



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 17, 2005

Joe Botinelly
City of Wichita Water & Sewer Department
715 W. Harry
Wichita, KS 67213

RE: CON2005-30 – Conditional Use for a Major Utility. Generally located at 15th Street North between Jeanette Avenue & Ferrell Drive. (District VI)

Dear Ladies and Gentlemen:

At its regular meeting on August 11, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the site being replatted within one year, a variance being filed for the Ferrell Street setback, and the following Conditional Use restrictions:

- A. The applicant shall obtain all permits necessary to construct the sanitary sewer pump station, prior to the operation commencing.
- B. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- C. A landscape plan must be submitted and approved by the Planning Director prior to operations beginning. A revised site plan will show the 6-foot wooden fence extending up to the front of the pump station building. All proposed lighting shall comply with Art.IV, Sec.IV-B,4 of the Unified Zoning Code. No proposed pole lights shall be taller than 14-feet and the site shall be limited to one. The site plan will contain the note that the pump house building will be constructed of concrete, with vinyl siding, a gable roof, painted in earth tones and resemble a residential garage.
- D. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SITE PLAN

NOTE:
1. LANDSCAPE PLAN WILL BE
SUBMITTED AT A LATER DATE
PER RECOMENDATIONS.

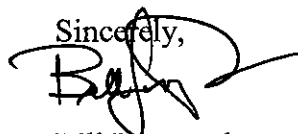
NOTE: The Pump House shall be constructed of concrete, with vinyl siding, gable roof, earthtone paints = looks residential.

[illegible]

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 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. 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 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

If there are no valid appeals or protest petitions filed opposing this action by **August 25, 2005, at 5:00 p.m.**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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

Sincerely,

Bill Longnecker
Senior Planner

WL/rms

Cc: Barry Davis, 1600 Jeanette, Wichita, KS 67203
Deloras Donovan, 1559 Ferrell, Wichita, KS 67203
Sharon Fearey, WCC VI, Mail Stop 1-13
John Philbrick, Property Management, Mail Stop 1-135
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. CON2005-00030

WHEREAS, the City of Wichita - Water & Sewer Department c/o Joe Bontinelly and the City of Wichita - Property Management, c/o John Philbrick (Owners/Applicants); 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" (sanitary sewer pump station) on approximately (+) 4,000 square-feet zoned "TF-3" Twin-family Residential described as:

Reserve A, Replat of Rich's Addition, an addition to Wichita, Sedgwick County, Kansas.
Generally located, midway between 14th Street North and 16th Street North on what was that portion of 15th Street North that connected Jeanette Avenue & Ferrell Drive.

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 August 11, 2005, 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 approximately (+) 4,000 square-feet zoned "TF-3" Two-family Residential described as:

Reserve A, Replat of Rich's Addition, an addition to Wichita, Sedgwick County, Kansas.
Generally located, midway between 14th Street North and 16th Street North on what was that portion of 15th Street North that connected Jeanette Avenue & Ferrell Drive.

APPROVED, subject to the following conditions:

- A. The applicant shall obtain all permits necessary to construct the sanitary sewer pump station, prior to the operation commencing.
- B. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- C. A landscape plan must be submitted and approved by the Planning Director prior to operations beginning. All proposed lighting shall comply with Art.IV, Sec.IV-B,4 of the Unified Zoning Code. No proposed pole lights shall be taller than 14-feet and the site shall be limited to one. The site plan will contain the note that the pump house building will be constructed of concrete, with vinyl siding, a gable roof, painted in earth tones and resemble a residential garage.
- D. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

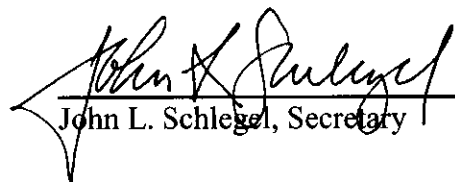
Adopted this 6th day of July 2006. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, 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



Harold Warner Jr., Chair MAPC

ATTEST:



John L. Schlegel, Secretary



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AGENDA ITEM NO. 5

STAFF REPORT

MAPC, August 11, 2005

CASE NUMBER: CON2005-00030

APPLICANT/AGENT: City of Wichita, Water & Sewer Department
Joe Bontinelly

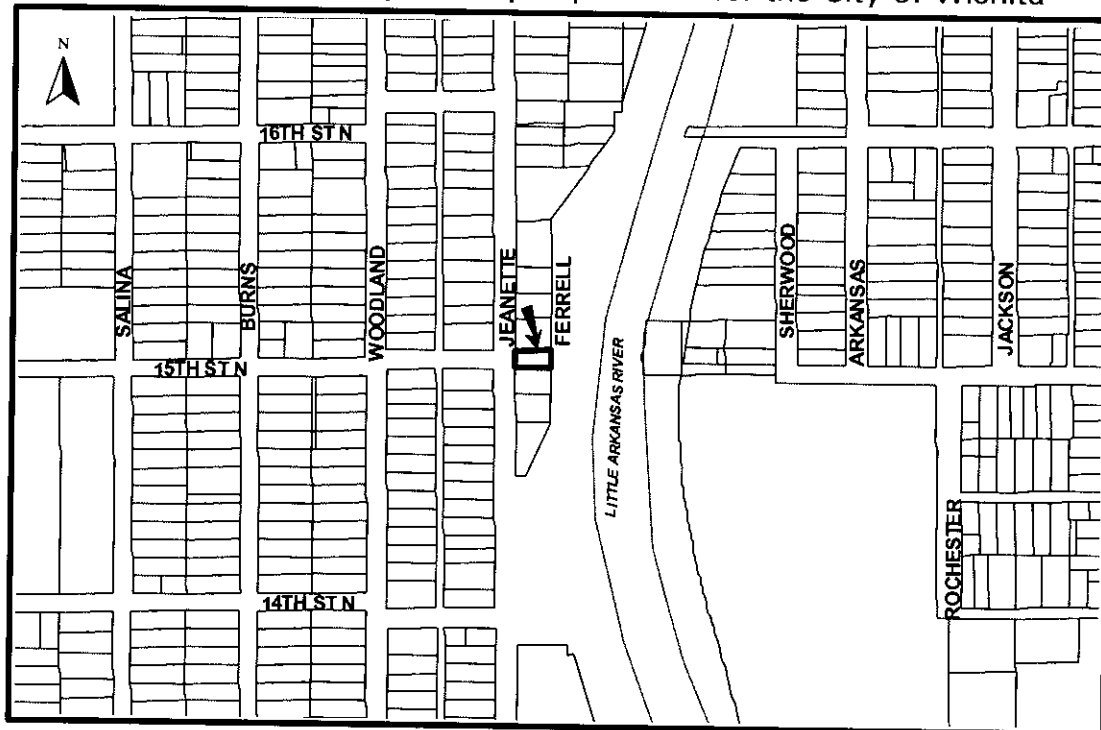
REQUEST: Conditional Use for a Major Utility

CURRENT ZONING: Public Right-of-Way

SITE SIZE: 4,000 square-feet

LOCATION: 15th Street North between Jeanette Avenue & Ferrell Drive

PROPOSED USE: Sanitary sewer pump station for the City of Wichita



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a major utility. The major utility will be a sanitary sewer pump station with a force main line (pump station) that will replace an existing pump station with a gravity main line. The proposed pump station building will be approximately 320-square feet in size. The proposed pump station is defined as a major utility, per Art.III, Sec.II-B, #13h & #13i of the Unified Zoning Code (UZC, see exhibit of definitions). A major utility is a Conditional Use in all zoning districts.

The subject site is the previously described portion of 15th Street North, a 40-foot (x) 100-foot platted, sand and gravel, residential public street right-of-way (ROW). The City is proposing to replat this portion of 15th Street along with the northern abutting "TF-3" Duplex Residential zoned Lots 211-217 (odd), Rich's Addition. The replatting will revert the site from public street ROW into a reserve, which the pump station will be located on. The abutting northern property will remain a single-family residence. The replatting of the ROW and the northern abutting "TF-3" property will bring that abutting property's "TF-3" zoning into the proposed reserve, as the ROW is being vacated during the platting process and reverting into a reserve for a public facility. The other abutting property, on the site's south side, is also zoned "TF-3" and is also developed as a single-family residence. Properties west of the site, across Jeanette Avenue are zoned "TF-3" and are developed as single-family residences. The Little Arkansas River is east of the site, across Ferrell Drive. The subject site is in the North Riverside Neighborhood, which is predominantly developed as single-family residences with "TF-3" and "SF-5" Single-family Residential zoning.

The proposed pump station will replace an existing pump station located at North High School, east and across the Little Arkansas River from the subject site. This pump station and its gravity flow main line were constructed in 1927. Replacing the existing pump station and main will reduce the possibility of sewage pollution in the area, which includes the Little Arkansas. The existing and replacement main line both cross or will cross the Little Arkansas to the subject site. The applicant has stated that the proposed site will have a force main, which will be a more efficient method of providing service to its area. The service area is more or less generally defined by the Little Arkansas on its east side, the Big Arkansas River and Amidon on its west side, 13th Street on its south side and 21st Street on its north side.

Odor from the site will be controlled by a biofilter in the vent stack and by locating the vent stack off site, along the Little Arkansas' bank, across Ferrell Drive. The pump station on the site will be housed in a 16-foot (x) 20-foot building constructed of concrete, with vinyl siding and a gable roof. The building will resemble a residential garage. A mechanic will visit the site every day between 7:30 AM and 4:00 PM. The average visit will be less than 30-minutes. The generator housed in the building will run once a week, for approximately 30-minutes, once a week (not on weekends) around 1:00 PM. It is proposed that the mechanic will park along the curb or in the proposed drive while on site.

The applicant will file for a variance if the Conditional Use is approved and after the site has been replatted.

The submitted site plan shows a 6-foot wooden fence along the entire width of the site's west side, where it ends at the Jeanette Avenue ROW. The 6-foot wooden fence continues along the south and north sides of the site up to the back of the pump station building. The applicant has agreed to bring the fence up to the front of the pump station, which brings the screening of the side yards into compliance with the UZC screening requirements for a non-residential use abutting residential zoning. The pump station building is located 13-feet 8-inches west of the Ferrell Drive ROW, which is not in conformance with the "TF-3" zoning district's required 25-foot front yard setback. The applicant will file for a variance asking to be allowed to have a 15-foot setback if the Conditional Use is approved and after the site has been replatted. The proposed 15-foot setback would match the "TF-3" zoning district's street side yard setback. The applicant has stated that for maintenance, keeping the building close to the wet well and valve vault is necessary and that wet well needs to be within 8-feet of the curb for maintenance purposes. No landscaping is shown on the site plan, although a note on the plan states that landscaping will be per recommendation. The landscape ordinance requires one shade tree or two ornamental trees every 40 lineal feet along the rear and interior side yards. The site plan shows no lighting on the site.

CASE HISTORY: The site and all the abutting and adjacent properties are all in the Rich's Addition, which were recorded with the Register of Deeds March 24, 1886. The concept of reverting 15th Street North into a reserve and locating the sanitary sewer pump station in it has been presented to the abutting and adjacent single-family residences and DAB VI. The single-family residences have not registered objections. DAB VI approved the concept at their May 2, 2005 meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences
SOUTH:	"TF-3"	Single-family residences
EAST:	"TF-3"	The Little Arkansas River, North High School, Single-family residences
WEST:	"TF-3"	Single-family residences

PUBLIC SERVICES: The site has access to Ferrell Drive and Jeanette Avenue, both two-lane, paved residential roads. There are no traffic counts at this intersection. City water and sewer are available at the site, as are all other utilities.

CONFORMANCE TO PLANS/POLICIES: The Wichita Functional Land Use Guide identifies this area as "urban residential". The pump station is a public facility classified as a major utility. Major utilities are needed to provide the general public with electricity, gas, heat, steam, communication, rail, transportation, water, sewage collection and other similar

services. The proposed pump station will replace an existing 78-year old facility and provide more efficient service, plus reduce the possibility of sewage polluting the river and the area. A major utility is permitted as a Conditional Use in all zoning districts.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the site being replatted within one year, a variance being filed for the Ferrell Street setback, and the following Conditional Use restrictions:

- A. The applicant shall obtain all permits necessary to construct the sanitary sewer pump station, prior to the operation commencing.
- B. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- C. A landscape plan must be submitted and approved by the Planning Director prior to operations beginning. A revised site plan will show the 6-foot wooden fence extending up to the front of the pump station building. It will also reflect the action taken by the BZA in regards to the Ferrell Street side setback. All proposed lighting shall comply with Art.IV, Sec.IV-B,4 of the Unified Zoning Code. No proposed pole lights shall be taller than 14-feet and the site shall be limited to one. The site plan will contain the note that the pump house building will be constructed of concrete, with vinyl siding, a gable roof, painted in earth tones and resemble a residential garage.
- D. 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 Article VIII of 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 character of the surrounding area is established, single-family residential. The properties surrounding the subject property are zoned "TF-3". The Little Arkansas River forms its east boundary, with North High School just across the river from the site. Minisa Park, with its outdoor full court basketball court, community center and swimming pool is a block south of the site.
- 2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as a 100-foot long, sand and gravel residential street that connects Jeanette Avenue to Ferrell Drive. With the exception of paving and curbing the site, it will never be more than a 100-foot connection of Jeanette to Ferrell, as this road will never be extended over the river by a bridge. Its proposed use as a pump station site will provide a more essential service to the neighborhood in a more efficient manner than the 78-year old facility it replaces. The proposed facility will reduce the danger of pollution due to leaks or equipment breakdown.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area should be minimized by the conditions of the Conditional Use, which should limit noise, lighting, and other activity from adversely impacting these properties. Replacing the existing 78-year old facility and its gravity main with the new facility and its force main will provide a cleaner more efficient service for the area. Reverting the site from unimproved ROW to a reserve will have a minimal impact on vehicular traffic in the area
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita Land Use Guide identifies this area as "urban residential". The Water and Sewer Department has identified this site as a more efficient site for providing service to the area than the site the existing 78-year old facility is now located on, which the proposed pump station will replace.
5. Impact of the proposed development on community facilities: This pump station will provide more efficient service to the area with less possibility of sewage polluting the river and the area. Water and Sewer has stated that the biofilter in the vent stack and its location by the river will be a more effective method of odor control.