

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
09/24/12

**ITEM NO. 4F: SPECIAL USE PERMIT FOR WESTAR SUBSTATION; N OF K-10
BETWEEN GREENWAY CIR & E 1575 RD (SMS)**

SUP-12-00100: Consider a Special Use Permit for a Westar substation to provide electricity to the Former Farmland Industries property and surrounding properties. The property is located N of K-10 between Greenway Circle & E 1575 Rd. Submitted by Bartlett & West for Westar Energy.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-00-100, a Special Use Permit for , a *Minor Utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Review and approval of a landscape screening plan to be provided prior to final inspection of the substation improvements.

Applicant's Reason for Request: *SUP required for use of property as a minor utility.*

KEY POINTS

- An electrical substation is a *Minor Utility* which serves more than one specific development; therefore approval is required through a Special Use Permit per Section 20-530 of the Development Code.
- The proposal will relocate the existing electrical substation to provide for the construction of a new signalized intersection with K-10 and the major entrance to the business park.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Other items being considered at the September Planning Commission meeting:

- Rezoning request [Z-12-00122] approximately 59.0 acres (and adjacent highway r-o-w) from I-1 (Limited Industrial), B-1 (Neighborhood Business); A (Agricultural) [County Districts] and IG (General Industrial) District to IM (Medium Industrial) District, located in the SE1/4 Sec 5-13-20 & SW1/4 Sec 4-13-20.
- Preliminary Plat for former Farmland Industries [PP-12-00101].

Other action required:

- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance

- Publication of rezoning and Special Use Permit ordinances.
- Submittal of Final Plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Provided as part of Preliminary Plat submittal.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – Provided as part of Preliminary Plat submittal.
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:

I-1 (Light Industrial) [County] District;
[proposed rezoning to IM (Medium Industrial)
City District]; undeveloped, former 'west'
stormwater ponds on Farmland Industries
property



Surrounding Zoning and Land Use:

To the north: IG (General Industrial) City District; auto recycler/salvage yard.

To the south and west: I-1 (Light Industrial) [County] District; [proposed rezoning to IM (Medium Industrial) City District]; undeveloped, former undeveloped Farmland Industries property



To the east and southeast: I-4 (Heavy Industrial) County District; [proposed rezoning to IG (General Industrial) City District; recently demolished portions of Farmland Industries plant and the existing electrical substation to be replaced by this development proposal.

Summary of Special Use

Westar currently has an electrical substation on the former Farmland Industries property which will be relocated to the northwest to accommodate the new K-10/O'Connell Road intersection. This request proposes to construct the new substation on Tract D which will be located west of the O'Connell Road extension and north of the new east-west street in the business park. Tract C, which surrounds Tract D on three sides, accommodates the numerous easements required for the substation and provides access to Tract D. Additional Westar easements are placed in Tract B to provide access to the highway right-of-way. The easement for the existing equipment (located in proposed Tract A) will be vacated with the plat for the new business park.

The proposed substation improvements include a compacted gravel pad enclosed by an 8' high black chain link fence with barbed wire on an approximately 3 acre tract. Perimeter lighting will be placed inside the fence with fixtures pointed down toward the equipment. The enclosure will contain new transmission equipment and cabinets. Additional transmission poles will be located within Tracts B & C as needed. An access drive from the east-west park street to Tract D will be located Tract C. The remainder of Tract C will be planted in turf with perimeter landscaping.

The relocation will occur in accordance with an agreement between Westar and the City. The agreement includes the design and planting of landscape screening by the City. The majority of this landscaping will occur on Tract C, but will also include landscaping on the east side of Lot 6, Block A. The landscape plan must be submitted for review and approval prior to completion of the substation construction. This agreement will be recorded at the Register of Deeds and recording information will be noted on the face of both the SUP and the Preliminary Plat.

The substation is defined as a *Minor Utility* in Section 20-1765 of the Development Code:

20-1765 UTILITIES, MINOR

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, and water towers. Excludes "Wireless Telecommunication Facilities" use types.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	140,007.50 SF	140,007.50 SF	-
Total Impervious Area (sq ft):	0	0	-
Total Pervious Area (sq ft):	140,007.50 SF	140,007.50 SF	-

Site Plan Review

This site is being platted as Tract D with the former Farmland Industries plat. The site plan shows the proposed location of the substation with the equipment pad, fence and a 3:1 slope around the perimeter to drain the pad to the south and east. A 350' long gravel drive will be constructed through Tract C from the main east-west business park street. Due to the infrequent usage and length of the drive through the mainly grassy Tract C, the Planning Director has waived the paving requirements of Section 20-913(e) for this access drive. The City Stormwater Engineer has indicated that the reduced impervious surface results in less drainage impact in the immediate area. The City Commission approval of the Special Use Permit will confirm this Development Code waiver.

Review and Decision-Making Criteria (20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

The proposed use, a *Minor Utility* which provides service to a large portion of the community, is an allowed use in the proposed IM (Medium Industrial) District subject to Special Use Permit approval.

A minimum of one off-street parking space is required for *Minor Utilities*. The site will be accessed by utility trucks for routine maintenance and there will be no employees on site. The substation is also designed with 20' wide double-swing gates which allow utility trucks to access the equipment pad, as needed. The length of the access drive provides plenty of space for vehicles in the event there is a need for multiple vehicles or equipment on-site at the same time.

A photometric plan has been submitted and approved for the perimeter lighting fixtures proposed.

The setbacks in the IM District are front — 25' and interior side and rear adjacent to non-residential —15'. All equipment is located at least 15' inside of the Tract D boundaries. The 'front' of the Tract is technically Tract C which extends more than 350' south to the east-west street frontage. The maximum height in the IM District is 45'. Site sections provided indicate that all of the equipment except for transmission poles will be less than 30' tall. Power poles and similar utility structures are excluded from the maximum height limitations in Section 20-602 of the Development Code.

The location of the access drive does not meet the separation requirements from the intersection with the new north-south street located between Tracts A & B. Section 20-915(e)(2)(iii) requires 250' between a driveway and a collector street intersection. The location is restricted due to the numerous Westar easements and transmission pole placement. The City Engineer has waived this separation requirement due to the low volume use of this driveway as provided by Section 20-915(e)(3).

Staff Finding – With the approved administrative waivers, and as conditioned, the site plan complies with the requirements set out in the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

The proposed substation will have less of a visual impact from K-10 than the existing substation due to its relocation a quarter mile north of the highway frontage. The equipment will be updated and surrounded by substantial greenspace and landscape screening. Per the City/Westar agreement, the City will maintain the landscaping around the perimeter of Tract D. The ample greenspace provided by the easements in Tract C provide the opportunity to minimize the visual impact the equipment will have within the business park. Exterior lighting is intended only when maintenance work is necessary during evening or night hours. Security lighting is intended to be minimal.

The only traffic to the substation will be for maintenance on the facility. There will be no increase in traffic, and perhaps less traffic as a result of the mechanical improvements, from that with the existing substation.

Updated equipment installation provides an added amenity in marketing the business park.

Staff Finding – The proposed relocated substation will be compatible with adjacent uses.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The existing substation has been in place for over 50 years. The proposal to update equipment and relocate the substation farther north into the business park provides an opportunity to create a landscaped entrance to the park with a new signalized intersection. This will enhance the value of the proposed business park and provide enhanced service to portions of the surrounding community.

Staff Finding – The relocation of the substation is anticipated to enhance the value of the proposed business park and will not result in any diminution of value of other property in the area.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The electrical substation is a public utility intended to serve the surrounding area. The proposed improvements within the proposed plat for the former Farmland Industries property will provide adequate access to the property and additional easements necessary to serve the new improvements. The driveway located on Tract C will provide adequate access for the limited traffic anticipated for the maintenance of the facility.

Staff Finding – The proposed use, a *Minor Utility*, is a public service which would serve the surrounding area. Sufficient safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval. In addition, the recorded City/Westar agreement spells out responsibilities during construction and landscaping responsibilities for the perimeter areas.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Adequate oversight will be provided for the protection of the natural environment through the state regulatory oversight Westar facilities require and the City's ownership control of the surrounding portions of the business park site.

Staff Finding – The proposed use, with the protection measures required by State and Local governments, should not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. An electrical substation is part of necessary infrastructure whose life span will be determined by demand and operational characteristics. It would not be appropriate to place a time limit on this use.

Staff Finding – The project provides necessary infrastructure for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed substation will have a positive impact on the area by improving electrical services in the area and to maintain a high level of service. The relocation permits the development of a safe, new signalized entrance to the proposed business park and the ability to create greenway amenities at the entrance. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the condition noted.