



Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2011

Grace G. Davis
916 Brookside Drive
Enid, OK 73701

Sedgwick County Rural Water District #3
Attn: Mark Hardison
1120 E. 11th Street South
Mulvane, KS 67110

Professional Engineering Consultants, PA
Attn: Sarah C. Unruh and Rob Hartman
303 S. Topeka
KS 67202

RE: CON2011-00014- County Conditional Use for Utility, Major, for a booster pump station, on property zoned IP-A Industrial Park - Airport, generally located north of 55th Street South approximately 200 feet west of Oliver Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **May 26, 2011**, the Wichita - Sedgwick County 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 in general conformance with the approved site plan and landscape plan.
2. Construction of improvements shall be completed within one year of approval of the Conditional Use.
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 the Conditional Use null and void.

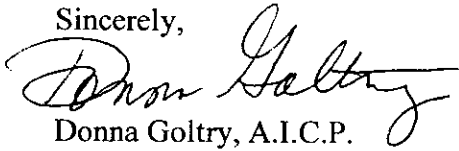
RE: CON2011-00014- County Conditional Use for Utility, Major, for a booster pump station, on property zoned IP-A Industrial Park - Airport, generally located north of 55th Street South approximately 200 feet west of Oliver Avenue.

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Since no protests were received, the action of the MAPC constituted final approval. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DG:mc

Copies to: BCOC V Jim Skelton, Mail Stop County, Room 320
Bob Parnacott, County Attorney, Mail Stop County Room 359
Derby City Hall, Attn: Bud Newberry, 611 Mulberry, Derby, KS 67037-3533
Riverside Township, Attn: Dale Kuhn, 6051 Southeast Blvd., Derby, KS 67037
Deer Lakes, Attn: Jim Costlow, 14911 Black Oak Ct., Wichita, KS 67230
SE Rock Rd Corridor Assoc of NE, Attn: Charles Jacobs, 4630 S Wind Ave.,
Derby, KS 67037
Oakview, Attn: Barbara Stapleton, 4940 S. Hemlock, Wichita, KS 67216
Glen Wiltse County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2011-00014

WHEREAS, Grace G. Davis (owner) and Sedgwick County Rural Water District #3 (contract purchaser); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow a Utility, Major, on 2 acres zoned IP-A Industrial Park-Airport (“IP-A”), described as:

A tract of land in the Southeast Quarter of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as:

Commencing at the Southeast corner of the Southeast Quarter, Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence bearing N01°03'31"W, along the East line of said Southeast Quarter, a distance of 40.00 feet; thence bearing S88°42'24"W, parallel with the South line of said Southeast Quarter, a distance of 50.00 feet to the Point of Beginning; thence continuing bearing S88°42'24"W, parallel with and 40.00 feet North of the South line of said Southeast Quarter, a distance of 295.16 feet; thence bearing N01°03'31"W, parallel with the East line of said Southeast Quarter, a distance of 295.16 feet; thence bearing N88°42'24"E, parallel with the South line of said Southeast Quarter, a distance of 295.16 feet; thence bearing S01°03'31"E, parallel with and 50.00 feet West of the East line of said Southeast Quarter, a distance of 295.16 feet to the Point of Beginning, generally located north of 55th Street South approximately 200 feet west of Oliver Avenue.

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 May 26, 2011, 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 Utility, Major, on 2 acres zoned IP-A Industrial Park – Airport described as:

A tract of land in the Southeast Quarter of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as:

Commencing at the Southeast corner of the Southeast Quarter, Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence bearing N01°03'31"W, along the East line of said Southeast Quarter, a distance of 40.00 feet; thence bearing S88°42'24"W, parallel with the South line of said Southeast Quarter, a distance of 50.00 feet to the Point of Beginning; thence continuing bearing S88°42'24"W, parallel with and 40.00 feet North of the South line of said Southeast Quarter, a distance of 295.16 feet; thence bearing N01°03'31"W, parallel with the East line of said Southeast Quarter, a distance of 295.16 feet; thence bearing N88°42'24"E, parallel with the South line of said Southeast Quarter, a distance of 295.16 feet; thence bearing S01°03'31"E, parallel with and

50.00 feet West of the East line of said Southeast Quarter, a distance of 295.16 feet to the Point of Beginning, generally located north of 55th Street South approximately 200 feet west of Oliver Avenue.

Approved subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan and landscape plan.
2. Construction of improvements shall be completed within one year of approval of the Conditional Use.
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 the Conditional Use null and void.

Adopted this 9th Day of June 2011.

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens
Debra Miller Stevens, Chair MAPC

ATTEST:

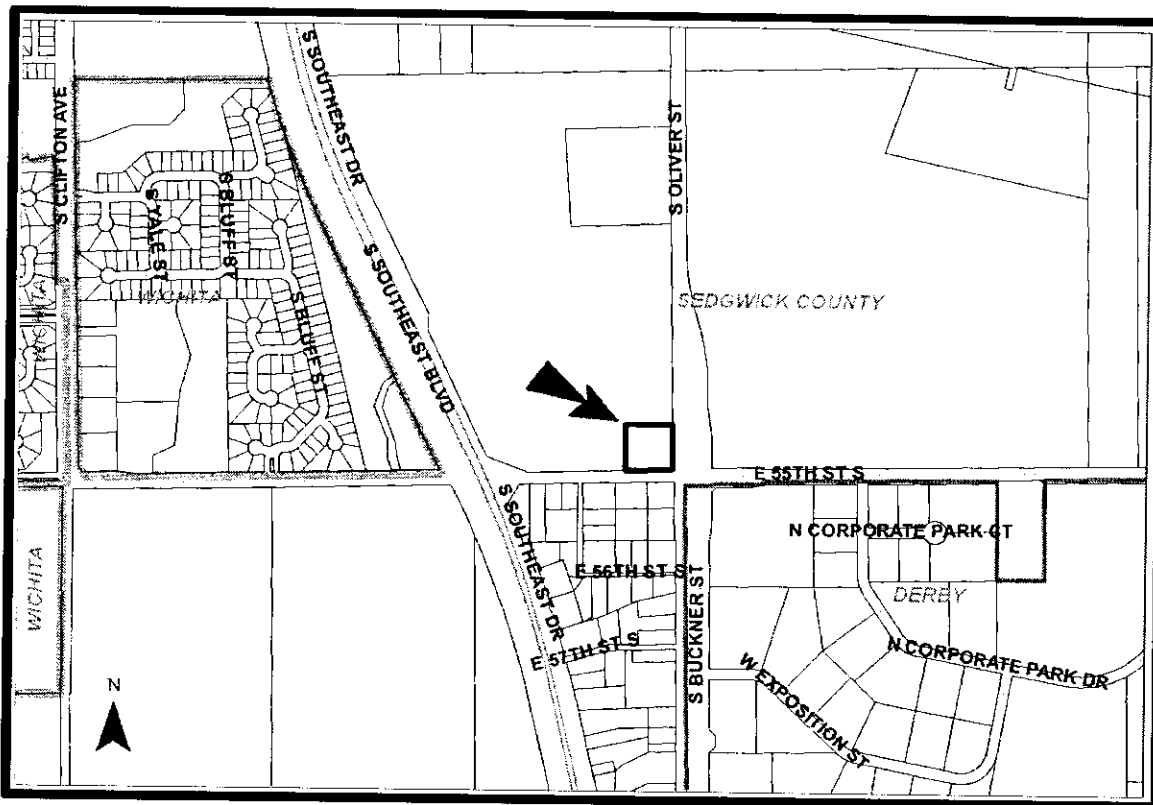
John L. Schlegel
John L. Schlegel, Secretary



STAFF REPORT

Derby Planning Commission May 19, 2011
MAPC May 26, 2011

- CASE NUMBER: CON2011-00014
- APPLICANT/AGENT: Grace Davis (owner), Sedgwick Co. Rural Water District #3 (contract purchaser), PEC, PA c/o Sarah C. Unruh and Rob Hartman (agent)
- REQUEST: Conditional Use for Utility, Major
- CURRENT ZONING: IP-A Industrial Park-Airport
- SITE SIZE: 2 acres
- LOCATION: North of 55th Street South approximately 200 feet west of Oliver Avenue
- PROPOSED USE: Booster pump station for Sedgwick County Rural Water District #3



BACKGROUND: The applicant is seeking a Conditional Use for a Utility, Major, to install a booster pump station for Sedgwick County Rural Water District #3 on two acres located on the north side of 55th Street South, approximately 200 feet west of Oliver Avenue. The property is zoned IP-A Industrial Park – Airport (“IP-A”). Also, it is in the AODII-S, Airport Overlay District II-S.

The property lies within the Critical Area of Interest of McConnell Air Force Base. An email from Michael W. MacKay, representative for McConnell, stated it not have any adverse effect.

Section II-B.13.i and j of the Wichita-Sedgwick County Unified Zoning Code (UZC) defines a Utility, Major as generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks...and similar facilities of agencies that are under public franchise or ownership...that exceed 150 cubic feet in size and six feet in height. Utility, Major uses are permitted in the IP-A district with Conditional Use approval.

The site plan shows the proposed building improvements, one point of access onto 55th Street South, and enclosure of the improvements with a chain-link fence. The main building on the site will house three pumps plus a small office and a dry storage chemical room for chlorine and ammonia. The landscape plan will add three shade trees and some shrubbery to compliment the site.

Sedgwick Country Rural Water District #3 serves customers in portions of Sedgwick, Butler, Cowley and Sumner Counties. RWD #3 obtains its water supply from the City of Wichita. This new pump station site in the vicinity of K-15 and 55th Street South will replace a former booster pump station site near the eastern edge of Sedgwick County. This new site provides more efficient pumping capabilities.

The property to the north, northeast and northwest is open pasture land zoned IP-A, and the portion located to the north and northeast is within the AOD. The McConnell Air Force Base runway begins about ¾ mile to the northeast. The land to the southeast is located within the city limits of Derby. It is in agricultural use although it has been zoned and platted for warehouse type use. The land to the south and southwest is zoned LC Limited Commercial (“LC”) and RR Rural Residential (“RR”) and is developed with single-family residences, on unplatted tracts ranging from 0.4 acres to one acre in size.

CASE HISTORY: None identified.

ADJACENT ZONING AND LAND USE:

NORTH:	IP-A	Open pasture, McConnell Air Force Base
SOUTH:	LC, RR	Single-family residences, vacant
EAST:	IP-A, B-5	Open pasture
WEST:	IP-A	Open pasture

PUBLIC SERVICES: The facility is located along 55th Street South, a minor arterial road, and

Oliver Avenue, a principal arterial road. The site is located about ¼ mile east of K-15 (Southeast Boulevard). The site will not require sewer or water service beyond what the project will provide itself.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as “Employment/Industry Center.” It is shown for “Industrial Phase” on the 47th-55th Street South Joint Area Plan Future Land Use Concept. A Conditional Use for a water booster pumping station (Utility, Major) conforms to both of these designations.

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

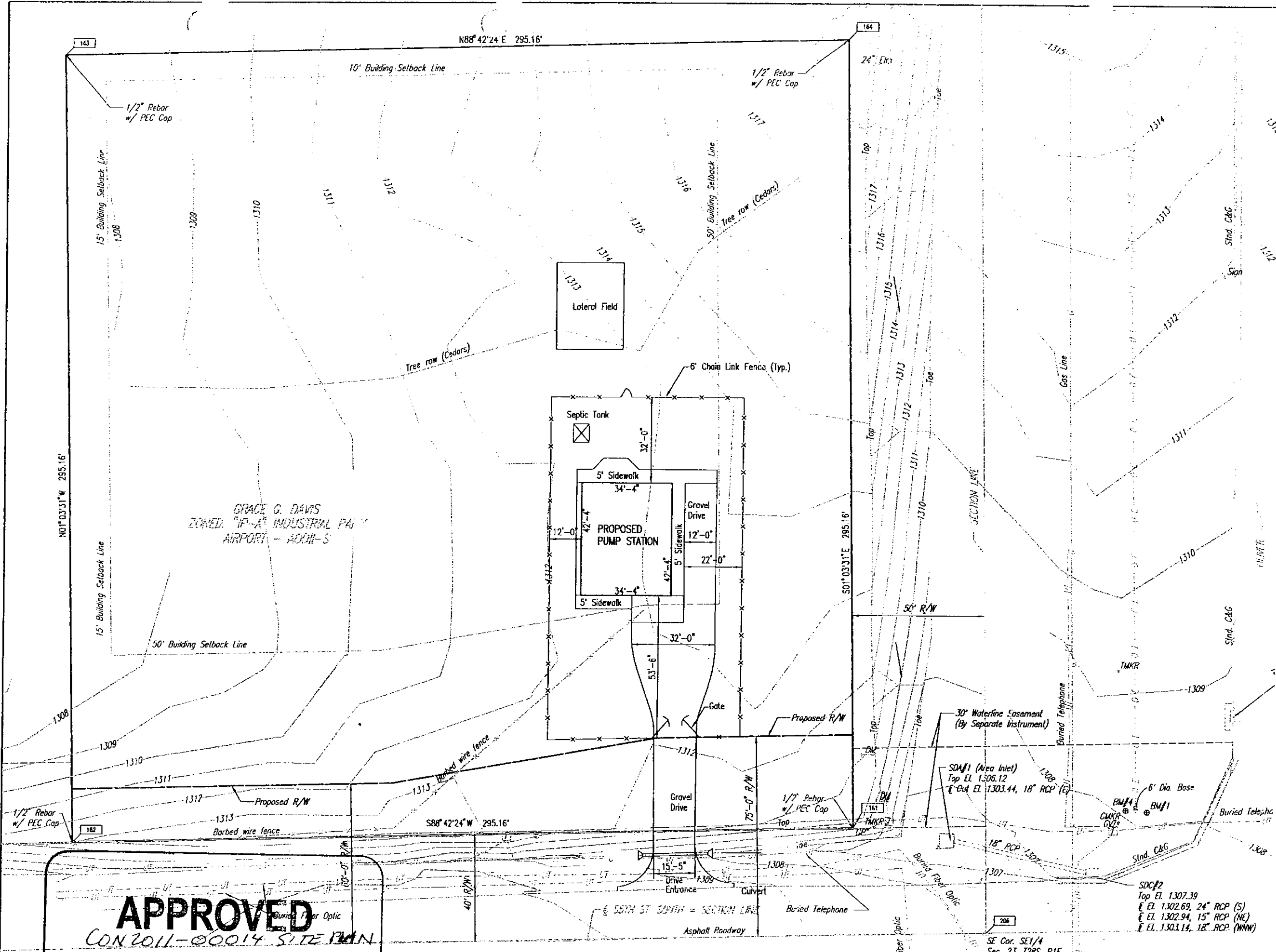
1. The site shall be developed in general conformance with the approved site plan and landscape plan.
2. Construction of improvements shall be completed within one year of approval of the Conditional Use.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the north, northeast and northwest is open pasture land zoned IP-A, and the portion located to the north and northeast is within the AOD. The McConnell Air Force Base runway begins about ¾ mile to the northeast. The land to the southeast is located within the city limits of Derby. It is in agricultural use although it has been zoned and platted for warehouse type use. The land to the south and southwest is zoned LC Limited Commercial (“LC”) and RR Rural Residential (“RR”) and is developed with single-family residences, on unplatted tracts ranging from 0.4 acres to one acre in size.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed as zoned for IP-A; however, approval of the Conditional Use for Utility, Major, should be compatible.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed new pump station should not have any greater impact than the range of other industrial type uses proposed for the area.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The purpose of the project is to provide a safe

and reliable water supply for Sedgwick County Rural Water District #3 customers. Approval of the request would allow the project to move ahead in a timely and economical manner. Denial presumably would be a hardship to providing the community with a safe and reliable supply of water.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as “Employment/Industry Center.” It is shown for “Industrial Phase” on the 47th-55th Street South Joint Area Plan Future Land Use Concept. A Conditional Use for a water booster pumping station (Utility, Major) conforms to both of these designations.
6. Impact of the proposed development on community facilities: The project should improve water service for the area served by the booster pump station.



LEGAL DESCRIPTION

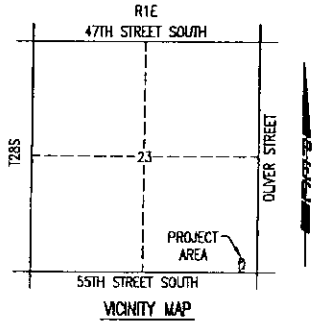
A tract of land in the Southeast Quarter of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as:

Commencing at the Southeast corner of the Southeast Quarter, Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence bearing N01°03'31\"/>

Enccompassing 2.00 acres more or less.

GENERAL PROVISIONS

- PROPOSED USES: MAJOR UTILITY, POTABLE WATER PUMP STATION
- EXISTING ZONING: IP-A, INDUSTRIAL PARK AIRPORT; A00H-S
- TOTAL AREA: 2.0 ACRES
- FENCING: 6 FOOT CHAIN LINK WITH 3 STRANDS OF BARB WIRE ON TOP
- LANDSCAPE BUFFER: EXISTING TREES ON SOUTH PROPERTY LINE.
- ACCESS: 15.5' WIDE GRAVEL DRIVE
- MAXIMUM BUILDING HEIGHT: 25' MAX PER ZONING; CONSTRUCTED STRUCTURE HEIGHT TO BE LESS THAN 25'
- SETBACKS: 10' FROM NORTH PROPERTY LINE, 15' FROM WEST PROPERTY LINE AND 50' FROM SOUTH AND EAST PROPERTY LINES, PER ZONING REQUIREMENTS
- OWNER: SEDGWICK COUNTY RURAL WATER DISTRICT NO. 3
1120 E. 111TH ST. SOUTH
MULVANE, KANSAS 67110



APPROVED

CON 2011-00014 SITE PLAN

Date: 07-22-11

LEGEND

⊙ BM	Benchmark	TMKR	Telephone Marker
⊕	Power Pole	T	Telephone Box
DM	Deadman	WV	Water Valve
—	Property Iron	—	Culvert
⊙	Deciduous Tree	—	Overhead Electric
⊙	Section Corner	—	Buried Telephone
—	Flow Direction	—	Waterline
		—	Gas Line

CON 2011-00014

Issued: 04-18-2011 10:22:41 AM by CAE
 Job: Scale: 1/4" = 20'-0" (2011) 10:22:41 AM by CAE
 1:2010\10335\10335.dwg - Owner: Site/CONDITIONAL USE PLAN/Conditional Use Plan

No.	Revision	By	Date
SEDGWICK COUNTY RURAL WATER DISTRICT #3 CONDITIONAL USE PLAN BOOSTER PUMP STATION MAIN BOOSTER PUMP STATION REPLACEMENT			
PROFESSIONAL ENGINEERING CONSULTANTS, P.A. 303 SOUTH TOPEKA WICHITA, KS 67202 316-262-2651 www.pec1.com			
Designed by	SCU	Job No.	34-10335
Drawn by	CAF	Date	07/22/11
		Scale	as shown