

COMMITTEE

M.A.P.C. Approved with conditions 9-25-75

~~B.C.C./B. CO. C.~~ Approved 10-15-75
Recommended

Closed 11-5-75

ACTION - In Reconsideration of the case

DATE

COMMITTEE

M.A.P.C. Approved with 20 2-5-76
annual operations

~~B.C.C./B. CO. C.~~ Approved without 2-25-76
20 year time limit

Closed 3-19-76

CU-182 - The Walt Keeler Co., Inc. requests Conditional Use permit for Sand Extraction Pit generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road.

265 0015
Earl Callison Jr.

POSTED
9-9-75
JK

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approved subject to conditions</i>	<u>9-25-75</u>
B.C.C./B. CO. C. <i>Approved subject to Recommended</i>	<u>10-15-75</u>

Closed 11-5-75

ACTION - For Reconsideration of the case

COMMITTEE	DATE
M.A.P.C. <i>Approved subject to amended conditions + 20 year completion date</i>	<u>2-5-76</u>
B.C.C./B. CO. C. <i>Approved subject to 20 year time limit</i>	<u>2-25-76</u>

Closed 3-19-76

CU-182 - The Walt Keeler Co., Inc.
requests Conditional Use permit
for Sand Extraction Pit generally
located on the north side of 45th
Street North, 1/4 mile west of
Ridge Road.

Map No. Z-OW-B
Sec. 21
Twp. 26 S
Range 1 W
(Book 1)

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 182
Filed 9-3-75

- APPLICATION DATA: From _____ to _____
1. Applicant: The Walt Keeler Co., Inc.
Address: 826 E. Lincoln St., 67211 Phone 265-1601
 2. Agent: Dolan Welsh-Dolan Welsh Realty
Address: 4000 E. Kinkaid, 67218 Phone 265-1167
 3. General Location: North side of 45th Street north, 1/4 mile west of
Ridge Road. Address _____
 4. Proposed Use: Sand Extraction Pit.

- AREA DATA:
1. Acres: 79.0 (1380 ft. by 2610 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East MOBILE HOMES/5.0/16.0 South UNDEVELOPED
West UNDEVELOPED North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: UNDEVELOPED
 6. Area (is) (is not) platted.

- PROCEDURE DATA:
1. Zoning Committee _____ by _____
 2. MAPC Meeting:

Date	Action
<u>9-25-75</u>	<u>MAPC</u> <u>Approved subject to conditions</u>
<u>2-5-76</u>	<u>Approved subject to amended conditions + 20 year compliance</u> <u>date</u>

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>10/15/75</u>	<u>Approved as Recommended.</u>	<u>Pub. 11-5-75</u>
<u>2/25/76</u>	<u>Approved without 20 year time limit</u>	<u>dec 3-19-76</u>

NOTES: Associated case D-0655

HARTING INC. LOS ANGELES
LOGAN OH - HENDERSON, IN U.S.A.

No. 2153C
Shirley

4953

7-25-75

Map No. Z-OW-B
 Sec. 21
 Twp. 26 S
 Range 1 W
 (Book 1)

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z- _____
 SCZ- _____
 CU- 182
 Filed 9-3-75

APPLICATION DATA: From _____ to _____

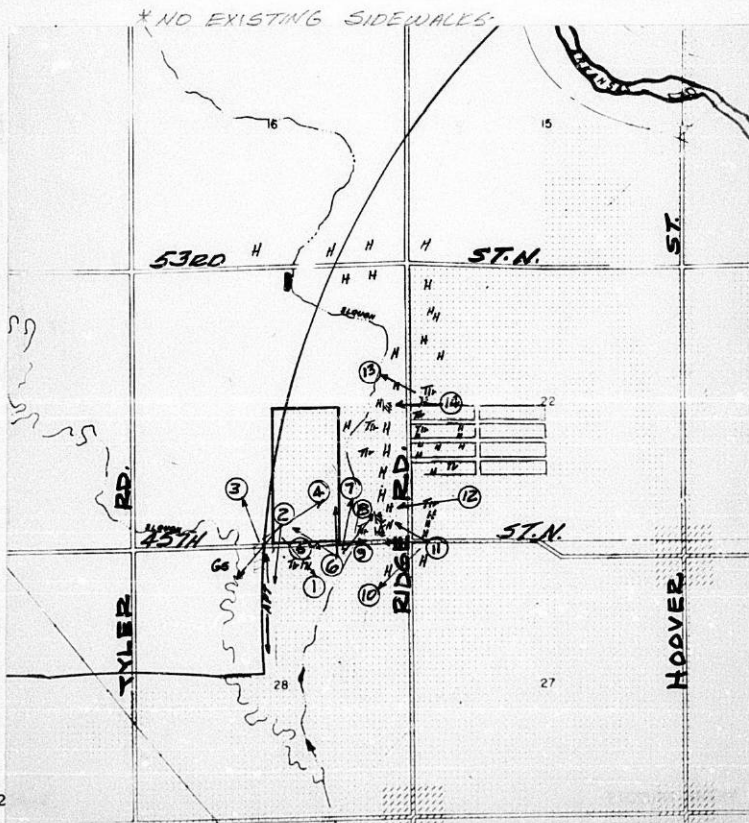
- Applicant: The Walt Keeler Co., Inc.
 Address 826 E. Lincoln St., 67211 Phone 265-1601
- Agent: Dolan Welsh-Dolan Welsh Realty
 Address 4000 E. Kinkaid, 67218 Phone 265-1167
- General Location: North side of 45th Street north, 1/4 mile west of
Ridge Road Address _____
- Proposed Use: Sand Extraction Pit.

AREA DATA:

- Acres: 79.0 (1380 ft. by 2610 ft.)
- Adjoining Zoning: E _____ S _____ W _____ N _____
- Land Use: East MOBILE HOME & SINGLE FAN South UNDEVELOPED
 West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted.

PHOTO DATA:

Taken by TE Date 9-16-75 Time 12:20



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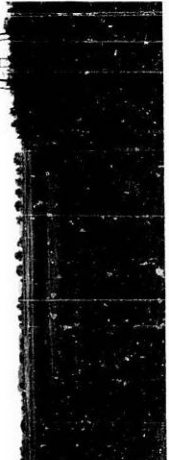
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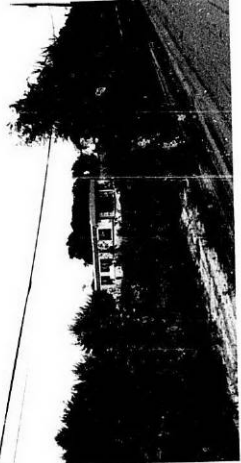
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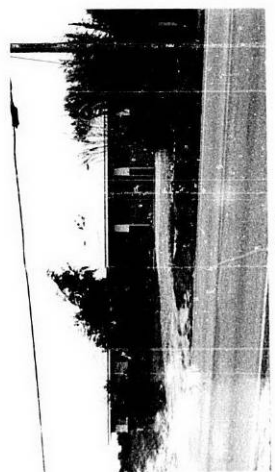
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Map No.
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April 5, 1985

Mr. Earl Callison, Jr.
The Walt Keeler Company, Inc.
826 East Lincoln
Wichita, KS 67211

Re: CU 182

Dear Earl:

Attached is a copy of the Resolution that was reapproved by the Board of County Commissioners on February 25, 1976. None of the conditions of approval specify a time for completing the project. Our file reflects that the Board of County Commissioners did not require a 20-year time limit.

As to barbed wire being required for the fence, I read Item J. as requiring all of the different types of permitted fences to have a minimum of three strands of barbed wire. That is also a common condition required in the City around sand pits.

If you have additional questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:mlh

cc: Ron Worley, County Zoning Administrator

(None found) Published in The Wichita Beacon on March 19, 1976

R E S O L U T I O N

CASE NO. CU-182

A RESOLUTION PERMITTING A SAND EXTRACTION OPERATION
ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

SECTION I. That after receiving a recommendation from 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 4.A.10.f. and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation on property zoned "R-1" Suburban Residential

is hereby approved on the lands legally described as follows:

The West half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas. Generally located on the north side of 45th Street North 1/4 mile west of Ridge Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North. The storage of equipment or material, not associated with the operation, shall not be permitted on the property within the application area.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

- g. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 25th day of February, 1976.

John J. Hill, Chairman
Tom [unclear], Commissioner
Earl G. Rusk, Commissioner

ATTEST:

George Pierce
George Pierce, County Clerk
(SEAL)

Approved as to form:

Theodore H. Hill
Theodore H. Hill
County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-182

RE CONSIDERED BY MAPC: 2-5-76

REQUEST FOR: Approval of Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

Sand extraction.

GENERAL LOCATION: North side of 45th Street North,
1/4 mile west of Ridge Road

LEGAL DESCRIPTION:

The west half of the southeast quarter of Section 21,
Township 26 South, Range 1 West of the 6th P.M.,
Sedgwick County, Kansas

APPLICANT: Walt Keeler Company, Inc., 826 East Lincoln 67211

COUNSEL FOR APPLICANT: John Stallings, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: Ms. John Segal, 4921 North Ridge Road,
and Ms. Robert Hinton, 5003 North
Ridge Road, spoke in opposition.

SURROUNDING ZONING: To the north and west is "R";
east and south is "R-1"

LAND USE: Subject property and that to the north, south
and west is undeveloped; east is single-family
and mobile homes.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the following conditions:
(See attached excerpt from Planning Commission minutes of February 5,
1976, for conditions.)

Gragg moved, Hennessy seconded and it carried by a vote of 7 in favor
(Gragg, Hennessy, Savina, Geobel, Porter, Bayouth, and Kamen) and 1
opposed (Taylor). Collier and Barrier were absent.

NOTE: The percentage of the protest petitions received on this appli-
cation will be pointed out at the time the case is considered by the
County Commission.

ACTION: 1. Approve the application as recommended by the Metropolitan
Area Planning Commission, subject to the recommended conditions of
approval, adopt a resolution effectuating the Conditional Use; or
2. Deny the application.

1290

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 5, 1976:

11. Case No. CU-182 - Walt Keeler Company, Inc. requests re-consideration of a request for a conditional use permit for sand extraction operation on property zoned "R-1" Suburban Residential, and legally described as the west half of the southeast quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road.

GALBRAITH pointed out the area on the map, showed slides of the area and reviewed the following staff report.

Comments

1. On September 25, 1975, the Planning Commission unanimously recommended approval of a conditional use permit for a sand extraction operation on subject property subject to certain conditions, one of which was as follows:

"The sand plant operation shall commence operation no later than 1977 and shall cease operation after 10 years unless a new permit is authorized by the appropriate governing body."

The Board of County Commissioners on October 15, 1975, concurred in the recommendation of the Planning Commission.

2. The applicant is now requesting that subject case be reconsidered for the purpose of deleting the condition of approval that the sand plant operation shall cease operating after 10 years from commencing and in its stead change that condition to one where the conditional use permit will expire on depletion of the materials located on the tract. The setting of a time for the termination of the operation has been one of the standard requirements of approval for the last few requests and was instituted to insure that the extraction operation would commence within a short period of time and would be completed within a given period so that all equipment and evidence of the operation would be cleared from the site.

Sand extraction operations are an important part of the development of this community and there has been general support of all applications, however, such operations are not conducive to residential urban development and they usually have been approved for fringe or isolated areas and a time limitation was felt in order so that the operation was completed as urban development occurs.

In this particular case, the applicant has pointed out that subject property lies within an area not suitable for urban growth and that land uses in the area will probably not change, and he desires to eliminate the time limit for completing the operation.

3. The staff concurs with the applicant that subject property lies in an area not expected for urban growth, however, there is still a concern for the general appearance of sandpits that are continued for a number of years and the accumulation of equipment and materials that often results.
4. Should the Planning Commission determine that the permit should be granted without a time limitation, the request should be re-approved subject to the following conditions:
 - a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
 - b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North. The storage of equipment or material, not associated with the operation, shall not be permitted on the property within the application area.

- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
 - e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
 - f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - g. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
 - h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
 - i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
 - j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.
- The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.

- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

GALBRAITH said the staff had no particular objection to the removal of the time limitation. He stated that the general feeling was that there should be a termination date, however, subject tract was 80 acres and would probably operate for many years. He pointed out that one of the main objections is the often accumulation of salvaged equipment and other materials generally found around sandpits.

JOHN STALLINGS, attorney for the applicant, said the first time this was considered by the Commission, the applicant did not realize the significance of the 10-year time limitation, and that at the end of 10 years he would have to obtain another approval before he could continue the operation. Based on the company's prior experience, STALLINGS said that 10 years is simply not long enough, and that the old site of 50 acres lasted 30 years, and he anticipated this 80-acre site might last 40 to 45 years, and for that reason they preferred not to be restricted to a time limit of any kind. He said they have no objections to other conditions.

MS. JOHN SEGAL, 4921 North Ridge Road, said she had just learned recently that a sandpit had been approved for this site several months ago. She understood that there is some mix-up so far as ownership list and for that reason she had not received notice. She asked that her opposition be made a matter of record, i.e. opposition to the sandpit in general and also to the removal of the time limit. SEGAL understood that there is a plan for a 150-foot buffer zone in which equipment cannot be stored, but there is no guarantee that equipment used in connection with the operation would not be stored therein. Further, there will be piled-up dirt, trucks, and lots of noise in addition to the noise from the pump itself. Additionally, SEGAL pointed out that it would be an attractive nuisance for children in the area and at the same time very unattractive to many of the residents. Even with a 150-foot buffer, a pit could be located within 250 feet of her home.

The serious water runoff problem was referred to by SEGAL, and the fact that there would be no guarantee that the sandpit would not interfere with surface drainage. MS. SEGAL said she checked with the Flood Control Office and was advised that they are normally advised of such requests, however, they were not aware that a sandpit had been proposed or approved at this location.

In response to a question, GALBRAITH said this particular site would not come before the Subdivision Committee until such time as redevelopment is proposed and platting is necessary around the sandpit lake. As to notification of the Flood Control Office, GALBRAITH referred to a memo in the case file, dated September 10, 1975, wherein the Flood Control Office was notified of the original request and their comments solicited; the file, however, did not indicate that any comments were received. GALBRAITH said checking with the Flood Control Office is the normal procedure in processing such applications.

Reference was made to the abstract ownership list of property owners and GALBRAITH said it reflects that the property which Ms. Segal owns and on which she has been paying taxes, is shown to be owned by Alice R. Neely, 4915 North Ridge Road, which is where the notice was sent.

When asked if there was another classification which would permit the use proposed, LAKIN said that light industrial zoning would allow this use, but that several years ago, the resolution was amended to permit a sandpit operation as a conditional use in the "R-1" district to avoid granting of so much light industrial zoning that would then permit industrial uses. There is, however,

at this time, considerable light industrial zoning in an area north of the zoo which was established for sandpits prior to the amendment of the text.

There was brief discussion of the storage of equipment, LAKIN pointing out that the desire is to prohibit the storage of abandoned or worn out equipment on the site, and he anticipated no complaint particularly to well-maintained operating equipment used in the day-to-day operation of the excavation.

DOLAN WELSH, on behalf of the applicant, discussed the fact that this is a most desirable location for what is proposed and he considered it ideal; the water table is quite high; it is adjacent for drainage into the Big Slough, and the constraints placed on the operation are considerable and the applicant is agreeable to them.

GOEBEL had no objection to permitting a longer operation than 10 years, but thought 40 to 45 years was too long.

MS. ROBERT HINTON, 5003 North Ridge Road, did not think this was a good location because there is already surface ponding of water during a rain, and she thought the sandpit might become a mosquito breeder and a real nuisance to people living in the area.

BAYOUTH asked if there had been any drainage problems developed in relation to sandpits approved in the past. LAKIN responded that generally speaking, sandpits, if properly developed, provide a place for the waster to go. This particular area, he noted, is one that apparently has had severe drainage problems over the years, and without proper regulatory control, it has developed with all types of sell-offs of irregular tracts and development which should not have been permitted for housing because of the drainage problems, and it should have remained agricultural.

When asked if a sandpit had ever worsened a drainage condition, LAKIN said there had not been any in the past 15 years that he was aware of; those along the Flood Control structure were constructed to specification established by the Flood Control Office.

TAYLOR asked if the Committee formed a year or so ago by the County Commissioners to consider guidelines for sandpits, had been contacted, and she had questions as to how long it might take for depletion of a sandpit site. It was her understanding that in one case it had only taken 7 years.

GALBRAITH indicated that it would be difficult to estimate the length of time before depletion, as it would depend on its size, as well as how rapidly sand was removed and also how plentiful the sand was in the general area.

LAKIN agreed that it is difficult to determine a time for the extraction, which is why the staff is willing to see the 10-year period removed in this case, as it would depend on depth of sand deposits, demand for sand, etc.

TAYLOR did not consider it reasonable to give an open license for extraction with no time stipulation and, while this is not in an area of potential urbanization, it is close to Maize.

TAYLOR asked Stallings if the designation of a starting time as 1977 was a problem to his client. STALLINGS answered that that was not the problem and that the only question relates to the 10-year limitation. He pointed out that the applicant does not sell sand on a contract, but it will be used exclusively by the applicant in his own concrete business and, in such case, it may take longer to deplete the site than if sold on a contract basis. He suggested that if the Commission feels it is imperative that there be a limit, then they could accept 40 years or until the material is extracted, whichever comes first.

GOEBEL stated again that he would not favor such a long period of time as 40 years, and he felt it would be better for the drainage of the general area to have the sandpit, and he favored a time limit of more than 10 years but not as long as 40, and at the end of any such period, renewal of the conditional use could be requested if the site still has sand deposits.

STALLINGS stated that if only 10 years is allowed, they, of course, will have to observe that period, but it was felt that they would be leaving 75% of the sand deposit.

GRAGG asked if other conditional uses of this type had been limited to a certain completion date. GALBRAITH said only the last two or three were limited and, prior to that time, there was no limit. He commented that other recent sites were near residential development and expected growth, however, subject site is beyond the projected growth area and the staff did not consider a time limit so essential.

WELSH spoke again in support of the request, relating that sandpit water is always clear and clean after having filtered through the sand. He had no idea how long it would take to empty this particular site, but felt that a sandpit would be good for the community and enhance the area and lead to better developments, as had occurred in other sandpit redeveloped areas.

TAYLOR asked if there might be any insurmountable problems for the applicant in renewing the conditional use after 10 years, assuming all constraints and requirements established at this time were adhered to.

LAKIN suggested that it is possible there could be a problem as people in the neighborhood, at that time, may or may not view it as a good operation, and he recognized that it is a sizeable investment in terms of land and equipment, the feeling of the applicant being that he should have some assurance of amortizing the cost over a period of years. If it is approved and is a clean operation, there should not be any problem in renewing the request but, of course, he could not give that assurance. As for a conditional use not being permanent zoning, LAKIN continued that he did not view conditional uses as temporary; they are uses that have special problems that can be allowed in designated zoning districts or areas as long as designated conditions are complied with. Once a conditional use is granted, it is permanent as long as conditions are observed.

MOTION: That the Planning Commission recommend to the County Commission that this application be approved subject to conditions suggested in the staff report, with a time limitation of 20 years rather than 10 as originally established, and with the applicant's right to request extension at the end of 20 years. Gragg moved and Hennessy seconded.

SAVINA felt that the applicant might not be able to recover the cost of his investment in 20 years.

AMENDED MOTION: That the above motion be amended to establish a time limit of 15 years, with the motion to remain the same in other respects. Kamen moved. This motion was not seconded.

AMENDED MOTION: That the original motion be amended to establish a time limit of 30 years, with the motion to remain the same in other respects. Savina moved. This motion was not seconded.

GRAGG pointed out that the applicant has an opportunity to renew the conditional use and no one knows what the area may be like in another 20 years. KAMEN commented that maybe because it is a sandpit the adjacent area will not develop further, and the applicant can always ask for renewal at the end of whatever time is established.

CHAIRMAN BAYOUTH permitted Fred Hobaugh to speak even though a motion was before the Commissioners.

FRED HOBAUGH, owner of Maize Flying Service, Inc., pointed out that while the site now may be 80 acres, the 150-foot buffer in each direction could result in only 55 to 60 acres actually to be utilized for sandpit operations, which might have a bearing on establishing a reasonable time limit.

VOTE ON ORIGINAL MOTION to recommend approval of the application subject to conditions carried by a vote of 7 in favor (Gragg, Hennessy, Savina, Goebel, Porter, Bayouth, and Kamen), and 1 opposed (Taylor). Collier and Barrier were absent.

Conditions established were as follows:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North. The storage of equipment or material, not associated with the operation, shall not be permitted on the property within the application area.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- g. The sand plant operation shall cease operation after 20 years from the date of approval by the Board of County Commissioners, unless a new permit is authorized by the appropriate governing body. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.

1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - l. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
 - o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.
-

A. TOTAL AREA	<u>14,445,200</u>	SQ. FT.
B. APPLICATION AREA	<u>3,445,200</u>	"
C. STREET R/W	<u>199,200</u>	"
D. NET AREA	<u>10,800,800</u>	"
E. 20% OF NET AREA	<u>2,160,160</u>	"
F. NET PROTEST AREA	<u>1,320,000</u>	"
G. TOTAL % PROTESTING	<u>12.22</u>	%

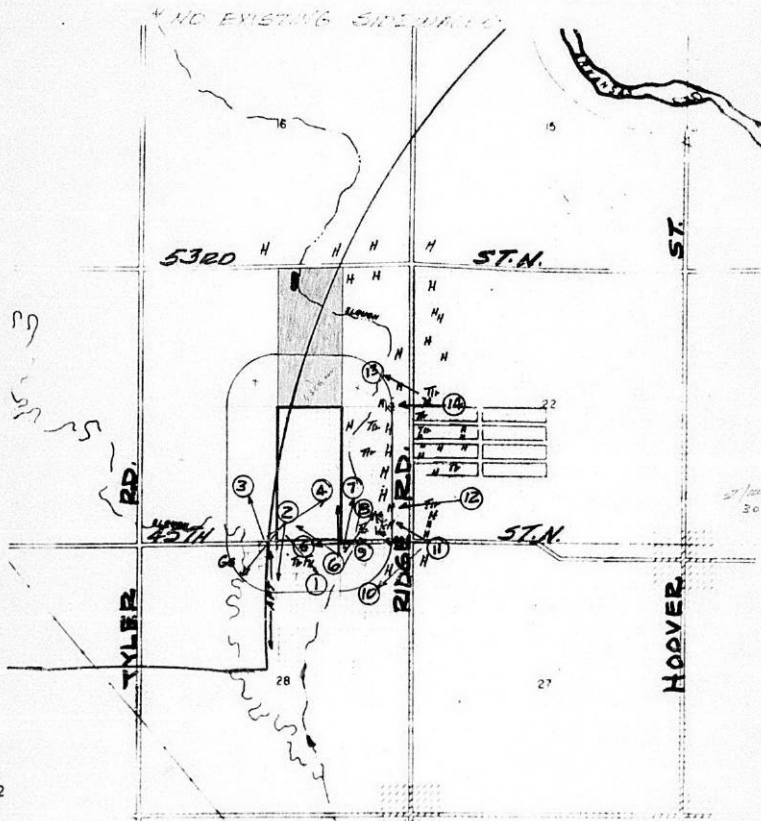
Z-CU-182

AREA DATA:

1. Acres: 77.0 (1300 ft. x 2610 ft.)
2. Adjoining Zoning: E S W N
3. Land Use: East MOBILE HOME SUBDIVISION South
West North
4. Sketch Plan Land Use is for:
5. Present Land Use is for:
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by FE Date 7-16-75 Time 12:20



PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-182, zone change from _____ to _____ (for establishment of a _____ zoning) in _____ zoning).

Conditional use Request to Permit a Sand Extraction Operation on Property zoned "R-1" Suburban Residential

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Fred J. Soper</u> Signature Fred J. Soper, President Comanche West, Inc. Typed or Printed Name			80 acres contained in W/2 NE/4 Sec 21, T26S, R1W in Sedgwick County
b) _____ Signature Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 12 day of February, 1976, before me, a notary public in and for said County and State, came Fred J. Soper to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Donald L. Richter
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

76 FEB 13 2:31 PM

February 18, 1976

Theodore H. Hill, County Counselor

Jack H. Galbraith, Chief Planner

CU-182 - Conditional Use for
Sand Extraction - North side
of 45th Street North, 1/4
mile west of Ridge Road

Attached for your information and files is a copy of the referral sheet and minutes of the Metropolitan Area Planning Commission meeting of February 5, 1976, on the above-captioned case, which is scheduled to appear on the agenda of the Board of County Commissioners at their meeting of February 25, 1976.

Enclosed for your review and approval is a copy of the resolution effectuating the conditional use, which has been prepared on our standard form.

If you have any comments in regard to the resolution, we would appreciate hearing from you by February 24, 1976, so that any corrections or additions may be made prior to being submitted to the Commissioners for their signatures.

Jack H. Galbraith
Chief Planner

JHG:ber

Attachment

February 10, 1976

Mr. John Stallings, Attorney
Suite 830, 1st National Bank Building
Wichita, Kansas 67202

Re: CU-182 - Reconsideration of
request for Conditional Use
for sand extraction opera-
tion - North side of 45th
Street North in an area west
of Ridge Road

Dear Mr. Stallings:

At the regular meeting of the Metropolitan Area Planning Commission on February 5, 1976, the above-captioned application was considered. After considerable discussion concerning the number of years the sand excavation business should be permitted to operate, the action of the Commission was to recommend the approval of the request subject to the conditions recommended by the Planning Department and subject to the following:

The sand plant operation shall cease operation after 20 years from the date of approval by the Board of County Commissioners, unless a new permit is authorized by the appropriate governing body.

The conditions now read as follows:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North. The storage of equipment or material, not associated with the operation, shall not be permitted on the property within the application area.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.

Page 2 - Mr. John Stallings
February 10, 1976

- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- g. The sand plant operation shall cease operation after 20 years from the date of approval by the Board of County Commissioners, unless a new permit is authorized by the appropriate governing body. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

Page 3 - Mr. John Stallings
February 10, 1976

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

Inasmuch as you previously had complied with conditions a. and h. of the Planning Department report, subject case will be forwarded on to the Board of County Commissioners for consideration at their regular meeting of February 25, 1976, the meeting to be held in Room 320 Sedgwick County Courthouse, starting at 9:00 a.m.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

The Walt Keeler Co., Inc., 826 E. Lincoln 67211
Dolan Welsh, 4000 East Kinkaid 67218
Beulah B. and Dean E. Pittenger, 2616 Manhattan 67204
Ms. John Segal, 4921 North Ridge Road 67205
Ms. Robert Hinton, 5003 North Ridge Road 67205
Fred Hobaugh, Maize Flying Service, Inc., P. O. Box 301,
Maize, Kansas 67101
Donald Learned, 4701 North Ridge Road 67205
Ms. Claude D. Sullard, 4720 North Ridge Road 67205
Syd Werbin, County Zoning Office, 1015 Stillwell 67213

February 10, 1976

Mrs. John Segal
4921 North Ridge Road 67205
Wichita, Kansas 67205

Re: CU-182 - Reconsideration of
request for Conditional Use
for sand extraction opera-
tion - North side of 45th
Street North in an area west
of Ridge Road

Dear Mrs. Segal:

At the regular meeting of the Metropolitan Area Planning Commission on February 5, 1976, the above-captioned application was considered. After considerable discussion concerning the number of years the sand excavation business should be permitted to operate, the action of the Commission was to recommend the approval of the request subject to the conditions shown in the enclosed copy of our letter to Mr. Stallings.

If you wish to submit a protest petition, it should be filed in the Office of the County Clerk not later than 5:00 p.m. on Tuesday, February 17, 1976. A protest petition form is enclosed for your use, and if additional copies are needed for other property owners within the legal protest area who wish to register their opposition, they may be obtained at our office.

Please call if you have any questions.

Sincerely,

Jack H. Calbraith
Chief Planner

JHG:ber
Attachment

cc: Ms. Robert Hinton, 5003 North Ridge Road 67205
Fred Hobaugh, Maize Flying Service, Inc., P. O. Box 301,
Maize, Kansas 67101
Donald Learned, 4701 North Ridge Road 67205
Ms. Claude D. Sullard, 4720 North Ridge Road 67205

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: Feb. 5, 1976

Case No. CU-182

Request: Reconsideration of Conditional use permit for sand extraction

Location: North side of 45th Street North in an area west of Ridge Road

Reason: Sand extraction.

Acres: 79

Size: 1,320 ft. by 2,610 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R-1"
East	Single-family & mobile homes	"R-1"
South	Undeveloped - airport	"R-1"
West	Undeveloped	"R"

Adequate street right-of-way has been dedicated by separate instrument.
History: CU-182 - MAPC: 9-25-75 Approve.
subject to conditions. B.Co.C.: 10-15-75 Approve as recommended

Platted: No

Comments

1. On September 25, 1975, the Planning Commission unanimously recommended approval of a conditional use permit for a sand extraction operation on subject property subject to certain conditions, one of which was as follows:

"The sand plant operation shall commence operation no later than 1977 and shall cease operation after 10 years unless a new permit is authorized by the appropriate governing body."

The Board of County Commissioners on October 15, 1975, concurred in the recommendation of the Planning Commission.

2. The applicant is now requesting that subject case be reconsidered for the purpose of deleting the condition of approval that the sand plant operation shall cease operating after 10 years from commencing and in its stead change that condition to one where the conditional use permit will expire on depletion of the materials located on the tract. The setting of a time for the termination of the operation has been one of the standard requirements of approval for the last few requests and was instituted to insure that

the extraction operation would commence within a short period of time and would be completed within a given period so that all equipment and evidence of the operation would be cleared from the site.

Sand extraction operations are an important part of the development of this community and there has been general support of all applications, however, such operations are not conducive to residential urban development and they usually have been approved for fringe or isolated areas and a time limitation was felt in order so that the operation was completed as urban development occurs.

In this particular case, the applicant has pointed out that subject property lies within an area not suitable for urban growth and that land uses in the area will probably not change, and he desires to eliminate the time limit for completing the operation.

3. The staff concurs with the applicant that subject property lies in an area not expected for urban growth, however, there is still a concern for the general appearance of sandpits that are continued for a number of years and the accumulation of equipment and materials that often results.
4. Should the Planning Commission determine that the permit should be granted without a time limitation, the request should be re-approved subject to the following conditions:
 - a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
 - b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North. The storage of equipment or material, not associated with the operation, shall not be permitted on the property within the application area.
 - c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
 - e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
 - f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - g. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.

- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
 - o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.
-

CU-182 - 27 Notices to adjoining property owners mailed 1/22/76 for the
MAPC meeting 2/5/76

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS

JAN 22 1976

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in the City Commission Chambers, City Hall, 1st floor, 455 North Main Street, Wichita, Kansas, at its meeting at 1:30 p.m. on FEB 5 1976, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-182

Conditional Use Request to Permit a Sand Extraction
Operation on Property Zoned "R-1" Suburban Residential

The West Half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road.

Although subject case was considered and recommended for approval by the Planning Commission on September 25, 1975 and approved by the Board of County Commission on October 15, 1975, the applicant has requested that subject case be reconsidered for the purpose of deleting the condition of approval that the sand plant operation shall cease operating after 10 years from commencing.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, City Hall, Tenth Floor, 455 North Main Street, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

January 12, 1976

John R. Stallings
Curfman Brainerd Harris Bell Weigand & Depew
Suite 830, First National Bank Building
Wichita, Kansas 67202

Re: CU-182 - Request for Reconsideration of Conditional Use to Establish a Sand Extraction Pit - North side of 45th Street North in an area west of Ridge Road.

Dear Mr. Stallings:

Enclosed is a receipt for your check in the amount of \$70.00 regarding your request for reconsideration of Condition Use to Establish a Sand Extraction Pit for property generally located on the north side of 45th Street North in an area west of Ridge Road.

This matter has been scheduled to appear on the Metropolitan Area Planning Commission agenda on February 5, 1976.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
Enclosure

FORM 223-1

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	El. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

Type	Due Date
NH	7/1

Comments: _____

Date	By
7-1-76	[Signature]

LAW OFFICES OF
CURFMAN, BRAINERD, HARRIS, BELL, WEIGAND & DEPEW

SUITE 830 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

(316) 263-9111

LAWRENCE WEIGAND
COUNSEL

LAWRENCE E. CURFMAN
BYRON BRAINERD
CHARLES W. HARRIS
DONALD A. BELL
J. L. WEIGAND, JR.
SPENCER L. DEPEW
PAUL M. BUCHANAN
JOHN R. STALLINGS
BRIAN G. GRACE
WINDELL G. SNOW
WILTON H. HINCLE
TOM G. JOHNSON
JACK SCOTT MINTTEER
DENNIS L. GILLEN
VAN R. DELMOTEL
JOHN E. CATON
THOMAS S. BORINGER
STEPHEN J. BEDNAR
MICHAEL D. MORRISON
R. MICHAEL ROGERS

January 9, 1976

Director of Planning
Metropolitan Area Planning Commission
455 North Main
Wichita, Kansas 67202

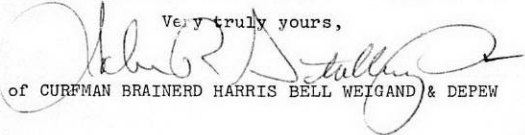
Re: CU-182

Dear Sir:

Please find enclosed our check in the amount of \$70.00 in payment of the application fee for Conditional Use Permit. The above referenced matter has previously been before the Planning Commission, but we would now like to have you re-advertise this matter for hearing. We want to take up with the commission one condition which was placed on the Conditional Use Permit as issued in the above referenced matter. The condition which we want to have re-heard relates to a 10 year time limitation on the existence of the Conditional Use Permit. The Walt Keeler Co., Inc. will not come close to exhausting the materials from this proposed sandpit within the next 10 years. For that reason, we are going to request the commission to change that condition to one where the Conditional Use Permit will expire upon depletion of the materials located on the tract.

I have discussed this matter with Jack Galbraith and he has indicated that the ownership list which was previously supplied is still current enough to be used in the re-advertising and that, therefore, a new ownership list will not be necessary. Will you please advise the undersigned as to when this matter will be set for hearing. Should you have any questions, please advise.

Very truly yours,


of CURFMAN BRAINERD HARRIS BELL WEIGAND & DEPEW

JRS:pv
Enclosure

cc: Mr. Earl F. Callison, Jr.
James R. Hanson
Paul V. Smith



WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

C4182

COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Cullison, Earl DATE 1-5-76
 PHONE 265-0615 PHONE COUNTER
 PROPERTY LOCATION 45th St at 1/4 mi W of Dodge MAP # 2-00-B

NATURE OF REQUEST:

CITY ZONING _____ COUNTY ZONING _____ CONDITIONAL USE

PLAT _____ LOT SPLIT _____ BZA _____

VACATION _____ DEDICATION _____ STREET NAME CHANGE _____

REMARKS: P on why 10 yr operating limitation. Need to extend.

Stand committee recommended time limit. In low or unpopulated area, could be w/o time limit. Need to amend w/ hearing - work etc. Suggest condition change to keep area cleaned up from junk inoperable machinery, vehicles, salvage material weed & rodent harborage type areas (lim weeds, materials etc).

(Jack Stallings atty for Cullison)

Called same info to Paul Smith atty for landowner

ROUTE TO:

GALBRAITH SHIRKEY _____ NEWBY _____ RICHTER _____ DOBSON _____ MEEK _____

LAKIN _____ STOCKWELL _____ RETURN TO _____

COMMENTS:

T9-126

4178
() Published in The Wichita Beacon on Nov. 5, 1975

R E S O L U T I O N

CASE NO. CU-182

A RESOLUTION PERMITTING A SAND EXTRACTION
OPERATION ON PROPERTY ZONED "R-1" SUBURBAN
RESIDENTIAL

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

SECTION I. That after receiving a recommendation from 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 4.A.10.f. and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation on property zoned "R-1" Suburban Residential

is hereby approved on the lands legally described as follows:

The West half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road,

SUBJECT TO THE FOLLOWING CONDITIONS:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

- g. The sand plant operation shall commence operation no later than 1977 and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - 1. All slopes shall have vegetative covering consisting of a perennial growth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 15th day of October, 1975.

Earl E. Rush

Earl Rush, Chairman

John Hale

John Hale, Commissioner

Tom Scott

Tom Scott, Commissioner

ATTEST:

George Pierce
George Pierce, County Clerk

(SEAL)

Approved as to form by:

Jack Turner
Jack Turner, County Counselor



DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Dean Pittenger and Beulah B. Pittenger, husband and wife, and The Walt Keeler Co., Inc.

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

The South 50 feet of the West One-Half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 6th day of October 19 75.

Dean Pittenger
Dean Pittenger

THE WALT KEELER CO., INC.

Beulah B. Pittenger
Beulah B. Pittenger

By Earl F. Callison

STATE OF KANSAS)
SEDGWICK COUNTY)ss

BE IT REMEMBERED, that on this 6 day of October, 1975, came Dean Pittenger and Beulah B. Pittenger, husband and wife, and Earl F. Callison, President of The Walt Keeler Co., Inc.

to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____

City Clerk

Elaine M. Callison
Notary Public



My Commission Expires: Mar 11, 1978

RESTRICTIVE COVENANTS

DEAN PITTENGER and BEULAH B. PITTENGER, husband and wife,
and THE WALT KEELER CO., INC. hereby make the following Declaration
as to restrictions, limitations and use of the following described
real estate:

The West One-Half of the Southeast Quarter of
Section 21, Township 26 South, Range 1 West
of the 6th P.M., Sedgwick County, Kansas,

which said Declaration shall constitute covenants running with said
land and shall be binding upon all owners and their successors,
assigns and heirs;

"No rubbish, car bodies or any other foreign
matter shall be deposited within the excava-
tion made in the removal of sand or gravel on
said premises at any time."

The above restriction and agreement shall be deemed a
covenant running with the land and shall not be amended, deleted
or changed.

IN WITNESS WHEREOF, this Restriction has been executed
on this 6 day of October, 1975.

Dean Pittenger
Dean Pittenger

Beulah B. Pittenger
Beulah B. Pittenger

THE WALT KEELER CO., INC.
By Earl F. Callison
President

STATE OF KANSAS }
SEDGWICK COUNTY } SS:



The foregoing instrument was acknowledged before me this
6th day of October, 1975, by Dean Pittenger and Beulah B. Pittenger,
and wife, and Earl F. Callison, President of The Walt Keeler

Elaine M. Lynch
Notary Public

My Commission Expires:

Mar. 11, 1978

Oct. 16, 1975

Charmaine McDonald, Deputy County Clerk

G. Lynn Shirkey, Junior Planner

CU-182 - Sand extraction operation on the north side of
45th Street north approximately $\frac{1}{4}$ mile west of
Ridge Road.

As we discussed this date, please find enclosed six corrected
copies of the resolution for the above captioned conditional
use approved by the Board of County Commissioners at their
meeting on October 15, 1975.

Inasmuch as the resolutions left with you yesterday reflect a
date of 1976 instead of 1977 under condition g. they should
be destroyed.

If you have any questions concerning this matter, please call.

Sincerely,

G. Lynn Shirkey
Junior Planner

GLS:el

Enclosures

() Published in The Wichita Beacon on _____, 1975

R E S O L U T I O N

CASE NO. CU-182

A RESOLUTION PERMITTING A SAND EXTRACTION
OPERATION ON PROPERTY ZONED "R-1" SUBURBAN
RESIDENTIAL

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

SECTION I. That after receiving a recommendation from 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 4.A.10.f. and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation on property zoned "R-1" Suburban Residential

is hereby approved on the lands legally described as follows:

The West half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road,

SUBJECT TO THE FOLLOWING CONDITIONS:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

- g. The sand plant operation shall commence operation no later than 1977 and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this _____ day of _____, 1975.

Earl Rush, Chairman

John Hale, Commissioner

Tom Scott, Commissioner

ATTEST:

George Pierce, County Clerk

(SEAL)

Approved as to form by:

Jack Turner, County Counselor

Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-182

CONSIDERED BY MAPC: 9-25-75

REQUEST FOR: Approval of Conditional Use

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

Sand extraction pit.

GENERAL LOCATION: North side of 45th Street north in an
area west of Ridge Road

LEGAL DESCRIPTION:

The west half of the southeast quarter of Section 21, Township 26
South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

APPLICANT: The Walt Keeler Co., Inc., 826 E. Lincoln 67211, and
Beulah B. and Dean E. Pittenger, 2616 Manhattan 67204

COUNSEL FOR APPLICANT: Dolan Welsh, Agent

PROTESTORS (LIST COUNSEL) IF ANY: Donald Learned, 4701 North Ridge Road,
and Ms. Claude D. Sullard, 4720 North
Ridge Road, spoke in opposition

SURROUNDING ZONING: To the north and west is "R";
east and south is "R-1"

LAND USE: Subject property and that to the north, south and
west is undeveloped; east is single-family and
mobile homes

PLANNING COMMISSION RECOMMENDATION:

That the Planning Commission recommend to the County Commission that
this application be approved subject to the following conditions:
(See attached excerpt from Planning Commission minutes of September
25, 1975, for conditions.)
Kamen moved, Collier seconded and it carried unanimously. Taylor,
Gragg and Savina were absent.

ACTION: 1. Approve the application as recommended by the Metropolitan
Area Planning Commission subject to the recommended conditions of approval
and adopt a resolution effectuating the conditional use, and instruct the
Planning Department to withhold publication until items a. and h. have been
complied with; or
2. Deny the application.

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 25, 1975:

11. Case No. CU-182 - The Walt Keeler Co., Inc., and Beulah B. and Dean E. Pittenger request approval of a conditional use to establish a sand extraction pit on property zoned "R-1" Suburban Residential and described as the west half of the southeast quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant is requesting a conditional use permit to establish a sand extraction operation on approximately 79 acres of land zoned "R-1" Suburban Residential and located on the north side of 45th Street North in an area west of Ridge Road.
2. The applicant has submitted an Operational Plan in conjunction with the application that indicates the limits of the area to be extracted, and a perimeter area at least 150 feet in depth for future development. Although it is expected that upon the completion of sand extraction operations, development will occur around such lakes, the Flood Control Office advises that the high water level in this area would necessitate considerable fill and establishment of minimum pad elevations prior to any such development occurring.
3. It should be pointed out that subject area is not projected for urban development and that several other similar requests for sand extraction operations have been approved in the general vicinity.
4. Should the Planning Commission determine this use appropriate for the area, it should be approved subject to the following conditions:
 - a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
 - b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
 - c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
 - e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
 - f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - g. The sand plant operation shall commence operation no later than 1976 and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
 - h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.

- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
 - o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

GALBRAITH said that the applicant's agent has asked that condition g. be changed to provide for starting of the operation in 1977 rather than 1976.

DOLAH WELSH, representing the applicant, agreed that they preferred 1977 as a starting date, pointing out also that the area is between the two sloughs, and that he was prepared to answer any questions concerning the intended use of the land.

DONALD LEARNED, 4701 North Ridge Road, said he operates fish ponds adjacent to the east of the property, and that he and his neighbors needed more information. He asked concerning the size of the operation and whether or not it would be a temporary operation in connection with the K-96 construction. He felt it could possibly have a tendency to lower the water table, in which case it would put him out of business.

GALBRAITH gave Mr. Learned a copy of the suggested conditions of approval, and stated that the applicant's extraction operations have ceased at the site on South I-235, and that this site has been

chosen for future extraction on a permanent basis rather than just temporarily for K-96 construction. He noted that there have been several similar applications in this northwest area.

RAYOUTH did not think the water level would be affected, in that at other such sites when extraction has ceased, a nice lake has resulted.

LEARNED said they were not sure as to their feelings, but if it is approved, 45th Street North would definitely need to be improved as there have been problems in keeping it in condition to accommodate school bus usage. He felt this point should be considered, and he assumed the township would be responsible for maintenance or any improvement to the roadway.

MS. CLAUDE D. SULLARD, 4720 North Ridge Road, was opposed in that there is already considerable truck traffic on Ridge Road in connection with the bypass reconstruction, and the increased danger to children and the operation of school buses was of utmost concern to her. She felt the Commission should give serious consideration to this fact before approving the request. She said there have already been several near-tragedies.

KAMEN pointed out that the present truck traffic associated with highway reconstruction is temporary and when that is completed, there would only be trucks hauling sand from the subject site and it would not involve concrete mixing.

SULLARD stated again her concern for the safety of school children and the fact that the road would have to be widened to accommodate much more traffic; further, this is a farming community and farm equipment is being moved up and down the road from time to time.

WELSH spoke again and pointed out that it is a section line road for public use and they are not interested in creating a traffic hazard for anyone. Truck drivers, he stated, have a reputation of having less accidents than any other drivers.

More sand extraction does not involve the same activity as concrete mixing plants, WELSH said, and there will be no industrial type activity, but only the extraction of sand. He felt this location is ideal for the use intended.

KAMEN said he could understand Ms. Sullard's concern for safety of children and traffic conditions, but such conditions exist all over the community and everyone has the same concerns. He did not think, however, that such would create any more problems in this location than elsewhere in the community.

MOTION: That the Planning Commission recommend to the County Commission that this application be approved subject to the following conditions:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.

- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- g. The sand plant operation shall commence operation no later than 1977 and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" or higher wood fence which 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.The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

Kamen moved, Collier seconded and it carried unanimously. Taylor, Gragg and Savina were absent.

October 8, 1975

Jack Turner, County Counselor

Jack H. Galbraith, Chief Planner

CU-182 - Conditional Use for sand extraction -
North side of 45th Street North in an area
west of Ridge Road

Attached for your information and files is a copy of the referral sheet and minutes of the Metropolitan Area Planning Commission meeting of September 25, 1975, on the above-captioned case, which is scheduled to appear on the agenda of the Board of County Commissioners at their meeting of October 15, 1975.

Enclosed for your review and approval is a copy of the resolution effectuating the conditional use, which has been prepared on our standard form.

If you have any comments in regard to the resolution, we would appreciate hearing from you by October 14, 1975, so that any corrections or additions may be made prior to being submitted to the Commissioners for their signatures.

Jack H. Galbraith
Chief Planner

JHG:GLS:ber

Attachment

() Published in The Wichita Beacon on _____, 1975

R E S O L U T I O N

CASE NO. CU-182

A RESOLUTION PERMITTING A SAND EXTRACTION
OPERATION ON PROPERTY ZONED "R-1" SUBURBAN
RESIDENTIAL

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

SECTION I. That after receiving a recommendation from 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 4.A.10.f. and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation on property zoned "R-1" Suburban Residential

is hereby approved on the lands legally described as follows:

The West half of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 45th Street North, 1/4 mile west of Ridge Road,

SUBJECT TO THE FOLLOWING CONDITIONS:

- a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
- b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
- c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- d. The earth shall be extracted to at least a minimum depth of six (6) feet below the floodway.
- e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
- f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

- 1977
- g. The sand plant operation shall commence operation no later than ~~1976~~ and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
- h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
- o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this ____ day of _____, 1975.

Earl Rush, Chairman

John Hale, Commissioner

Tom Scott, Commissioner

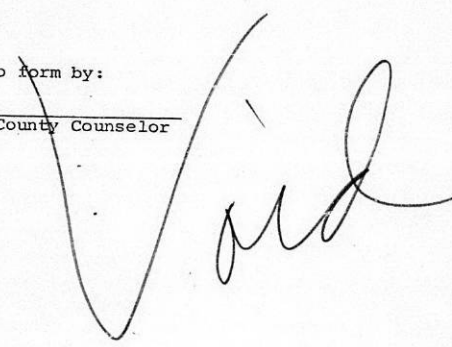
ATTEST:

George Pierce, County Clerk

(SEAL)

Approved as to form by:

Jack Turner, County Counselor

A large, handwritten signature in black ink, appearing to read "Vard", is written over the signature line of Jack Turner, County Counselor.

September 29, 1975

Mr. Dolan Welsh
4000 East Kinkaid
Wichita, Kansas 67218

Re: CU-182 - Request for Conditional Use to Establish a Sand Extraction Pit - North side of 45th Street North in an area west of Ridge Road

Dear Mr. Welsh:

At the regular meeting of the Metropolitan Area Planning Commission on September 25, 1975, the above-captioned application was considered. The action of the Commission was to recommend the approval of the request subject to Conditions a. through o. as recommended in the Wichita-Sedgwick County Metropolitan Area Planning Department staff report, with the exception that Condition g. was amended to require the commencing of the operation no later than 1977 rather than 1976 as recommended in the report. A copy of the staff report listing the conditions is attached.

This matter will be forwarded to the County Commission for consideration on October 15, 1975, the meeting to start at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: The Walt Keeler Co., Inc., 826 East Lincoln 67211
Beulah B. and Dean E. Pittenger, 2616 Manhattan 67204
Donald R. Learned, 4701 North Ridge Road 67205
Ms. Claude D. Sullard, 4720 North Ridge Road 67205
Syd Werbin, County Zoning Office, 1015 Stillwell 67213

September 29, 1975

Mr. Donald Leonard
4701 North Ridge Road
Wichita, Kansas 67205

Re: CU-182 - Request for Condi-
tional Use to Establish a
Sand Extraction Pit - North
side of 45th Street North
in an area west of Ridge Road

Dear Mr. Learned:

At the regular meeting of the Metropolitan Area Planning Commission on September 25, 1975, the above-captioned application was considered. The action of the Commission was to recommend the approval of the request subject to conditions as indicated in the enclosed copy of our letter to Mr. Welsh.

If you wish to submit a protest petition, it should be filed in the Office of the County Clerk not later than 5:00 p.m. on Monday, October 6, 1975. A protest petition form is enclosed for your use. Additional copies are available from our office if you know of other property owners within the legal protest area of 1,000 feet who desire to register their opposition.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Ms. Claude D. Sullard, 4720 North Ridge Road 67205

September 23, 1975

Dr. Kathleen Camin
Assoc. Professor - Economics
Department
Wichita State University
Wichita, Kansas 67208

Re: CU-182 The Walt Keeler Co., Inc.
requests permit for sand extraction
pdt on the north side of 45th St.
North, $\frac{1}{4}$ mile west of Ridge Road.

Dear Dr. Camin:

Enclosed you will find a copy of an operational and redevelopment plan for a proposed sandpit operation on the north side of 45th Street North, $\frac{1}{4}$ mile west of Ridge Road. You will also find attached a copy of notice to adjoining property owners and the staff report to the Planning Commission upon which we would appreciate your review and comment. This request is to be considered by the MAPC on September 25, 1975, for recommendation to the Board of Sedgwick County Commissioners.

Although I realize that it is rather short notice, we would appreciate any comments which you may have on this matter. If you have any questions, please do not hesitate to call.

Sincerely,

G. Lynn Shirkey
Junior Planner

GLS:el
Enclosures

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MACC HEARING DATE: 9-25-75

Case No. CU-182

Request: Conditional Use Permit
for Sand Extraction

Location: North side of 45th Street North in
an area west of Ridge Road

Reason: Sand extraction pit.

Acres: 79

Size: 1320 ft. by 2610 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R"
East	Single-family & mobile homes	"R-1"
South	Undeveloped	"R-1"
West	Undeveloped	"R"

Existing R/W - 45th St. No. (half) 30 ft.

Platted: No

Proposed R/W - 45th St. No. (half) 50 ft.

History: None

Comments

1. The applicant is requesting a conditional use permit to establish a sand extraction operation on approximately 79 acres of land zoned "R-1" Suburban Residential and located on the north side of 45th Street North in an area west of Ridge Road.
2. The applicant has submitted an Operational Plan in conjunction with the application that indicates the limits of the area to be extracted, and a perimeter area at least 150 feet in depth for future development. Although it is expected that upon the completion of sand extraction operations, development will occur around such lakes, the Flood Control Office advises that the high water level in this area would necessitate considerable fill and establishment of minimum pad elevations prior to any such development occurring.
3. It should be pointed out that subject area is not projected for urban development and that several other similar requests for sand extraction operations have been approved in the general vicinity.

4. Should the Planning Commission determine this use appropriate for the area, it should be approved subject to the following conditions:
 - a. The applicant dedicating by separate instrument the additional right-of-way necessary for 45th Street North.
 - b. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 45th Street North.
 - c. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - d. The earth shall be excavated to at least a minimum depth of six (6) feet below the floodway.
 - e. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
 - f. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - g. The sand plant operation shall commence operation no later than 1976 and shall cease operating after 10 years unless a new permit is authorized by the appropriate governing body.
 - h. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
 - i. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
 - j. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.

Page 3 - Case No. CU-182
September 25, 1975

1. A 48" or higher chainlink fence with three or more strands of barbed wire; or
2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
3. A 48" or higher wood fence which 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.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

- k. Concrete and asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County zoning resolution and amendments thereto.
 - l. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - n. The applicant shall comply with conditions a. and h. prior to the publication of the resolution effectuating the conditional use.
 - o. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.
-

CU-182 - 26 Notices mailed to applicants and adjacent property owners 9-10-75
for MAPC meeting of 9-25-75

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS 67202

NOTICE TO ADJOINING PROPERTY OWNERS

SEP 11 1975

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m., on SEP 25 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-182

Conditional Use Request to Permit a Sand Extraction
Operation on Property Zoned "R-1" Suburban Residential

The West Half of the Southeast Quarter of Section 21, Township
26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.
Generally located on the north side of 45th Street North, 1/4
mile west of Ridge Road.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

Sept.10,1975

M.S.Mitchell, Ass't. Sup't., Public Works Maintenance

G. Lynn Shirkey, Junior Planner

Sand Excavation Proposal - CU-182

Attached are copies of a proposed operation plan and ^{development} ~~department~~ plan for a sand extraction operation proposed for the north side of 45th Street North in an area $\frac{1}{4}$ mile west of Ridge Road. These plans are associated with a Conditional Use application (CU-182) which is scheduled for consideration by the Metropolitan Area Planning Commission on September 25, 1975.

If you have any comments relative to this proposal, please send them to us by September 16.

G. Lynn Shirkey
Junior Planner

GLS:el

Attached

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

BUYER
SELLER

A. APPLICANT THE WALT KEELER CO., INC.

ADDRESS 826 E LINCOLN ST. 67211 PHONE 265-1601

AGENT DOLAN WELSH - DOLAN WELSH REALTY

ADDRESS 4000 E. KINKAID 67218 PHONE 265-1167

B. APPLICANT BEULAH B PITTENGER - DEAN E PITTENGER

ADDRESS 2616 MANHATTEN 67204 PHONE 838-0642

AGENT _____

ADDRESS _____ PHONE _____

C. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

II. The applicant proposes to establish a SAND EXTRACTION

PLT (use)

on property legally described as Lot(s) _____

_____, Block(s) _____ of the _____

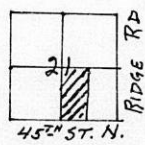
_____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

W 1/2, SE 1/4, Sec 21, Twp 26, R 1W, 6th PM.

SEDGWICK COUNTY, KANSAS

Form PR-3



I. I. THIS PROPERTY LOCATED AT (ADDRESS) _____

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR

B. ON THE NORTH SIDE OF 45th St. N. (AVENUE)
STREET BETWEEN 1/4 M. W. & W. WEST OF E. RIDGE RD
(AVENUE) STREET AND

ON THE NORTH SIDE AND RUNNING NORTH 1/2 MILE.

I V. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1
(ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

SAND EXTRACTION PIT.

V I. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

The Plant Kester Co Inc
BY Frank Callahan BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BUYER

BY Beulah B Pittenger BY Dean E Pittenger
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

SELLER

BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on _____ (day, month, year). It has been checked
and found to be complete and accompanied by required documents and
the appropriate fee of \$ _____.

Name

Title

Sept 5-8
75/6

Application For Approval of Conditional Use Permit
WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

INSTRUCTIONS

1. All applicants requesting approval of a Conditional Use Permit should consult the Planning Department prior to submitting a formal application. The purpose of the consultation is to advise the applicant of his rights and responsibilities and the necessity of a detailed plan(s) to be submitted with the application for certain uses such as mobile home parks, sand extraction operations, multiple family development, etc.
2. An application for approval of a Conditional Use Permit must be signed by at least one of the owners of the property included within the application.
3. In order for any application to be considered by the Commission, the following items must be submitted to the Planning Department:
 - A. Application form (PR-3). All blanks must be completely filled in with either the information requested or the notation - N/A - (Not Applicable). INCOMPLETE APPLICATION FORMS WILL NOT BE ACCEPTED for processing.
 - B. Detailed plot plan(s) as may be required.
 - C. A current abstractor's certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property and including the property for which the conditional use is requested, in all directions from subject property for a distance of twice the frontage of the subject property but for a distance of not more than 1,000 ft. or less than 200 ft.
 - D. The appropriate fee as established by the Zoning Regulation of Sedgwick County. The fee shall be the same as that for the district in which located. Those fees are as follows:

<u>"R", "R-1", and "AA" Classifications</u>	\$70.00
<u>"BB" Classification</u>	\$140.00
<u>"LC", "C", "E", and "F" Classifications</u>	\$200.00
(6 acres and under)	
<u>"LC", "C", "E", and "F" Classifications</u>	\$400.00
(over 6 acres)	

4. The Wichita-Sedgwick County Metropolitan Area Planning Commission will meet to consider Conditional Use requests on the second and fourth Thursday of each month at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. An application for a Conditional Use, accompanied by appropriate documents and fees as listed above, must be filed with the Planning Department before 5 p.m., on the closing date established by the Metropolitan Area Planning Commission.
5. It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, 104 South Main, at least 7 days prior to the meeting. If, in the discretion of the Chairman and Secretary, such deferral is to be granted, notices of such deferral and date of next hearing will be mailed to those who received original notice of the hearing. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Dolan Welch brought in this revised page of the abstract ownership list on 10/1/75, saying that the abstract company had made a mistake in including two ownerships which were outside the notification area. This revised first page omits those two ownerships.

OWNERSHIP LIST

Tract	Property Owner
Beginning at the Northeast corner of the Southeast Quarter of Section 21-26-1W thence South along the East line of the SE $\frac{1}{4}$ of said Section 21, a distance of 220 feet; thence West // with the North line SE $\frac{1}{4}$ of said Section 21, a distance of 657.57 feet; thence North 220 feet to a point in the North line of the SE $\frac{1}{4}$ of said Section 21; thence East 657.57 feet to the point of beginning, except the East 40 feet and the South 28 feet, reserved for road	Richard A. Smith & Kay 4957 N. Ridge Road 67205
A tract in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21-26-1W, described as: Beg. at a point in the East line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 21; and 332.3 feet South of the NE corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 21; thence South along the East line of said Section 21, a distance of 106.0 feet; thence West 205.47 feet; thence North 106.0 feet to a point 332.3 feet South of the North line of the SE $\frac{1}{4}$ of said Section 21; thence East 205.46 feet to pob.	Arnold H. Bosma and Judith J. Bosma 4671 N. Ridge Road 67205
A tract in the Southeast Quarter of Section 21-26-1W, described as: Beg. at a point in the East line of the Southeast Quarter of said Section 21, and 220.0 feet South of the Northeast corner of the Southeast Quarter of Sec. 21, thence South along the East line of the SE $\frac{1}{4}$ of said Section, a distance of 144.43 feet; thence West // with the North line of the SE $\frac{1}{4}$ a distance of 573.88 feet; thence South // East line said SE $\frac{1}{4}$ said Section 21, a distance of 298.0 feet; thence West // with the North line SE $\frac{1}{4}$ a distance of 84.0 feet; thence North along the West line of the East Half of the North 20 Acres of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 21, a distance of 442.43 feet; thence East 657.57 feet to the point of beg, except the East 40 feet for road purposes.	Richard W. Parks & Nellie M. Pais 211 N. Seneca 67203

X

OWNERSHIP LIST

Tract

Property Owner

The West 760.6 feet of the Southwest Quarter of the Southwest Quarter of Section 22-26-1W except the South 1080 feet

Arch Doerr Sullard and Nancy Ann Sullard
Address Unknown

Deleted per revised list

The North 270 feet of the South 1080 feet of the West 760.6 feet of the Southwest Quarter of the Southwest Quarter of Section 22-26-1W

Claude D. Sullard
4720 N. Ridge Road
67205

Beginning at the Northeast corner of the Southeast Quarter of Section 21-26-1W thence South along the East line of the SE $\frac{1}{4}$ of Said Section 21, a distance of 220 feet; thence West // with the North line SE $\frac{1}{4}$ sd Section 21, a distance of 657.57 feet; thence North 220 feet to a point in the North line of the SE $\frac{1}{4}$ of said Section 21; thence East 657.57 feet to the point of beginning, except the East 40 feet and the South 28 feet, reserved for road

Richard A. Smith & Kay
4957 N. Ridge Road
67205

A tract in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21-26-1W, described as: Beg. at a point in the East line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 21; and 332.3 feet South of the NE corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 21; thence South along the East line of said Section 21, a distance of 106.0 feet; thence West 205.47 feet; thence North 106.0 feet to a point 332.3 feet South of the North line of the SE $\frac{1}{4}$ of said Section 21; thence East 205.46 feet to pob.

Arnold H. Bosma and Judith J. Bosma
4671 N. Ridge Road
67205

A tract in the Southeast Quarter of Section 21-26-1W, described as: Beg. at a point in the East line of the Southeast Quarter of said Section 21, and 220.0 feet South of the Northeast corner of the Southeast Quarter of Sec. 21, thence South along the East line of the SE $\frac{1}{4}$ of said Section, a distance of 144.43 feet; thence West // with the North line of the SE $\frac{1}{4}$ a distance of 573.88 feet; thence South // East line said SE $\frac{1}{4}$ said Section 21, a distance of 298.0 feet; thence West// with the North line SE $\frac{1}{4}$ a distance of 84.0 feet; thence North along the West line of the East Half of the North 20 Acres of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 21, a distance of 442.43 feet; thence East 657.57 feet to the point of beg, except the East 40 feet for road purposes.

Richard W. Parks & Nellie M. Parks
211 N. Seneca 67203

Tract

Property Owner

Beg. at a point in the East line of the Southeast Quarter of Section 21-26-1W and 364.43 feet South of the Northeast corner of the SE $\frac{1}{4}$ said Section 21; thence South along the East line of the SE $\frac{1}{4}$ said Section 21, a distance of 144.0 feet; thence West parallel with the North line of the SE $\frac{1}{4}$ said Section 21, a distance of 330.0 feet; thence South // with the East line of the SE $\frac{1}{4}$ said Section 21, a distance of 154.0 feet; thence West // with the North line of the SE $\frac{1}{4}$ said Section a distance of 243.88 feet; thence North // with the East line of the SE $\frac{1}{4}$ of said Section 21, a distance of 298.0 feet; thence East 573.88 feet to the point of beginning, the East 40 feet being reserved for road purposes

✓ Douglas E. Askins & L. Sue
4917 N. Ridge Road
67205

Beginning at a point in the East line of the SE $\frac{1}{4}$ of Section 21-26-1W, and 493.43 feet South of the NE corner of the SE $\frac{1}{4}$ of said Section 21; thence South along the East line of the SE $\frac{1}{4}$ of said Section 21, 15.0 feet; thence West // with the North line of the SE $\frac{1}{4}$ of said Section 21, a distance of 330.0 feet, thence South parallel with the East line of the SE $\frac{1}{4}$ of said Section 21, a distance of 154.0 feet; thence West // with the North line of the SE $\frac{1}{4}$ of said Section 21, a distance of 243.88 feet; thence North // with the East line of the SE $\frac{1}{4}$ said Section 21, a distance of 298.0 feet; thence East // with the North line of the SE $\frac{1}{4}$ of said Section 21, 289.88 feet; thence South // with the East line of the SE $\frac{1}{4}$ of said Section 21, 129.0 feet; thence East 284.0 feet to the point of beginning, except the East 40.0 feet thereof for road purposes

✓ Raymond Sprenger & Marcella V.
4917 N. Ridge Road
67205

Beginning at a point in the East line of the SE $\frac{1}{4}$ of Section 21-26-1W, and 508.43 feet South of the Northeast corner of the SE $\frac{1}{4}$ of said Section 21; thence South along the East line of the SE $\frac{1}{4}$ of said Section 21 a distance of 154 feet; thence West // with the North line of the SE $\frac{1}{4}$ of said Section 21, a distance of 330 feet; thence North // with the East line of the SE $\frac{1}{4}$ of said Section 21, a distance of 154 feet; thence East 330 feet to the pob., the East 40 ft for road

✓ Alice R. Neely, 4915 N Ridge Road
67205

IMPORTANT MESSAGE

FOR Mitabell
DATE 1-22-76 TIME 9:40 AM
P.M.

WHILE YOU WERE AWAY

MR. Schneider
OF Engineering
PHONE No. _____

TELEPHONED	PLEASE CALL	
CALLED TO SEE YOU	<input checked="" type="checkbox"/> WILL CALL AGAIN	
WANTS TO SEE YOU	RETURNED YOUR CALL	

MESSAGE See attached plans
for Omega H/dia.
I would like your
review & comments.

SIGNED [Signature]

Tract	Property Owner
The Northeast Quarter of the Southeast Quarter of Section 21-26-1W except the North 20 acres and except the South 10 Acres	✓ Joseph V. Garcia & Josephine 4851 N. Ridge Road 67205
The South 10 Acres of the Northeast Quarter of the Southeast Quarter of Section 21-26-1W except the West 3 Acres thereof	✓ Leo A. Kral & Alta L. 4843 N. Ridge Road 67205
The West Half of the North 20 Acres of the Northeast Quarter of the Southeast Quarter of Section 21-26-1W	D Alice R. Neely 4915 N. Ridge Road 67205
The West 10 Acres of the South 30 Acres of the Southeast Quarter of the Southeast Quarter of Section 21-26-1W	✓ Donald R. Learned and Elizabeth R. Learned 4701 N. Ridge Road 67205
The Southeast Quarter of the Southeast Quarter of Section 21-26-1W except the North 10 Acres and except the West 10 Acres of the South 30 Acres and except: Beg. at a point on the East line SE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 21, and 332.3 ft South of the NE corner SE $\frac{1}{4}$ SEP, thence South 106.0 ft; thence West 205.47 ft; thence North 106.0 ft to a point 332.3 feet South of the North line of the SE $\frac{1}{4}$ of said Section 21; thence East 205.46 feet to pob	X Fairy A. Wadsworth Address Unknown
The West Half of the Southeast Quarter of Section 21-26-1W and the West 3 Acres of the South 10 Acres of the Northeast Quarter of the Southeast Quarter of said Section 21	D Beulah B. Pittenger 2616 Manhattan Drive 67204
The South Half of the West Half of the Northeast Quarter of Section 21-26-1W	✓ Commanche West Inc. 2541 Bob White 67204
The South 10 Acres of the Southeast Quarter of the Northeast Quarter of Section 21-26-1W	X James W. Benefield & Theresa J. Benefield Address Unknown
The East Half of the Southwest Quarter of Section 21-26-1W	✓ Alva Woodard & Aleen 521 Opal Street, Maize, Ks. 67101
The Southeast Quarter of the Northwest Quarter of Section 21-26-1W	✓ Gail L. Woodard 4320 N. 103rd St. West, 67205
	✓ Gene Lee Woodard, Address Unknown 4320 N. Maize Rd. 67205
	✓ Charles Woodard, 4318 N. 103rd West 67205
	✓ Susan Woodard, Address Unknown 4320 N. Maize Rd., 67205

Tract

Property Owner

The Northwest Quarter of Section 28-26-1W
except the East 334.4 feet

✓ Gail L. Woodard & Jean
4320 N. 103rd St. West 67205

The East 334.4 feet of Government Lots
6 and 3, and the East 334.4 feet of the
South Half of the Northwest Quarter, all
in Section 28-26-1W

✓ Maize Flying Service Inc.
(8001 West 45th St. North)
7220300 67101
ATT - C.E. HOBAUGH
send to: P.O. Box 301, MAIZE, KS. 67101

The North 181.58 feet of the North 333.25
feet of the South 660.50 feet of the North
Half of the Northeast Quarter of Section
28-26-1W except the West 1350.0 feet

✓ Vern Ford Jr. and Cherry L. Ford
4435 N. Ridge Road
67205

The South 151.67 feet of the North 333.25
feet of the South 666.50 feet of the North
Half of the Northeast Quarter of Section
28-26-1W except the West 1350.08 feet

✓ David A. Johnson & Marie M.
4425 N. Ridge Road
67205

The North Half of the Northeast Quarter of
Section 28-26-1W except the South 979.75
feet and except the West 1330.08 feet and
except the North 336.6 feet of the East
647.05 feet of the Northeast Quarter of
Section 28-26-1W

✗ Adolph Bartel & Fern
Address Unknown

The West 1330.08 feet of the North Half
of the Northeast Quarter of Section 28-26-1W

✓ Frank J. Schulze & Lela M.
7801 W. 45th North 67205

The North 10 Acres of the Southeast Quarter
of the Southeast Quarter of Section 21-26-1W

✓ Donald R. Learned & Elizabeth R.
4701 N. Ridge Road 67205

The North 313.25 feet of the South 979.75
feet of the North Half of the Northeast Quarter
of Section 28-26-1W except the West 1330.08 ft

✓ Thomas S. Stogsdill & Bertha E.
4525 N. Ridge Road
67205

The North 336.6 feet of the East 647.05 feet
of the North Half of the Northeast Quarter
of Section 28-26-1W

✓ John P. Dodds & Sheila
4565 N. Ridge Road
67205

✓ Add ^{Ms} Claude D. Sullard
4720 N. Ridge Rd 67205

The Security Abstract & Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

Legal

A 1000 foot radius of: The West Half of the
Southeast Quarter of Section 21, Township 26
South, Range 1 West of the 6th P.M., Sedgwick
County, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 28th day of August, 1975
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

John Egan
Vice President

Order No. 228519
wh