



Wichita-Sedgwick County Metropolitan Area Planning Department

June 15, 2012

City of Wichita
Attn: John Philbrick
455 North Main
Wichita, KS 67202

James D. Woolley
819 West Verona Ct.
Andover, KS 67202

RE: CON2012-00018 - County Conditional Use request for a Major Utility on property zoned RR Rural Residential ("RR") generally located 680 feet west of Webb Road on the south side of 53rd Street North.

Dear Ladies and Gentlemen:

At its regular meeting on May 17, 2012, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions on the attached resolution. There were no protests on this case during the two-week protest period, therefore the decision of the MAPC is considered final.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Manager

Attachments

CONDITIONAL USE RESOLUTION NO. CON2012-18

WHEREAS, the City of Wichita (owner/co-applicant), James D. Woolley (co-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 "utility, major" on approximately .54 acre zoned RR Rural Residential ("RR"), described as:

A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas described as: Commencing at the Northeast corner, of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter a distance of 108.00 feet to the Point of Beginning; Sedgwick County, Kansas; generally located south of 53rd Street North and 680 feet west of North Webb Road.

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 17, 2012, 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 "utility, major" on approximately .54 acre zoned RR Rural Residential ("RR"), described as:

A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas described as: Commencing at the Northeast corner, of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter a distance of 108.00 feet to the Point of Beginning; Sedgwick County, Kansas; generally located south of 53rd Street North and 680 feet west of North Webb Road.

Approved subject to the following conditions:

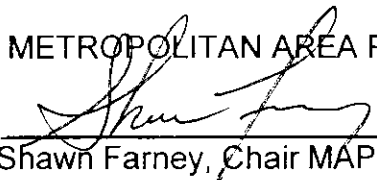
1. The Conditional Use permits a "utility, major" limited to a water booster pump station and related facilities as shown on the approved site plan. A site plan, as approved by the MAPC or the County Commission shall be submitted for review and consideration for approval within one year of final approval. The site and the booster pump station

and related improvements shall be developed, operated and maintained in substantial compliance with the approved site plan, and all applicable local, state or federal regulations.

2. Improvements authorized by this Conditional Use shall be completed within a year of final approval by the MAPC or the County Commission.
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 17th day of May 2012.

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC

ATTEST


John L. Schlegel, Secretary



STAFF REPORT
Bel Aire 5-10-12
MAPC 5-17-12

CASE NUMBER: CON2012-00018

APPLICANT/AGENT: City of Wichita (property owner) / Professional Engineering Consultants, P. A. (Sarah Unruh)

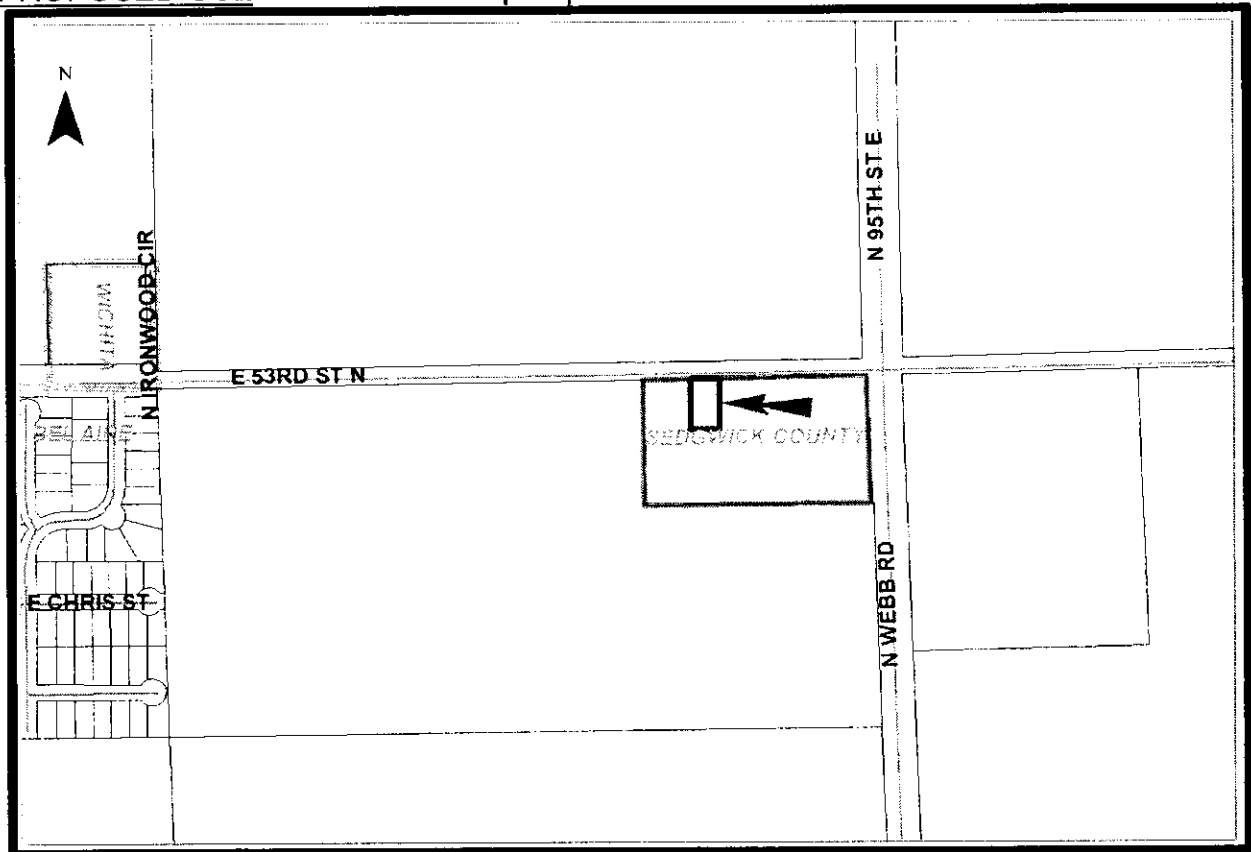
REQUEST: Conditional Use to permit a "utility, major"

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: .54 acre

LOCATION: South side of East 53rd Street North, 680 feet west of North Webb Road

PROPOSED USE: Booster pump station for Rural Water District No. 1



BACKGROUND: The applicant is seeking Conditional Use approval for a water booster pump station this is classified by the Unified Zoning Code as a “utility, major.” The proposed water booster station is to be located on .54 acre located on the south side of East 53rd Street North, 675 feet west of North Webb Road. The property is zoned RR Rural Residential (“RR”), and is vacant. The .54 acre application area was part of a larger (8.85 acres) tract owned by James and Narnie Woolley but was recently sold to the City of Wichita. The Woolley’s ownership is farmed except for a small building located south of the application area. The applicant’s agent indicates the proposed booster pump station will allow Sedgwick County Rural Water District No. 1 (“R.W.D. No. 1”) to meet needed pressure and residual chlorine requirements within the R.W. D. No. 1’s water distribution system. Rural Water District No. 1 obtains its water from the City of Wichita. The subject location was selected, in part, because a connection between R.W.D. No. 1’s distribution lines and the City of Wichita’s water network is located just north of the northwest corner of 53rd Street North and Webb Road, and the property was available for purchase.

The district proposes to construct a building (approximately 22 feet by 29 feet in size) that will contain pumps, electrical equipment, disinfection equipment, and a small laboratory. A septic tank and lateral field will be installed to dispose of waste flow from the laboratory sink. The site size is 108 feet by 189 feet. Building setbacks of 30 feet (front), 20 feet on the sides (east and west) and 25 feet (south) are shown on the site plan. The proposed structure, parking area and septic tank will be enclosed by a six-foot chain link fence with three strands of barbed wire on the top. Access to the site is off of 53rd Street, which is a paved two-lane section-line road.

The application area is surrounded on three sides - east, south and west - by the Woolley’s larger ownership. The land contiguous to the application area is zoned RR. The land to the north is located within Bel Aire, is subject to Bel Aire’s zoning and subdivision regulations, and is used for farm land. All of the Woolley’s larger ownership is located in Sedgwick County but is surrounded by land annexed into the City of Bel Aire that is subject to Bel Aire’s zoning and platting regulations. All land within one-quarter mile of the application area is used for agricultural purposes. It does not appear that there are any existing residences within one-quarter mile of the site.

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 to provide the general public with water or similar services in structures exceeding 150 cubic feet. A major utility requires a Conditional Use in all zoning districts except the AFBP-O Air Force Base Protection Overlay district.

CASE HISTORY: On March 14, 2012, the Sedgwick County Board of Zoning Appeals (BZA) approved a variance to allow a reduction in the minimum lot width and minimum lot area. The County BZA approved a lot width of 108 feet and a lot size of .54 acre for a booster pump station only.

ADJACENT ZONING AND LAND USE:

NORTH: Bel Aire zoning; farm land
SOUTH: RR; farm land
EAST: RR; farm land
WEST: RR; farm land

PUBLIC SERVICES: Rural water service is available. 53rd Street is a paved two-lane section-line road with 30 feet of half-street right-of-way. Bel Aire's *Comprehensive Development Plan 1994-2010* depicts 53rd Street as "major collector (rural)." Planning staff has been advised by the applicant's agent that County Public Works has asked for a sixty-foot front building setback from the center-line of 53rd Street. The proposed setback would allow for easier widening of 53rd Street to occur in the future. The applicant's site plan depicts the requested setback.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map indicates this site is located within Bel Aire's 2030 Urban Growth Area. The Urban Growth Area is defined as land that can potentially be served by public services and be available for urban scale development by the year 2030. Transportation/Utilities Locational Guideline number 2 states that utility facilities with significant noise, odor and other nuisance elements should be located away from residential areas. The facility should not produce any discernable noise, odor or other nuisance elements.

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

1. The Conditional Use permits a "utility, major" limited to a water booster pump station and related facilities as shown on the approved site plan. A site plan, as approved by the MAPC or the County Commission shall be submitted for review and consideration for approval within one year of final approval. The site and the booster pump station and related improvements shall be developed, operated and maintained in substantial compliance with the approved site plan, and all applicable local, state or federal regulations.
2. Improvements authorized by this Conditional Use shall be completed within a year of final approval by the MAPC or the County Commission.
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: The application area is surrounded on three sides –east, south and west – by farm land that is zoned

RR; and is owned by the individuals that sold the subject property to the City of Wichita. Land located further east, south and west is used for farm land, is located within the City of Bel Aire, and is subject to Bel Aire's zoning and subdivision regulations. The land located to the north, across East 53rd Street, is also used for farm land but has been annexed to the City of Bel Aire and is subject to Bel Aire's zoning and subdivision regulations. The use of adjacent and contiguous land for farmland gives the area a rural feel; however, platted subdivisions located within the City of Bel Aire are located 1,964 feet to the west and 2,432 feet to the south.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which primarily permits, by right, single-family residences, agriculture and a few non-residential uses such as a park or utility, minor on lots with a minimum lot size of two acres. The site has received a variance for a minimum lot size of .54 acre for only a booster pump station. The site is unusable for other uses without adding acreage to meet zoning minimum area requirements.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the Conditional Use will not change the base zoning. The only additional use permitted would be the booster pump station. The proposed conditions of approval should prevent any anticipated detrimentally impacts. The booster pump station will not threaten the continued use of nearby agricultural activities nor inhibit the future development of more intense uses on surrounding land as the City of Bel Aire grows eastward.
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 allow Rural Water District No. 1 to enhance its delivery of potable water to its customers. Denial would force the applicant to find an alternate site and would presumably represent an economic and efficiency loss.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map indicates this site is located within Bel Aire's 2030 Urban Growth Area. The Urban Growth Area is defined as land that can potentially be served by public services and be available for urban scale development by the year 2030. Transportation/Utilities Locational Guideline number 2 states that utility facilities with significant noise, odor and other nuisance elements should be located away from residential areas. The facility should not produce any discernable noise, odor or other nuisance elements.
6. Impact of the proposed development on community facilities: Approval will enhance the delivery of water to Rural Water District No. 1's customers.

