



Wichita-Sedgwick County Metropolitan Area Planning Department

REVISED

May 30, 2019

Cain Farms LLC
Attn: Kenneth Cain
1422 E. 111th Street
Mulvane, KS 67110



FILE COPY

Mark Ysidro
3760 S. Broadway
Wichita, KS 67215

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

Re: CON2019-15: County Administrative Adjustment to modify Condition #14 for CU-562 to extend the time of the Conditional Use for a sand and gravel operation on RR Rural Residential zoned property as per the approved site plan (dated February 24, 2000) for Conditional Use CON2012-35, generally located on the west side of South Hydraulic Avenue and north of East 111th Street South (10911 S. Hydraulic).

Legal Description: The East half of the Southeast Quarter of Section 28, Township 29, Range 1 East of the 6th PM of Sedgwick County, Kansas, except the East 40 feet and the South 550 feet thereof.

Dear Applicants:

We have reviewed your request for a County Administrative Adjustment to modify Condition#14 for CU-562 to allow for a seven (7) year extension to August 27, 2026 of the Conditional Use for a sand and gravel operation on RR Rural Residential zoned property. Operation of the sand and gravel extraction site began in March of 2000 and has been granted two extensions (CON2006-34 and CON2012-35).

The Unified Zoning Code (UZC) allows the Planning Director, with the concurrence of the Zoning Administrator to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any of the negative impacts state in Section V-I.6. We find that extending the time of the Conditional Use to August 27, 2026 meets the four conditions required by Sections V-I.6 of the UZC.

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Extending the length of time to complete excavation of the lake will have no significant impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: Condition #14 of CU-562 is in place to ensure that operations are completed in a reasonable amount of time to limit the impact of operation on surrounding areas. Extending the length of time for sand and gravel operations as permitted on the site should not detrimentally impact the surrounding agricultural uses.

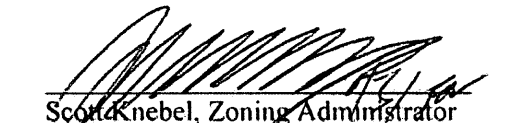
- 3) Compatibility with existing or permitted uses on abutting sites: Sand and gravel extraction has been found to be compatible with existing or permitted uses on the site through the approval of CU-562. The compatibility with existing or permitted uses on abutting sites should not be impacted significantly by extending the time period for which sand and gravel extraction is permitted.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare; nor will properties or improvements in the vicinity be materially damaged.

Our signatures below indicate that an Administrative Adjustment to Condition #14 of CU-562 to extend the time for CU-562 is hereby granted for the aforementioned property subject to the following conditions:

- 1) Sand and gravel extraction operations shall cease no later than August 27, 2026.
- 2) All other conditions of approval for CU-562 shall be met.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Administrative Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.


Dale Miller, Director
Metropolitan Area Planning Department


Scott Knebel, Zoning Administrator
Metropolitan Area Planning Department

cc: MABCD
Jim Weber, Sedgwick County Public Works, 1144 S. Seneca, Wichita, KS 67213
County Commissioner Michael O'Donnell, District 2