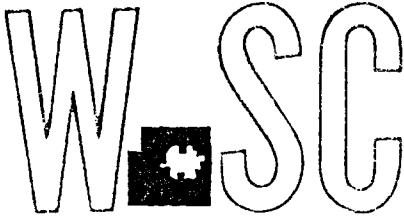


WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

March 17, 1997

Jerry Blain
City of Wichita
455 N. Main, 8th Floor
Wichita, Ks 67202

RE: CU-422 - Conditional use to allow a major utility (City of Wichita) for a water recharge facility on 0.92 acres zoned "RR" Rural Residential located east of 87th Street West and south of 117th Street North (extended)

Dear Mr. Blain:

At its regular meeting on February 13, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated February 21, 1997.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

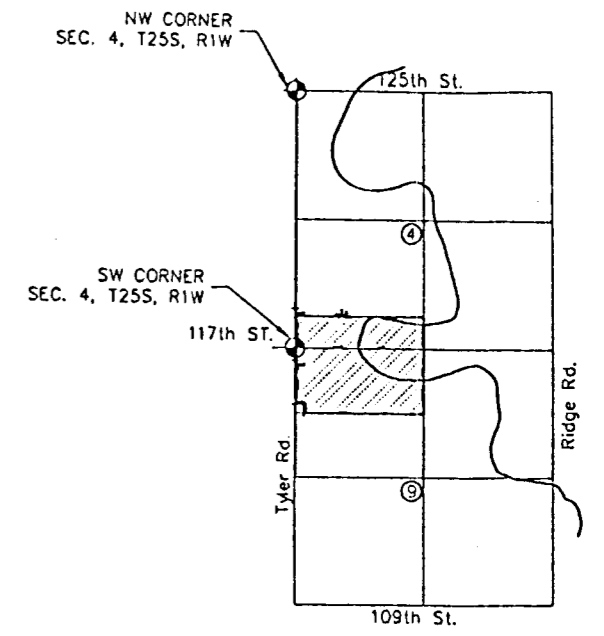
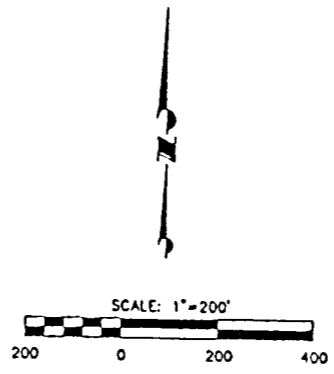
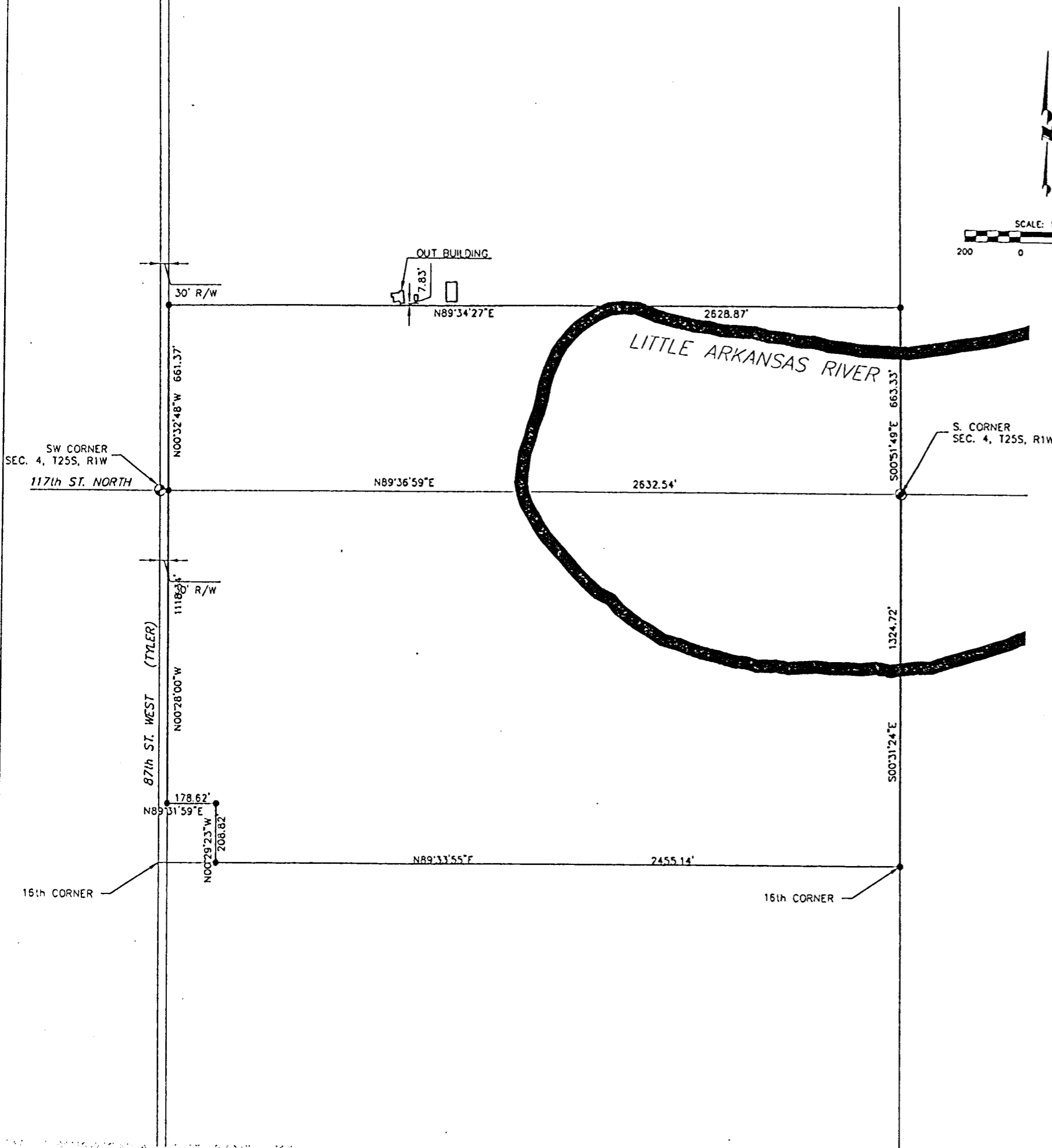
Sincerely,

Russ Ewy
Associate Planner

RE/sh

cc: Dorothy McGinn, RR #2, Sedgwick, Ks 67135
Glen Wiltse, Sedgwick County Code Enforcement





KEYMAP

1. Right of Way Agreement
Socony-Vacuum Oil Company, Inc.
(1937) Misc. Book 130, Page 457
2. Easement
Cities Service Gas Co.
(1951) Misc. Book 275, Page 324
(1972) Misc. Book 25, Page 1204
3. Agreement
Socony-Vacuum Oil Company
(1952) Misc. Book 295, Page 117
4. Right of Way Agreement
The Derby Oil Company
(1952) Misc. Book 295, Page 181
5. Agreement
Magnolia Pipeline Company
(1959) Misc. Book 455, Page 260
6. Assignment of Right-of-Way
Jayhawk Pipeline Company
(1987) Film 938, Page 362

LEGEND

Legal Description

The South Half of the South Half of the Southwest Quarter of Section 4, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas and the North Half of the Northwest Quarter of Section 9, Township 25 South, Range 1 West, of the Sixth Principal Meridian, Sedgwick County, Kansas except that tract described as beginning at the Southwest Corner of the North Half of the Northwest Quarter; Section 9, Township 25 South, Range 1 West, Sedgwick County, Kansas, thence North 208.7 feet, thence East 208.7 feet, thence South 209 feet to the South line of the North Half, Northwest Quarter, thence West 208.7 feet to the point of beginning and except the West 30' for road.

- △ Stone Found
- Iron Set
- Iron Found

CU-422

<p>MID-KANSAS ENGINEERING CONSULTANTS, INC. 411 N. WEBB ROAD WICHITA, KS. 67206 316-684-9600</p>	<p>CITY OF WICHITA, KANSAS GROUND WATER DEMO PROJECT NAME</p>	
	<p>McGINN PROPERTY SURVEY SHEET TITLE</p>	
<p>GJA DESIGN BY:</p>	<p>RRT DRAWN BY:</p>	<p>GJA CHECKED BY:</p>
<p>JANUARY, 1997 DATE</p>	<p>95016 JOB NO.</p>	<p>1 / 1 SHEET/OT</p>



AGENDA ITEM NO. 6

STAFF REPORT

Sedgwick PC February 4, 1997
MAPC March 14, 1996

CASE NUMBER: CU-422

APPLICANT/AGENT: Dorothy McGinn (owner/co-applicant) / City of Wichita Water Department, Jerry Blain (co-applicant/leasee)

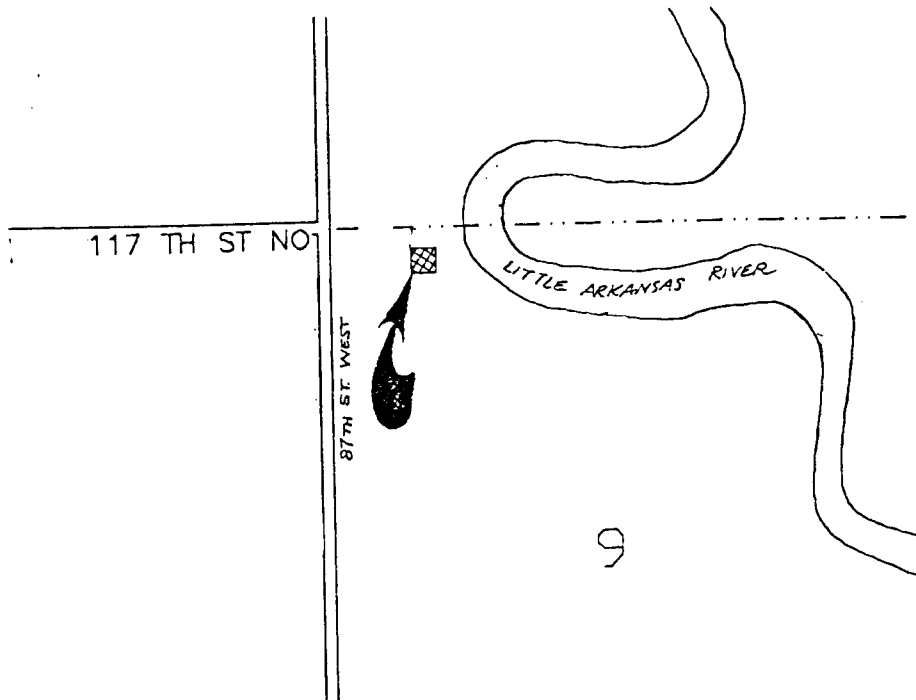
REQUEST: Major Utility, City of Wichita water supply facility

CURRENT ZONING: RR, Rural Residential

SITE SIZE: 40,000 square feet

LOCATION: Southeast 700 feet from the intersection of 87th Street West (Tyler Rd) and 117th Street North

PROPOSED USE: Water pumping facility



BACKGROUND: The applicant requests a conditional use to permit a "utility, major" facility (water pumping equipment) on a 40,000 square foot site located 700 feet southeast of the intersection of 117th St. North and 87th St. West (Tyler Rd). The application area is a portion of the applicant's approximately 139 acre ownership at this location, and is zoned "RR" Rural Residential. The Unified Zoning Code permits "utility, major" as a conditional use in the "RR" district. The application area is located in the City of Sedgwick's "zoning area of influence" as provided in the Unified Zoning Code. The Sedgwick Planning Commission is to make a recommendation concerning this request to the Metropolitan Area Planning Commission and the Board of County Commissioners.

The City of Wichita Water Department has received funding for a groundwater recharge demonstration project. If approved, the Water Department would install water pumping equipment that would take water from the Little Arkansas River (withdrawn at a rate of 1,000 gallons per minute) during periods of high flow, treat the water and then pump the water to an existing well, located two miles west of the application area, on the east side of 119th Street West. At the 119th Street well, the water would be placed in beds and allowed to percolate into the Equus Beds. This procedure is an experiment to see if it is possible to replenish groundwater supplies with surface water. Volume and timing of water withdrawal are governed by a permit issued by the Division of Water Resources. Two buildings would be constructed to house pumping equipment, with each building approximately 20 feet square in size. A portable water treatment "plant" would also be placed on the site. No noise will be discernable off site. Water Department staff will visit the site every day during the rainy season.

This demonstration project is expected to not last any longer than 3 years. At that point in time, the project will be evaluated to determine its benefits. If the project is successful, the applicant will reapply for an extension of the conditional use. Even if the project is successful, the intake site may be moved to another location, requiring a new CU application.

All of the property in the surrounding area is zoned "RR" Rural Residential and is used for agricultural purposes. Besides the applicant's house, there are two homes located west of 87th Street and north of 117th (approximately 1200 and 1800 feet northwest of the application area), and a home some 1200 feet south of the application area, east of 87th Street.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: RR, Rural Residential; Applicant's Residence, Agricultural

SOUTH: RR, Rural Residential; Agricultural
EAST: RR, Rural Residential; Agricultural
WEST: RR, Rural Residential; Agricultural

PUBLIC SERVICES: This site is not served by public services. The intended use does not require municipal sewer or water service.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "agricultural." The agricultural designation is intended to protect agricultural resources, and is intended for uses which are resource based. The City of Wichita has an extensive water well field and water rights in northwest Sedgwick County. This project is one of many the City is undertaking in conformance with its master water supply plan in an effort to secure a long term adequate water supply for not only the City of Wichita, but also the other cities in Sedgwick and Butler County that Wichita supplies.

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

- A. The site shall be developed consistent with the site plan submitted with this application.
- B. A maximum of two buildings, no larger than 400 square feet each, may be constructed. The buildings shall be used only for housing water pumping equipment and equipment required to maintain the pumping equipment. Also permitted shall be a portable water treatment plant.
- C. The facility shall be operated per the conditions established by the permit issued for this project by Kansas Office of Water Resources.
- D. This conditional use shall terminate three years from the date of governing body approval, unless the applicant has received a time extension.
- E. This conditional use may be declared null and void upon the determination by Sedgwick County Code Enforcement that the applicants have failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and

all surrounding land is currently zoned "RR" Rural Residential. All of the land in the area is used for agricultural and farmstead purposes. The applicant owns approximately 139 acres surrounding the application area. Besides the applicant's home, there are three homes within 1,800 feet of the application area. This is a rural area of the county.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned "RR" Rural Residential. The "RR" district permits single family homes on minimum lot sizes of 2 acres. Other uses permitted in the "RR" district include: limited day care, golf course, agriculture, limited group home, parks and minor utility. The proposed use is permitted as a conditional use in the "RR" and will not interfere with the applicant's ability to use her surrounding property for permitted uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Based upon information on hand at the time of this writing, this request will not detrimentally affect adjacent property. The facility will not produce noise that could be heard outside of the application area. The volume and the time when water can be pumped from the river will be regulated by the state. The applicant is asking approval for a maximum of three years.
5. 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 this request would advance the goal of exploring all possible avenues in developing a long term water supply within the Arkansas River basin. Achieving this goal is important for the City of Wichita's 300,000 plus water customers who rely on the utility to provide them with a safe and dependable supply of water. If denied, the applicant would not benefit from the lease payments and the city would need to find another location, which will take additional time. Timing is important to this project. In order to take advantage of peak river flows, the facility needs to be in place by spring.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as "agricultural." The agricultural designation is intended to protect agricultural resources, and is intended for uses which are resource based. The City of Wichita has an extensive water well field and water rights in northwest Sedgwick County. This project is one of many the city is undertaking in conformance with its master water supply plan in an effort to secure a long term adequate water supply for not only the City of Wichita but, the other cities in Sedgwick and Butler County that Wichita supplies.
7. Impact of the proposed development on community facilities: Again, this

project is important to the long term development of a local long term water supply. Approval of this request should not increase demand for any services provided by the county or township.