



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2005

Walter L. Branch
Revocable Trust
707 W. 87th Street South
Haysville, KS 67060-6445

RE: CON2005-34 – Sedgwick County Conditional Use to permit a Utility, Major on property zoned “RR” Rural Residential. Generally located north of 87th Street South, approximately 1/2 mile west of Broadway/Highway 81. (District II)

Dear Ladies and Gentlemen:

At its regular meeting on September 22, 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,

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

Dale Miller, Manager
Current Plans Division

DLM/rms

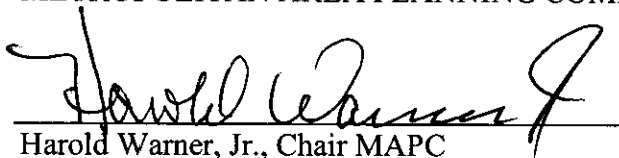
Cc: Glenn Collum, SemCrude, L.P., 15501 South I-44 Service Road,
Oklahoma City, OK 73173
Angela Millspaugh, Haysville City Hall, P O Box 404, Haysville, KS 67060
Tim Norton, County Commissioner District II, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with an approved site plan, and conform to all applicable regulations.
2. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

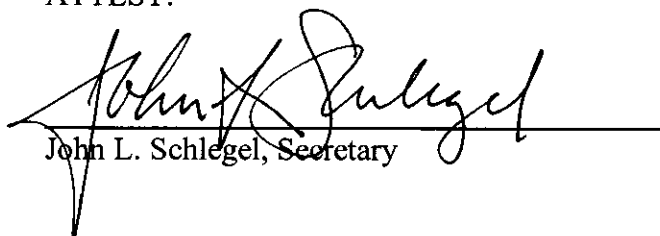
Adopted this 22nd DAY of SEPTEMBER, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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. CON2005-00034

WHEREAS, Walter L. Branch/SemCrude, L.P., Glenn Collum (Owners/Applicants); 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 .51 acre zoned "RR" Rural Residential described as:

A tract located in the Southwest Quarter of Section Eight (8), Township Twenty-nine (29) South, Range One (1) East of the 6th P.M., Sedgwick County, Kansas and more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence N 84 degrees 58'44" E, a distance of 2241.4 feet to the Point of Beginning; thence, N 89 degrees 54'37" E, a distance of 150.0 feet; thence, S 00 degrees 51'49" E, a distance of 150.0 feet to a point on the North Right of Way of County Road; thence, S 89 degrees 40'39" W, along the North Right of Way of County Road a distance of 150.0 feet; thence, N 00 degrees 49'17" W, a distance of 150.0 feet to the Point of Beginning. Generally located north of 87th Street South, approximately 1/2 mile west of Broadway/Highway 81.

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

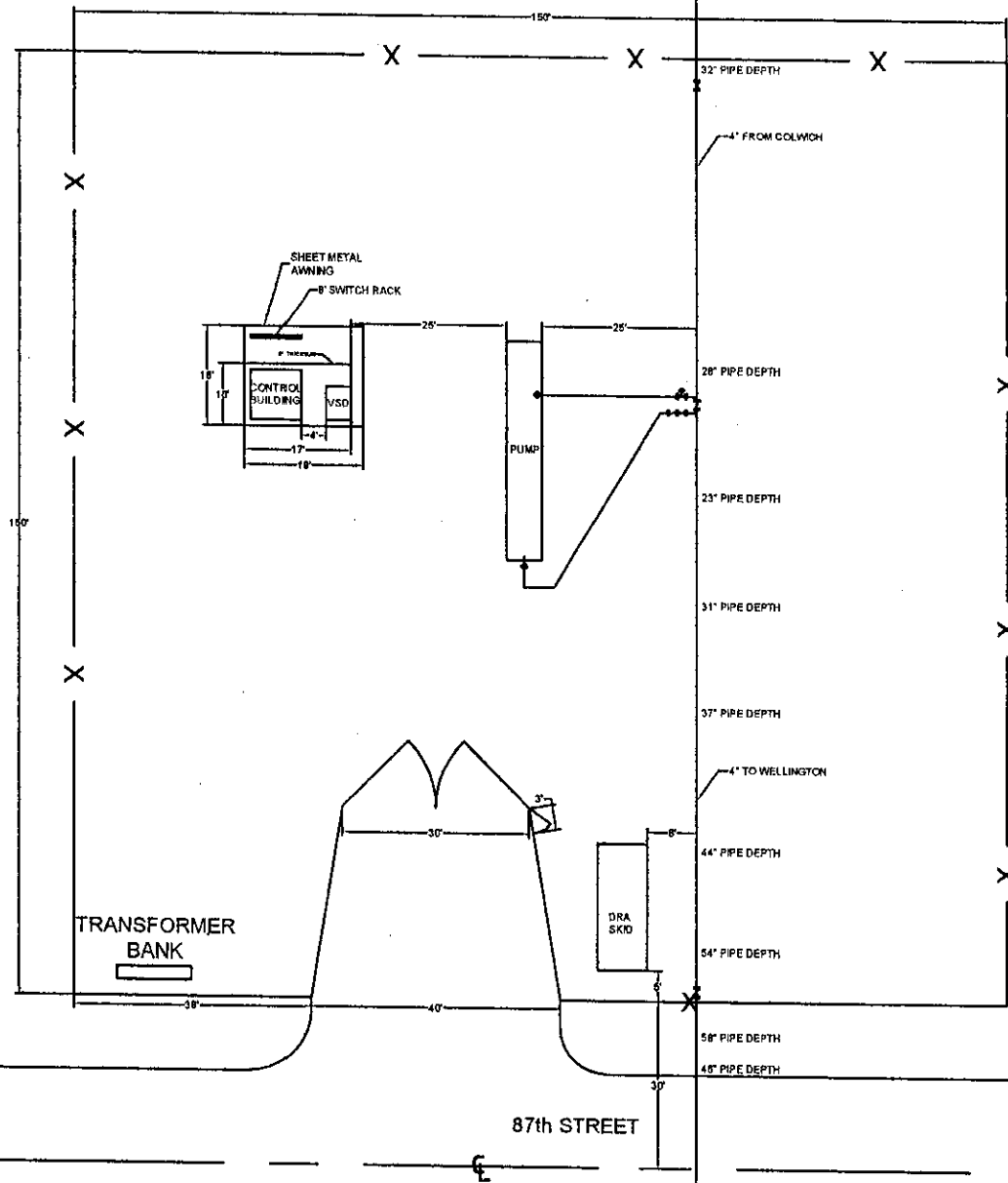
WHEREAS, the MAPC did, at the meeting of September 22, 2005, consider said application; and

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 allow a Utility, Major on .51 acre zoned "RR" Rural Residential described as:

A tract located in the Southwest Quarter of Section Eight (8), Township Twenty-nine (29) South, Range One (1) East of the 6th P.M., Sedgwick County, Kansas and more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence N 84 degrees 58'44" E, a distance of 2241.4 feet to the Point of Beginning; thence, N 89 degrees 54'37" E, a distance of 150.0 feet; thence, S 00 degrees 51'49" E, a distance of 150.0 feet to a point on the North Right of Way of County Road; thence, S 89 degrees 40'39" W, along the North Right of Way of County Road a distance of 150.0 feet; thence, N 00 degrees 49'17" W, a distance of 150.0 feet to the Point of Beginning. Generally located north of 87th Street South, approximately 1/2 mile west of Broadway/Highway 81.



CON 2005-00034
SITE PLAN

APPROVED 10/21/05 BY DS

87th STREET

CON 2005-34



SemCrude

**HAYSVILLE
 PLOT PLAN**

DRAWN BY	TS	DATE DRAWN	7/15/05	DRAWING NO.
APPROVED BY	GS	SCALE	1"=30'	1 of 1

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: RR Rural Residential and SF-20 Single-family Residential zoning surrounds the application area. Nearby uses range from large-lot suburban type residential to agricultural.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as zoned, however the proposed installation will have to be sited along the pipeline to accomplish the desired end.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The installation should not detrimentally impact nearby properties. It is approximately 700 feet to the nearest residence.
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 and probably be an economic hardship. Crude oil is a product used by virtually everyone. Installations necessary to transport crude oil would normally be beneficial to the public's welfare.
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 9-22-2005

Haysville 8-25-2005

CASE NUMBER: CON 2005-00034

APPLICANT/AGENT: Walter L Branch / Semi Crude, L.P. (Glenn Collum)

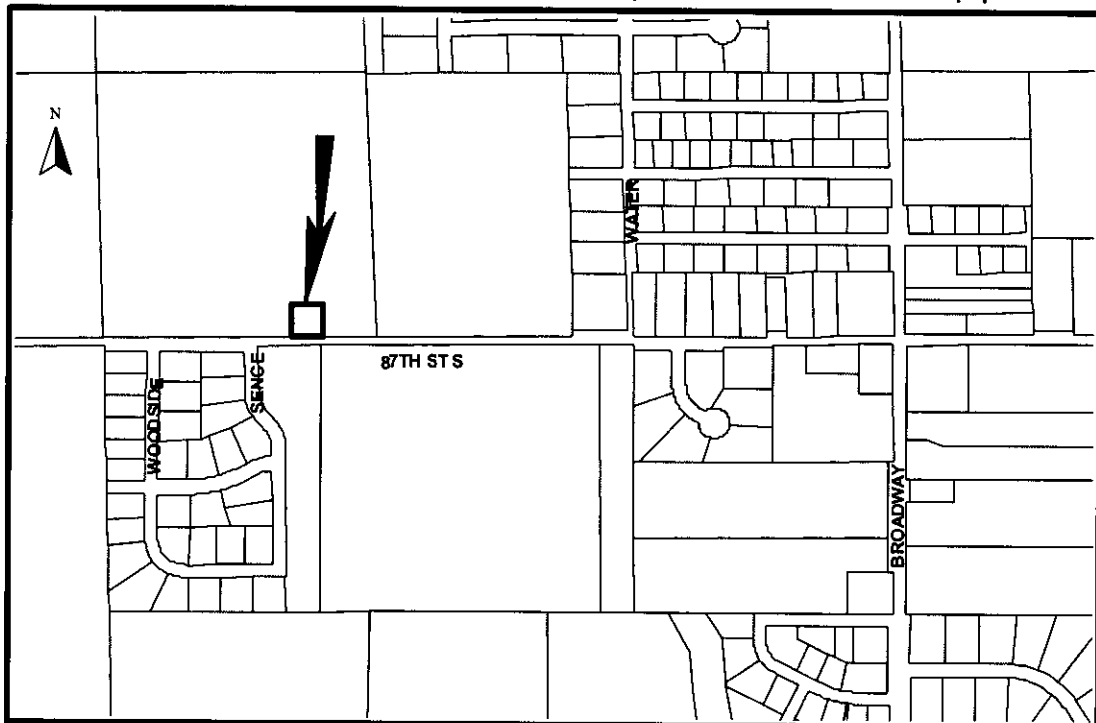
REQUEST: Conditional Use to permit a Utility, Major

CURRENT ZONING: RR Rural Residential

SITE SIZE: .51 acre

LOCATION: North of 87th Street South, approximately ½ mile west of Broadway/Highway 81

PROPOSED USE: Pump site to provide pressure for crude oil pipeline



BACKGROUND: The applicant is requesting a Conditional Use to permit a “utility, major” which would allow the installation of a pumping unit on an approximately one-half acre site located north of 87th Street South and approximately one-half mile west of Broadway/U.S 81 Highway. The application area is a 150-foot by 150-foot square piece of land that is zoned RR Rural Residential. The pumping unit will provide additional pressure for a four-inch crude oil pipeline that runs through the eastern third side of the application area. The pump is to be located just west of the pipeline, and will be connected to the pipeline. In the western third of the site a control building exceeding 150 cubic feet is to be located to the west of the pump. A transformer bank and drag reducing agent (DRA) skid is also shown on the site plan. The site is to be fenced and gated. County Public Works has reviewed the proposed site plan and approved the access point.

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 RR district.

Surrounding land is zoned RR Rural Residential and SF-20 Single-family Residential and developed with a mix of agricultural and large-lot residential uses. There are residences located to the east, southwest and further to the northwest.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	RR Rural Residential; agriculture
SOUTH:	SF-20 Single-family Residential, RR Rural Residential; agriculture and residences
EAST:	RR Rural Residential; agriculture
WEST:	RR Rural Residential; agriculture

PUBLIC SERVICES: Public services are not required for this installation

CONFORMANCE TO PLANS/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.

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.