RESOLUTION NO. 186-2017

Published on: 11-22-2017

A RESOLUTION CHANGING THE ZONING CLASSIFICATION AND GRANTING A CONDITIONAL USE FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

WHEREAS, THIS RESOLUTION REPEALS AND REPLACES RESOLUTION NO. 158-2017, DUE TO SAID RESOLUTION INCLUDING THE INCORRECT LEGAL DESCRIPTION FOR THE APPLICATION AREA.

WHEREAS, THE UNANIMOUS (5-0) VOTE FROM THE COUNTY COMMISSIONERS ON RESOLUTION NO. 158-2017 APPLIES TO THIS RESOLUTION, AS THE SUBJECT MATTER IS IDENTICAL TO WHAT WAS IN FRONT OF THE BOARD ON SEPTEMBER 13, 2017.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

Case No.ZON2017-00028 and CON 2017-00029

A Zone Change from RR Rural Residential to SF-10 Single-Family Residential on property legally described as follows:

The East Half of the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part of said East Half described as follows: Beginning at the southeast corner of said Southwest Quarter; thence west, 561 feet, more or less, to a point 750 feet east of the southwest corner of the East Half of said Southwest Quarter; thence north parallel with the east line of said Southwest Quarter, 661 feet; thence east parallel with the south line of said Southwest Quarter, 561 feet, more or less, to a point on the east line of said Southwest Quarter; thence south along the east line of said Southwest Quarter, 665 feet, more or less, to the point of beginning, and EXCEPT that part of said East Half described as follows: Beginning at the southwest corner of said East Half; thence east along the south line of said Southwest Quarter, 750 feet; thence north parallel with the east line of said Southwest Quarter, 592.27 feet; thence west 419.46 feet; thence northwesterly, 776.68 feet to a point on the west line of said East Half; thence south along the west line of said East Half, 1306.1 feet, more or less, to the point of beginning.

A Zone Change from RR Rural Residential to LI Limited Industrial on property legally described as follows:

That part of the East Half of the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the southeast corner of said Southwest Quarter; thence west, 561 feet, more or less, to a point 750 feet east of the southwest corner of the East Half of said Southwest Quarter; thence north parallel with the east line of said Southwest Quarter, 661 feet; thence east parallel with the south line of said Southwest Quarter, 561 feet, more or less, to a point on the east line of said Southwest Quarter; thence south along the east line of said Southwest Quarter, 665 feet, more or less, to the point of beginning, subject to road rights-of-way of record.

A Conditional Use to permit mining or quarrying, specifically the extraction and removal of sand and rock crushing on property legally described as follows:

A tract of land in the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: The East 1/2 of the Southwest 1/4; EXCEPT Beginning at the Southwest Corner of the East 1/2; thence East 750 feet; thence North 592.27 feet; thence West 419.46 feet; thence Northwest 786.68 feet; thence South 1306.1 feet to the Point of Beginning; and EXCEPT all subject to road rights-of-way of record.

SECTION II. That application ZON2017-00028 and CON2017-00029 is hereby approved and the Conditional Use is subject to the following conditions:

1. The mining/sand extraction operation shall meet all the supplementary use provisions of UZC Section III-D.6.gg.
2. The facility shall be operated as shown on the Operational Site Plan for CON2017-00029, prepared by Baughman Company.
3. The sand extraction operation and rock crusher shall have daily hours of operation from 6:00 a.m. to sunset.
4. The sand extraction/mining facility and rock crusher will have a15-year duration. This time period shall begin from the start of mining activities. The applicant shall notify MAPD of the start date.
5. Topsoil will be removed from the site, and sand extraction operations will be within the designated area on the operational site plan.
6. Material for rock crushing shall be clean concrete and asphalt debris. The rock crusher will operate in the designated area on the operational plan.
7. The rock crusher shall not be used daily, it will operate at times when there is sufficient material for crushing.
8. The facility will comply with permit requirements of the Kansas Department of Health and Environment.
9. A watering truck will be kept on-site to water all access roads and driveways for the sand extraction operation and rock crusher.
10. The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation.
11. Dedication of right of way to provide a total of 60 feet across the West 53rd Street North frontage.
12. Dedication of access controls on the West 53rd Street North frontage limiting access to one point, preferably near the center of the property.
13. Provide a drainage plan meeting the requirements of the Wichita-Sedgwick County Stormwater Manual.
14. Dedication of drainage easements as needed to accept runoff from off site and convey it through the site as indicated by the approved drainage plan.

15. Dedication of reserves to protect areas of the property that are covered by floodplain.
16. 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.

SECTION III. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION IV. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	Aye
MICHAEL B. O'DONNELL, II	Aye
DAVID T. DENNIS	Aye
RICHARD RANZAU	Aye
JAMES M. HOWELL	Aye

Dated this 8th day of November, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

CLERK OF SEDGWICK COUNTY KANSAS

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER,
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT
MAPC August 10, 2017

CASE NUMBER: ZON2017-00028 and CON2017-00029

OWNER/AGENT: Russell Investments, LLC, Jay Russell/Baughman Company, PA, Russ Ewy

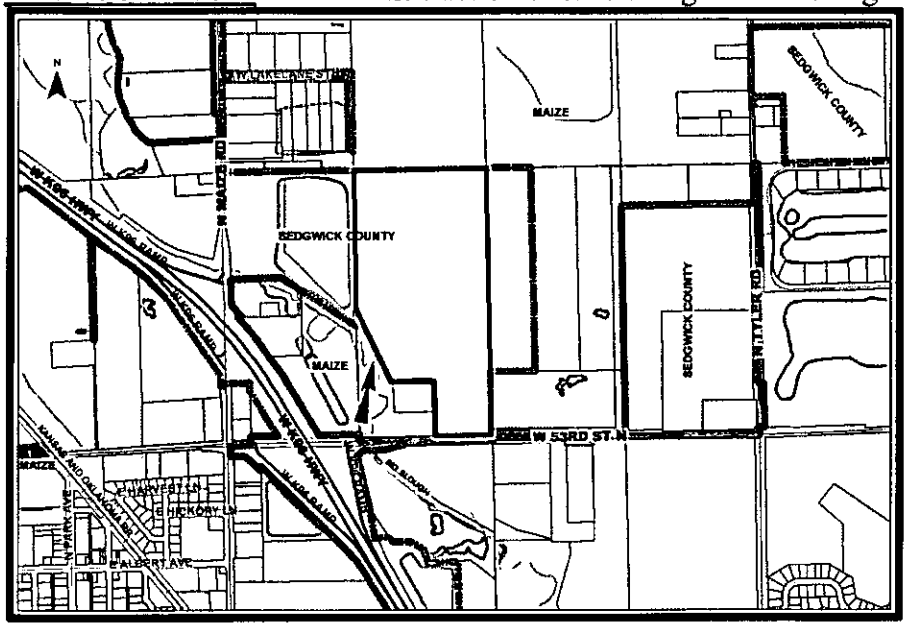
REQUEST: Zone Change to SF-10 Single-Family Residential and LI Limited Commercial and Conditional Use to permit Mining or Quarrying, specifically the extraction and removal of sand, and rock crushing

CURRENT ZONING: RR Rural Residential

SITE SIZE: Approximately 69-acres

LOCATION: Generally located on the north side of West 53rd Street North and approximately 1,000 feet east of K-96 Highway

PROPOSED USE: Extraction of sand and gravel crushing



BACKGROUND: The applicant is requesting a zone change from RR Rural Residential to SF-10 Single-Family Residential (SF-10) and LI Limited Industrial (LI), and a Conditional Use to permit mining or quarrying of sand, and rock crushing. The subject property is located on the north side of West 53rd Street North and approximately 1,000 feet east of K-96 Highway. The property is in unincorporated Sedgwick County, and abuts the City of Maize.

At the conclusion of sand extraction operation, the proposed SF-10 zoning district would allow the construction of approximately 50 single-family homes and a lake as shown on the redevelopment plan. Please note that this preliminary plan provides 50 lots with one point of access. The final plan will have to be revised to show a second point of access for this number of lots.

The proposed LI zoning would create two, three acre industrial parcels on the frontage of the property. Please see the attached redevelopment plan related to the application.

The Conditional Use request would allow a sand extraction/mining operation and related gravel crushing on the site, as shown on the attached operational site plan. Details on the operation are as follows:

- The sand extraction operation and rock crusher would have daily hours of operation from 6:00 a.m. to sunset.
- The sand extraction/mining facility and rock crusher will have an approximate 15-year duration.
- Topsoil will be removed from the site, and sand extraction operations will be within the designated area on the operational site plan.
- Material for rock crushing will be clean concrete and asphalt debris. The crushed gravel aggregate from this debris will be used for local construction and road projects. The rock crusher will operate in the designated area on the operational plan.
- The rock crusher will not be used daily, it will operate at times when there is sufficient material for crushing.
- The facility will comply with permit requirements of the Kansas Department of Health and Environment.
- A watering truck will be kept on-site to water all access roads and driveways for the sand extraction operation and rock crusher.
- The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation.
- The sand extraction operation and rock crusher would generate approximately 80 trucks per day.

The Unified Zoning Code (UZC) includes supplementary use regulations for mining and quarrying. Section III-D.6.gg. provides twenty-three standards and regulations for sand extraction operations. These include requirements on perimeter fencing, dust control, minimum water levels, overburden and stockpile locations, drainage requirements, and other important standards.

North of the subject property is a large vacant agricultural parcel zoned RR. South of the site is vacant property currently in the City of Maize. East of the site is vacant agricultural land zoned RR. West of the property is a vacant property zoned RR. There is single-family home west of the property on West 53rd Street North. East of the site along West 53rd Street North to the Arkansas River are approximately eight similar sand extraction operations.

This application is similar to a sand extraction operation and rock crusher conditional use on West 45th Street North and North Hoover Street, CON2014-00012 and CON2017-00004.

CASE HISTORY: The subject property is vacant and unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	vacant agricultural
SOUTH:	City of Maize	single-family residence, vacant agricultural
EAST:	RR	vacant agricultural
WEST:	RR	vacant agricultural

PUBLIC SERVICES: Access to the site is proposed to be from West 53rd Street North, a two-lane arterial road, with 60 feet of full right-of-way. Truck traffic from the operation could cause congestion on the public streets and the need for increased maintenance. Utilities will have to be extended to the property.

CONFORMANCE TO PLANS/POLICIES: The property is in the City of Maize Small City Urban Growth Area, as designated on the Urban Growth Area Map of the *Community Investment Plan.* The City of Maize was advised of this application on July 18, 2017, and the City has been provided a copy of this staff report and information on the public hearing.

RECOMMENDATION: The sand extraction mine and related rock crushing operation would provide essential material needed for to local construction projects of all types. The eventual redevelopment of the property with single-family homes at the conclusion of the sand extraction operation is common is this area. Based upon information available prior to the public hearings, planning staff recommends that the request be *APPROVED*, subject to the following conditions:

1. The mining/sand extraction operation shall meet all the supplementary use provisions of UZC Section III-D.6.gg.
2. The facility shall be operated as shown on the Operational Site Plan for CON2017-00029, prepared by Baughman Company.
3. The sand extraction operation and rock crusher shall have daily hours of operation from 6:00 a.m. to sunset.
4. The sand extraction/mining facility and rock crusher will have an approximate 15-year duration. This time period shall begin from the start of mining activities. The applicant shall notify MAPD of the start date.
5. Topsoil will be removed from the site, and sand extraction operations will be within the

designated area on the operational site plan.

6. Material for rock crushing shall be clean concrete and asphalt debris. The rock crusher will operate in the designated area on the operational plan.
7. The rock crusher shall not be used daily, it will operate at times when there is sufficient material for crushing.
8. The facility will comply with permit requirements of the Kansas Department of Health and Environment.
9. A watering truck will be kept on-site to water all access roads and driveways for the sand extraction operation and rock crusher.
10. The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation.
11. Dedication of right of way to provide a total of 60 feet across the West 53rd Street North frontage.
12. Dedication of access controls on the West 53rd Street North frontage limiting access to one point, preferably near the center of the property.
13. Provide a drainage plan meeting the requirements of the Wichita-Sedgwick County Stormwater Manual.
14. Dedication of drainage easements as needed to accept runoff from off site and convey it through the site as indicated by the approved drainage plan.
15. Dedication of reserves to protect areas of the property that are covered by floodplain.
16. 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:** North of the subject property is a large vacant agricultural parcel zoned RR. South of the site is vacant property currently in the City of Maize. East of the site is vacant agricultural land zoned RR. West of the property is a vacant property zoned RR. There is single-family home west of the property on West 53rd Street North. East of the site along West 53rd Street North to the Arkansas River are approximately eight similar sand extraction operations.

   This application is similar to a sand extraction operation and rock crusher Conditional Use on West 45th Street North and North Hoover Street, CON2014-00012 and CON2017-00004.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR and the property could be developed with permitted uses in this zoning district. Allowing the uses proposed with the Conditional Use application will provide materials important to local construction projects. The future redevelopment of the site with single-family homes will allow residential uses that are consistent with the area.
3. **Extent to which removal of the restrictions will detrimentally affect nearby**

property: The Supplemental Use Regulations of the UZC are designed so mining and quarrying operations do not have an adverse impact on surrounding properties. The proposed Conditional Use shall meet all twenty-three Supplemental Use Regulations and should not detrimentally effect nearby property. Dust control is a major concern with operations such as this, and watering of haul roads and a watering system on the rock crusher will help compliance with these standards. The eventual redevelopment of the property with single-family homes will provide a development that is compatible with the area.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The property is in the City of Maize Small City Urban Growth Area, as designated on the Urban Growth Area Map of the *Community Investment Plan*. The City of Maize was advised of this application on July 18, 2017, and the City has been provided a copy of this staff report and information on the public hearing.

5. **Impact of the proposed development on community facilities:** The primary impact of the proposed use is an increase in truck traffic on West 53rd Street North. Truck traffic could cause increased congestion on public streets and the need for additional street maintenance.

Staff Report Attachments:

1. Operational Site Plan
2. Redevelopment Plan