



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 7, 2017

MKEC  
Attn: Brian Lindebak  
May 5, 2017  
411 N. Webb  
Wichita, KS 67206

**RE: CON2017-000015** -Conditional Use to allow a Major Utility at 15800 E. Harry Street.

Dear Mr. Lindebak,

At its regular meeting on May 4, 2017, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request in accordance with the attached resolution.

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

Sincerely,

David M. Clements  
Principal Planner

Copies to: MABCD  
James Clendenin, Council Member District III  
Teia Wair, CSR III  
Jim Jockey & Rosemary Chapman, 1314 S. Ridgehurst Cir, 67230

**CONDITIONAL USE RESOLUTION NO. CON2017-00015**

**WHEREAS**, The City of Wichita, (Owner) and MKEC Engineering (Applicant) 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 being a the expansion of the Four Mile Creek Wastewater Treatment Plant, on property zoned SF-5 Single-Family Residential District at 15800 East Harry Street and legally described as:

Lot 1 Block 1 in Four Mile Creek Addition in Wichita, Sedgwick County, Kansas

**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 4, 2017, 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 Major Utility, specifically being the expansion of the Four Mile Wastewater Treatment Plant on property zoned SF-5 Single-Family Residential District on property described as:

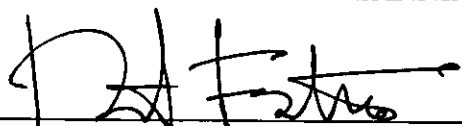
Lot 1 Block 1 in Four Mile Creek Addition in Wichita, Sedgwick County, Kansas

Subject to the following conditions:

1. A detailed site plan shall be submitted to the Wichita-Sedgwick County Metropolitan Area Planning Department for the future expansion area prior to any construction in that area. The site plan shall developed in accordance with the future expansion plan.
2. The future expansion area shall be screened and landscaped. The existing tree line on the west property line shall be maintained as required screening. In the event the tree line cannot be maintained, a six to eight foot screening wall shall be constructed. Fencing shall be provided on the north property line with 6-foot evergreens planted at an 8-foot spacing.
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 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 4th 18th Day of May 2017

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
David Foster, Chair MAPC

ATTEST:

D. M. Clements

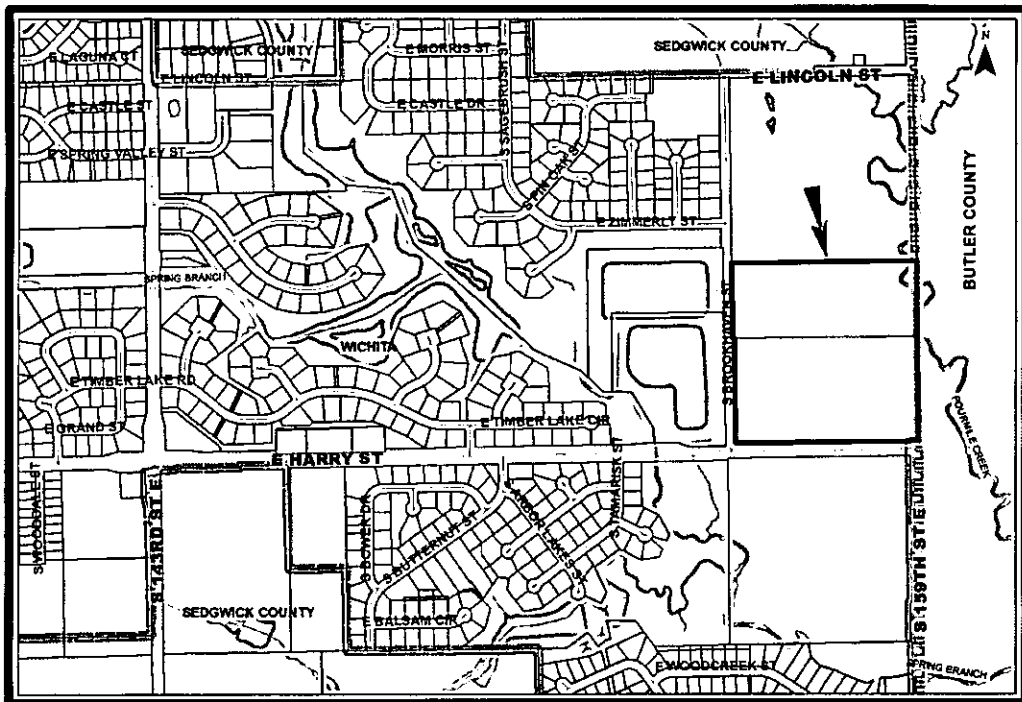
David M Clements, Secretary

## STAFF REPORT

MAPC May 4, 2017

DAB II May 8, 2017

- CASE NUMBER:** CON2017-00015
- OWNER/APPLICANT:** City of Wichita, John Philbrick (owner)/MKEC Engineering, Inc., Brian Lindebak (agent)
- REQUEST:** A Conditional Use to permit a “Major Utility,” (Wastewater Treatment Plant)
- CURRENT ZONING:** SF-5 Single-Family Residential District
- SITE SIZE:** 36.7-acres
- LOCATION:** Generally located at the northeast corner of East Harry Street and South Brookhaven Drive (15800 East Harry Street)
- PROPOSED USE:** Expansion of Four Mile Creek Wastewater Treatment Plant



**BACKGROUND:** This application was filed to request a Conditional Use for the future expansion of the Four Mile Creek Wastewater Treatment Plant. The property is located at the northeast corner of South Brookhaven Drive and East Harry Street. The site is zoned a SF-5 Single-Family Residence District (SF-5).

The original facility was constructed in 1988 and operated by Sedgwick County. The City of Wichita acquired the plant in 2001. The initial Conditional Use was for 21.3-acres of the original plant. The proposed Conditional Use would consolidate the original plant area with future expansion area to the north and provide a total area of 36.7-acres.

The Unified Zoning Code's (*UZC*), Section II-B.13.k, defines "major utility" and the definition includes water and wastewater treatment plants. The *UZC* requires approval of a Conditional Use for a major utility in all zoning districts.

The applicant explains that the original plant was designed for a *three* million gallons average daily flow. At the present time, Phase II improvements are underway at the plant that will increase average daily flow to *six* million gallons a day. These Phase II improvements include many technical and operational upgrades to the plant. Noteworthy upgrades are improvements being made to sludge handling that will convert liquid sludge to solid sludge. These improvements to sludge handling are anticipated to reduce truck traffic at the site from 25 to 30 tankers a week hauling liquid sludge to two or three dump trucks per week hauling solid sludge. The applicant also points out that the existing plant has historically generated few odor complaints. But in anticipation of increased potential for odor generation, with the current expansion project that is underway as the system expands, processes are being constructed to capture and treat air that can contain foul odors. These Phase II improvements will be complete in February of 2019.

The plant facility has a service area of approximately 25 square miles. It is estimated that the plant may not require expansion into this additional land area for another 20 to 30 years. The Conditional Use will provide land area for expansion at the plant that will someday provide infrastructure that will increase average daily flow to *nine* million gallons a day.

Property in the area is generally characterized by large vacant tracts and agricultural sites. North and south of the site are vacant properties zoned SF-5. Two lagoons are west of the subject property. The properties to the north, south and west are owned by the City of Wichita. East of the subject site is an agricultural parcel in Butler County, abutting the City of Andover. There are no residential properties directly abutting the plant expansion area. The nearest residential area is 300 feet north of the plant on the west side of South Brookhaven Road.

**CASE HISTORY:** The original Special Use application, DR87-12, was approved by Resolution

of the County Commission on June, 24, 1987. The Resolution had a condition of requiring platting within one year of approval. The property is platted as Lot 1, Block 1, Four Mile Creek Addition.

The staff report for DR87-12 included language about “the area within the fence shall be grassed and landscaped with trees, shrubs and earthen berms”.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	vacant agricultural area
SOUTH:	SF-5	vacant agricultural area
EAST:	SF-5	floodplain, vacant agricultural
WEST:	SF-5	open space, lagoons.

**PUBLIC SERVICES:** All public utilities are available to serve the site. Access to the site is from East Harry Street. There is sufficient capacity on East Harry Street and South Brookhaven Drive to accommodate traffic volume from the facility.

**CONFORMANCE TO PLANS/POLICIES:** The “*Community Investment Plan*” Future Growth Map, identifies the application area as Industrial. The existing Four Mile Creek plant and the future expansion meet this land use category of the Future Growth Map. Also, the area north of the plant location is designated as parks and open space, indicating the need for a buffer abutting the plant.

**RECOMMENDATION:** The future expansion of the Four Mile Creek Wastewater Treatment plant will provide infrastructure that will serve the needs of the City of Wichita for many years. The plant opened in 1988, so the existing facility is an established land use in this area. Phase II modifications and upgrades at the plant currently underway will increase capacity, and provide improvements to solid waste handling and air quality measures. Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use be APPROVED, with the following conditions:

1. A detailed site plan shall be submitted to the Wichita-Sedgwick County Metropolitan Area Planning Department for the future expansion area prior to any construction in that area. The site plan shall developed in accordance with the future expansion plan.
2. The future expansion area shall be screened and landscaped. The existing tree line on the west property line shall be maintained as required screening. In the event the tree line cannot be maintained, a six to eight foot screening wall shall be constructed. Fencing shall be provided on the north property line with 6-foot evergreens planted at an 8-foot spacing.
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 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:** Property in the area is generally characterized by large vacant tracts and agricultural sites. North and south of the site are vacant properties zoned SF-5. Two lagoons are west of the subject property. The properties to the north, south and west are owned by the City of Wichita. East of the subject site is an agricultural parcel in Butler County, abutting the City of Andover. There are no residential properties directly abutting the plant expansion area. The nearest residential area is 300 feet north of the plant on the west side of South Brookhaven Road.
2. **The suitability of the subject property for the uses to which it has been restricted:** The existing plant and the expansion area are zoned a SF-5 Single-Family Residential District. Approval of a Conditional Use in the SF-5 district will allow the plant expansion and upgrades. The Conditional Use approval is the most appropriate way to review the impact of the plant expansion in the SF-5 district.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The original Four Mile Creek plant opened in 1988. The plant is an established land-use in this area. The site is surrounded by large lot agricultural and vacant tracts. The nearest residential area is approximately 300 feet to the north. The future plant expansion will be similar to the existing facility, and should have no more impact on nearby property than current conditions.
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 request will enhance the ability of the City to provide wastewater treatment facilities well into the future. Denial of the application would someday impact economic development and growth in the southeast part of the City.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's" Future Growth Map, identifies the application area as Industrial. The existing Four Mile Creek plant and the future expansion meet this land use category of the Future Growth Map. Also, the area north of the plant location is designated as parks and open space, indicating the need for a buffer abutting the plant.
6. **Impact of the proposed development on community facilities:** The existing plant and the proposed expansion are designed to accommodate future growth and development in the city. The plant will enhance the availability of community facilities for the City.

Staff Report Attachments:

1. Site Plan with future expansion area

Four Mile Creek Second Add

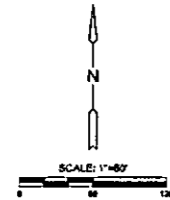
### LEGAL DESCRIPTION

The Southeast Quarter of the Southeast Quarter of Section 25, Township 27 South, Range 2 East of the 6th P.M., Sedgewick County, Kansas; EXCEPT that portion taken for county road in Road Book C, Page 54; AND EXCEPT Four 1/4 Mile Creek Addition to Sedgewick County, Kansas. TOGETHER WITH, Lot 1, Block 1, Four 1/4 Mile Creek Addition to Sedgewick County, Kansas.

To be known as Lots 1 and 2, Block 1, Four Mile Creek Second Addition, an addition to Wichita, Sedgewick County, Kansas.

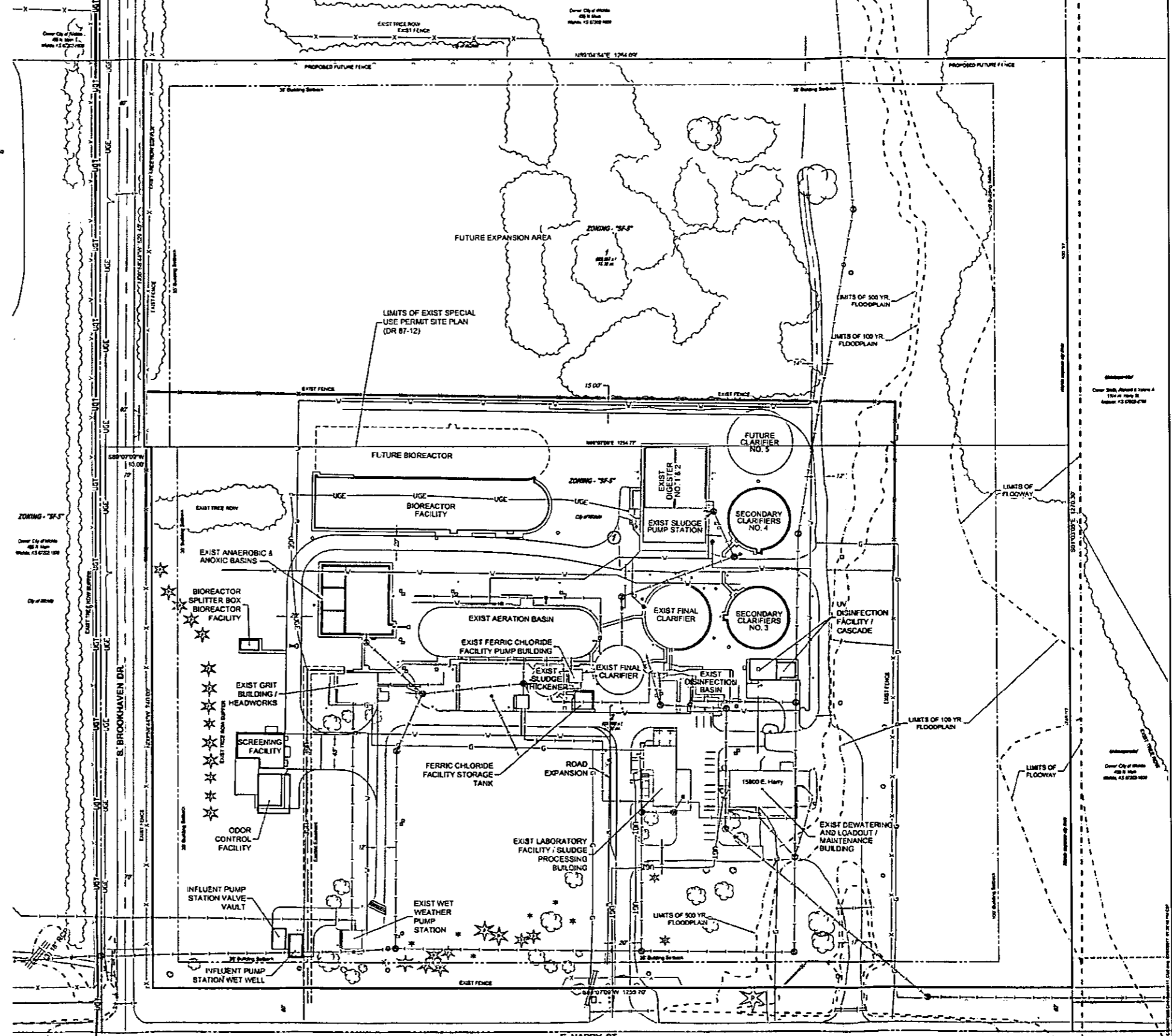
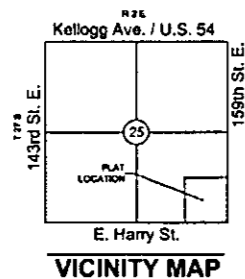
### NOTES

- The southern portion of the site is developed as the Four Mile Creek Waste Water Treatment Plant. Currently, there is an existing conditional use case (DR 87-12) on the south portion of subject property. We are requesting to merge the existing south tract and proposed north tract into one new conditional use case. The conditional use is to allow for a major utility / associated uses on subject property and to allow for future expansion of the treatment plant.
- A plat for the overall subject area is being filed concurrently with the conditional use application.
- Setbacks are being plattd as follows: 35 feet (north, west and south) and 100 feet (east) due to floodplain.
- Odor control facilities are being enhanced with the proposed current expansion plans.



### LEGEND

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| <ul style="list-style-type: none"> <li>Coniferous Tree</li> <li>Edge Of Trees</li> <li>Deciduous Tree</li> <li>Sign</li> <li>Pole</li> <li>Telephone Risar</li> <li>Telephone Vault</li> <li>Cable TV Risar</li> <li>Fiber Optics Indicator Sign</li> <li>Power Pole</li> <li>Light Pole</li> <li>Electric Transformer</li> <li>Sanitary Sewer Manhole</li> <li>Fire Hydrant</li> <li>Water Valve</li> </ul> | <ul style="list-style-type: none"> <li>Encasement</li> <li>Fence</li> <li>Storm Sewer Pipe</li> <li>Water Line</li> <li>Sanitary Sewer Line</li> <li>Gas Line</li> <li>Underground Electric</li> <li>Overhead Electric</li> <li>Underground Telephone</li> <li>FEMA Floodplain</li> <li>Lot</li> <li>Block</li> </ul> |
|--|---|



## CONDITIONAL USE EXHIBIT

A portion of the SE 1/4, Sec. 25, T27S, R2E, 6th P.M.

# FOUR MILE CREEK SECOND ADDITION



City of Wichita, Kansas