Wichita-Sedgwick County Metropolitan Area Planning Department

June 4, 2021

Martin Central San Company, Inc.
Attn: Steve Martin
7945 N Broadway
Valley Center, KS 67147

Larry Henning
53755 E. 268th Street
Afton, OK 74331

RE: **CON2021 00020** - City Conditional Use for rock crushing on property zoned SF 5 Single family Residential located 500 feet east of South Hydraulic Avenue, 2000 feet north of East 71st Street South (East 68th Street).

Dear Applicants:

At its regular meeting on **June 3, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following conditions:

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

A. The activity will be limited to the hours of 7:00 a.m. to 5:00 p.m. and shall be limited to a maximum of six (6) weeks per year. An administrative adjustment will have to be approved to increase the maximum number of weeks of operation.
B. The site shall be developed and operated in conformance with the approved site plan and all applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing operations and material storage shall take place within the designated site plan area, unless an adjusted site plan is approved by the Director of Planning. Maximum height of recycled materials shall not be higher than 30 feet and the site shall have a 6-foot masonry fence with wire fencing on top of the masonry.
C. Prior to rock crushing operations, the applicant (or applicant's hired rock crushing company) shall get an air permit from KDHE to operate in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants and notify City of Wichita Public Works – Environmental Services.
D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.
E. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be kept

onsite to be used to control dust.

F. Access to the site will be from South Hydraulic Avenue to the drive access on East 68th Street South.
G. All conditions shall be met or the Conditional Use shall be null and void.
H. 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.

Property owners opposed to the application may file with the City Clerk signed written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **June 17, 2021**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **June 17, 2021 at 5:00 p.m.**

This application will be presented to the Wichita City on **July 6, 2021, beginning at 9:00 a.m.** You may attend the Wichita City Council in person (masks are required) in the City Council Chambers, 1st Floor, 455 North Main Street. You may also attend the meeting "Virtually".

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Jared Cerullo, Council Member District III
Maddy Campbell, CSR, District III

CONDITIONAL USE RESOLUTION NO. CON2021-00020

WHEREAS, Martin's Central Sand Company, Inc., Owner; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests County Conditional Use to allow a rock crushing/recycling operation on SF-5 Single-Family Residential Zoning described as:

Beginning 480 feet West and 211 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence West 240 feet; thence South to the Northerly right of way of the Cowskin Flood Control as condemned in District Court Case No. A-29459; thence Southeasterly along said Northerly line of flood control right of way to a point 480 feet West of the East line of said Northwest Quarter of said Southwest Quarter; thence North to the place of beginning, EXCEPT the North 30 feet thereof for road.

AND

Beginning 480 feet West and 481 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 120 feet; thence East 210 feet; thence North 120 feet; thence West 210 feet to the place of beginning, EXCEPT the East 30 feet for road.

AND

A tract beginning 270 feet West and 361 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 120 feet; thence West 105 feet; thence North 120 feet; thence East 105 feet to the point of beginning, EXCEPT the East 30 feet for road.

AND

The West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter lying North of floodway, Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 601 feet, and EXCEPT the East 30 feet for road.

AND

The North Half of the East Half of the South 270 feet of the North 481 feet of the West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 30 feet and the East 30 feet for road.

AND

The West Half of the South 270 feet of the North 481 feet of the West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 30 feet and the East 30 feet for 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 June 3, 2021, 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 Conditional Use to allow a rock crushing/recycling operation on SF-5 Single-Family Residential Zoning described as:

Beginning 480 feet West and 211 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence West 240 feet; thence South to the Northerly right of way of the Cowskin Flood Control as condemned in District Court Case No. A-29459; thence Southeasterly along said Northerly line of flood control right of way to a point 480 feet West of the East line of said Northwest Quarter of said Southwest Quarter; thence North to the place of beginning, EXCEPT the North 30 feet thereof for road.

AND

Beginning 480 feet West and 481 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 120 feet; thence East 210 feet; thence North 120 feet; thence West 210 feet to the place of beginning, EXCEPT the East 30 feet for road.

AND

A tract beginning 270 feet West and 361 feet South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 120 feet; thence West 105 feet; thence North 120 feet; thence East 105 feet to the point of beginning, EXCEPT the East 30 feet for road.

AND

The West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter lying North of floodway, Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 601 feet, and EXCEPT the East 30 feet for road.

AND

The North Half of the East Half of the South 270 feet of the North 481 feet of the West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 30 feet and the East 30 feet for road.

AND

The West Half of the South 270 feet of the North 481 feet of the West 210 feet of the East 480 feet of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 30 feet and the East 30 feet for road.

Approved subject to the following conditions:

A. The activity will be limited to the hours of 7:00 a.m. to 5:00 p.m. and shall be limited to a maximum of six (6) weeks per year. An administrative adjustment will have to be approved to increase the maximum number of weeks of operation.
B. The site shall be developed and operated in conformance with the approved site plan and all applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing

operations and material storage shall take place within the designated site plan area, unless an adjusted site plan is approved by the Director of Planning. Maximum height of recycled materials shall not be higher than 30 feet and the site shall have a 6-foot masonry fence with wire fencing on top of the masonry.

C. Prior to rock crushing operations, the applicant (or applicant's hired rock crushing company) shall get an air permit from KDHE to operate in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants and notify City of Wichita Public Works – Environmental Services.

D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.

E. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be kept onsite to be used to control dust.

F. Access to the site will be from South Hydraulic Avenue to the drive access on East 68th Street South.

G. All conditions shall be met or the Conditional Use shall be null and void.
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.

Adopted this 3rd Day of June, 2021

METROPOLITAN AREA PLANNING COMMISSION

Michael C. Greene, Chair MAPC

ATTEST:

Scott Wadle, Secretary

KM

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	61618	Print Legal Ad - IPL0022987	OCA 150004	$244.12	3	9.69

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on May 13, 2021
MAPC/BZA June 3, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 3, 2021 no earlier than 1:30 p.m.** the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building – 1 st Floor Council Chambers – 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON202100020: City Conditional Use for rock crushing on property zoned SF5 Singlefamily Residential located 500 feet east of South Hydraulic Avenue, 2000 feet north of East 71st Street South (1855 East 68th Street).

CON202100021: City Conditional Use for Accessory Apartment in SingleFamily Residential (SF5), Generally located within onequarter mile north of West 13th Street North and within onequarter mile west of North West Street (1612 N West Lynn).

CON202100022: City Conditional Use to allow an Accessory Apartment on property zoned SF5 SingleFamily Residential; generally located southwest of West Maple Street and South Tyler Road (318 S. Herschel Ave).

CON202100023: City Conditional Use to allow Daycare, General on property zoned SF5 SingleFamily Residential; generally located northwest of East Harry and South Woodlawn (6000 East Harry).

CON202100024: City Conditional Use to allow Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial; generally located southwest of North Oliver and East Central (4525 East Central).

CUP202100018: City CUP minor amendment to DP295 to permit a car wash on property zoned LC Limited Commercial, generally located on the east side of North Maize Road and 1,100 feet south of West 37th Street North.

PUD202100006: City zone change to create Northgate 4th Addition PUD #86; generally located on the Northwest corner of Meridian Avenue and 55th Street North.

PUD202100008: City Amendment to PUD61 to increase maximum building height on two parcels; generally located on the northwest and northeast corners of West Maple and South McLean.

PUD202100009: City PUD Planned Unit Development on property zoned SF5 SingleFamily Residential and TF3 TwoFamily Residential; generally located northeast of North Meridian and West 2nd Street (2207 West McCoy Street).

VAC202100020: City vacation of setback for erection of handicapped ramp and deck on property zoned SF5 SingleFamily Residential located 1200 feet south of East Pawnee Avenue, 1200 feet west of South Hillside Avenue (2719 Timberlane Street).

VAC202100021: City vacation of side yard setbacks on Lots 1 through 8, Block A of Northgate 4th Addition to be in accord with PUD-86 (Associated with PUD2021-00006), Generally located on the east side of North Meridian Avenue and within one-half mile north of West 53rd Street North (2500 through 2624 W. 55th St.)

VAC202100022: City request to vacate a platted street in Limited Industrial (LI) area, Generally located within 200 feet east of North Webb Road and within 1,000 feet south of East 37th Street North (3512 North Webb Road).

ZON202100023: City zone change on property zoned SF5 Single Family Residential to LI Limited Industrial for manufacturing/warehousing generally located approximately 900 feet south of East 55th Street South on the west side of South Hydraulic Avenue (5727 South Hydraulic Avenue).

ZON202100024: City Zone Change from SF5 SingleFamily Residential to TF3 TwoFamily Residential; generally located 1,600 feet south of West 47th Street South and 1,650 feet west of South Meridian Avenue.

ZON202100031: City Zone Change from SF5 SingleFamily Residential to LI Limited Industrial; generally located southwest of East 47th Street and South Broadway Avenue (331 West 47th Street South).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS: The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: **Scott Wadle**
271 W. 3 rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/651544141

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 13, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0022987
May 11 2021

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 05/11/2021
Ending Issue of: 05/11/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/11/2021 to 05/11/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/02/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

South Crushing Yard



SITE PLAN

APPROVED 6-3-2021 BY