

1. The zoning, uses and character of the neighborhood: RR Rural Residential Single-family Residential zoning surrounds the application area. Nearby uses are farmsteads and 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.
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

CASE NUMBER: CON 2005-00033

APPLICANT/AGENT: Joe Smith / Semi Crude, L.P. (Glenn Collum)

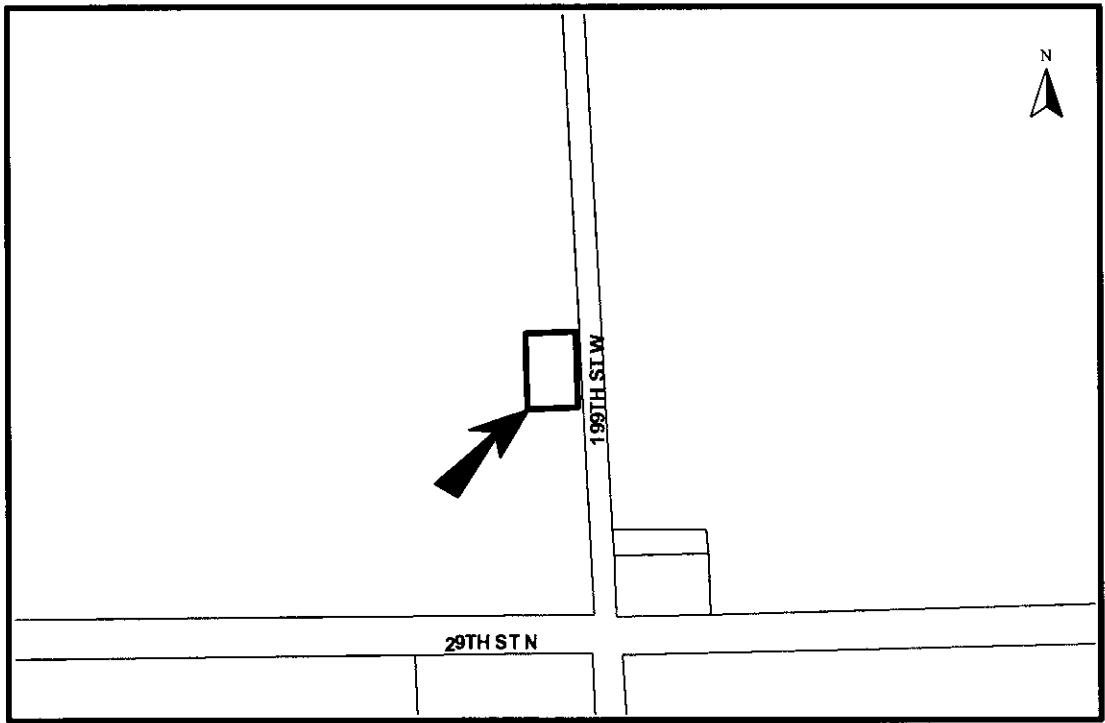
REQUEST: Conditional Use to permit a Utility, Major

CURRENT ZONING: RR Rural Residential

SITE SIZE: .34 acre

LOCATION: North of 29th Street approximately 1/4 mile, west of 199th Street West

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-third - acre site located north of 29th Street, approximately ¼ -mile, and west of 199th Street. The application area is a 100-foot by 150-foot square piece of land that is zoned RR Rural Residential. The pumping unit will provide additional pressure for a crude oil pipeline that runs diagonal through the northeastern portion of the application area. The pump is to be located west and south of the pipeline, and will be connected to the pipeline. In the southern third of the site a control building exceeding 150 cubic feet is to be located to the south 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 developed with farmsteads agricultural uses. There are residences located to the southeast and south.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

- NORTH: RR Rural Residential; agriculture
- SOUTH: RR Rural Residential; agriculture and farmstead
- EAST: RR Rural Residential; agriculture and farmstead
- WEST: RR Rural Residential; agriculture, farmstead

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.

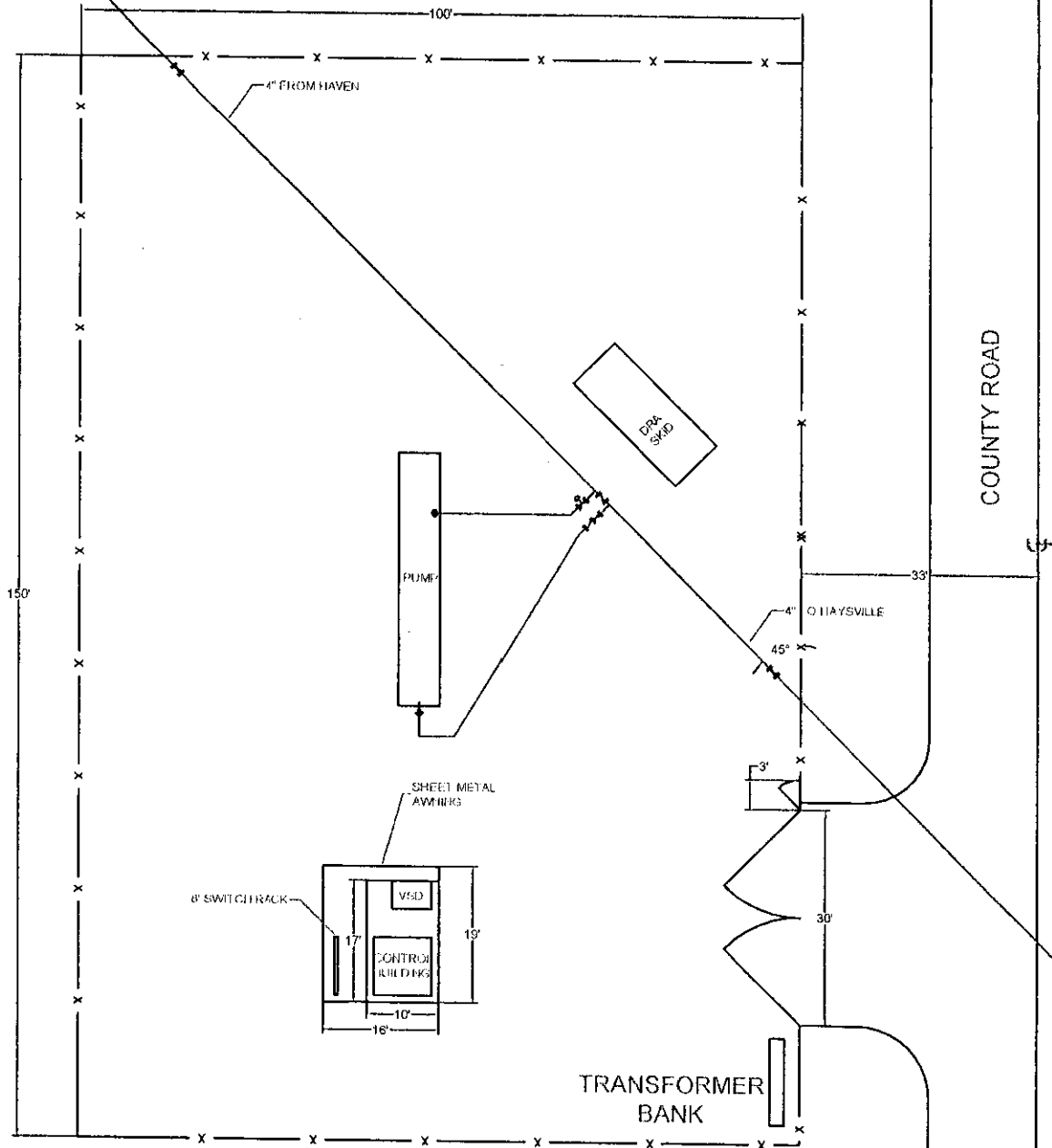
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to development of the site in substantial compliance with the approved site plan.

This recommendation is based on the following findings:

CON 2005-000633 SITE PLAN



APPROVED 10/21/05 BY DB



CON 2005-33



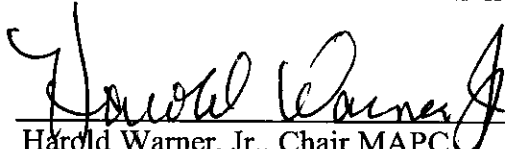
COLWICH
PLOT PLAN
31-265-2W

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. CON2005-00033

WHEREAS, Joseph M. and Mary Ann Smith/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 .34 acre zoned "RR" Rural Residential described as:

A tract located in the Southeast Quarter of Section 31, Township 26 South, Range 2 West, 6th Prime Meridian, Sedgwick County, Kansas and More particularly described by metes and bounds as follows:

Commencing at the Southeast corner of said Southeast Quarter; Thence, N 18 degrees 54'55"W, a distance of 479.0 feet to the Point of Beginning; Thence, N 02 degrees 03'11" W, a distance of 150.0 feet to a point; thence N 87 degrees 37'13" E. a distance of 100.00 feet to a point on the West Right-of-Way of a county road; Thence, S 02 degrees 06'46" E along the West Right-of-Way of a country road, a distance of 150.0 feet to a point; Thence, S 88 degrees 02'47"W, a distance of 100.0 feet to the Point of Beginning. Containing +/-0.34 acres of land, more or less. Generally located north of 29th Street approximately 1/4 mile, west of 199th Street West.

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 .34 acre zoned "RR" Rural Residential described as:

A tract located in the Southeast Quarter of Section 31, Township 26 South, Range 2 West, 6th Prime Meridian, Sedgwick County, Kansas and More particularly described by metes and bounds as follows:

Commencing at the Southeast corner of said Southeast Quarter; Thence, N 18 degrees 54'55"W, a distance of 479.0 feet to the Point of Beginning; Thence, N 02 degrees 03'11" W, a distance of 150.0 feet to a point; thence N 87 degrees 37'13" E. a distance of 100.00 feet to a point on the West Right-of-Way of a county road; Thence, S 02 degrees 06'46" E along the West Right-of-Way of a country road, a distance of 150.0 feet to a point; Thence, S 88 degrees 02'47"W, a distance of 100.0 feet to the Point of Beginning. Containing +/-0.34 acres of land, more or less. Generally located north of 29th Street approximately 1/4 mile, west of 199th Street West.



FILE COP

Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2005

Joseph M. and Mary Ann Smith
19106 Baalman Ave.
Colwich, KS 67030-9202

RE: CON2005-33 – Sedgwick County Conditional Use to permit a Utility, Major on property zoned “RR” Rural Residential. Generally north of 29th Street approximately 1/4 mile, west of 199th Street West. (District III)

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,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Glenn Collum, SemCrude, L.P., 15501 South I-44 Service Road,
Oklahoma City, OK 73173
Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213