

**HAYSVILLE PLANNING COMMISSION
& BOARD OF ZONING APPEALS**

Agenda

January 9, 2025

6:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of December 12, 2024
- IV. Public Forum
- V. New Business
 - A. Review of a Conditional Use for Oil and Gas Drilling in the AOI
- VI. Old Business
- VII. Correspondence
- VIII. Off Agenda
 - A. Next Meeting Date
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

December 12, 2024

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 6:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

The members present were Mark Williams, Debbie Coleman, Jimmy Wallis, Dan Rinke, and Jeff Blood. Also present were City Clerk Angie Fulton and Planning and Zoning Administrator Kailyn Hogan.

The first item of business was the Minutes of November 14, 2024.

Motion by Williams, second by Wallis.

To approve the minutes as provided.

Williams aye, Coleman aye, Wallis aye.

Rinke and Blood abstain.

Motion carried.

There was no one to speak under the Public Forum.

Under new business was the Public Hearing of the Unified Zoning Code Amendment pertaining to the Definitions and Use Chart.

Hogan presented the proposed changes as they were listed in the staff report.

Blood had a question as to why the microbrewery, nightclub, and tavern uses do not match. Hogan explained that microbreweries align more closely with manufacturing uses than nightclubs and taverns. Blood clarified that microbreweries must also be classified as a nightclub or tavern in order to sell alcohol at their establishments. Blood requested the three uses be reviewed.

A motion was made by Williams, second by Blood.

To approve the Zoning Code Amendment as presented.

Rinke asked if Blood wanted to incorporate changes.

Hogan said they can recommend approval with changes.

Fulton said they must act on the motion first. They can say no to this motion and make a different motion to either deny, table, or approve with changes.

Williams nay, Coleman nay, Wallis nay, Rinke nay, Blood nay.

Motion denied.

Motion by Blood, second by Wallis.

To recommend approval of the Zoning Code Amendment with changes as discussed.

Williams aye, Coleman aye, Wallis aye, Rinke aye, Blood aye.

Motion carried.

Under new business was the Review of the 2025 Closing Calendar.

Hogan presented the closing calendar.
There were no questions.

A motion was not needed.

Under new business was the Review of the 2025 Master Plan Review Calendar.

Hogan presented the review calendar.

Rinke suggested to review the South Meridian Corridor Plan earlier in the year, sometime around April, due to conversations about the plan in other committees.

A motion was not needed.

Under new business was the Review of the Planning Commission Bylaws – Attendance section.

Hogan reviewed the attendance portion of the Bylaws and reminded the commission that they must miss no more than 20% of meetings in a calendar year, or approximately four meetings.
Accommodations can be made via Zoom for those who cannot attend in person.

A motion was not needed.

There was no old business.

There was no correspondence.

Under off-agenda, Hogan stated that the next meeting date will be January 9, 2025.

Motion by Williams, second by Blood.

To adjourn tonight's meeting.

Williams aye, Coleman aye, Wallis aye, Rinke aye, Blood aye.

The meeting adjourned at 6:31 p.m.

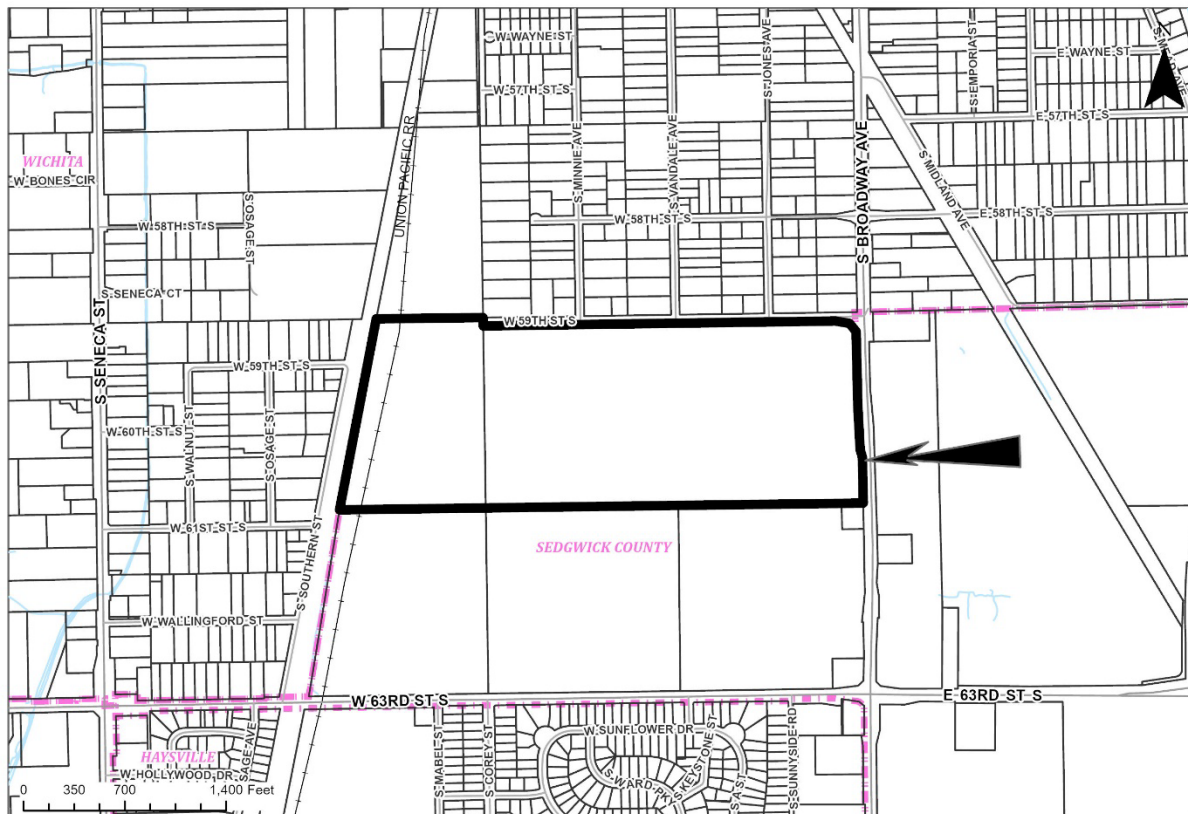


STAFF REPORT

MAPC: January 9, 2025

Haysville Planning Commission: January 9, 2025

| | |
|--------------------------------|--|
| <u>CASE NUMBER:</u> | CON2024-00271 (County) |
| <u>APPLICANT/OWNER:</u> | GEB of Wichita, LLC (Applicant)/Bear Petroleum, LLC (Agent) |
| <u>REQUEST:</u> | Conditional Use to permit Oil and Gas Drilling |
| <u>CURRENT ZONING:</u> | SF-20 Single-Family Residential District/RR Rural Residential District |
| <u>SITE SIZE:</u> | 100 acres |
| <u>LOCATION:</u> | Generally located on the southwest corner of West 59 th Street South and South Broadway Avenue. |
| <u>PROPOSED USE:</u> | Oil and Gas Drilling for one well |
| <u>RECOMMENDATION:</u> | Deny |



BACKGROUND: The applicants are requesting a Conditional Use to permit Oil and Gas Drilling on a portion of their property. The applicant owns a 74.8163-acre parcel on the southwest corner of West 59th Street South and South Broadway Avenue and another parcel west of that parcel that is 59.724 acres in size. The 74.8163-acre parcel and a portion of the 59.724-acre parcel, totaling 100 acres, are currently in use for oil and gas exploration purposes. The applicants are seeking to bring the use into conformance with the Unified Zoning Code (UZC).

The application area is zoned RR Rural Residential District (RR) and SF-20 Single-Family Residential District (SF-20) which generally permits by-right agricultural activities, larger lot residential uses and a limited set of nonresidential uses. Per the Wichita-Sedgwick County Unified Zoning Code (UZC), Oil and Gas Drilling in the RR and SF-20 Districts requires Conditional Use approval.

The attached site plan shows the existing well 210 feet to the west of South Broadway Avenue and 1,830 feet north of West 63rd Street South. A tank battery is just to the south of the well. Section III-E.1.e.(3) of the UZC requires structures to maintain a minimum 85-foot setback from the centerline of the section line roads. Any placement of storage tanks must adhere to this setback. The site plan does not show the proposed location of any storage tanks.

Section IV-B of the UZC requires solid screening for all uses other than Single-Family or Duplex when the uses are abutting or across the street from residential zoning districts. Therefore, the applicant will be required to screen the proposed use on all sides with a minimum of a six-to-eight-foot screening fence.

Properties to the north are zoned SF-5 Single-Family Residential District (SF-5) and are developed with single-family dwellings and agricultural uses. Properties to the east, across South Broadway Avenue, are zoned SF-20 and RR and are developed with an electrical substation and agricultural uses. Properties to the south are zoned RR and GC General Commercial District (GC) and are developed with single-family dwellings, agricultural uses, and an auto repair service. Property to the west is zoned SF-5 and is part of the Union Pacific Railroad.

CASE HISTORY: The subject site is unplatted. Platting is not required for the intended use.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-----------|--|
| NORTH: | SF-5 | Single-family dwellings and agricultural field |
| SOUTH: | SF-20, RR | Electrical substation, agricultural field, auto repair |
| EAST: | RR, GC | Single-family dwellings and agricultural field, |
| WEST: | SF-5 | Union Pacific Railroad |

PUBLIC SERVICES: This site has access to South Broadway Avenue, a paved, four-lane county arterial street with open ditches. If needed or required, water services would be provided by the City of Wichita and sewer services would be provided on-site.

CONFORMANCE TO PLANS/POLICIES: The request for Oil and Gas Drilling is not in conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Small City Urban Growth Area”, which the *Plan* defines as: “Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure limitations, cost effective delivery of future municipal services, and environmental factors.”

With the subject site being in the Haysville Urban Growth Area, staff reviewed the Haysville Comprehensive Plan to identify the proposed future land use of the subject site. The attached 2022 Haysville Future Community Growth

Patterns Map from the City of Haysville identifies the site as appropriate for Residential. The use of Oil and Gas Drilling would not be appropriate given the Haysville Future Community Growth Patterns Map.

South Wichita/Haysville Area Plan: The requested rezoning is not in compliance with the South Wichita/Haysville Area Plan. The site is located within the boundaries of the *South Wichita/Haysville Area Plan* (SW/HAP). The SW/HAP future development concept map also identifies the subject site as appropriate for low-density residential development. The use of Oil and Gas Drilling is considered an industrial use.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **DENIAL** of the application.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood**: Properties to the north are zoned SF-5 Single-Family Residential District (SF-5) and are developed with single-family dwellings and agricultural uses. Properties to the east, across South Broadway Avenue, are zoned SF-20 and RR and are developed with an electrical substation and agricultural uses. Properties to the south are zoned RR and GC General Commercial District (GC) and are developed with single-family dwellings, agricultural uses, and an auto repair service. Property to the west is zoned SF-5 and is part of the Union Pacific Railroad.
2. **The suitability of the subject property for the uses to which it has been restricted**: The properties are currently zoned RR Rural Residential and SF-20 Single-Family Residential which allows for a limited number of residential, public and civic, and agricultural uses by-right. Several residential, public and civic, commercial, industrial, and agricultural uses are permitted by Conditional Use approval, including Oil and Gas Drilling.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: A Conditional Use of a large operation like Oil and Gas Drilling so close to several single-family residential properties could detrimentally affect 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**: Approval of the Conditional Use to permit Oil and Gas Drilling could have a negative effect on the public welfare in that it is a large operation that could produce unsightly aesthetics and/or high levels of noise and odors. Denial could represent economic loss to the applicant.
5. **Length of time the property has been vacant as currently zoned**: The property is currently being used for Oil and Gas Drilling. As of December 11, 2024, operations were continuing on the property.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies**: The proposed Conditional Use is not in conformance with the *Community Investments Plan* or the *South Wichita/Haysville Area Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities**: Staff does not anticipate any significant negative impacts to community facilities with the proposed development.
8. **Opposition or support of neighborhood residents**: Prior to the publication of the staff report, Planning staff received one phone call from a member of the public who was opposed to the Conditional Use request.

Alternative Action:

If, however, in the opinion of the Planning Commission, the request is determined to be appropriate, the Planning Commission should adopt alternative findings supporting approval, and it is recommended that approval should be subject to the following conditions:

Recommended Conditions if Approved:

1. The Conditional Use permits Oil and Gas Drilling that is developed and operated in substantial compliance with the approved site plan and any associated documents, licenses or permits detailing drilling and completion activities used to obtain Conditional Use approval.
2. Prior to commencing Oil and Gas Drilling activities, the applicant shall obtain all applicable permits, licenses and/or inspections from Sedgwick County, the State of Kansas or the federal government, including but not limited to, MABCD, Sedgwick County Environmental Resources, Sedgwick County Fire Department, Sedgwick County Public Works, the Kansas Department of Health and Environment and the Kansas Corporation Commission. Prior to moving equipment into Sedgwick County, the applicant shall obtain any applicable permits required to move or transport oversized equipment on Sedgwick County public right-of-way.
3. Prior to commencing drilling activities, the applicant shall post an approved surety bond in an amount agreed to by Sedgwick County that can be called upon by Sedgwick County or the township in the event the County or the township is required to repair or replace any roads, bridges, traffic control devices, drainage structures, or other public infrastructure caused by the applicant.
4. Any equipment or appurtenances that will remain on the subject tract for more than thirty days once the well is completed or abandoned shall be set back from the center line of West 59th Street South and South Broadway Avenue at least 85 feet per UZC Section III-E.1.e.(3).
5. Prior to commencing Oil and Gas Drilling activities, the applicant shall meet with Sedgwick County Fire Department officials to establish a system of building and equipment identification.
6. Prior to commencing Oil and Gas Drilling activities, the applicant shall provide a stormwater drainage plan to, and receive approval from, Sedgwick County Environmental Resources. The stormwater drainage plan will describe how stormwater runoff from the application area will be managed.
7. Oil and Gas Drilling shall begin within one year of final approval. Extensions of time may be requested via an administrative adjustment. If Oil and Gas Drilling has not begun within one year of final approval, and no extensions have been requested and approved, the Conditional Use shall be null and void.
8. Any major changes to the scale of the use or major alterations to the approved site plan shall require an amendment to the Conditional Use for consideration by the Metropolitan Area Planning Commission.
9. If the Zoning Administrator finds that there is a violation of any of the provisions or 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 the Conditional Use null and void.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map

4. Land Use Map
5. Urban Growth Area Map
6. South Wichita/ Haysville Area Plan Future Development Concept Map
7. Site Photos

Conditional Use Application SITE PLAN

ADVANTAGE ELEVATIONS
OIL FIELD SURVEYORS

BOX 8604 - PRATT, KS 67124
(620) 672-6491

927241
INVOICE NO.

BEAR PETROLEUM LLC OPERATOR 1-29 NO. DICKSTER DREAM FARM

SEDGWICK CO KS 29 28s 1e 1830' FSL & 210' FEL of Sec. LOCATION
COUNTY S T R

ELEVATION: 1267' GR

BEAR PETROLEUM LLC
PO BOX 438
HAYSVILLE, KS 67060-0438

AUTHORIZED BY: Dick Schremmer

SCALE: 1" = 1000'

W 55th St S

Set 5' T-post & 3' wood stake.
Level soybean field, outside
of circle irrigation system.
Stake is 148' west of highline
on west ROW of Broadway & 81.

GPS Coordinates: 37.583989
97.334353
NAD27

29

STAKE

CIRCLE IRRIGATION

1830'

W 63th St S

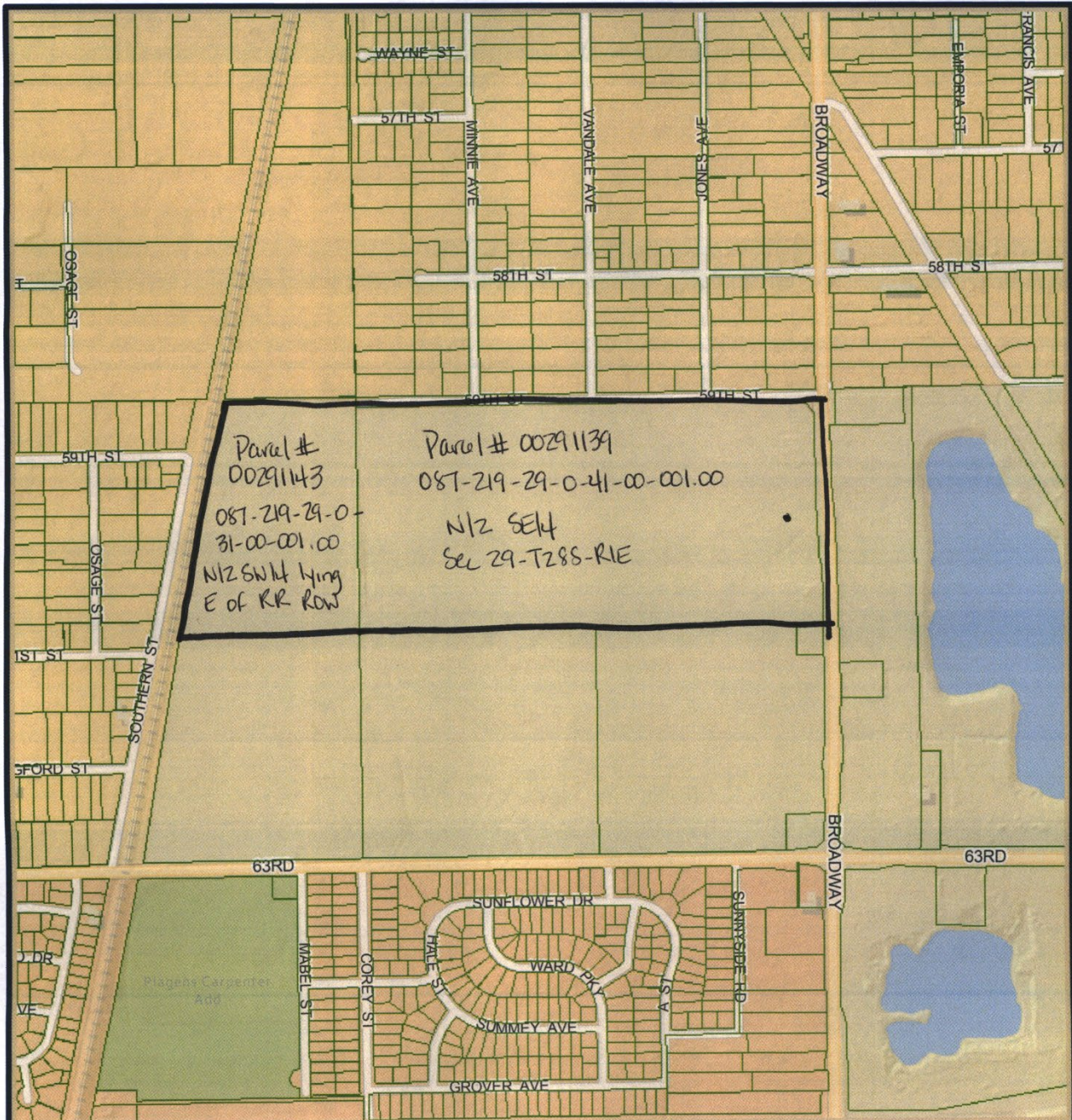
81

Well location
Tank Battery

BROADWAY & HWY 81

DATE STAKED: 9/30/24

Taylor Printing Inc. • Pratt KS 67124 • 620 672 3656



Geographic Information Services
Sedgwick County...
working for you

Date: 11/19/2024

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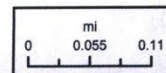
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My Map

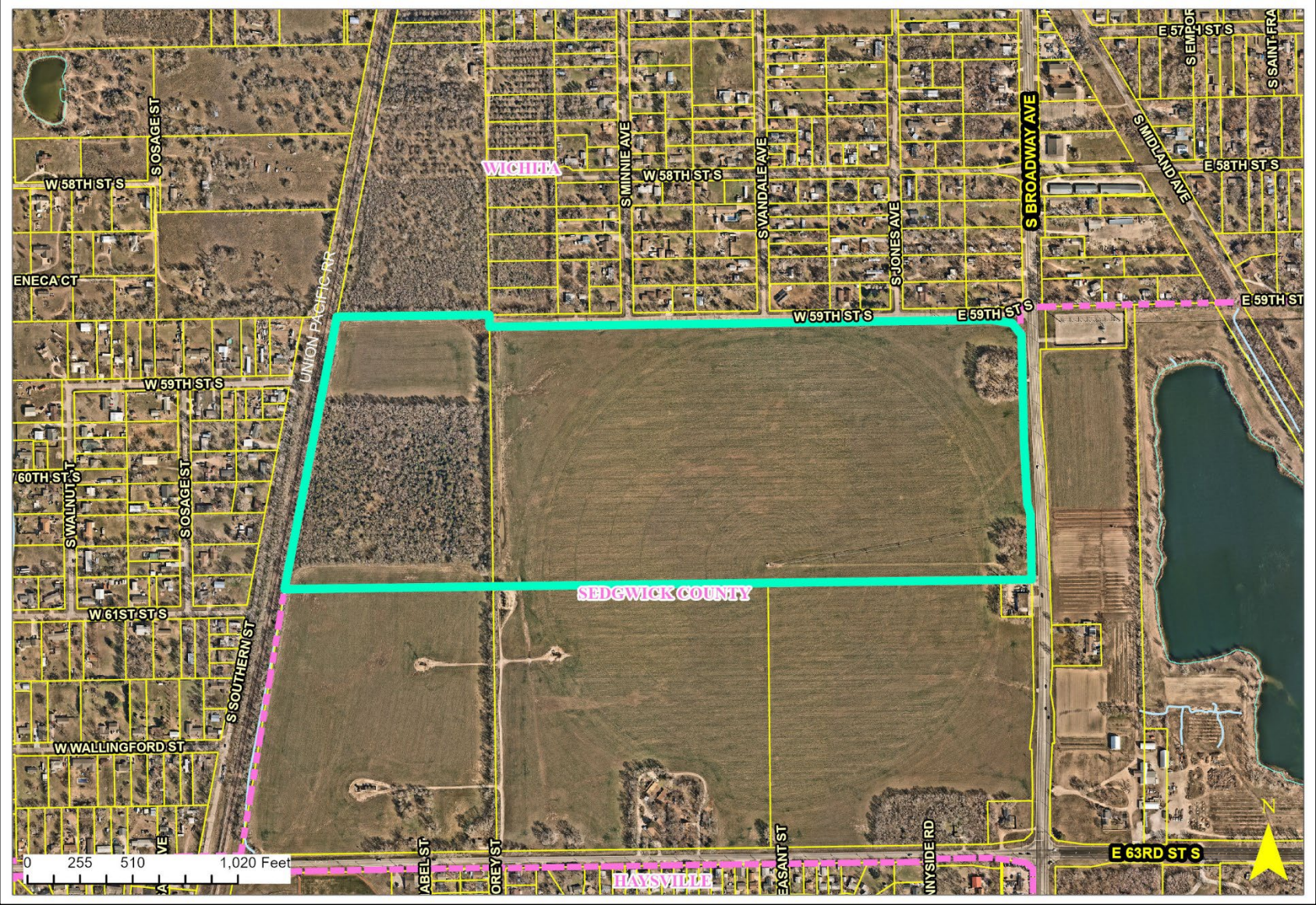
Sedgwick County, Kansas



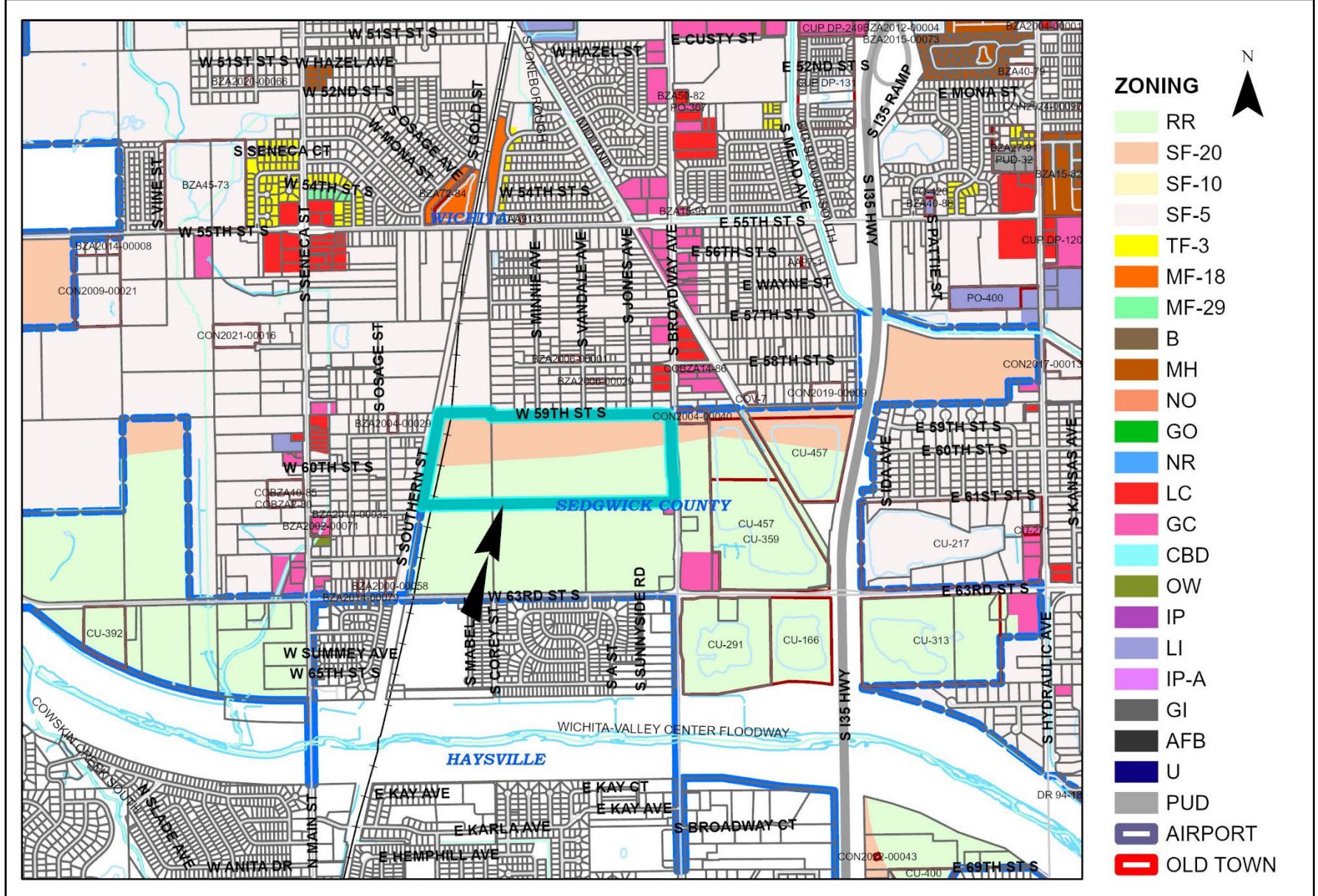
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Aerial Map



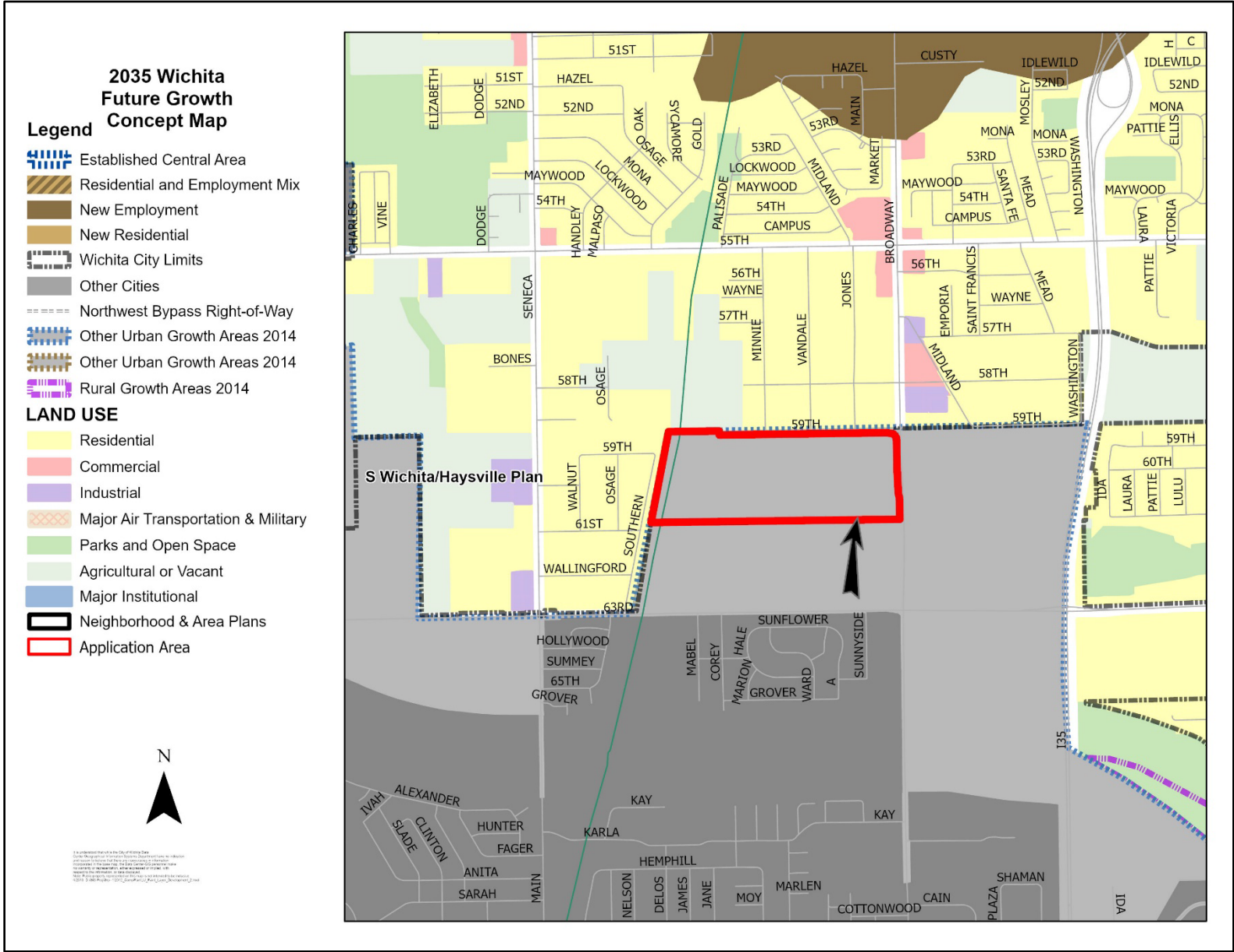
Zoning Map



CON2024-00271

Metropolitan Area Planning Commission

Land Use Map



2035 Urban Influence Growth Areas Map

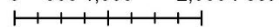
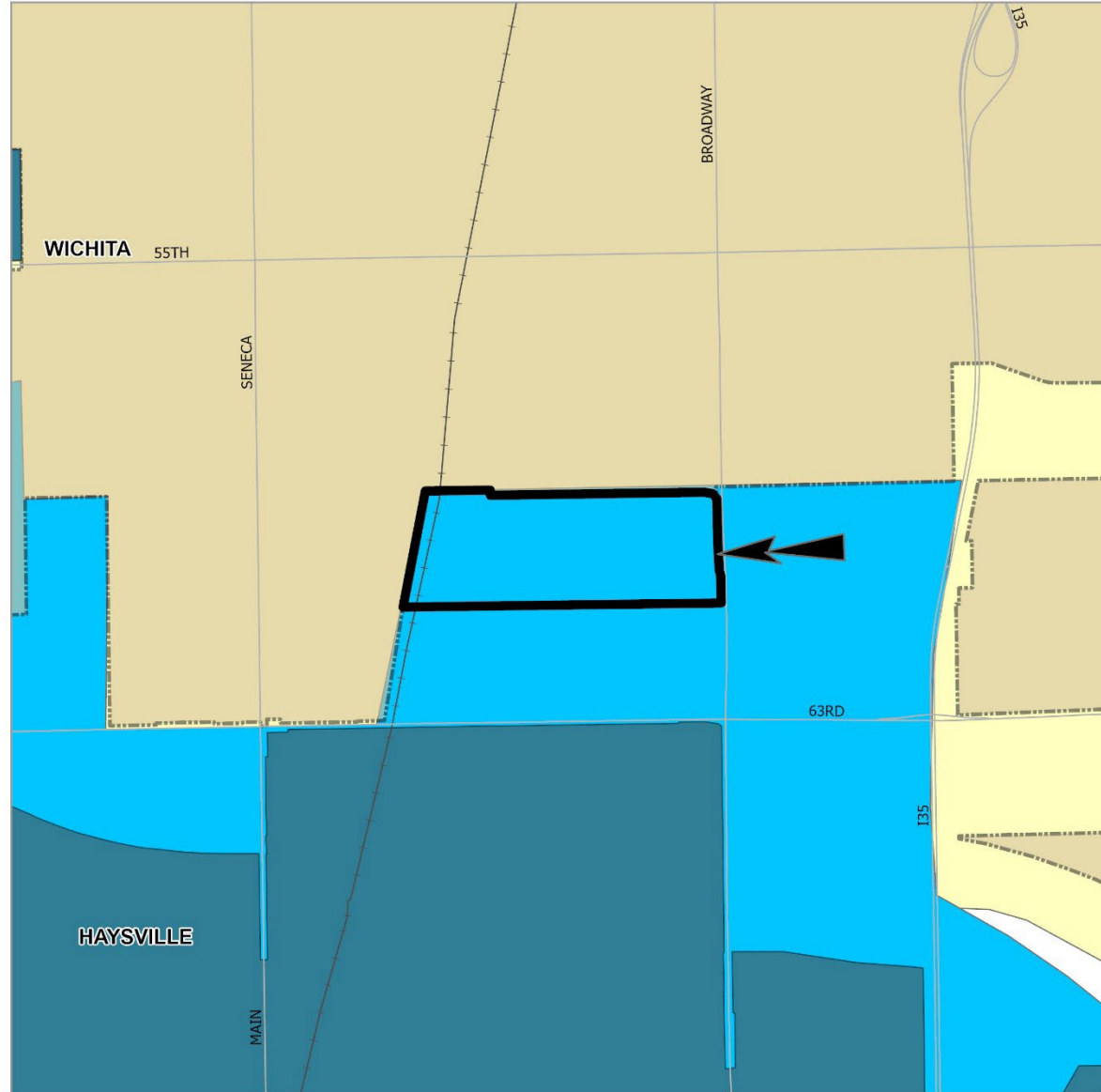
(This map is not reflective of the Zoning Areas of Influence in Sedgwick County)

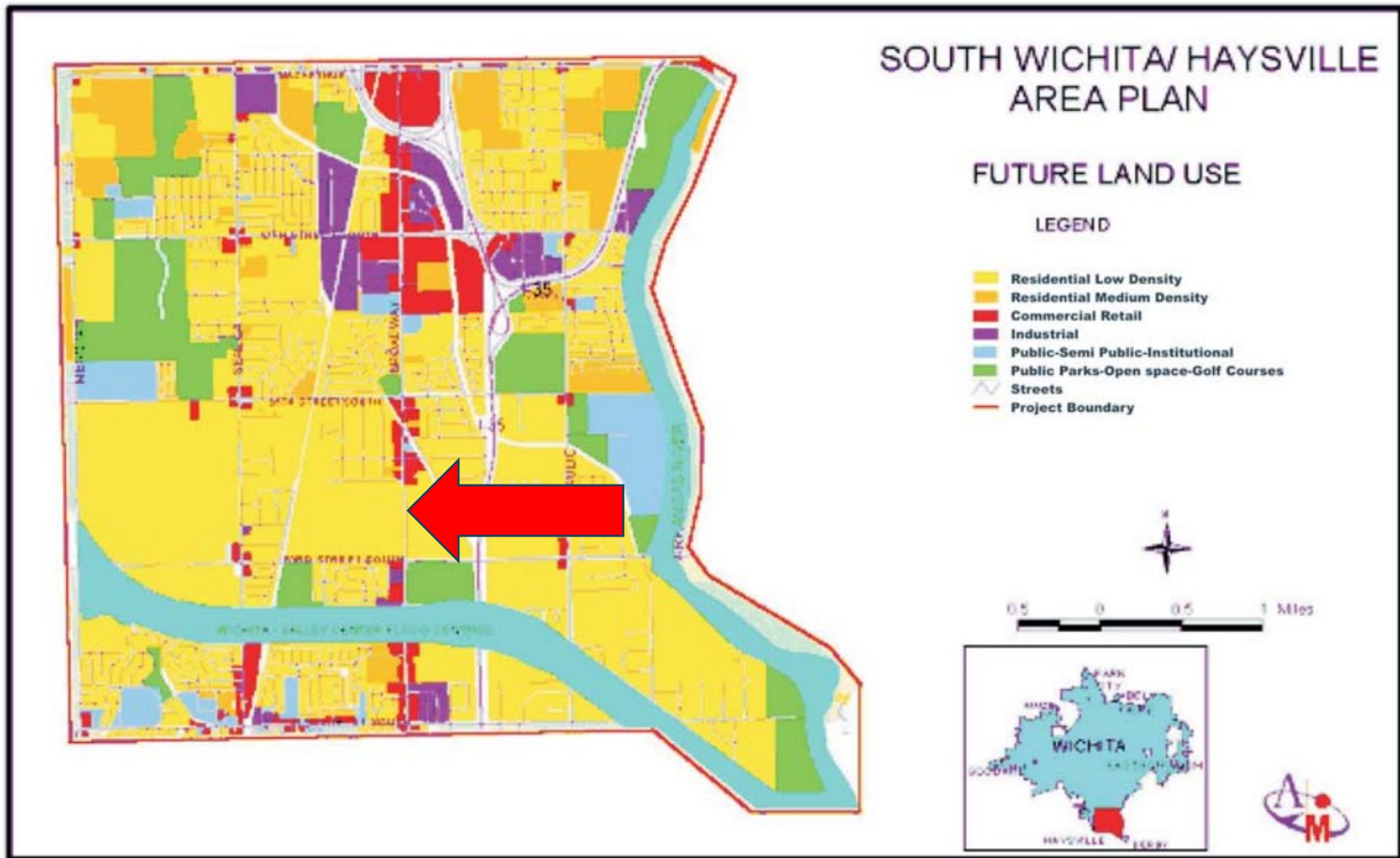


Legend

-  Application Area
-  Wichita Growth Area
-  Small City Urban Growth Area
-  Small City Urban Growth Area
-  Small City Urban Growth Area
-  Rural Area
-  Small City Limits
-  Wichita City Limits
-  K-96 Special Use Corridor

0 500 1,000 2,000 Feet



Looking west into site



Looking north at operation



Looking south into site



Looking southwest from W. 59th Street



Looking southeast from W. 59th Street



Looking north from W. 59th Street



Looking west from W. 59th Street



Looking east away from site



Looking northeast away from site



Looking southeast away from site



Looking north away from site



Looking south away from site

