

2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed as zoned without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The installation should not detrimentally impact nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would force the applicant to find another location. The water booster pump station is necessary to provide infrastructure support to the local community.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan contains location criterion recommending that utility facilities with significant noise, odor and other nuisance elements should be located away from residential areas. This site is reasonably remote from residences.
6. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

MAPC December 8, 2005

CASE NUMBER: CON 2005-00050

APPLICANT/AGENT: City of Wichita c/o John Philbrick (applicant); Benchmark Land Surveying c/o Chad Abbott (agent)

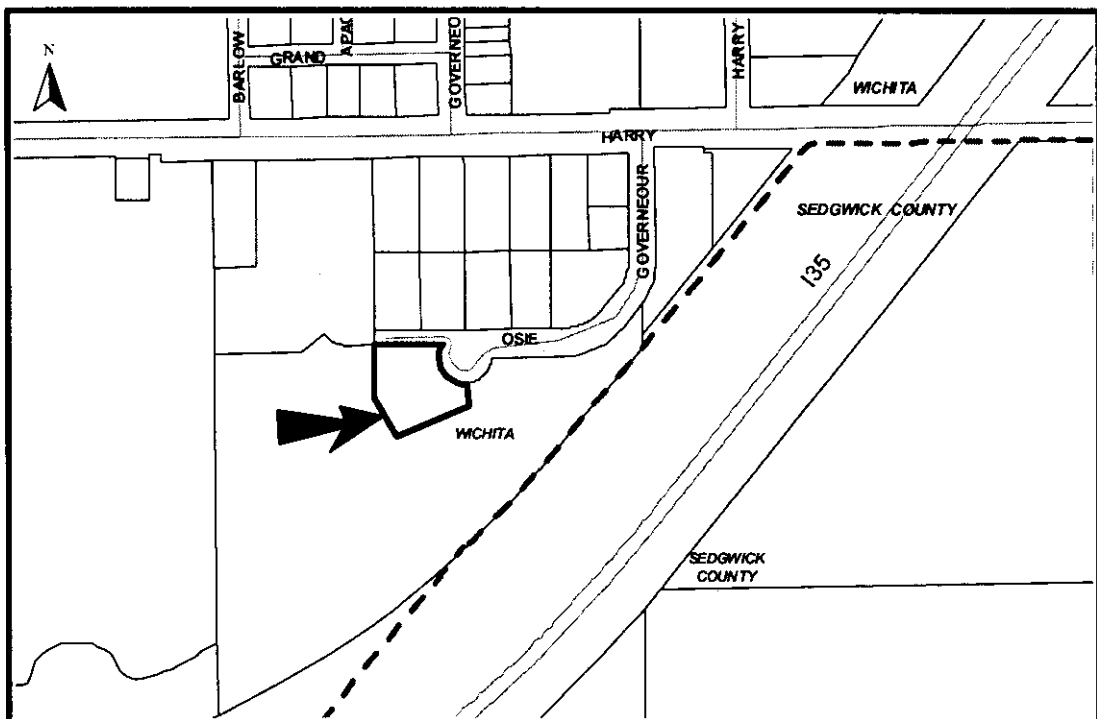
REQUEST: Conditional Use to permit a Utility, Major

CURRENT ZONING: GC General Commercial

SITE SIZE: 1.13 acres

LOCATION: South of Harry and Gouverneur, on the dead end of Osie

PROPOSED USE: Water booster pump station



BACKGROUND: The applicant is requesting a Conditional Use to permit a “utility, major” which would allow the installation of a pump station on 1.13 acres, generally located south of Harry and Gouverneur, on the dead end of Osie. The application area is zoned GC, and is surrounded to the south, east, and west by other city owned land also zoned GC and currently vacant. North of the site are GC zoned properties used for self-storage, warehousing, and various retail/commercial uses. The pump station site will include a 107 by 44-foot building (see the attached site plan).

The *Wichita-Sedgwick County Unified Zoning Code* defines a “utility, major” as a service similar to services and facilities of agencies that provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar services that exceed 150 cubic feet in size and six feet in height that might generate discernable noise, odor or vibration in a residential district. The code permits a major utility as a Conditional Use in the GC district.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Self-storage, warehousing, retail
SOUTH:	GC	Vacant, I-35
EAST:	GC	Vacant
WEST:	GC	Vacant

PUBLIC SERVICES: The site is located at the cul-de-sac termination of Osie, a currently unpaved portion with an 80-foot right-of-way. All normal services are available at the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Functional Land Use Guide identifies this site as appropriate for Major Institutional development. The Comprehensive Plan contains location criterion recommending that utility facilities with significant noise, odor and other nuisance elements should be located away from residential areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to development of the site in substantial compliance with the approved site plan.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: GC zoning surrounds the application area. Nearby uses include self-storage, warehousing, and retail/commercial uses.

Conditional Use
For Water Booster Pump Station

APPROVED

SITE PLAN FOR CONZ005-50

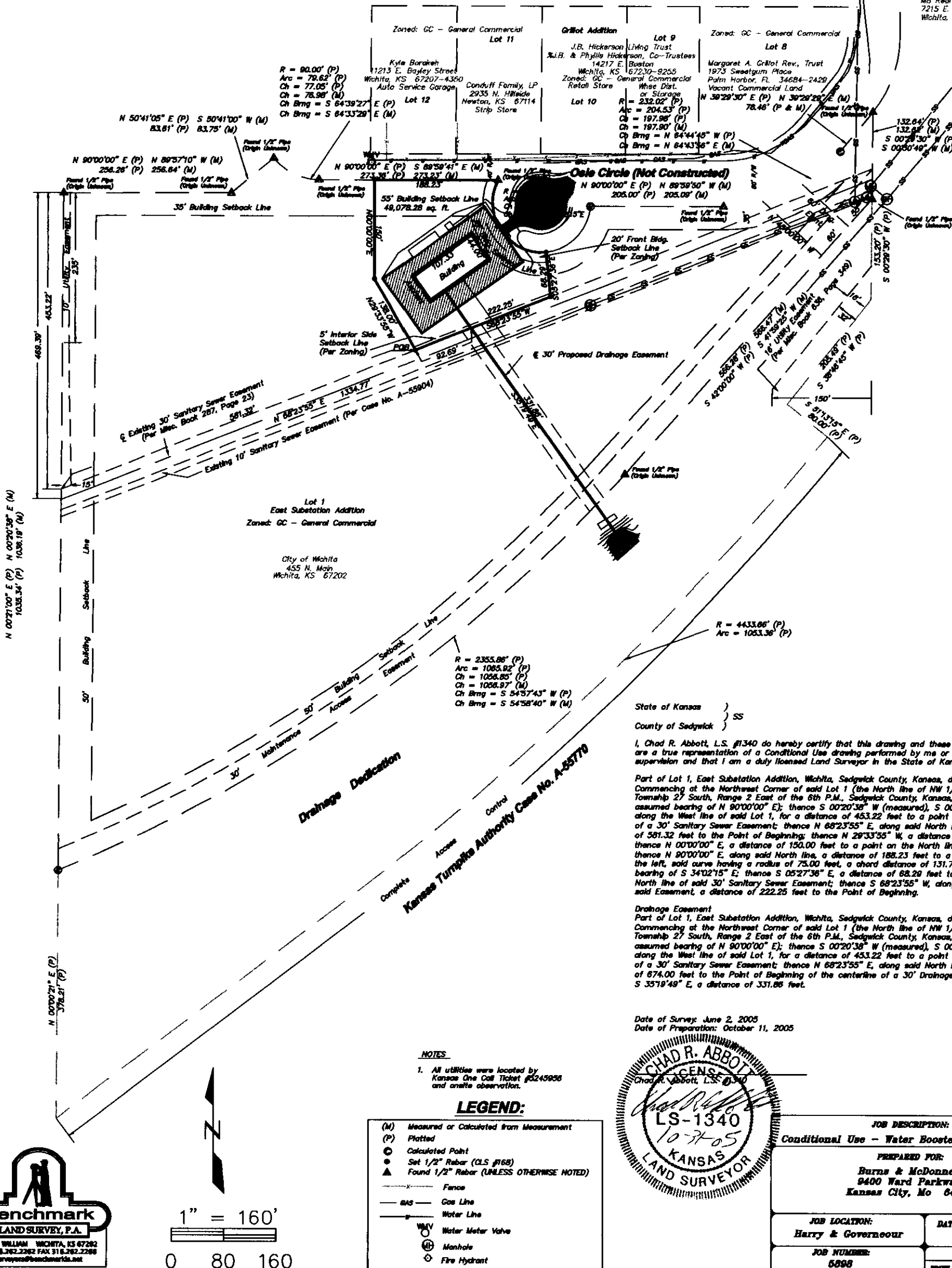
William J. Burns

Date: 12-22-05

Q Harry Street

Governor Road
(Public - Gravel)

MB Real Estate, LLC
7215 E. Harry
Wichita, KS 67207-2915



State of Kansas }
County of Sedgewick } SS

I, Chad R. Abbott, L.S. #1340 do hereby certify that this drawing and these legal descriptions are a true representation of a Conditional Use drawing performed by me or under my direct supervision and that I am a duly licensed Land Surveyor in the State of Kansas.

Part of Lot 1, East Substation Addition, Wichita, Sedgewick County, Kansas, described as follows: Commencing at the Northwest Corner of said Lot 1 (the North line of NW 1/4 of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgewick County, Kansas, having an assumed bearing of N 90°00'00" E); thence S 00°20'30" W (measured), S 00°21'00" W (platted), along the West line of said Lot 1, for a distance of 453.22 feet to a point on the North line of a 30' Sanitary Sewer Easement; thence N 68°23'55" E, along said North line for a distance of 561.32 feet to the Point of Beginning; thence N 29°33'55" W, a distance of 138.00 feet; thence N 00°00'00" E, a distance of 150.00 feet to a point on the North line of said Lot 1; thence N 90°00'00" E, along said North line, a distance of 188.23 feet to a point on a curve to the left, said curve having a radius of 75.00 feet, a chord distance of 131.73 feet and a chord bearing of S 34°02'15" E; thence S 05°27'36" E, a distance of 68.28 feet to a point on the North line of said 30' Sanitary Sewer Easement; thence S 68°23'55" W, along the North line of said Easement, a distance of 222.25 feet to the Point of Beginning.

Drainage Easement
Part of Lot 1, East Substation Addition, Wichita, Sedgewick County, Kansas, described as follows: Commencing at the Northwest Corner of said Lot 1 (the North line of NW 1/4 of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgewick County, Kansas, having an assumed bearing of N 90°00'00" E); thence S 00°20'30" W (measured), S 00°21'00" W (platted), along the West line of said Lot 1, for a distance of 453.22 feet to a point on the North line of a 30' Sanitary Sewer Easement; thence N 68°23'55" E, along said North line for a distance of 674.00 feet to the Point of Beginning of the centerline of a 30' Drainage Easement; thence S 35°19'49" E, a distance of 331.86 feet.

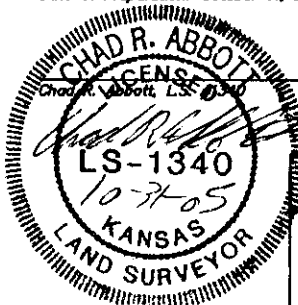
Date of Survey: June 2, 2005
Date of Preparation: October 11, 2005

NOTES

1. All utilities were located by Kansas One Call Ticket #0245906 and onsite observation.

LEGEND:

- (M) Measured or Calculated from Measurement
- (P) Platted
- Calculated Point
- Set 1/2" Rebar (CLS #168)
- ▲ Found 1/2" Rebar (UNLESS OTHERWISE NOTED)
- Fence
- GAS --- Gas Line
- Water Line
- WMV Water Meter Valve
- MD Manhole
- Fire Hydrant



JOB DESCRIPTION:

Conditional Use - Water Booster Pump Station

PREPARED FOR:

Burns & McDonnell
9400 Ward Parkway
Kansas City, Mo 64114

JOB LOCATION:

Harry & Governor

JOB NUMBER:

5598

DATE OF PREPARATION

10/12/2005

SHEET 1 OF 1

ISSUED BY AIAA CHECKED BY CEA

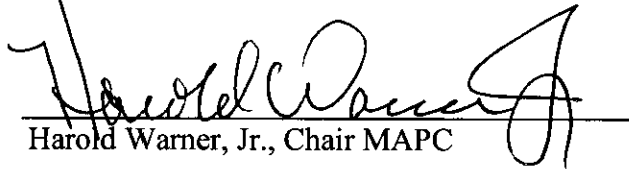


Subject to the following conditions:

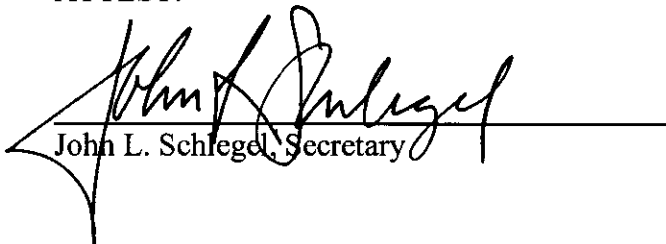
1. Development of the site in substantial compliance with the approved site plan.
2. Gouverneur Street and Osie Street will be paved.

Adopted this 8TH DAY of DECEMBER, 2005. 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

CONDITIONAL USE RESOLUTION NO. CON2005-00050

WHEREAS, City of Wichita, c/o John Philbrick (applicant); Benchmark Land Surveying, c/o Chad Abbott (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a Utility, Major on 1.13 acres zoned "GC" General Commercial described as:

Part of Lot 1, East Substation Addition, Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Northwest Corner of said Lot 1 (the North line of NW 1/4 of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, having an assumed bearing of N 90 degrees 00'00" E); thence S 00 degrees 20'38" W (measured), S 00 degrees 21'00" W (platted), along the West line of said Lot 1, for a distance of 453.22 feet to a point on the North line of a 30' Sanitary Sewer Easement; thence N 68 degrees 23'55" E, along said North line for a distance of 581.32 feet to the point of beginning; thence N 29 degrees 33'55" W, a distance of 138.00 feet; thence N 00 degrees 00'00" E, a distance of 150.00 feet to a point of the North line of said Lot 1; thence N 90 degrees 00'00" E, along said North line, a distance of 188.23 feet to a point on a curve to the left, said curve having a radius of 75.00 feet, a chord distance of 131.73 feet and a chord bearing of S 34 degrees 02'15"E; thence S 05 degrees 27'36"E, a distance of 68.29 feet to a point on the North line of said 30' Sanitary Sewer Easement; thence S 68 degrees 23'55" W, along the North line of said Easement, a distance of 222.25 feet to the Point of Beginning. Generally located south of Harry and Gouverneur, on the dead end of Osie.

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 December 8, 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 to permit a Utility, Major on 1.13 acres zoned "GC" General Commercial described as:

Part of Lot 1, East Substation Addition, Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Northwest Corner of said Lot 1 (the North line of NW 1/4 of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, having an assumed bearing of N 90 degrees 00'00" E); thence S 00 degrees 20'38" W (measured), S 00 degrees 21'00" W (platted), along the West line of said Lot 1, for a distance of 453.22 feet to a point on the North line of a 30' Sanitary Sewer Easement; thence N 68 degrees 23'55" E, along said North line for a distance of 581.32 feet to the point of beginning; thence N 29 degrees 33'55" W, a distance of 138.00 feet; thence N 00 degrees 00'00" E, a distance of 150.00 feet to a point of the North line of said Lot 1; thence N 90 degrees 00'00" E, along said North line, a distance of 188.23 feet to a point on a curve to the left, said curve having a radius of 75.00 feet, a chord distance of 131.73 feet and a chord bearing of S 34 degrees 02'15"E; thence S 05 degrees 27'36"E, a distance of 68.29 feet to a point on the North line of said 30' Sanitary Sewer Easement; thence S 68 degrees 23'55" W, along the North line of said Easement, a distance of 222.25 feet to the Point of Beginning. Generally located south of Harry and Gouverneur, on the dead end of Osie.



Wichita-Sedgwick County Metropolitan Area Planning Department

December 23, 2005

John Philbrick, Property Management Director
City of Wichita
City Managers Office Property Management 1-135
455 N. Main
Wichita, KS 67202

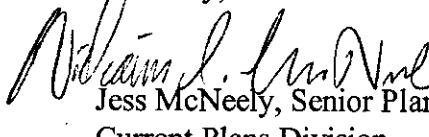
RE: CON2005-50 – Conditional Use to permit a Utility, Major on property zoned “GC” General Commercial. Generally located south of Harry and Gouverneur, on the dead end of Osie. (District III)

Dear Ladies and Gentlemen:

At its regular meeting on December 8, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,


Jess McNeely, Senior Planner
Current Plans Division

JMC/rms

Cc: Chad Abbott, Benchmark Land Survey, 617 E. William, Wichita, KS 67202
Jim Skelton, WCC III, Mail Stop 1-13
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