclosed with a chain link fence and with evergreen landscaping providing screening from adjoining properties in conformance with the screening requirements of the Unified Zoning Code. The applicant indicates that the electrical substation equipment will be approximately 30 feet tall. The applicant indicates that the City of Clearwater 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 1977; 2) the site is located immediately under existing transmission lines; and 3) the site not located close to existing residential areas (see attached document).

CASE HISTORY: The subject property is platted as the Clearwater Substation Addition, which was recorded July 7, 1978.

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: Both 87th Street South and 167th Street are unpaved section line roads. No personnel are assigned to the site, with personnel visits occurring about once a month. Therefore, the facility will have minimal impact on county provided services. The approval of this request will enhance the delivery of electric service to the Clearwater area.

CONFORMANCE TO PLANS/POLICIES: Both Sedgwick County's and Clearwater's plans are silent regarding the siting of utilities such as the proposed electrical substation. The subject property is located far outside the future growth area for Clearwater as identified in both Sedgwick County's and Clearwater's plans. 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 the following conditions:

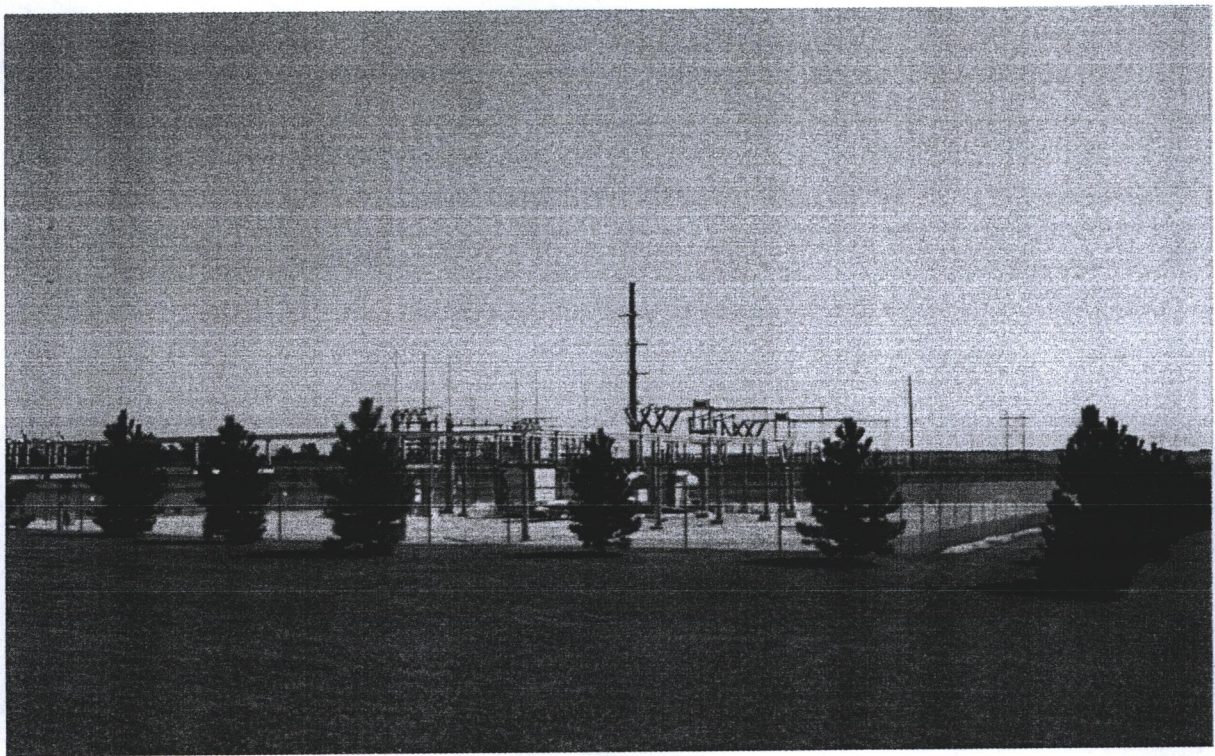
1. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to commencement of operations.

2. Screening by evergreen vegetation as required by the Unified Zoning Code shall be installed and maintained in general conformance with a landscape plan approved by the Planning Director.
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: All surrounding property is in agricultural use and is zoned "RR" Rural Residential. The application area is 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 "RR" Rural Residential 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 well in advance of development 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 Clearwater's plans are silent regarding the siting of utilities such as the proposed electrical substation. The subject property is located far outside the future growth area for Clearwater as identified in both Sedgwick County's and Clearwater's plans. 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.

**SIMILAR
WESTAR ENERGY
SUBSTATION**



Westar Energy Clearwater Substation

Westar Energy has determined that a new electrical substation will be necessary next year to meet the growing need for electricity in the Clearwater area.

HOW DO WE KNOW WE'LL NEED MORE POWER?

This conclusion was based on various load planning studies done by our System Planning Department to determine projected load growth per square mile.

WHAT'S THE PROBLEM?

Up until now, development around Clearwater has been sparse enough to allow the area to be served by Lin Substation several miles away. As development fills in, that substation will no longer be able to serve customers all the way out to Clearwater.

WHAT'S THE SOLUTION?

Constructing a new substation on our land at the intersection of W 87th Street S and S 167th Street W will allow Westar Energy to supply sufficient power to the customers in Clearwater.

WHY THIS PARTICULAR LOCATION?

There are three main reasons the proposed location was selected:

1. We already owned this site. Westar Energy purchased this land in 1977 to be used as a substation when needed in the future. The tract was platted and labeled as a substation at that time.
2. *The site is near the existing transmission line.* The source of power for the new substation will be the existing transmission line running directly over the site. Since no new transmission lines will be built, the impact on the neighborhood is kept to a minimum.
3. *The tract is not close to residential areas.* The site is far enough from town that there are only three homes within a ¼ mile radius.

WHAT IS THE SCHEDULE?

Our projections show that the first phase phase of the new substation will be needed in 2006, so construction is scheduled to start in 2005. Additional equipment will be added over the years as necessary. The site plan shows the full development of the sub.

WHAT DOES A SUBSTATION DO?

Power is transmitted to substations at high voltage, transformed to low voltage at the substation, and then distributed to homes and businesses. The transformer changes the voltage; the circuit breakers and switches are used to turn power off and on; and the electronic devices are used for monitoring and remote switching.

WHAT WILL IT LOOK LIKE?

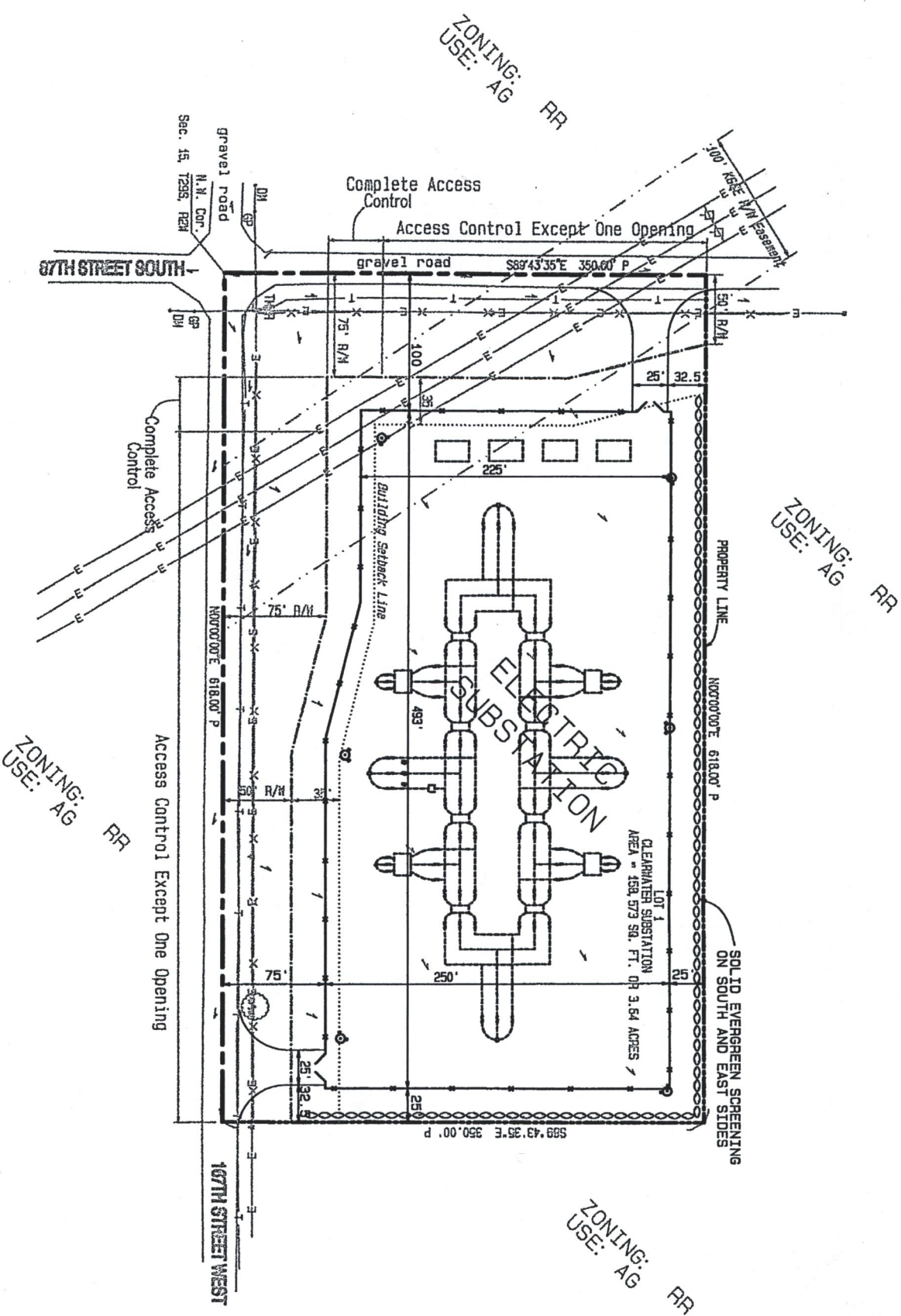
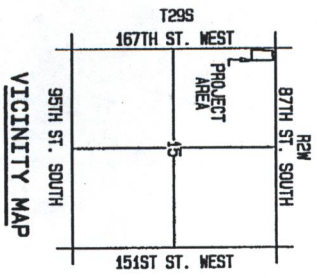
The electrical equipment will be in a rocked and fenced yard 260' x 503'. The remainder of the property will be green space. The tallest equipment is about 30' tall. There will be no sign at this facility. Yard lights will not be turned on except during emergencies.

WILL THERE BE A LOT OF TRAFFIC?

Except during construction, the station will be unmanned. An employee will go in to check on the equipment approximately once a month.

Westar Energy is confident that the new Clearwater Substation is the most cost-effective, least obtrusive way to meet the growing need for electric power in the Clearwater area.

SITE PLAN FOR:
CLEARWATER SUBSTATION



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

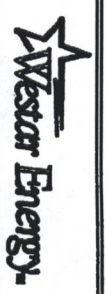
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- Deadman (Guy Line and Anchor)
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- Telephone Pedestal
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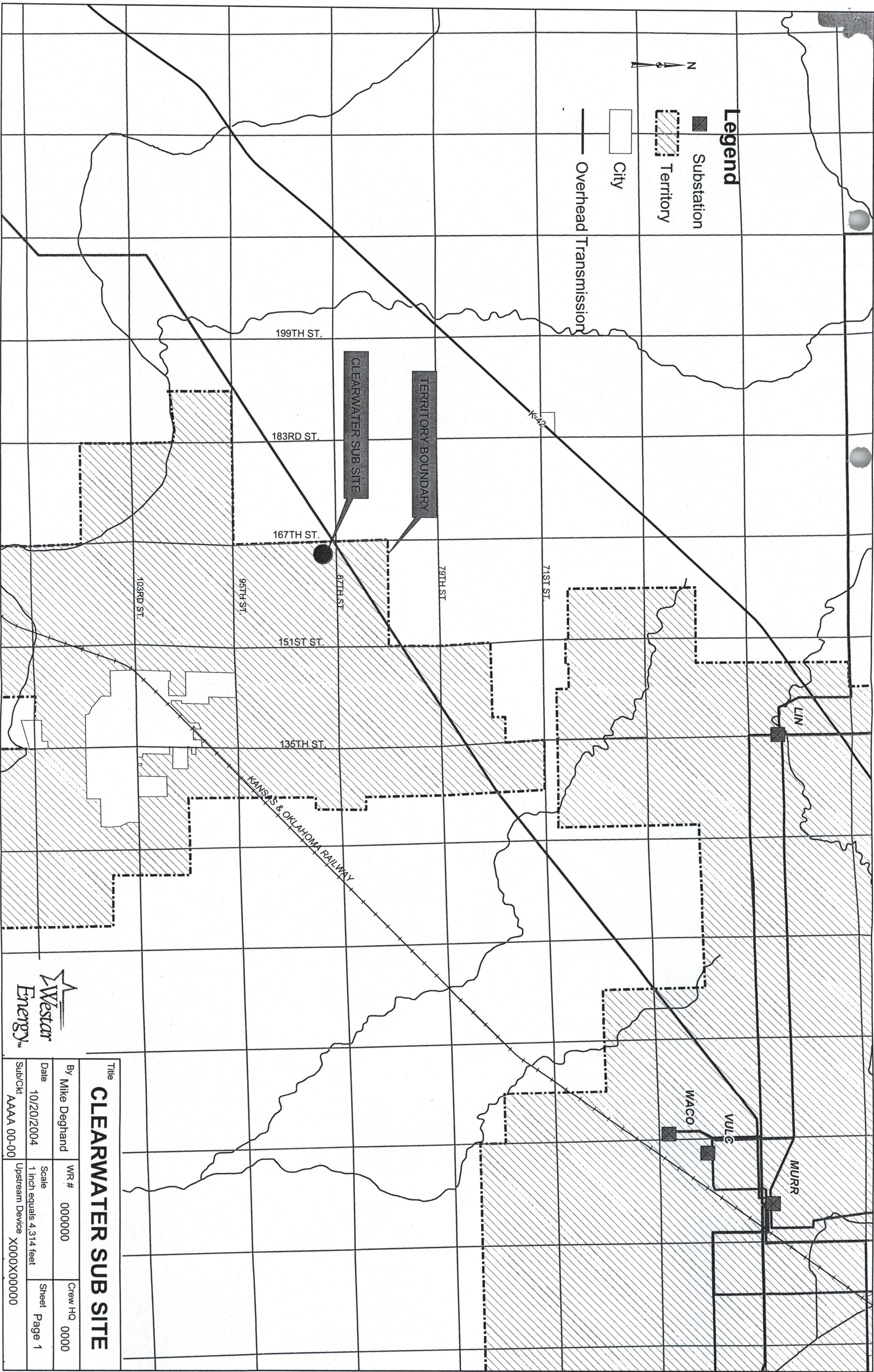
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LEGAL DESCRIPTION:
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BEGINNING AT THE NW CORNER OF SAID NW QUARTER, S 89°43'35" E ON THE NORTH LINE OF SAID NW QUARTER 350.00 FEET; THENCE S 0°00' W A DISTANCE OF 618.00 FEET; THENCE N 89°43'35" W A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID NW QUARTER; THENCE N 0°0' E ALONG THE SAID WEST LINE OF SAID NW QUARTER A DISTANCE OF 618.00 FEET TO THE POINT OF BEGINNING.

OWNER:
WESTAR ENERGY
P.O. BOX 8880
TOPEKA, KS 66601
ATTN: CINDY RISCH

REV.	REVISION DESCRIPTION	DATE	BY	REV.	REVISION DESCRIPTION	DATE	BY	DESIGNED BY	DATE	APPROVED BY	DATE	TITLE	DWG. NO.
1	NOTED SUBSTATION NW & ADDED SCREENING	11/29/04	CJR	1	NOTED SUBSTATION NW & ADDED SCREENING	11/29/04	CJR	DESIGNED BY	DATE	APPROVED BY	DATE	CLEARWATER SUBSTATION	SK948748104
2				2								SITE PLAN	1 OF 1
3				3									
4				4									







Westar Energy

Title	
CLEARWATER SUB SITE	
By Mike Deghand	WR # 000000
Date 10/20/2004	Scale 1 inch equals 4,314 feet
Sub/Ckt AAAA 00-00	Upstream Device X0000X00000