CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 14, 2014

R & M Real Estate, LLC
Attn: Jay Russell
PO Box 75337
Wichita, KS, 67275

RE: CON2014-00012 - City request for a Conditional Use to permit sand extraction on SF-5 Single-family Residential zoned property generally located north of 45th Street North and west of Hoover Road.

Dear Applicant

At its regular meeting on April 10, 2014, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

1. All 23 supplementary conditions of Sec-III-D.6.gg., of the Unified Zoning Code will be met.
2. Daily Hours of Operation: Open to public and contractors – 7:00 am to 5:00 pm. Internal operations/pumping – 6:00 am to sunset (per code). The site will be open seven days a week.
3. Phase 1 and Phase 2 will both pump for a maximum of 8 years each, for a total of 16 years total, from the date operations commence. It may be two years before the start of pumping and it may be two months before they strip topsoil, thus the date of the start of the extraction and removal of sands (operations) from the site will be the date the MABCD permits the operations. The applicant will forward that permit date to the MAPD for the case file.
4. The recycling area, as shown on the site plan, will be for stockpiling clean fill material to be used as needed.
5. Aggregate stock piles will be located near the plant site along Hoover Road.
6. The plant site will occupy a 400-foot by 400-foot area (roughly 3.7-acres) on the north side of the existing hedge (currently running east-west, midway on the subject property) with access onto Hoover Road (paved to a two-lane County standard). All fuel storage and equipment storage will be within this area.

CONDITIONAL USE RESOLUTION NO. CON2014-00012

WHEREAS, R & M Real Estate, LLC, c/o Jay Russell (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for "Mining or Quarrying," specifically the extraction and removal of sand from an approximately 160-acre property zoned SF-5 Single-Family Residential ("SF-5"), described as:

The South Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas EXCEPT the East 311.00 feet of the South 516.83 feet thereof, TOGETHER with Government Lot 5 in the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the East 311.00 feet thereof, EXCEPT that part platted as Edge Water Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part of said Government Lot 5 and said Southeast Quarter of Section 22, more particularly described as: Commencing at the southeast corner of said Government Lot 5; thence on an assumed bearing of S89°06'08"W along the south line of said Government Lot 5, 311.00 feet; thence N00°41'04"W parallel with the east line of said Government Lot 5, 60.00 feet to the southwest corner of Lot 3, Block A, Rennick Commercial Addition, Wichita, Sedgwick County, Kansas, said corner also being a point on the north right of way line of 45th St. N. as established on the plat of said Rennick Commercial Addition and as established on the plat of Edge Water Addition, Wichita, Sedgwick County, Kansas; thence S89°06'08"W, along the north right of way line of said 45th St. N. as established on said plat of Edge Water Addition, 840.00 feet for a point of beginning; thence continuing S89°06'08"W, along said north right of way line of 45th St. N., 160.28 feet to a deflection point in said line; thence S89°25'51"W along the north right of way line of said 45th St. N., 296.89 feet; thence N00°34'09"W, 230.59 feet, more or less, to a point on the north line of said Government Lot 5, also being a point on the south line of said Southeast Quarter of Section 22; thence continuing N00°34'09"W, 454.31 feet; thence N44°25'51"E, 141.42 feet; thence N89°25'51"E, 257.17 feet; thence S45°34'09"E, 141.42 feet; thence S00°34'09"E, 452.97 feet, more or less, to a point on the south line of said Southeast Quarter of Section 22, also being a point on the north line of said Government Lot 5; thence continuing S00°34'09"E, 231.01 feet to the point of beginning, all being subject to road rights of way of record; TOGETHER with the east 511.26 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; TOGETHER with the west 709.35 feet of the east 1220.61 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; TOGETHER with the west 705.83 feet of the east 1926.44 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; TOGETHER with the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, except the east 1926.44 feet thereof, subject to road rights-of-way of record; generally located north of 45th Street North and west of Hoover Road.

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 April 10, 2014, 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 Conditional Use for "Mining or Quarrying," specifically the extraction and removal of sand from an approximately 160-acre property zoned SF-5 Single-Family Residential ("SF-5"), described as:

The South Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas EXCEPT the East 311.00 feet of the South 516.83 feet thereof, TOGETHER with Government Lot 5 in the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the East 311.00 feet thereof, EXCEPT that part platted as Edge Water Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part of said Government Lot 5 and said Southeast Quarter of Section 22, more particularly described as: Commencing at the southeast corner of said Government Lot 5; thence on an assumed bearing of S89°06'08"W along the south line of said Government Lot 5, 311.00 feet; thence N00°41'04"W parallel with the east line of said Government Lot 5, 60.00 feet to the southwest corner of Lot 3, Block A, Rennick Commercial Addition, Wichita, Sedgwick County, Kansas, said corner also being a point on the north right of way line of 45th St. N. as established on the plat of said Rennick Commercial Addition and as established on the plat of Edge Water Addition, Wichita, Sedgwick County, Kansas; thence S89°06'08"W, along the north right of way line of said 45th St. N. as established on said plat of Edge Water Addition, 840.00 feet for a point of beginning; thence continuing S89°06'08"W, along said north right of way line of 45th St. N., 160.28 feet to a deflection point in said line; thence S89°25'51"W along the north right of way line of said 45th St. N., 296.89 feet; thence N00°34'09"W, 230.59 feet, more or less, to a point on the north line of said Government Lot 5, also being a point on the south line of said Southeast Quarter of Section 22; thence continuing N00°34'09"W, 454.31 feet; thence N44°25'51"E, 141.42 feet; thence N89°25'51"E, 257.17 feet; thence S45°34'09"E, 141.42 feet; thence S00°34'09"E, 452.97 feet, more or less, to a point on the south line of said Southeast Quarter of Section 22, also being a point on the north line of said Government Lot 5; thence continuing S00°34'09"E, 231.01 feet to the point of beginning, all being subject to road rights of way of record; TOGETHER with the east 511.26 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; TOGETHER with the west 709.35 feet of the east 1220.61 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; TOGETHER with the west 705.83 feet of the east 1926.44 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; TOGETHER with the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, except the east 1926.44 feet thereof, subject to road rights-of-way of record; generally located north of 45th Street North and west of Hoover Road.

Approved subject to the following conditions:

1. All 23 supplementary conditions of Sec-III-D.6.gg., of the Unified Zoning Code will be met.
2. Daily Hours of Operation: Open to public and contractors – 7:00 am to 5:00 pm. Internal operations/pumping – 6:00 am to sunset (per code). The site will be open seven days a week.
3. Phase 1 and Phase 2 will both pump for a maximum of 8 years each, for a total of 16 years total, from the date operations commence. It may be two years before the start of pumping and it may be two months before they strip topsoil, thus the date of the start of the extraction and removal of sands (operations) from the site will be the date the MABCD permits the operations. The applicant will forward that permit date to the MAPD for the case file.
4. The recycling area, as shown on the site plan, will be for stockpiling clean fill material to be used as needed.

5. Aggregate stock piles will be located near the plant site along Hoover Road.
6. The plant site will occupy a 400-foot by 400-foot area (roughly 3.7-acres) on the north side of the existing hedge (currently running east-west, midway on the subject property) with access onto Hoover Road (paved to a two-lane County standard). All fuel storage and equipment storage will be within this area.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 10th day of April 2014.

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC April 10, 2014
DAB VI, April 7, 2014

CASE NUMBER: CON2014-00012

OWNER/AGENT: R & M Real Estate, LLC, c/o Jay Russell (owner) Baughman Company, PA, c/o Russ Ewy (agent)

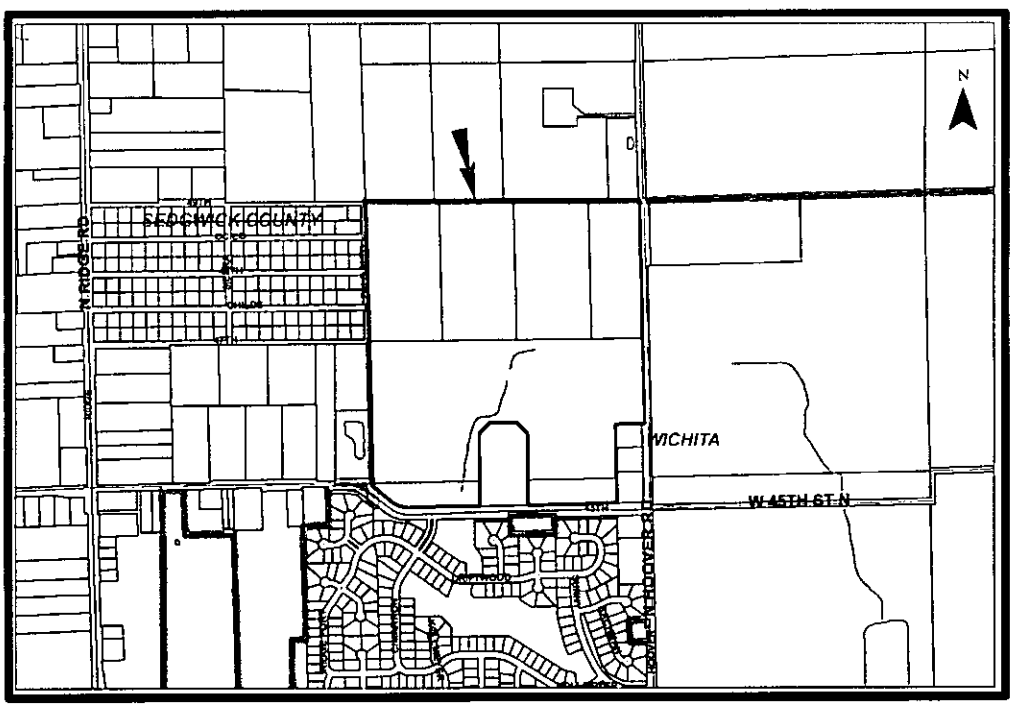
REQUEST: Conditional Use to permit "Mining or Quarrying," specifically the extraction and removal of sand from the site

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: Approximately 160-acres

LOCATION: Generally located north of 45th Street North and west of Hoover Road

PROPOSED USE: Extraction of sand



BACKGROUND: The applicant is requesting a Conditional Use to allow "Mining or Quarrying", specifically the extraction and removal of sand from the approximately 160-acre, SF-5 Single-Family Residential zoned, unplatted tract. The Unified Zoning Code (UZC), allows consideration of mining or quarrying as a Conditional Use in the SF-5 zoning district; UZC, Sec.III-D.6.gg. If approved, the Conditional Use would permit the excavation and removal of sand from the site.

The applicant's site plan shows a Phase 1 and Phase 2 pumping areas, as well as the plant location off of Hoover Road. The applicant has provided the following operational details:

- Daily Hours of Operation: Open to public and contractors – 7:00 am to 5:00 pm. Internal operations/pumping – 6:00 am to sunset (per code). The site will be open seven days a week.
- Operations will be staggered into two phases, with both phases operating for a maximum of 8 years each, for a total of 16 years, from the date operations commence. NOTE: It may be two years before they start pumping and it may be two months before they strip topsoil.
- The recycling area, as shown on the site plan, will be for stockpiling clean fill material to be used as needed.
- Aggregate stock piles will be located near the plant site along Hoover Road.
- The plant site will occupy a 400-foot by 400-foot area (roughly 3.7-acres) on the north side of the existing hedge (currently running east-west, located midway on the subject property) with access onto Hoover Road (a paved to a two-lane arterial). All fuel storage and equipment storage will be within this area.
- The applicant has stated that the proposed sand extraction could generate between 80 and 160 trucks per day.

The applicant's site plan shows single-family residential development around the sand pit lake after the conclusion of the extraction operation.

The SF-5 zoned site is located approximately one-mile west of the Arkansas River in a City-County area that is a mix of agricultural land, single-family residences, active sand extraction operations, single-family residential development built around sand pit lakes and inactive sand pit lakes. Properties located north and northwest of the site are SF-20 Single-family Residential zoned agricultural lands, single-family residences and a small sand pit lake with a single-family residences built around it (CON2000-00013; sand extraction). Approximately a ½-mile north of the site, across 53rd Street North, between the Arkansas River and Ridge Road, there are four large sand pit lakes, three appear to be active extraction operations, with the remaining one retired with a single-family residences built on its banks; CON2000-00012, CU-329, CU-346 and CU-343. SF-20 large tract single-family residences and a SF-20 zoned urban scale subdivision are located west of the site, including a single-family residence built around a small sand pit lake (CU-375; sand extraction). Abutting the southeast portion of the site (Hoover Road and 45th Street North intersection) are undeveloped LC Limited Commercial zoned properties. East of the site, across Hoover Road, there are three sand pit lakes, the SF-20 zoned north one has two single-family residences located around it, the SF-20 zoned middle one appears to be retired with no development around it (CU-432; sand extraction) and the SF-5 zoned south one is still

operating (CON2004-00045). SF-5 zoned agricultural land and the Brooks solid waste landfill are also located east of the site, across Hoover Road. A finger of SF-5 zoned property with a single-family residence is located on the south end of the proposed sand extraction site, and (Phase I on the site plan) is enclosed on its north, west and east sides by the subject site. A SF-5 zoned single-family subdivision built around sand pit lakes (CU-288 and CU-377; sand extraction) is located south of the site, across 45th Street North, as is a SF-20 zoned single-family residence. There are also undeveloped LC zoned lands, LC zoned single-family residences, SF-20 zoned single-family residences and agricultural land located south of the site, across 45th Street North. More sand pit lakes (active or inactive sand extraction operations) are located further south, across K-96 highway, of the site. The site is located over the Equus Beds

CASE HISTORY: The unplatted property is zoned SF-5.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20	Farmhouse, agricultural land, single-family residence built around a sand pit lake
SOUTH: LC, SF-20	Single-family residences built around a sand pit lake, agricultural land, undeveloped land, single-family residences
EAST: LC, SF-20, SF-5	Undeveloped land Single-family residences built around a sand pit lake, sand pit lake, sand extraction, agricultural land, landfill
WEST: SF-20	Single-family residences, single-family residence built around a sand pit lake, agricultural land

PUBLIC SERVICES: All utilities are available to this site. Access to the site is proposed to be off of Hoover Road, a two-lane arterial road, with 60 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this property as "urban development mix," which is defined as land that is likely to be developed in the next 30-years with uses predominately found in the "urban residential use" category. However there is likelihood that concentrations or pockets of "major industrial uses," "local commercial uses" and "park and open space uses" may also be developed in this area. The urban development mix category is an area waiting for development trends. The proposed sand extraction operation (which the UZC classifies as an Industrial, Manufacturing, Extractive Use) and the proposed single-family residential development around the sand pit lake after the conclusion of the extraction operation both fit into the "urban development mix."

The site is zoned SF-5. The UZC, allows consideration of mining or quarrying as a Conditional Use in the SF-5 zoning district; UZC, Sec-III-D.6.gg. Sec-III-D.6.gg. has 23 supplementary conditions for a mining and quarrying Conditional Use. The SF-5 zoning district is generally compatible with the Comprehensive Plan's "urban development mix."

Land Use-Industrial Strategy IV.A.1 recommends protecting industrial areas "from encroachment or expansion of residential land uses by requiring appropriate buffers for expansion of the

residential use when a nuisance situation is likely to be created." The Industrial Locational Guidelines recommend:

(1) Industrial areas should be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports and as extensions of existing industrial uses. The site has access onto Hoover Road, an arterial street.

(2) Industrial traffic not to feed directly into local streets in residential areas. The site has access onto Hoover Road, an arterial street, which will direct its traffic away from the area's few local streets. Because of the area's numerous active and retired sand extraction operations, the area's local streets are confined to two single-family residential subdivisions: a SF-5 zoned subdivision consisting of two streets leading in and out of its cul-de-sac confinement, and; a SF-20 zoned subdivision with through residential streets.

(3) Located away from existing or planned residential areas, and site so as not to generate industrial traffic through less intensive land use areas. The Conditional Use for sand extraction will generate industrial traffic (primarily dump trucks) through an area that is a mix of agricultural land, single-family residences, active sand extraction operations and single-family residential development built around sand pit lakes.

RECOMMENDATION: The request would permit 16-years of industrial use (sand excavation and removal) to provide the greater community with an essential material needed for concrete, which is required for residential, commercial, and industrial development, maintenance and repair. Its subsequent single-family residential development around the sand pit lake after the conclusion of the extraction operation is a common pattern in the area. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. All 23 supplementary conditions of Sec-III-D.6.gg., of the Unified Zoning Code will be met.
2. Daily Hours of Operation: Open to public and contractors – 7:00 am to 5:00 pm. Internal operations/pumping – 6:00 am to sunset (per code). The site will be open seven days a week.
3. Phase 1 and Phase 2 will both pump for a maximum of 8 years each, for a total of 16 years total, from the date operations commence. It may be two years before the start of pumping and it may be two months before they strip topsoil, thus the date of the start of the extraction and removal of sands (operations) from the site will be the date the MABCD permits the operations. The applicant will forward that permit date to the MAPD for the case file.
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7. If the Zoning Administrator finds that there is a violation of any of the conditions of this

Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of SF-5, SF-20 and LC zoned agricultural land, single-family residences, active sand extraction operations, single-family residential development built around sand pit lakes, undeveloped retired sand pit lakes and undeveloped commercial properties.

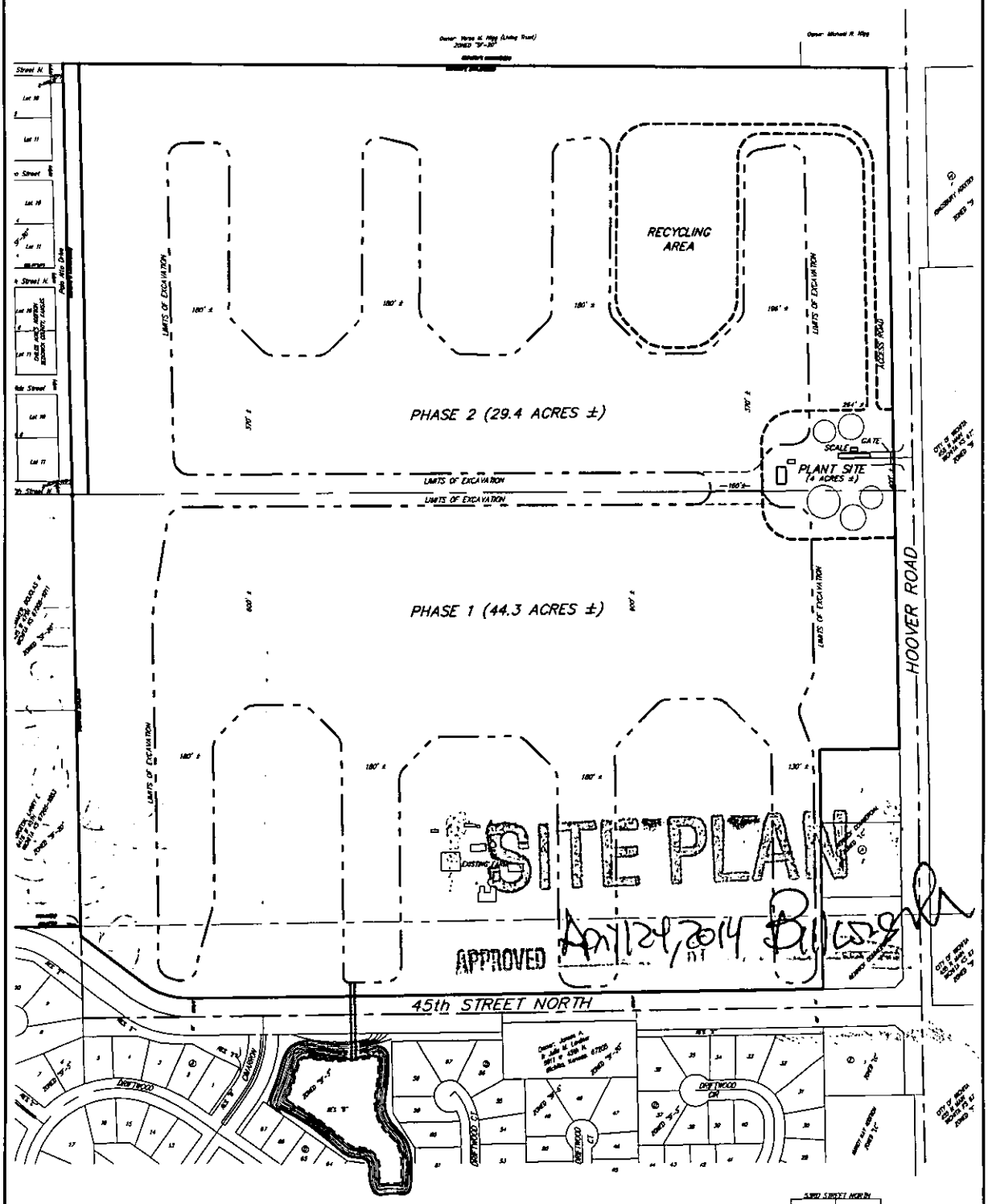
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5, which is meant to accommodate low to moderate density single-family residential development. The excavation and removal of sand (mining and quarrying) can be considered as a Conditional Use in the SF-5 zoning district on a site by site review.

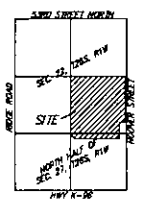
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** An increase in truck traffic, soil erosion and blowing dust are a given. However, the area is dominated by active sand extraction operations or retired sand extraction operations that have no development around them or low density to moderate density single-family residential development built around them, as well as agricultural land or small undeveloped commercial land in the area. The proposed use is not out of character with the area.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this property as "urban development mix," which is defined as land that is likely to be developed in the next 30-years with uses predominately found in the "urban residential use" category. However there is likelihood that concentrations or pockets of "major industrial uses," "local commercial uses" and "park and open space uses" may also be developed in this area. The "urban development mix" category is an area waiting for development trends. The proposed sand extraction operation (which the UZC classifies as an Industrial, Manufacturing, Extractive Use) and the proposed single-family residential development around the sand pit lake after the conclusion of the extraction operation both fit into the Urban Development Mix.

   The site is zoned SF-5. The UZC, allows consideration of mining or quarrying as a Conditional Use in the SF-5 zoning district; UZC, Sec-III-D.6.gg. Sec-III-D.6.gg. has 23 supplementary conditions for the mining and quarrying Conditional Use. The SF-5 zoning district is generally compatible with the Comprehensive Plan's "urban development mix." The site meets the Industrial Locational Guidelines.

5. **Impact of the proposed development on community facilities:** The primary impact of the proposed use is an increase in heavy truck traffic onto Hoover Road.





VICINITY MAP

Note: All supplemental conditions of Sec III D. 6. 99 are in effect

SCALE: 1" = 300'

CONDITIONAL USE CON2014-12
OPERATIONAL PLAN

NORTHWEST CORNER - 45tH STREET N AND HOOVER

Baughman
ENGINEERING SURVEYING PLANNING LANDSCAPE ARCHITECTURE