Wichita-Sedgwick County Metropolitan Area Planning Department

September 24, 2021

Mies Land Development, LLC.
Attn: Earl Mies
1919 Southwest Boulevard
Wichita, KS 67213

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

RE: **CON2021 00037** - City Conditional Use to permit Rock Crushing on property zoned LI Limited Industrial; generally located one-quarter mile south of West Harry Street and west of Southwest Blvd (1825 S Leonine Street).

Dear Applicants:

At its regular meeting on **September 9, 2021**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered to above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following conditions:

1. The hours of operation shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday; and may be active from 8:00 a.m. to 3 p.m. on Saturdays. The rock crusher may not be operated on Sundays.
2. The conditional use will be valid for a period of 10 years from date on approved resolution. A new conditional use application will have to be submitted for continued operation after the 10 year period has expired.
3. The site shall be developed and operated in conformance with the approved site plan.
4. The concrete barrier obstructions shall be removed from the north, west and south public rights-of-way adjacent to the subject property.
5. All applicable codes shall be complied with, including 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 Planning Department.
6. The applicant shall obtain air quality permits and applicable operational permits 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.
7. Rock crushing operations on the site shall not create dust which travels on to surrounding properties. A dust suppression/watering system shall be used during all rock crushing operations.
8. All vehicular drives on the site, work and parking areas shall be hard surfaced, as defined by the Unified Zoning Code, which may include crushed rock, to minimize dust on the site. All other areas must be treated to prevent dust. A water truck will be kept onsite to be used to control dust.

9. Access to the site will be from the drive access on the south side of the subject property from South Leonine Street.
10. 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 **September 23, 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 **September 23, 2021 at 5:00 p.m.**

If protests are received, this application will be presented to the Wichita City on **October 12, 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
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR, District IV
Jeff VanZandt, Assistant City Attorney, Mail Stop 1-72
Deb Ary, Engineering, Mail Stop 1-71
Quik Invest, LLC, 1901 Southwest Boulevard, Wichita, KS 67213

Wichita-Sedgwick County Metropolitan Area Planning Department

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RE: **CON2021 00037** - City Conditional Use to permit Rock Crushing on property zoned LI Limited Industrial; generally located one-quarter mile south of West Harry Street and west of Southwest Blvd (1825 S Leonine Street).

Dear Applicants:

No valid protests were received. The action of the MAPC is final.

Attached please find the approved site plan and executed resolution.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR, District IV
Jeff VanZandt, Assistant City Attorney, Mail Stop 1-72
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Quik Invest, LLC, 1901 Southwest Boulevard, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2021-00037

WHEREAS, Mies Land Development, LLC, Earl Mies, 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 LI Limited Industrial Zoning described as:

The South 96 feet of Lot 30; Together With the West Half of Lots 31 and 32 Freeman's Addition to Wichita, Sedgwick County, Kansas, subject to all road rights-of-way of record.

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 September 9, 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:

The South 96 feet of Lot 30; Together With the West Half of Lots 31 and 32 Freeman's Addition to Wichita, Sedgwick County, Kansas, subject to all road rights-of-way of record.

Approved subject to the following conditions:

1. The hours of operation shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday; and may be active from 8:00 a.m. to 3 p.m. on Saturdays. The rock crusher may not be operated on Sundays.
2. The conditional use will be valid for a period of 10 years from date on approved resolution. A new conditional use application will have to be submitted for continued operation after the 10 year period has expired.
3. The site shall be developed and operated in conformance with the approved site plan.
4. The concrete barrier obstructions shall be removed from the north, west and south public rights-of-way adjacent to the subject property.
5. All applicable codes shall be complied with, including 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 Planning Department.
6. The applicant shall obtain air quality permits and applicable operational permits 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.
7. Rock crushing operations on the site shall not create dust which travels on to surrounding properties. A dust suppression/watering system shall be used during all rock crushing operations.
8. All vehicular drives on the site, work and parking areas shall be hard surfaced, as defined by the Unified Zoning Code, which may include crushed rock, to minimize dust on the site. All other areas must be treated to prevent dust. A water truck will be kept onsite to be used to control dust.
9. Access to the site will be from the drive access on the south side of the subject property from South Leonine Street.
10. 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 24th Day of September, 2021

METROPOLITAN AREA PLANNING COMMISSION

William M. Johnson, Chair MAPC

ATTEST:

Scott Wadle, Secretary

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	120074	Print Legal Ad - IPL0037146		$188.68	3	75 L

Attention: Betsy Pagán

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

LEGAL PUBLICATION

MAPC/BZA SEPTEMBER 9, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 9, 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 – 1st 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) 268-4421.

CON2021-00037-- City Conditional Use to permit Rock Crushing on property zoned LI Limited Industrial; generally located one-quarter mile south of West Harry Street and west of Southwest Blvd (1825 S Leonine Street).

PUD2021-00013 - City PUD minor amendment to PUD #84 to amend boundary to include adjacent properties recently acquired and show vacation of alley (VAC2021-00031); generally located one block west of South Seneca on the south side of McLean Boulevard (560 N. Exposition)

PUD2021-00016-- City zone change from SF-5 Single-Family Residential to PUD Planned Unit Development to create the Delano Revival PUD #90 for mixed use development on an entire city block generally located one block south of West Douglas Avenue and two blocks east of South Seneca Avenue.

VAC2021-00029 - City request to vacate a portion of a contingent dedication of East Kellogg Drive and a portion of a platted setback on LC Limited Commercial zoned property generally located northwest of the East Kellogg/US 54 Highway - South 159th Street East intersection, on the south side of Willowbrook Circle

VAC2021-00031 - City request to vacate a platted alley generally located two blocks west of North Seneca Street, between North Mclean Boulevard, North Dodge Avenue, West 3rd Street and North Exposition Avenue

VAC2021-00036-- City request to vacate a portion of a platted utility easement on SF-5 zoned property generally located approximately a half mile north of West Maple Street, a third of mile east of South 119th Street West on the north side of West 1st Street Court

ZON2021-00036 - City Zone change from SF-5 Single Family Residential to GC General Commercial, generally located west of I-235 Highway and within one-half mile south of West Central Avenue (5800 W. 3rd St.)

- 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
- 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 August 19, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0037146
Aug 19 2021

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

No. of Insertions: 1
Beginning Issue of: 08/19/2021
Ending Issue of: 08/19/2021

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 08/19/2021 to 08/19/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/16/2021

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!

SITE PLAN

MIES - LEONINE ST. ROCK CRUSHER CONDITIONAL USE

WICHITA, SEDGWICK COUNTY, KANSAS



SCALE: 1" = 100'

JULY 30, 2021

BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

F:\Projects\Zoning\Mies - Leonine Street Rock Crusher Conditional Use\Mies - Leonine Street Rock Crusher Conditional Use - Site Plan (07-30-21).dwg

SITE PLAN

MIES - LEONINE ST. ROCK CRUSHER CONDITIONAL USE

WICHITA, SEDGWICK COUNTY, KANSAS



SITE PLAN

APPROVED 9-9-21 BY RLmorgan

SCALE: 1" = 100'

JULY 30, 2021

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BaughmanCo.com

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