



Wichita-Sedgwick County Metropolitan Area Planning Department

March 10, 2017

Westar Energy
c/o Pat Tryon
818 S. Kansas Ave.
Topeka KS, 66601

REFERENCE: CON2016-00047 – City Conditional Use request for a Major Utility on LI Limited Industrial zoned property generally located west of North Webb Road on the northwest side of East 39th Street North and Toben Street (WCC II)

Dear Applicant:

At its regular meeting on November 17, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE the request subject to the conditions on the attached resolution.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel, AICP
Planning Manager

SK: mc
Attachment

Copies to: Pete Meitzner, District II, Mail Stop 1-13
Laura Rainwater, CSR II, Mail Stop 1-135

CONDITIONAL USE RESOLUTION NO. CON2016-47

WHEREAS, Kansas Gas and Electric Company, c/o Chuck P. Tryon (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 a Westar service center on approximately 18.93-acres zoned LI Limited Industrial ("LI"), described as:

The South 825.00 feet of Lot 1, Block 1, Webb Business Park, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Lot 1, Block 1; thence N 89°07'32" E along the South line of Lot 1 a distance of 933.39 feet to a non-tangent curve to the right on the Northwest edge of Reserve G in said Webb Business Park, said curve having a radius of 610.87 feet, a central angle of 25°41'11", a chord that bears N 46°40'56" E and a chord length of 271.57 feet; thence Northeasterly along said curve to the right along the Northwest edge of Reserve G, 273.86 feet to the Easterly line of said Lot 1 and the West line of the right of way for Toben Street as platted in said Webb Business Park; thence N 26°49'09" W along said Easterly line of Lot 1 a distance of 59.91 feet to a deflection in said Easterly line of Lot 1; thence bearing N 14°49'08" W along said Easterly line of Lot 1 a distance of 175.82 feet to a curve to the right, said curve having a radius of 300.00 feet, a central angle of 13°58'18", a chord that bears N 7°49'58" W and a chord length of 72.97 feet; thence Northerly along said curve to the right along the East line of said Lot 1 a distance of 73.16 feet; thence bearing N 0°50'50" W along the East line of said Lot 1 a distance of 344.77 feet to a point 825.00 feet North of the South line of said Lot 1; thence deflecting from the East line of said Lot 1 along a bearing of S 89°07'32" W parallel with the South line of said Lot 1, a distance of 695.68 feet to the West line of said Lot 1; thence S 0°49'19" E along the West line of said Lot 1 a distance of 34.79 feet to a deflection in the West line of said Lot 1; thence S 44°07'32" W along the Northwest line of said Lot 1 a distance of 170.00 feet to a deflection in said Northwest line of Lot 1; thence S 89°07'32" W along the North line of said Lot 1 a distance of 240.00 feet to the West line of said Lot 1; thence S 0°49'19" E along said West line of Lot 1 a distance of 670.00 feet to the point of beginning; generally located west of North Webb Road on the northwest side of East 39th Street North and Toben 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 17, 2016, 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 MAPC that this application be approved to allow a Conditional Use for a "Major Utility," specifically a Westar service center on approximately 18.93-acres zoned LI Limited Industrial ("LI"), described as:

The South 825.00 feet of Lot 1, Block 1, Webb Business Park, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Lot 1, Block 1; thence N 89°07'32" E along the South line of Lot 1 a distance of 933.39 feet to a non-tangent curve to the right on the Northwest edge of Reserve G in said Webb Business Park, said curve having a radius of 610.87 feet, a central angle of 25°41'11", a chord that bears N 46°40'56" E and a chord length of 271.57 feet; thence Northeasterly along said curve to the right along the Northwest edge of Reserve G, 273.86 feet to the Easterly line of said Lot 1 and the West line of the right of way for Toben Street as platted in said Webb Business Park; thence N 26°49'09" W along said Easterly line of Lot 1 a distance of 59.91 feet to a deflection in said Easterly line of Lot 1; thence bearing N 14°49'08" W along said Easterly line of Lot 1 a distance of 175.82 feet to a curve to the right, said curve having a radius of 300.00 feet, a central angle of 13°58'18", a chord that bears N 7°49'58" W and a chord length of 72.97 feet; thence Northerly along said curve to the right along the East line of said Lot 1 a distance of 73.16 feet; thence bearing N 0°50'50" W along the East line of said Lot 1 a distance of 344.77 feet to a point 825.00 feet North of the South line of said Lot 1; thence deflecting from the East line of said Lot

1 along a bearing of S 89°07'32" W parallel with the South line of said Lot 1, a distance of 695.68 feet to the West line of said Lot 1; thence S 0°49'19" E along the West line of said Lot 1 a distance of 34.79 feet to a deflection in the West line of said Lot 1; thence S 44°07'32" W along the Northwest line of said Lot 1 a distance of 170.00 feet to a deflection in said Northwest line of Lot 1; thence S 89°07'32" W along the North line of said Lot 1 a distance of 240.00 feet to the West line of said Lot 1; thence S 0°49'19" E along said West line of Lot 1 a distance of 670.00 feet to the point of beginning; generally located west of North Webb Road on the northwest side of East 39th Street North and Toben Street.

Approved subject to the following conditions:

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and in compliance with all applicable laws and regulations.
2. Compatibility height standards shall limit all light poles located with 200-feet of SF-5 zoning to 20 feet, including the base. All lighting shall be directed away from residential uses and zoning.
3. Compatibility height standards and setbacks shall be in effect.
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 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 17th day of November 2016.

METROPOLITAN AREA PLANNING COMMISSION



David Foster, Chair MAPC

ATTEST:

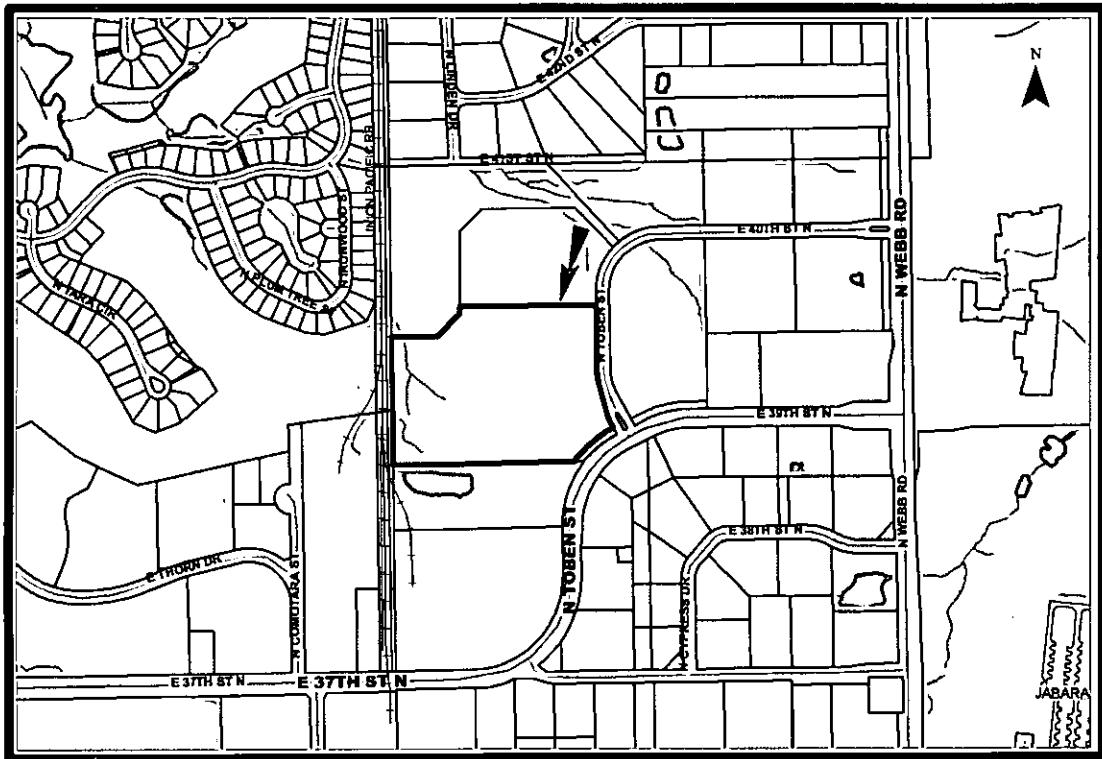

Dale Miller, Secretary



STAFF REPORT

MAPC October 20, 2016
DAB II November 14, 2016
MAPC November 17, 2016

- CASE NUMBER:** CON2016-00047
- APPLICANT/AGENT:** Westar Energy (owner/applicant) Howard & Helmer Architecture, c/o, David White
- REQUEST:** A Conditional Use to permit a Major Utility
- CURRENT ZONING:** LI Limited Industrial
- SITE SIZE:** 18.93-acres
- LOCATION:** Generally located west of North Webb Road on the northwest side of East 39th Street North and Toben Street (WCC II)
- PROPOSED USE:** Westar service center



BACKGROUND: The applicant, Westar Energy, is requesting a Conditional Use for a “major utility”, specifically a service center on the 18.93-acre platted, undeveloped LI Limited Industrial (LI) zoned property. The Unified Zoning Code’s (UZC Art II., Sec. II-B.13.k) definition of a major utility is: “generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.” A major utility requires a Conditional Use in all of the zoning districts, except for the AFB Air Force Zoning District (AFB). The LI zoned site is located west of North Webb Road on the northwest side of East 39th Street North and Toben Street.

The site plan shows a 105,654-sqaure foot service center building with office space and multiple bay doors for servicing their fleet, a fuel station, a fleet garage, a storage building, trailer parking, and outdoor storage. The service center will allow Westar to house a fleet of trucks and materials that will be used to maintain and repair their infra-structure. A landscape buffer planted with 6-foot tall Canaerti Eastern Red Cedars platted on 10-foot centers is located on the west side of the site where it abuts SF-5 zoned property. The Canaerti Cedars can grow up to 30 feet with an 8-15 foot spread when mature.

The site is located in an LI zoned area that roughly runs from K-96 Highway to 41st Street North and east from Rock Road to both side of Webb Road. Development in this area includes, but is not limited to, office-warehouses, distributions warehouses, manufacturing, assembly, office, medical, dental, new auto sales, big box retail, and undeveloped land. The LI zoned Jabara Airport is the largest development in the area and the LI zoned Wichita Area Technical College is located north of the Airport. A southwest portion of the site abuts a total of 80-feet of SF-5 Single-Family Residential (SF-5) zoned railroad easement and a curious, narrow strip of undeveloped land. There are mature deciduous trees and evergreens running parallel to the railroad easement/narrow strip of land. The SF-5 zoned Willow Bend golf course and single-family residences (built late 1980s- early-mid 1990s) that are built around the golf course are located west of the railroad easement and strip of land. The SF-5 zoning triggers compatibility setback and height standards.

CASE HISTORY: The site is part of Lot 1, Block 1, Webb Business Park Addition, which was recorded October 4, 2007.

The MAPC considered this case at their October 20, 2016, meeting. There were protest to the request and they were primarily members of the Willowbend Home Owners Association (HOA). The HOA was concerned about the existing drainage in their west, adjacent single-family residential neighborhood and how development of the subject site would further impact their drainage. Speakers for the HOA spoke of the recent flooding of some the members’ homes. They were also concerned about the lack of maintenance and repair of the railroad easement that runs between the east LI zoned properties (which the subject site is part of) and their west residences. Lack of maintenance included railroad ties that had been removed and replaced on the actual tracks, but left loose within the railroad easement with some of them being washing

into their subdivision from recent rains and adding to the flooding in the HOA. Hedge apples being washed from recent rains into the HOA and clogging the HOA's drainage system were also noted as contributing to the flooding. The HOA was also concerned about the drainage's impact on their masonry wall, which they are scheduled to replace this year. There were also concerned about the impact that numerous Cedar trees and other trees have on the existing drainage. The MAPC deferred action on this case until their November 17, 2016, meeting, instructing staff to arrange a meeting with the HOA and other properties in the area that share drainage.

On November 3, 2016, members of City Planning, Stormwater, Public Works, Law and Property Management met with representatives for Westar, the Willowbend HOA, the Webb Business Park, and Central Plans Steel to discuss drainage. The results of that meeting seemed to indicate that the Westar drainage plan generally addressed their concerns about the Westar site's impact on the HOA's current drainage concerns. City Stormwater also provided information about recent improvements to the area drainage, including raising stormwater grates from being flush with the surface they are stalled on to a height that hedge apples could clear and not block drainage. What was not resolved was who was responsible for the maintenance and repair of the railroad easement, including the removal of loose railroad ties and trees. That lack of resolution lead to Westar offering to do a one-time cleanup of the east portion of said easement that abuts their site. The Comotara Industrial Owners Association (now Central Plans Steel) also offered to clean up the east portion of said easement, while noting that they had hauled off approximately 1,100 times this year.

Staff had another meeting the morning of November 10, 2016. The results of that meeting will be presented to the DAB and the MAPC at their respective meetings.

ADJACENT ZONING AND LAND USE:

NORTH: LI Undeveloped land
SOUTH: LI Irrigation supply, cell tower, commercial printing, undeveloped land
EAST: LI Undeveloped land, dry wall supply warehouse, aircraft parts manufacturing
WEST: SF-5 Private golf course, single-family residences

PUBLIC SERVICES: Access to the site is via Toben Street, a paved, full curbed, two-lane, 80-foot wide public street that brings traffic in and out of the area from 39th Street North and Webb Road. 39th Street North is a paved, full curbed, two-lane, 80-foot wide public street that functions as a collector street for the area. Webb Road is a major arterial. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "Community Investment Plan's 2035 Wichita Future Growth Map", identifies the application area as "new employment." This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In

areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. The conditional use for a major utility, specifically a Westar service center is appropriate for the new employment category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use be APPROVED, for a major utility, specifically a Westar service center subject to the following conditions:

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and in compliance with all applicable laws and regulations.
2. Compatibility height standards shall limit all light poles located with 200-feet of SF-5 zoning to 20 feet, including the base. All lighting shall be directed away from residential uses and zoning.
3. Compatibility height standards and setbacks shall be in effect.
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 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 site is located in an LI zoned area that roughly runs from K-96 Highway to 41st Street North and east from Rock Road to both side of Webb Road. Development in this area includes, but is not limited to, office-warehouses, distributions warehouses, manufacturing, assembly, office, medical, dental, new auto sales, big box retail, and undeveloped land. The LI zoned Jabara Airport is the largest development in the area and the LI zoned Wichita Area Technical College is located north of the Airport. A southwest portion of the site abuts a total of 80-feet of SF-5 Single-Family Residential zoned railroad easement and a curious, narrow strip of undeveloped land. There are mature deciduous trees and evergreens running parallel to the railroad easement/narrow strip of land. The SF-5 zoned Willow Bend golf course and single-family residences (built late 1980s- early-mid 1990s) that are built around the golf course are located west of the railroad easement and strip of land.
2. **The suitability of the subject property for the uses to which it has been restricted:** The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The proposed Westar service center is an appropriate development for this zoning and area.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The west, adjacent SF-5 zoned Single-Family residential zoned properties will have more pole lights in closer proximity to them than they currently do. The compatibility height standards for pole lights shall limit all light poles located with 200-feet of SF-5 zoning to 20 feet, including the base. There is also an additional 80 feet of SF-5 zoned railroad easement and a narrow undeveloped strip of land that pushes the

site's pole lights a total of 280 feet from the west adjacent single-family residences.

4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the site will enhance Westar Energy's ability to provide its customers with a reliable and adequate supply of electricity. Denial would presumably be an economic loss to the applicant and reduce the utility's efficiency on maintaining and repairing the infrastructure necessary to meet current and future energy demand.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's 2035 Wichita Future Growth Map", identifies the application area as "new employment." This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. The conditional use for a major utility, specifically a Westar service center is appropriate for the new employment category.

6. **Impact of the proposed development on community facilities:** The proposed facility would improve Westar's ability to maintain the infrastructure needed for the energy requirements of Wichita and Sedgwick County.

GENERAL NOTES

1. PAVING IN THE YARD WILL BE 7" REINFORCED CONCRETE.
2. PAVING AT EMPLOYEE/VISITOR PARKING AREAS WILL BE 5-1/2" REINFORCED CONCRETE.

DATE
 UPDATED 9/12/06
 MAPD CONDITIONAL USE
 APPLICATION



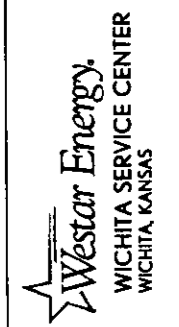
SITE PLAN

APPROVED 1-12-17 BY SK

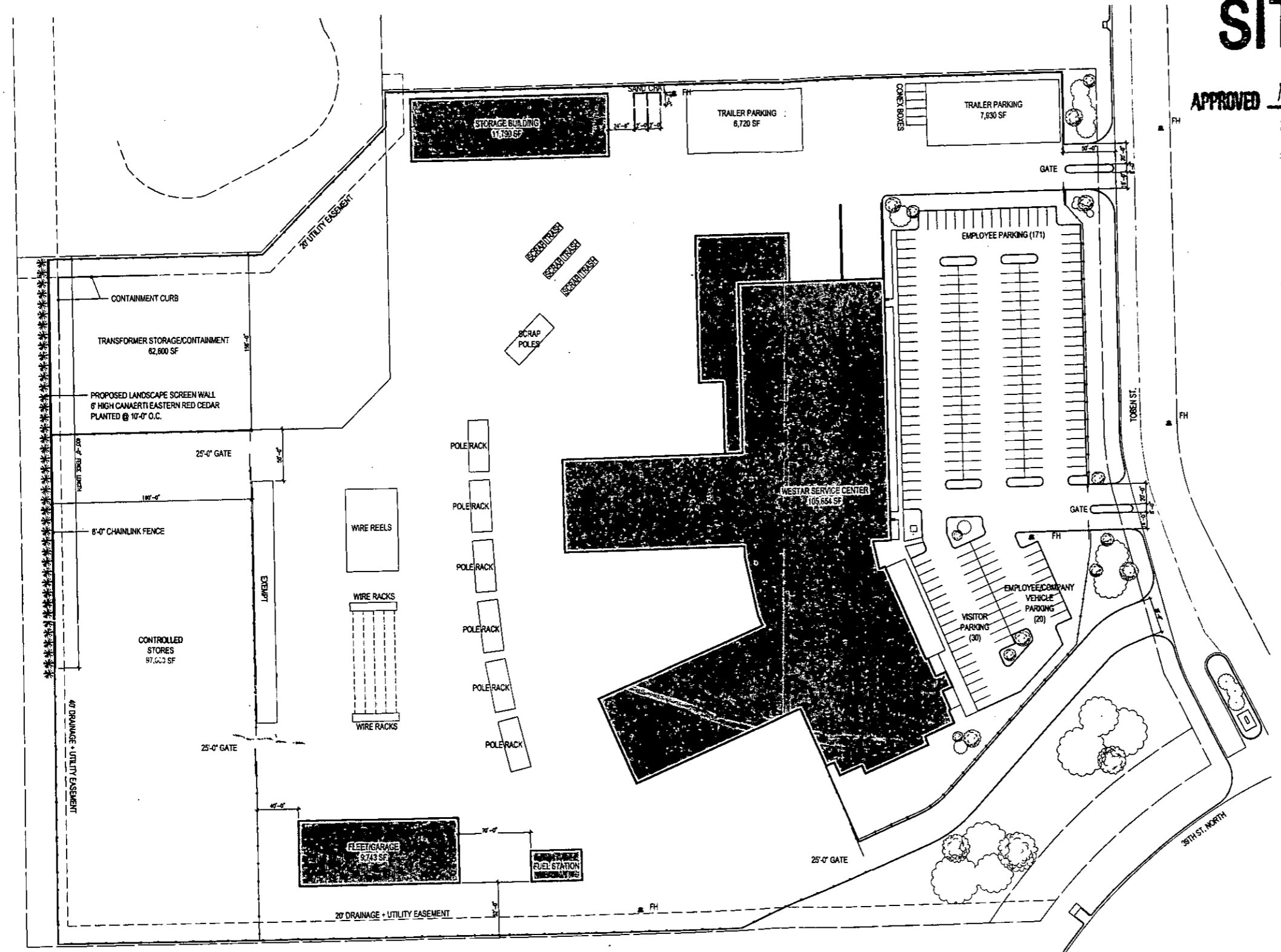
3000 North Rock Road
 May 500 Wichita, KS 67208
 316.264.8100 316.264.8100

PROGRESS
 PRINT
 NOT FOR
 CONSTRUCTION

PROJECT NO.
 16220
 This drawing and all information thereon is the property of the undersigned and shall remain the property of the undersigned. It is to be used only for the project and site described herein. No part of this drawing shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the undersigned.



A-1.1



ARCHITECTURAL SITE PLAN
 1" = 40'-0"