



Wichita-Sedgwick County Metropolitan Area Planning Department

August 13, 2018

JRD, LLC
P.O. Box 75337
Wichita, KS 67275

Baughman Company, P.A.
Russ Ewy
315 Ellis
Wichita, KS 67211

RE: CON2018-00015 - City request to grant a Conditional Use Permit to establish a Sand Extraction Operation with a Rock Crusher on Property Zoned SF-5 Single Family Residential – 5601 South Clifton

Dear Ms. Russell:

At its regular meeting on **July 10, 2018**, Wichita City Council considered the above captioned request. The action of the Wichita City Council was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: WCC III, James Clendenin, Mail Stop 1-13
Maddy Campbell, CSR III, Mail Stop 1-135
MABCD

RESOLUTION No. 18-206

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT AN EXPANSION OF AN EXISTING SAND EXTRACTION OPERATION AND ADD AN ASSOCIATED RECYCLING (ROCK CRUSHER) USE ON APPROXIMATELY 83 ACRES ZONED SF-5 SINGLE-FAMILY RESIDENTIAL ("SF-5"), GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH AND WEST OF CLIFTON AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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, for a Conditional Use to permit an expansion of an existing sand extraction operation and add an associated recycling (rock crusher) use, on approximately 83 acres zoned SF-5 Single-Family Residential ("SF-5") legally described below:

Case No. CON2018-00015

A Conditional Use to permit an expansion of an existing sand extraction operation and add an associated recycling (rock crusher) use, on approximately 83 acres zoned SF-5 Single-Family Residential ("SF-5") legally described as:

That part of Government Lot 1 in the NE $\frac{1}{4}$ of Sec. 27, Twp. 28-S, R -1-E of the 6th P.M., Sedgwick County, Kansas lying east of the Big Arkansas River, except the north 200.00 feet thereof; and,

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 26, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, subject to road rights-of-way of record, TOGETHER with that part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 26 described as follows: Beginning at the NW corner of the SW $\frac{1}{4}$ of said NW $\frac{1}{4}$; thence easterly along the north line of the SW $\frac{1}{4}$ of said NW $\frac{1}{4}$, 568.00 feet; thence southerly parallel with the west line of said NW $\frac{1}{4}$, 58.5 feet, more or less, to the centerline of a ditch; thence following the centerline of said ditch to a point on the west line of said NW $\frac{1}{4}$, 140.00 feet, more or less, south of the NW corner of the SW $\frac{1}{4}$ of said NW $\frac{1}{4}$; thence northerly along the west line of said NW $\frac{1}{4}$, 140.00 feet, more or less, to the point of beginning; and,

A tract in Government Lot 2 in the NE $\frac{1}{4}$ of Sec. 27, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County Kansas described as beginning at the NE corner of said Government Lot 2; thence southerly, along the east line of said Government Lot 2, 140 feet to the centerline of a ditch; thence southwesterly, along the centerline of said ditch to the point of intersection of said centerline and the East bank of the Big Arkansas River, said point being 830 feet south of the north line of said Government Lot 2; thence northwesterly, along said east bank to a point on the north line of said Government Lot 2; thence east 1,062 feet, more or less, to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. This permit shall be approved for seven years and may be extended by administrative adjustment for an additional three years provided all conditions outlined herein are met and the appropriate applications for administrative adjustment approval are timely submitted.

2. The extraction operation on the site shall proceed in accordance with an operational plan approved by the Planning Commission. The perimeter of the excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted on the site.
3. If the excavation creates areas with standing water, the excavation operation will abide by the rules and design requirements set forth in the Federal Aviation Administration Advisory Circular 150/5300-338 "Hazardous Wildlife Attractants On or Near Airports" to prevent the site from attracting any hazardous wildlife.
4. The operational plan shall illustrate which area is to be excavated and in what phase.
5. Uses after the conclusion of the extraction operation shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the development plan is compatible with surrounding land uses, the Comprehensive Plan or other plans or policies being utilized by the City. The redevelopment plan submitted with conditional use application depicts a single-family residential subdivision. Said redevelopment plan fulfills this requirement and does not require additional planning commission review provided the final design is in substantial conformance with the MAPC approved redevelopment plan. The site shall be developed in conformance with the redevelopment plan unless specifically adjusted or amended, and shall be platted in compliance with the Subdivision Regulations of the City of Wichita.
6. Security fencing of the site shall comply with the standards established by the applicable provisions of the Unified Zoning Code and shall be installed in compliance therewith and maintained at all times.
7. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.
8. The owner of the property shall be responsible for minimizing blowing dust from the site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the excavation area being expanded, per the operational plan, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.
9. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be not steeper than five horizontal feet to one vertical foot. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to city legal counsel, prior to the commencement of any extraction, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.
11. The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right of way, or closer than 50 feet to any property line; provided, however, the applicant shall install a 20-foot berm along the northern property line to screen the operations from view of the homes to the north. Said berm is to be installed within 90 days of approval of this Conditional Use.

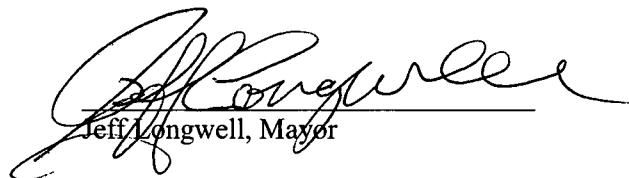
12. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the excavation pit shall be properly graded and planted with a vegetative cover. Also, all stockpiled material and related excavation equipment shall be removed from the subject site. No commercial recreational activities, such as motor cross or other recreational activities shall be permitted unless authorized by applicable codes or permissions.
13. Hours of operation for extraction shall be limited to 6:00 a.m. to sunset.
14. Any on-site storage of fuels or chemicals must be approved by the Sedgwick County Environmental Resources.
15. A flood plain development permit, along with a drainage plan shall be submitted to and approved by City Public Works prior to starting the extraction operation. All of the area included in the extraction operation shall be graded in accordance with the approved drainage plan, or if applicable, FAA design standards contained in "Hazardous Wildlife Attractants On or Near Airports" cited above. The extraction area shall be developed so as to not become a wetland area or to inhibit the flow of storm water.
16. All operational roads, stockpiles, work areas or areas with disturbed soil shall be maintained in a sand or gravel condition and/or shall be treated with water or other acceptable dust retardant to effectively minimize blowing dust. A watering truck shall be kept on-site to water all access roads and driveways for truck traffic related to the sand extraction and crushing/recycling operation
17. As required by Sedgwick County Public Works, additional right-of-way dedication, by separate instrument, shall be provided along South Clifton Avenue to assure sufficient right-of-way exists to address street needs.
18. All applicable local, state, and federal permits necessary for the extraction operation and for flood plain development shall be obtained and maintained.
19. The rock crusher hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday; and may be active from 8:00 a.m. to 3:00 p.m. on Saturdays. The rock crusher shall not be operated on Sundays or legal holidays.
20. The location of the rock crusher shall be limited to the area on the site plan designated as rock crushing and recycling area.
21. The applicant shall obtain all air quality permits and applicable operational permits from the Kansas Department of Health and Environment.
22. A dust suppression/watering system shall be used during all rock crushing operations.
23. Material to be crushed/recycled shall be limited to clean concrete and asphalt debris.
24. The rock crusher shall operate no more than 90 days per year.
25. If operations have not begun within one year of approval, the Conditional Use shall be null and void.

26. Truck traffic from the sand extraction and/or the rock crushing operation are prohibiting from using Clifton Avenue north of 55th Street South. All trucking operators shall be provided appropriate maps indicating the acceptable routes for travel to and from the facilities.
27. There shall be an "on-site manager" at the entire facility at all times in which the facility is authorized to operate. Said "on-site manager" shall be authorized to administer and enforce all provisions of this approval in conjunction with and support to the administrative and enforcement authority of the Zoning Administrator and Planning Director and his/her designates employees and agents.
28. 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. Upon the receipt of a complaint that is determined to be a violation of the conditions of approval, the applicant shall be notified of the complaint and have 72 hours to contact zoning enforcement to address the complaint. Failure to address the validated complaint may lead to additional enforcement efforts.
29. Within 60 days of final approval, the applicant shall file with the county register of deeds a document that provides notice that the property is subject to the development standards contained in Conditional Use 2018-00015.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit 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 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 10th day of July, 2018.

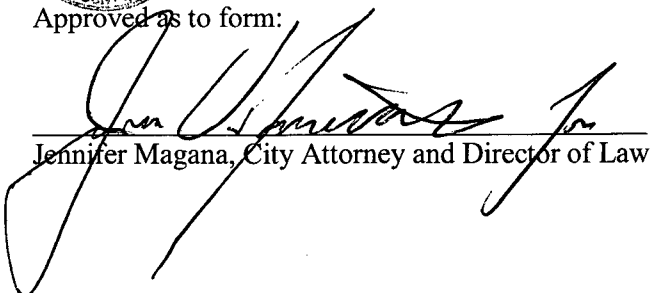

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

MAPC June 7, 2018

DAB III April 4, 2018

CASE NUMBER: CON2018-00015

OWNER/AGENT: JRD, LLC, c/o Jay Russell (owner) / Baughman Company, PA, c/o Russ Ewy (agent)

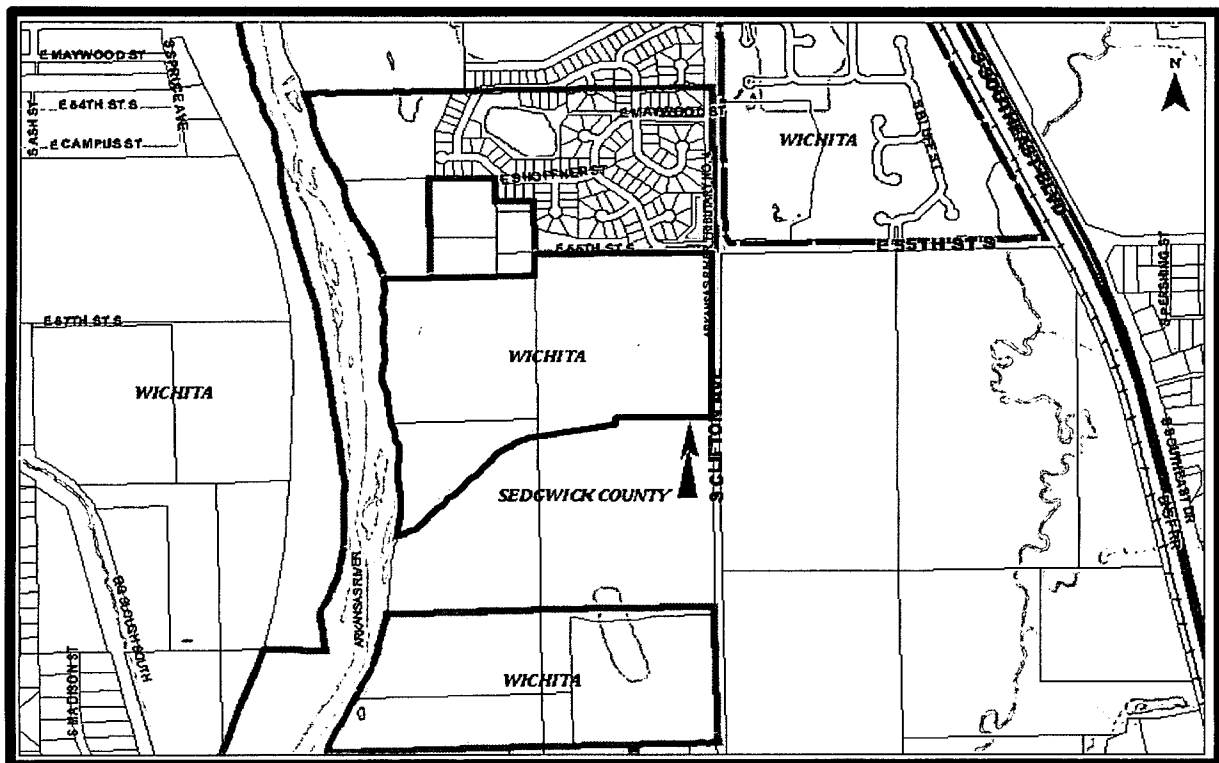
REQUEST: City Conditional Use to expand an existing sand extraction operation and add an associated recycling (rock crusher) use

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 83 acres

LOCATION: Generally located West of Clifton Avenue on the south side of 55th Street South (5601 South Clifton)

PROPOSED USE: Sand Extraction and Rock Recycling (Rock Crusher)



BACKGROUND: The applicant is requesting "conditional use" approval for the expansion of the "mining and quarrying" operation which was approved in 2015 on the approximately 83 unplatted acres located at the southwest corner of South Clifton Avenue and East 55th Street South. The property is zoned SF-5 Single-Family Residential (SF-5). The existing operation was approved in 2015 as Case No. CON2015-00004. That case dealt more with the extraction of top soil and the redevelopment plan provided envisioned a larger residential development for the site. A copy of the redevelopment plan from 2015 is provided for reference.

The case was first set for public hearing on April 5, 2018. The applicant's agent request a continuance of the public hearing at that meeting for two weeks and the MAPC granted that continuance. Subsequently, the applicant submitted a written deferral until May 10, 2018, and then until the June 7, 2018, MAPC meeting in order to address many issues that were raised at the DAB meeting and in correspondence with the applicant and staff from surrounding neighbors. Issues and questions raised concerned the impact to Clifton Avenue, potential impacts to McConnell Air Force Base, and numerous claims of environmental impacts to the area. The applicant has met with the appropriate officials from the County, McConnell and Riverside Township concerning all these issues and questions and will be available to address those matters with the MAPC at the meeting on June 7, 2018.

The District Advisory Board for District III reviewed this case at its meeting of April 4, 2018, and voted 7 to 0, with one abstention, to deny the request. The Memo from that meeting is attached.

As noted in the original staff report, in 2016, new flood plain standards were established which have changed the intentions for this property significantly. The site is located in the flood fringe of the Arkansas River floodplain. Because of the new requirement for 2-feet of "freeboard" for development and the extent of the floodplain coverage on the site, the extent of residential development originally proposed in 2015 is no longer practical. As a result, this request to enlarge the extraction area from approximately 20 acres to 47 acres, and the reduction in ultimate residential development reduced accordingly. There is single-family residential development around other inactive sand pit operations west of the site; as well as numerous other developments in other parts of the city and county. The redevelopment of sand pit facilities into residential developments is common and creates attractive residential communities with nice water features.

The extent of this proposed operation is discussed in the supplemental information provided by the agent in the letter attached. In short, that information outlines the expansion in area noted above, discusses the extent of the operation of a rock recycling facility (rock crushing equipment), the hours of operation, the proposed duration of the overall operation, the equipment to be used, and other supporting information.

The Wichita-Sedgwick/County Unified Zoning Code (UZC) permits "mining and quarrying" of topsoil in the SF-5 zoning district with "conditional use" approval and subject to the supplementary use regulations contained in Article III, Section III-D.6.gg, which lists 23 operational standards, such as a requirement for a site plan, a post excavation redevelopment plan, fencing, dust control, length of time for extraction and hours of operations. The supplementary use standards may be modified as part of the conditional use hearing.

The provisions of the Supplementary Uses, Article III, Section III(d)(6)(gg) are as follows:

gg. Mining or Quarrying, sand and gravel extraction. Sand and gravel extraction operations shall be subject to the following conditions:

- (1) The extraction operation on the Site shall proceed in accordance with an operational plan approved by the Planning Commission. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the

enforcement of the operational plan, a copy of the approved operational plan shall be posted in the extraction office.

- (2) The operational plan shall illustrate which area is to be excavated and at what time.
- (3) As part of the Conditional Use approval, the development plan for Uses after the conclusion of the extraction operation shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the development plan is compatible with surrounding land uses, the *Comprehensive Plan* or other plans or policies being utilized by the City or County.
- (4) Abutting the perimeter of the application area, a minimum 60-inch high Fence shall be constructed prior to the beginning of any extraction operation and shall be maintained at the locations depicted on the approved operational plan. Said Fence shall be placed on steel posts that are not less than seven feet tall. The posts shall not be set more than 16 feet apart. The Fence shall be a minimum height of 60 inches and shall be of the following types of construction:
 - (a) a 48-inch high or higher chain link Fence with three or more strands of barbed wire; or
 - (b) a 48-inch high or higher solid metal or solid masonry Screening Wall with three or more strands of barbed wire; or
 - (c) a 48-inch high or higher wood Fence that may have cracks or openings not in excess of five percent of the area of such Fence, with three or more strands of barbed wire; whereby
 - (d) the term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four inches apart and placed at the top of the Fence and gate at an angle not to exceed 160 degrees facing away from the excavation.
- (5) The extraction shall be to at least a minimum depth of six feet below the normal water table, as determined by the Director of Sedgwick County Code Enforcement.
- (6) The Owner of the property shall be responsible for minimizing blowing dust from the Site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the lake being expanded into an area, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.
- (7) All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.
- (8) To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than five horizontal to one vertical.
- (9) Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.

- (10) The property shall be platted prior to the issuance of any zoning or Building Permits, except those permits necessary for the extraction operation.
- (11) No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the development area, unless duly authorized under provisions of this Code and amendments thereto.
- (12) The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the City or County legal counsel (as applicable), prior to the commencement of any extraction operation, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.
- (13) The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- (14) Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the lake shall be properly graded and planted with a vegetative cover. Also, all stockpiled sand or overburden and sand pumping and related equipment shall be removed from the subject site.
- (15) The length of time for the extraction operation and the hours of operation for removal of the overburden shall be set at the time of approval of the Conditional Use. Subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.
- (16) Hours of operation for the removal of overburden shall be limited to 6:00 a.m. to sunset. The same hours of operation shall apply if sand removal is conducted with the use of non-electric driven equipment. If sand is removed with the use of an electrical pump, sand extraction may operate 24 hours a day.
- (17) All on-site water and sewage facilities shall be approved by and constructed to the standards of the Department of Code Enforcement for the County or Department of Environmental Services for the City.
- (18) Any water wells needed to operate the facility must comply with the Water Well Construction Standards contained in Article 30 of the Kansas Department of Health and Environment rules and regulations.
- (19) The applicant shall make the Site available to the Department of Code Enforcement for land in the County or Department of Environmental Services for land in the City for the installation and management of groundwater monitoring wells.
- (20) Any on-site storage of fuels or chemicals must be approved by the Sedgwick County Department of Environmental Resources for land in the County or Department of Environmental Services for land in the City.
- (21) A drainage plan shall be submitted to and approved by City or County Public Works (as applicable) prior to starting the extraction operation. All of the area included within the fenced sand extraction operation shall be graded in accordance with the approved drainage plan. Additional requirements, such as a public drainage easement, a floodway reserve, or a

covenant authorizing the area of the Site for use as a detention storage facility for public drainage purposes, may be required as a condition of approval for the drain-age plan.

- (22) All operational roads shall be maintained in a sand or graveled condition and shall be treated water or other acceptable dust retardant to minimize blowing dust.
- (23) All applicable local, state, and federal permits necessary for the extraction operation shall be obtained and maintained.

Land surrounding the application area is zoned SF-5 or SF-20 Single-Family Residential (SF-20) and is large-lot single-family residential, urban density single-family residential, cropland or vacant. The application is located approximately three-fourths of a mile west of the western boundary of McConnell Air Force Base Airport Overlay District (AOD) II South; however, the site is located well outside of McConnell Air Force Base's "area of critical interest" that requires the base to be notified of the request.

To the north is the Meadowlake Beach Subdivision, a residential development partially completed within the City of Wichita. There are a number of vacant lots and some portions of the proposed plat that have not had infrastructure extended. This property was included in the original preliminary plat for Meadowlake Beach, but as noted above the plans for extensive residential development have changed because of the changes in the flood plain development standards.

To the northeast across Clifton Avenue is the Clifton Heights Addition, which is owned by the City of Wichita following a donation from this developer. The entire property was rezoned along with other lands to the east of K-15 in 2005 as part of the rezoning associated with the implementation of the recommendation of the Joint Land Use Study surrounding McConnell Air Force Base. The land is now zoned IP-A Industrial Park – Airport (IP-A). The property is being leased for agricultural uses.

Further to the northeast is land owned by the Derby Unified School District that is zoned LI Light Industrial (LI). The north end of that property is developed with the Oaklawn Elementary School and other school uses.

CASE HISTORY: The property is zoned SF-5 Single-Family Residential. The site is unplatted. As noted above, a conditional use permit was granted in 2015 for the extraction operation existing today. Also, the land was included in the preliminary plat for Meadowlake Beach and will be modified as needed following completion of this extraction operation in the final platting for redevelopment as shown with these plans.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5 and SF-20	urban density and large-lot single-family residences
SOUTH:	SF-20	cropland
EAST:	SF-20 and IP-A	cropland, vacant
WEST:	SF-5 west of the Arkansas River; Arkansas River	

PUBLIC SERVICES: 55th Street west of South Clifton Street to Meadowview Street is a paved divided two-lane local street that provides access to a single-family residential subdivision. West of Meadowview Street 55th Street is an unpaved half-street that looks more like a private drive than a public street that provides access to four large-lot single-family residences. South Clifton Street is a two-lane paved arterial street as is 55th Street east of South Clifton. 55th Street east of South Clifton Street provides direct access to K-15/Southeast Boulevard. Sanitary sewer, running east to west across the entire length of the application area, is located approximately 204 feet south of the 55th Street. Sanitary sewer is also located along the site's South Clifton Street frontage. Public water service is located in 55th Street up to the point where Meadowview Street turns north and along the site's Clifton Street frontage.

According to Sedgwick County Public Works, additional right-of-way dedication is requested along South Clifton Avenue at this time to assure sufficient right-of-way exists to address street needs. The request is for 50-feet of right-of-way for the west side of Clifton Avenue. A condition of approval will be the separate dedication of right-of-way for South Clifton Avenue as required by Sedgwick County.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" of the Comprehensive Plan identifies this property as "parks and open space." The proposed soil extraction operation (which the UZC classifies as an Industrial, Manufacturing, Extractive Use) and the proposed single-family residential development that is likely to follow after the conclusion of the extraction operation will result in significant open space with residential development similar in character to that existing in the immediate area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. This permit shall be approved for seven years and may be extended by administrative adjustment for an additional three years provided all conditions outlined herein are met and the appropriate applications for administrative adjustment approval are timely submitted.
2. The extraction operation on the site shall proceed in accordance with an operational plan approved by the Planning Commission. The perimeter of the excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted on the site.
3. If the excavation creates areas with standing water, the excavation operation will abide by the rules and design requirements set forth in the Federal Aviation Administration Advisory Circular 150/5300-338 "Hazardous Wildlife Attractants On or Near Airports" to prevent the site from attracting any hazardous wildlife.
4. The operational plan shall illustrate which area is to be excavated and in what phase.
5. Uses after the conclusion of the extraction operation shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the development plan is compatible with surrounding land uses, the Comprehensive Plan or other plans or policies being utilized by the City. The redevelopment plan submitted with conditional use application depicts a single-family residential subdivision. Said redevelopment plan fulfills this requirement and does not require additional planning commission review provided the final design is in substantial conformance with the MAPC approved redevelopment plan. The site shall be developed in conformance with the redevelopment plan unless specifically adjusted or amended, and shall be platted in compliance with the Subdivision Regulations of the City of Wichita.
6. Fencing of the site is not required provided excavation does not exceed five feet in depth, the slopes of excavation areas comply with specified slope requirements and the site is posted "no trespassing." If fencing is required, it shall comply with the standards established by the applicable provisions of the Unified Zoning Code.

7. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.
8. The owner of the property shall be responsible for minimizing blowing dust from the site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the excavation area being expanded, per the operational plan, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.
9. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be not steeper than five horizontal feet to one vertical foot. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to city legal counsel, prior to the commencement of any extraction, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.
11. The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right of way, or closer than 50 feet to any property line.
12. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the excavation pit shall be properly graded and planted with a vegetative cover. Also, all stockpiled material and related excavation equipment shall be removed from the subject site. No commercial recreational activities, such as motor cross or other recreational activities shall be permitted unless authorized by applicable codes or permissions.
13. Hours of operation for extraction shall be limited to 6:00 a.m. to sunset.
14. Any on-site storage of fuels or chemicals must be approved by the Sedgwick County Environmental Resources.
15. A flood plain development permit, along with a drainage plan shall be submitted to and approved by City Public Works prior to starting the extraction operation. All of the area included in the extraction operation shall be graded in accordance with the approved drainage plan, or if applicable, FAA design standards contained in "Hazardous Wildlife Attractants On or Near Airports" cited above. The extraction area shall be developed so as to not become a wetland area or to inhibit the flow of storm water.
16. All operational roads, stockpiles, work areas or areas with disturbed soil shall be maintained in a sand or gravel condition and/or shall be treated with water or other acceptable dust retardant to effectively minimize blowing dust.

17. As required by Sedgwick County Public Works, additional right-of-way dedication, by separate instrument, shall be provided along South Clifton Avenue to assure sufficient right-of-way exists to address street needs.
18. All applicable local, state, and federal permits necessary for the extraction operation and for flood plain development shall be obtained and maintained.
19. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
20. 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. Upon the receipt of a complaint that is determined to be a violation of the conditions of approval, the applicant shall be notified of the complaint and have 72 hours to contact zoning enforcement to address the complaint. Failure to address the validated complaint may lead to additional enforcement efforts.
21. Within 60 days of final approval, the applicant shall file with the county register of deeds a document that provides notice that the property is subject to the development standards contained in Conditional Use 2018-00015.

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

1. **The zoning, uses and character of the neighborhood:** Land surrounding the application area is zoned SF-5 or SF-20 Single-Family Residential (SF-20) and is large-lot single-family residential, urban density single-family residential, cropland or vacant. The application is located approximately three-fourths of a mile west of the western boundary of McConnell Air Force Base Airport Overlay District (AOD) II South; however, the site is located well outside of McConnell Air Force Base's "area of critical interest" that requires the base to be notified of the request. The property is located at the edge of the City of Wichita's current development, and, based upon market demand, will transition from agricultural uses to more intense land uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5 which primarily permits single-family residential uses and a few institutional and civic uses, by right, such as, schools, churches and public parks. The site could reasonably be expected to provide economic return as currently zoned. However, to prepare the site for development for single-family residential will require site grading, storm water control and flood plain design that can be facilitated by the expanded extraction operation proposed by the current application request.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested action permits a temporary use that will facilitate the development of the site at some future point. While excavation is underway the site will have earth moving equipment that may generate noise and dust. However, proposed conditions of approval, length of time operations may occur, such as hours of operations, setbacks and dust control, are designed to minimize impacts on nearby property.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** Denial would presumably represent a loss of economic opportunity to the applicant. Approval would provide fill material for offsite construction projects while preparing the application area for further development which is expected to provide additional housing for the

south Wichita-Derby-McConnell Air Force Base area.

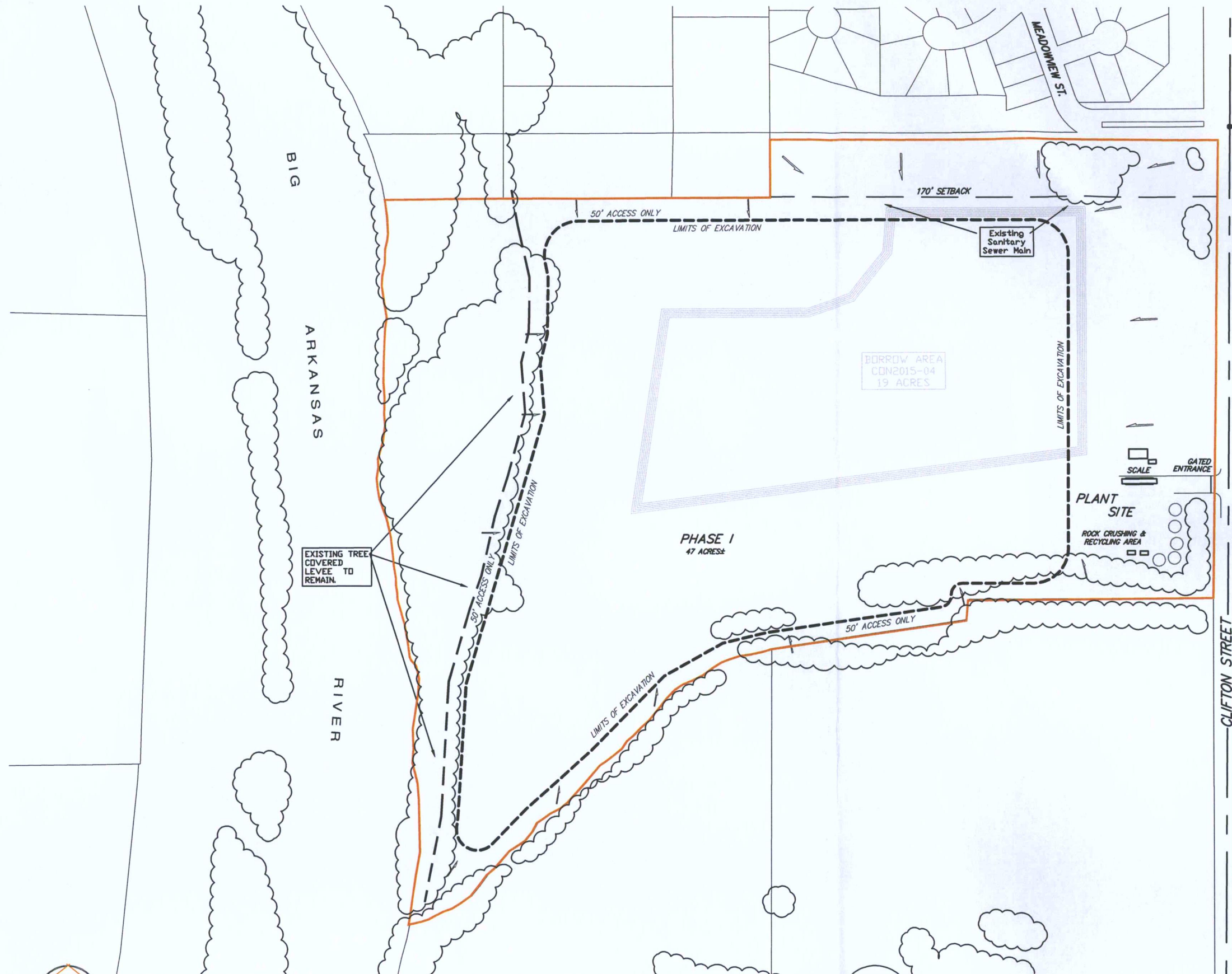
5. **Impact of the proposed development on community facilities:** The "2035 Wichita Future Growth Concept Map" of the Comprehensive Plan identifies this property as "parks and open space." The proposed soil extraction operation (which the UZC classifies as an Industrial, Manufacturing, Extractive Use) and the proposed single-family residential development that is likely to follow after the conclusion of the extraction operation will result in significant open space with residential development similar in character to that existing in the immediate area.

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 soil extraction operation (which the UZC classifies as an Industrial, Manufacturing, Extractive Use) and the proposed single-family residential development that is likely to follow after the conclusion of the extraction operation both fit into the "urban development mix."

6. **Impact of the proposed development on community facilities:** Existing or required facilities are in place to address anticipated demands on community facilities.

Staff Report Attachments:

Operational Plan
Redevelopment Plan
2015 Redevelopment Plan
Supplemental Information Letter
DAB II Memo



SITE PLAN

APPROVED 7/10/18 BY WCC *WCC*
CON 2018-000 15

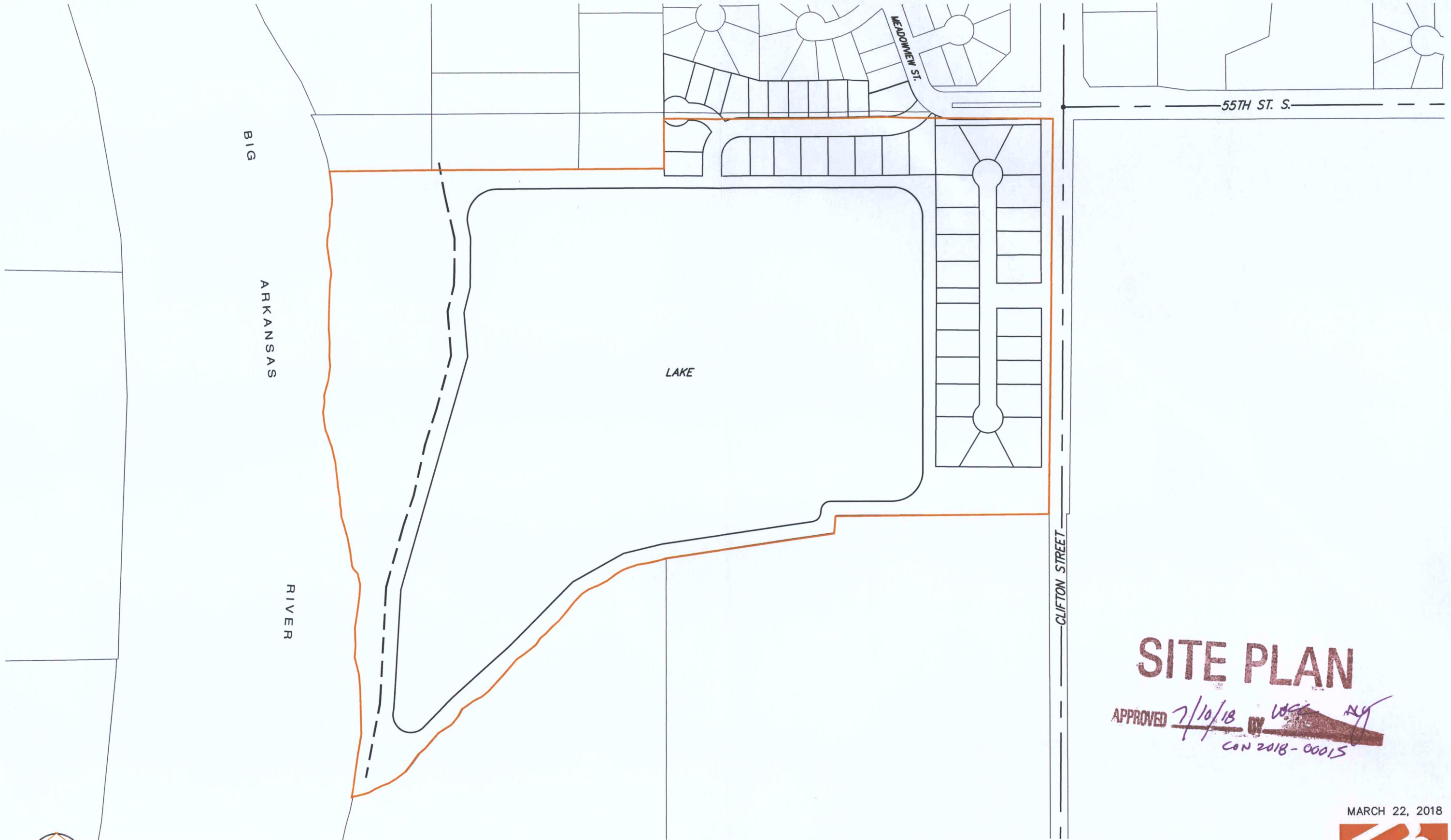

SCALE: 1" = 300'

OPERATIONAL PLAN - CON2018-15

55th STREET SOUTH & CLIFTON AVENUE

MARCH 22, 2018

BAUGHMAN



SITE PLAN

APPROVED 7/10/18 BY *[Signature]*
CON 2018-00015

REDEVELOPMENT PLAN - CON2018-15

55th STREET SOUTH & CLIFTON AVENUE


SCALE: 1" = 300'

MARCH 22, 2018

BAUGHMAN