

B.C.C./B. CO. C. Approved on 12-1-76
Remold

closed

CU-191 - Victor Eisenring re-
quests Sand & Gravel Extraction
Operation generally located on the
south side of 21st St. North in
an area between 200 Blvd & Wicki

POSTED
10-18-76

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approval sub to Conditions</i>	<i>11-11-76</i>
B.C.E./B. CO. C. <i>Approved as recommended</i>	<i>12-1-76</i>

closed

CU-191 - Victor Eisenring re-
quests Sand & Gravel Extraction
operation generally located on the
south side of 21st St. North in
an area between 7th Blvd & 12th St.

Map No. 5149
Sec. 11
Twp. 27S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 191
Filed 10-4-76
assoc. D. 0745

APPLICATION DATA: From _____ to _____

1. Applicant: Victor Eisenring
Address 4900 W 21st St. North, 67212 Phone 943-4372
2. Agent: Don Bottenberg, Realtor
Address 509 Union Center Bldg, 67202 Phone 264-5031
3. General Location: south side of 21st St. North in an area between Zoo Blvd. & Wichita Valley Center Flood Control Ditch.
4. Proposed Use: Sand and Gravel Extraction Operation
(REGULATOR)

AREA DATA:

1. Acres: 56.87 (1870 ft. by 3029 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" & "LC" N "R-1"
3. Land Use: East Oil Storage Tank - 24,500 GALS South Flood Control Ditch
West _____ North Oil Storage Tank - 11,700 GALS
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: OIL W/IN OIL STORAGE
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____
2. MAPC Meeting:

Date	Action
11-11-76	Approved and to conditions

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

Date	Action	Resolution
12-1-76	Approved as recommended	Pub 1-10-77

NOTES:

HARTING, INC. LOS ANGELES
LOCAL OFF. - MEMPHIS, TN, U. S. A.

Shield
No. 2153C

11-11-76

Map No. 5149
Sec. 11
Twp. 27S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

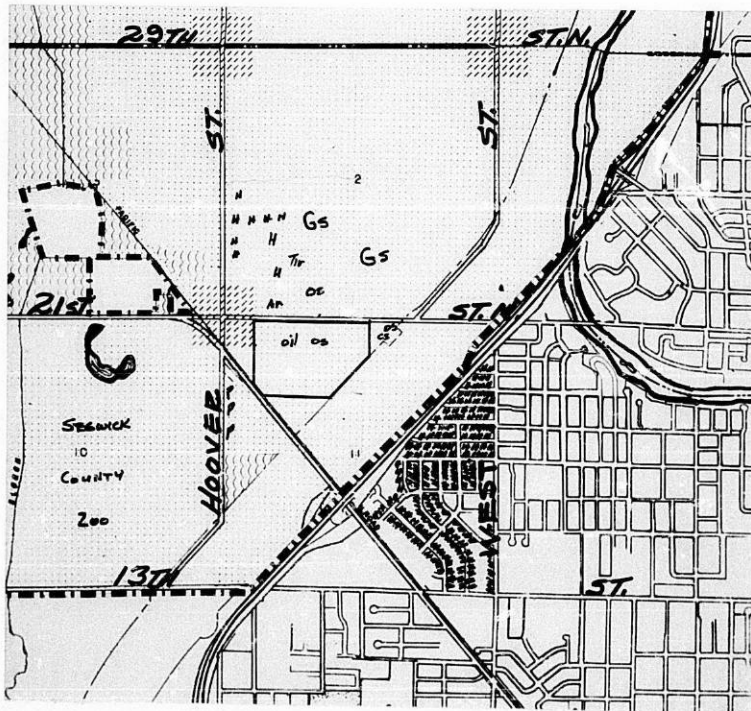
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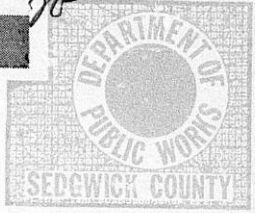
- AREA DATA:
1. Acres: 56.87 (1270 ft. by 2029 ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" & "I.C." N "R-1"
 3. Land Use: East OIL STORAGE TANK South FLOOD CONTROL DITCH
West WIDE DEVELOPED North WICHITA VALLEY CENTER FLOOD CONTROL DITCH
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: OIL WELL & OIL STORAGE TANK
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



ROUTING

MEMO



DATE: August 10, 1984
 TO: Bob Lakin, Director, MAPD
 FROM: Ron R. Worley, County Zoning Administration
 SUBJECT: CU-191 R#247-1976
Vic Eisenring

By this memo I am requesting that as soon as possible you schedule CU-191 for County Commission review. CU-191 is for a sand and gravel extraction operation on the south side of 21st Street North in an area between Zoo Boulevard and the Wichita Valley Center Flood Control Ditch.

On July 16, 1984, I sent a letter (copy attached) to Mr. Eisenring asking him to bring his use into compliance with the terms and conditions of CU-191. On July 23, 1984, I received a letter (copy attached) from the law firm which represents Mr. Eisenring. That letter says Mr. Eisenring will install a fence as required.

On August 2, 1984, I talked with Mr. Zacharias of that firm and asked for a date when construction of the fence would start. He said he would contact Mr. Eisenring. Mr. Eisenring called me on August 3, 1984, and said he would have a fence company call me. This date, August 10, 1984, at 10:44 a.m. I took the attached photo. The area of excavation has increased since August 2, and no fence is up nor is there any sign of one being started, nor have I been contacted by Mr. Eisenring or a fence company.

My recommendation to the County Commission at this time would be to declare CU-191 null and void in accord with Section I, P. of R#247-1976.

RRW:1s

8-14-84 - Discussed w/ Reardon & Gregg
8-15-84 - " w/ Reardon. They will go to court to get restraining order. Discussed w/ Worley & he's tired in.
RRW



SEDGWICK COUNTY, KANSAS

DIVISION OF BUILDING INSPECTIONS,
PLANNING AND ZONING

Ron R. Worley
Division Director

1248 SOUTH SENECA.

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION

July 16, 1984

Victor Eisenring
4900 West 21st St. North
Wichita, KS 67212

Re: CU-191/R #247-1976

Dear Mr. Victor Eisenring:

As required under the Zoning Resolution, notice is hereby given that you are in violation of Section No. 4, of the Zoning Resolution of Sedgwick County in regard to activities on the following legally described land:

North half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway, Sedgwick County, Kansas. Generally located on the south side of 21st Street North in an area between Zoo Boulevard and Wichita Valley Center Flood Control Ditch.

The violation noted is the operation of a sand pit in R-1 zoning in violation of the terms and conditions of CU-191.

The first violation is noted as being observed on July 13, 1984, and the following actions should be taken by you. Immediately cease and desist from any activity or use of the about described site until you have the site in compliance with the conditions of CU-191.

Penalties provided for in Section No. 14, of the Zoning Resolution may be applicable as of the first day of violation.

Please feel free to contact this office at 268-7951, for we are available to assist you in clarifying this matter.

Ron R. Worley
Ron R. Worley
Zoning Administrator

RRW:ls



SEDGWICK COUNTY, KANSAS

DIVISION OF BUILDING INSPECTIONS,
PLANNING AND ZONING

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Ron R. Worley
Ron R. Worley
Zoning Administrator

RRW:ls





SEDGWICK COUNTY, KANSAS

**DIVISION OF BUILDING INSPECTIONS,
PLANNING AND ZONING**

Ron R. Worley
Division Director

1248 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION

July 16, 1984

RECEIVED

JUL 18 1984

METROPOLITAN PLANNING
ROUTE _____

Victor Eisenring
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Wichita, KS 67212

Re: CU-191/R #247-1976

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Ron R. Worley
Ron R. Worley
Zoning Administrator

RRW:ls

(*non-fun*) Published in The Wichita Beacon on Jan. 10, 1979.

RESOLUTION

CASE NO. CU-191

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL EXTRACTION OPERATION ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL DISTRICT

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 the establishment of a sand and gravel extraction operation on property zoned "R-1" Suburban Residential District,

is hereby approved on the lands legally described as follows:

North half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway, Sedgwick County, Kansas. Generally located on the south side of 21st Street North in an area between Zoo Boulevard and Wichita Valley Center Flood Control Ditch.

SUBJECT TO THE FOLLOWING:

- A. The applicant submitting revised copies of the operational and redevelopment plan indicating an excavation line of 200 feet from the Flood Control right-of-way line and a minimum depth of six feet below the water table for the excavation area.
- B. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the south half of 21st Street North as indicated on the operational plan.
- C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and as to form by the County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- E. 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 excavation area and plant operation area 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.

- F. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- H. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- I. The sand plant operator shall be responsible for:
1. Insuring that the loop levee elevation be maintained.
 2. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 4. Maintaining all operational roads in a graveled condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.

- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- M. All slopes shall have vegetative covering consisting of a perennial drowth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- O. The applicant shall comply with Conditions B, C, and J, prior to the publication of the resolution effectuating the conditional use.
- P. Any violation of conditions attached shall declare the conditional use permit 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 1st day of December, 1976.

_____, Chairman
Carl Scott, Commissioner
Paul G. Rusk, Commissioner

ATTEST AS TO TWO SIGNATURES ONLY:

George Pierce
 George Pierce, City Clerk
 (SEAL)

APPROVED AS TO FORM:

Theodore H. Hill
 Theodore H. Hill
 County Counselor

December 27, 1976

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Case No. CU-191 - Sand and Gravel Extraction Operation - generally located on the south side of 21st St. North in an area between Zoo Boulevard and Wichita Valley Center Flood Control Ditch.

Attached are copies of two covenants and a document marked "Exhibit A", which were conditions of approval on the above captioned case by the Board of County Commissioners at their meeting of December 1, 1976. These covenants and document should be filed of record with the Register of Deeds, with the cost being billed to Mr. Victor Eisenring, 4900 West 21st Street North, Wichita, Kansas 67212.

Jack H. Galbraith
Chief Planner

JHG:MM:el

Attachments

COVENANT RUNNING WITH THE LAND

WHEREAS, the undersigned as owner of the property hereinafter described has made application to the Metropolitan Area Planning Commission of the City of Wichita and County of Sedgwick for permission to use said property as a borrow or sand pit together with such other uses as may be necessary to carry on a borrow or sand pit operation on said land; and

WHEREAS, the lands adjacent to the above described tract are and will be developed for urban purposes and the operation of a borrow or a sand pit at such location will endanger the health, welfare and property of residents who may live in such areas unless certain protective measures are taken and

WHEREAS, the undersigned desires to obligate himself and his successors in title to protect the public welfare by constructing and maintaining a loop levee upon said property and to subject and burden the fee title thereto so that such obligation is a covenant running with the land;

NOW THEREFORE, in consideration of the premises and the zoning by the Metropolitan Area Planning Commission of my land hereinafter described so as to permit the use thereof for borrow and/or sand pit operations, the undersigned hereby covenants to and with the Metropolitan Area Planning Commission, the Board of County Commissioners of Sedgwick County and City of Wichita, Kansas, on behalf of himself and his successors in title of said land, to construct or cause to be constructed and maintained without cost or expense to the County of Sedgwick or the City of Wichita, a loop levee on, around and enclosing any borrow or sand pit located on the following described land to wit:

N/2 of NW/4 of Section 11, Twp. 27 South,
Range 1 West of the 6th P.M. Sedgwick
County, Kansas, except the West 600 feet,
lying North & East of the Missouri Pacific
Railroad Right-of-Way and Westerly of the
West line of the Floodway.

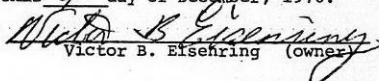
all in accordance with the plans and specifications prepared by the City and County Engineers attached hereto marked Exhibit "A" and made a part hereof:

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty(60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintained and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

The undersigned warrants that he is the owner of the fee title to said tract of land and that the obligation and covenant above set forth constitutes a first and prior lien against and encumbering said land.

This instrument shall be recorded in the Office of the Register of Deeds, Sedgwick County, Kansas, so as to appear in the chain of title of said land.

Executed in triplicate this 9 day of December, 1976.

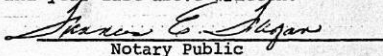

Victor B. Eisenring (owner)

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

Be it remembered, that on this 9th day of December, 1976, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Victor B. Eisenring, a single man, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


Notary Public

FRANCES E. FAGAN
NOTARY PUBLIC
Sedgwick County, KS
My Not. Exp. 2-13-80

Exhibit "A"

CONSTRUCTION SPECIFICATIONS

SECTION I - CLEARING AND GRUBBING

1-01. ORDER OF WORK:

All clearing and grubbing as specified below will be done in advance of sub-grade preparation and levee embankment.

1-02. CLEARING: Operations shall consist of removal and disposal of trees, fallen timber, brush, logs, bushes, vines, stumps, drift wood, fences, heavy growth of crops, weeds and grass and other obstructions existing above ground level. Clearing will be done on the area beneath the levee embankment together with strips 10 feet wide beyond the embankment toe.

1-03. GRUBBING: Operations shall consist of thoroughly cleaning the area outlined in sub-paragraph 1-02 of all stumps, roots, buried logs and other matter which would be objectionable in the foundation of the levee.

SECTION II - EXCAVATION

An inspection trench 4 feet deep and 4 feet wide shall be excavated along the approximate center of the levee base.

SECTION III - EMBANKMENT

3-01. EMBANKMENT FOUNDATION PREPARATION: After clearing and grubbing of the embankment foundation and the excavation of the inspection trench has been completed, and immediately prior to the placement of embankment material, the entire earth surface on or against which fill is to be placed shall be thoroughly broken to a depth of six inches and the area to be occupied by the levee proper shall be compacted in accordance with the provisions of sub-paragraph 3-03. If for any cause this broken surface becomes compacted in such a manner that a plane of seepage or weakness might be induced, it shall again be thoroughly broken before the depositing of material thereon.

a. Drainage - The foundation receiving fill and the inspection ditch hereinbefore specified, and all partially completed fill shall be kept thoroughly drained.

b. Frozen Ground - No fill shall be placed upon frozen ground.

3-02. EMBANKMENT MATERIALS: The levee embankment shall be constructed of the most nearly impervious materials available from the construction site. Under no circumstances shall frozen earth, snow, or ice be placed in the levee. Embankment materials should be as homogeneous as possible and contain no foreign matter or pockets of soft unstable material.

3-03. EMBANKMENT CONSTRUCTION: Materials shall be placed or spread in layers not to exceed 12 inches in thickness prior to compaction. Layers shall be started full out to the toe of the embankment and shall be carried substantially horizontal with sufficient crown or slope to provide satisfactory drainage during construction. When the surface of any compacted layer is too smooth to bond properly with the succeeding layer, it shall be scarified before the succeeding layer is placed on it.

a. Moisture Control - It is the intent of these specifications to secure an embankment having the maximum density obtainable with natural moisture content of the embankment materials. However, if the material is too wet or too dry for proper compaction steps shall be taken to bring the moisture content back to near the optimum range. Wetting may be accomplished by wetting the borrow pit from which the embankment material is obtained or by distribution of sufficient moisture in each layer before rolling.

b. Rolling Operations - When moisture content and conditions of the spread layers are satisfactory, each layer shall be compacted by not less than four (4) complete passes of a tamper-type roller conforming to the requirements of sub-paragraph 3-03c.1, or by not less than two complete passes of a rubber-tired roller conforming to the requirements of sub-paragraph 3-03c.2. Portions of the embankment which the roller cannot reach for any reason must be compacted by other approved means to the density of the surrounding embankment.

c. Compaction Equipment -

1. Tamping Rollers - Tamping rollers shall consist of one or more units. Each unit shall consist of a cylindrical drum not less than 48 inches in length and not less than 48 inches in diameter. The drums shall be water or sand and water ballasted. Each drum shall have staggered feet uniformly spaced over the cylindrical surface such as to provide approximately three tamping feet for each two square feet of drum surface. The tamping feet shall be seven to nine inches in clear projection from the cylindrical surface of the roller and shall have a face area of not less than five nor more than seven square inches. The units shall be equipped with a suitable device for cleaning the feet. The rolling units of multiple-type tamping rollers shall be pivoted on the main frame in a manner which will permit the units to adapt themselves to uneven ground surfaces and to rotate independently. The weight of the roller shall be not less than 1,500 pounds per linear foot of drum length weighted, and shall be not more than 750 pounds per foot of drum length empty. The design and operation of the tamping roller shall be subject to the approval of the contracting officer who shall have the right at any time during the prosecution of the work to direct such

repairs to the tamping feet, minor alterations in the roller, and variations in the weight as may be found necessary to secure optimum compaction of the earth-fill materials. The roller shall be pulled by a crawler-type tractor of sufficient power to operate the roller at a speed of approximately 3-1/2 miles per hour.

2. Rubber-Tired Rollers - Rubber-tired rollers shall have a minimum of four wheels equipped with pneumatic tires. The tires shall be of such size and ply as to be capable of being operated at tire pressures between 80 and 100 pounds per square inch at a 25,000-pound wheel load. The roller wheels shall be located abreast and so designed that each wheel will carry approximately equal load in traversing uneven ground. The spacing of the wheels will be such that the distance between the nearest edges of adjacent tires will not be greater than 50 percent of the rated tire width of a single tire at the operating pressure for a 25,000-pound wheel load. The roller shall have a rigid steel frame provided with a body suitable for ballast loading such that the load per wheel may be varied, as directed by the contracting officer, from 18,000 to 25,000 pounds. The entire assembly (roller plus motivating equipment) must be capable of executing a 180-degree turn on a 15-foot radius. The roller shall be towed at speeds not to exceed ten miles per hour by pneumatic-tired equipment. The character and efficiency of this equipment shall be subject to the approval of the contracting officer.

d. Cross-Section of Levee Embankment - The levee embankment shall be constructed to conform with the requirements of typical standard levee section shown on Figure 1. Shrinkage and settlement allowances shall be allowed for by constructing the standard levee section plus a 5% addition in crest height.

SECTION IV - TURFING

4-01. SCOPE: It is the intent of these specifications to obtain a good firm stand of native grass or grass which will insure the stability of the levee embankment. Good vegetative cover is of prime importance to the maintenance and operation of the levee embankment. The top, slopes and a 5 foot wide strip at the base of the levee on each side shall be turfed.

4-02. MULCHING:

a. Soil Preparation - If necessary the soil shall be loosened to a depth of 2 inches before application of the mulch material.

b. Materials - Hay shall be native prairie hay and a minimum of 50 percent by weight shall be 10 inches or more in length.

c. Application of Mulch - Mulch material shall be spread uniformly in a continuous blanket over the area to be mulched at the rate of approximately 3 $\frac{1}{2}$ tons per acre. Mulch may be spread by hand or by mechanical means which do not break up the hay. Immediately following the spreading of the mulch material, it shall be anchored to the soil by pressing into the ground a minimum depth of 1 $\frac{1}{2}$ inches, leaving enough material sticking upright to accomplish its primary purpose of temporary dust and erosion control. Anchoring shall be accomplished by using a mulch anchoring machine equipped with straight rolling Coulter-type discs that are spaced not more than 10 inches or less than 7 inches apart. The rolling discs shall be sufficiently dull to prevent cutting the mulch material. If anchoring machinery is not used, the mulch material shall be anchored with a spade at 6 inch intervals.

4-03. FERTILIZING AND SEEDING:

a. Materials -

1. Fertilizer shall be dry, free-flowing materials which can be distributed uniformly, and shall be commercial grade 15-10-10 or the equivalent.
2. Seed - Seed of mixed bluestem, switch grass, blue grama grass, side oats grama, sand dropseed grass, sand lovegrass, weeping lovegrass, or native bermuda grass, or a mixture of any or all of the above may be used.

b. Application - Fertilizer shall be applied uniformly at the approximate rate of 400 lbs per acre. Seed should be applied uniformly at the rate of approximately 30 lbs per acre.

(Revised 1-31-74)

MAINTENANCE SPECIFICATIONS

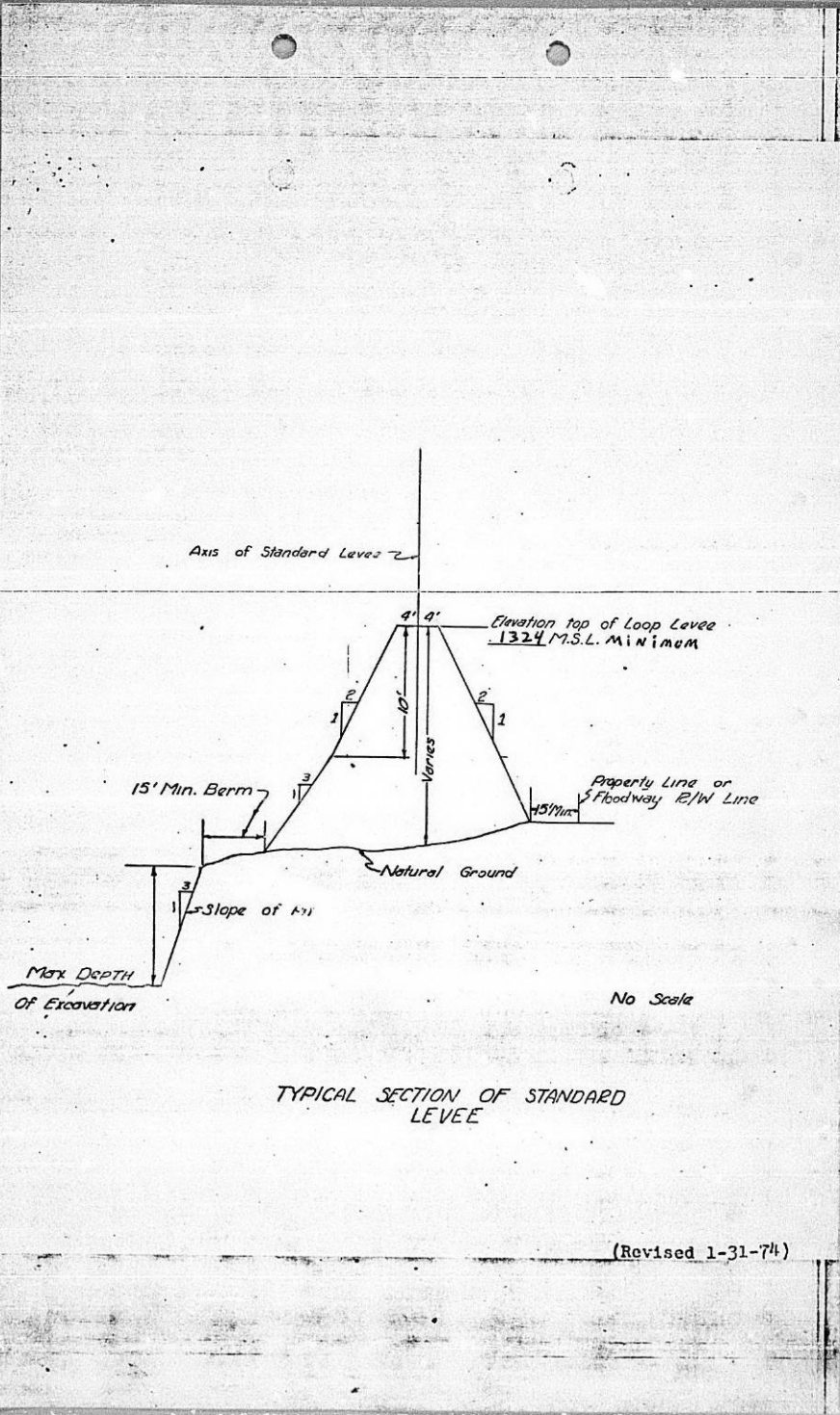
SECTION I - GENERAL

In general maintenance should provide for those things which will insure the serviceability of the levee in time of high water. Measures should be taken to promote the growth of sod, exterminate burrowing animals, provide for routine mowing, removal of wild growth and repair the damage caused by erosion. Another important maintenance responsibility is to insure the integrity of the loop levee at all times.

SECTION II - INSPECTION

Periodic inspections should be made to insure that the above measures are being effectively carried out and to be certain that:

- a. No unusual settlement, sloughing, or material loss of grade or levee cross section has taken place.
- b. No caving has occurred on either the land side or the water side of the levee which might affect the stability of the levee section.
- c. No seepage, saturated areas or sand boils are occurring.
- d. No action is being taken, such as burning grass and weeds during inappropriate seasons, which will retard or destroy the growth of sod.
- e. Access roads to and on the levee are being properly maintained.
- f. Cattle guards and gates are in good condition.
- g. Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained.
- h. There is no damaging grazing or vehicular traffic on the levees.
- i. Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.



Axis of Standard Levee 2

Elevation top of Loop Levee
1324 M.S.L. Minimum

15' Min. Berm

Property Line or
Floodway E/W Line

Natural Ground

Slope of 1:1

Max. Depth
Of Excavation

No Scale

TYPICAL SECTION OF STANDARD
LEVEE

(Revised 1-31-74)

RESTRICTIVE COVENANTS

VICTOR B. EISENRING, a single man, hereby makes the following Declaration as to restrictions, limitations and use of the following described real estate:

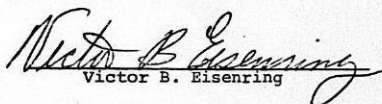
N/2 of NW/4 of Section 11, Twp. 27 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas, except the West 600 feet, lying North & East of the Missouri Pacific Railroad Right-of-Way and Westerly of the West line of the Floodway.

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, trees, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."

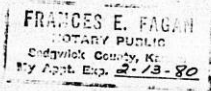
The above restriction and agreement shall be deemed a covenant running with the land and shall not be amended, deleted or changed.

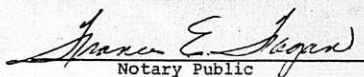
IN WITNESS WHEREOF, this Restriction has been executed on this 9th day of December, 1976.


Victor B. Eisenring

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me, a Notary Public, this 9th day of December, 1976, by Victor B. Eisenring, a single man.




Notary Public

D E D I C A T I O N

(D-0745)

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, Victor B. Eisenring, a single man

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

The north 50 feet of the north half of the northwest quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway, Sedgwick County, Kansas.

do es hereby dedicate the above described real estate to the public for

Road purposes.

Executed this 9th day of December 1976.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 9th day of December, 1976.

came Victor B. Eisenring, a single man

to me personally known to be the same person 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

Charles E. Ingram
Notary Public

My Commission Expires: 2-13-80

CHARLES E. INGRAM
NOTARY PUBLIC
Wichita County, KS
Exp. Date: 2-13-80

December 1, 1976

Mr. Syd Werbin
County Zoning Administrator
1015 Stillwell
Wichita, Kansas 67213

Re: CU-191 - Conditional Use for
Sand and Gravel Extraction -
South side of 21st St. North
in an area between Zoo Boule-
vard and Wichita Valley Center
Flood Control Ditch

Dear Mr. Werbin:

This is to advise you that the Board of County Commission, on this date, approved the above captioned Conditional Use request for the extraction of sand and gravel. Attached is the approved operational plan which should be filed with your copy of the resolution approving subject case. Such resolution effectuating this approval will not be published until satisfactory covenants and dedication of street-right-of-way are submitted.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
Enclosure

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CASE NO. CU-191 CONSIDERED BY MAPC: 11-11-76

REQUEST FOR: Approval of Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Sand and gravel extraction."

GENERAL LOCATION: South side of 21st Street North in an area between Zoo Boulevard and Wichita-Valley Center Flood Control Ditch

LEGAL DESCRIPTION:

North half of the northwest quarter of Section 11, Township 27 South, Range 1 West of the 6th P.M., except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway.

56 acres 16 conditions

APPLICANT: Victor Eisenring, 4900 West 21st St. No. 67212

COUNSEL FOR APPLICANT: Don Bottenberg, Realtor

PROTESTORS (LIST COUNSEL) IF ANY: None

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

LAND USE: Subject property is occupied by an oil well and oil storage tank; north is sandpit, auto salvage and mobile home; east is single-family and general business; south is undeveloped; west is horse stable and undeveloped

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the conditions suggested in the staff report. (See attached minutes for conditions.) Greider moved, Hennessy seconded and it carried unanimously. Savina, Porter, and Taylor were absent.

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.

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 11, 1976:

12. Case No. CU-191 - Victor Eisenring requests approval of a conditional use to establish a sand and gravel extraction operation on property zoned "R-1" and described as follows:

North half of the northwest quarter of Section 11, Township 27 South, Range 1 West of the 6th P.M., except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway. Generally located on the south side of 21st Street North in an area between Zoo Boulevard and Wichita Valley Center Flood Control Ditch.

GALBRAITH showed slides of subject site and surrounding area and reviewed the following staff report:

Comments:

1. The applicant is requesting a Conditional Use Permit to establish a sand and gravel operation on approximately 57 acres of land zoned "R-1" Suburban Residential and located in an area between Zoo Boulevard and the Wichita-Valley Center Flood Control Ditch.
2. The applicant has submitted an operational plan indicating the limits of the area to be excavated, as well as a redevelopment plan which proposes the development of single, two, and multi-family around the northern portion of the lake area that will remain after the extraction operation ceases.
3. The Flood Control Office advises that no excavation should occur nearer than 200 feet from the Flood Control right-of-way and that a loop levee should be required completely surrounding subject project. They also advise that the loop levee should be guaranteed by the standard "Covenant Running with the Land" and that the elevation of the loop levee should be 1324 MSL minimum.
4. Inasmuch as sewers are not extended into this area and residential development is not projected, the sand and gravel extraction operation would appear to be a logical use and should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:
 - A. The applicant submitting revised copies of the operational and redevelopment plan indicating an excavation line of 200 feet from the Flood Control right-of-way line and a minimum depth of six feet below the water table for the excavation area.
 - B. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the south half of 21st Street North as indicated on the operational plan.
 - C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and as to form by the County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
 - D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.

E. A minimum 58-inch fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area 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.

- F. The earth shall be ~~extracted to~~ at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- H. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- I. The sand plant operator shall be responsible for:
1. Insuring that the loop levee elevation be maintained.
 2. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 4. Maintaining all operational roads in a graveled condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

- M. 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.
- N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the excavation operation.
- O. The applicant shall comply with Conditions B, C, and J, prior to the publication of the resolution effectuating the conditional use.
- P. Any violation of conditions attached shall declare the conditional use permit null and void.

GALBRAITH said the staff would recommend approval of this request subject to the suggested conditions.

GRAGG referred to a request for a sandpit which was denied by the County Commission recently and asked if it was the County Commission's philosophy that they don't want any more in that area. GALBRAITH said the subject case is not close to the one that was denied, and that about three years ago, the County Commission, apparently because of tremendous opposition from the area of 53rd Street North and Meridian, had indicated they would not favor any more sandpits in that particular area. He did not think the decision of the County Commission three years ago as related to another area some distance from subject site, could be considered as relating to subject site. As to why the recent request was denied, GALBRAITH thought possibly it was the feeling of the County Commission that the request was made too far in advance of anticipated need, and also because of some opposition.

VICTOR EISENRING spoke in support of his application, stating that he wanted to expand his present operation to the north, and that he had discussed subject site with the County Commission a few years ago, and with the County Engineer and the Flood Control Engineer and the Soil Conservation people. He pointed out that this is where the sand is located and he doubted if subject land would raise even 25 bushels of wheat per acre because of its sandy nature. He pointed out that the only thing the land is good for is sand extraction which is why he had purchased it for expansion of his present site to the north. He commented that a supply of good sand is running low in Sedgwick County, and transportation costs are high to have it hauled from a distance. EISENRING said he had no objections to the conditions suggested in the staff report.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the County Commission that this application be approved subject to the conditions suggested in the staff report, as follows:

- A. The applicant submitting revised copies of the operational and redevelopment plan indicating an excavation line of 200 feet from the Flood Control right-of-way line and a minimum depth of six feet below the water table for the excavation area.
- B. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the south half of 21st Street North as indicated on the operational plan.
- C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and as to form by the County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by

the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- E. 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 excavation area and plant operation area 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.

- F. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- H. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- I. The sand plant operator shall be responsible for:
 - 1. Insuring that the loop levee elevation be maintained.
 - 2. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 - 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 - 4. Maintaining all operational roads in a graveled condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.

- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- M. 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.
- N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- O. The applicant shall comply with Conditions B, C, and J, prior to the publication of the resolution effectuating the conditional use.
- P. Any violation of conditions attached shall declare the conditional use permit null and void.

Greider moved, Hennessy seconded and it carried unanimously. Savina, Porter, and Taylor were absent.

() Published in The Wichita Beacon on _____, 1976

RESOLUTION

CASE NO. CU-191

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL EXTRACTION OPERATION ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL DISTRICT 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 1. 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 the establishment of a sand and gravel extraction operation on property zoned "R-1" Suburban Residential District,

is hereby approved on the lands legally described as follows:

North half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway, Sedgwick County, Kansas. Generally located on the south side of 21st Street North in an area between Zoo Boulevard and Wichita Valley Center Flood Control Ditch.

SUBJECT TO THE FOLLOWING:

- A. The applicant submitting revised copies of the operational and redevelopment plan indicating an excavation line of 200 feet from the Flood Control right-of-way line and a minimum depth of six feet below the water table for the excavation area.
- B. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the south half of 21st Street North as indicated on the operational plan.
- C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and as to form by the County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- E. 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 excavation area and plant operation area 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.

- F. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- H. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- I. The sand plant operator shall be responsible for:
1. Insuring that the loop levee elevation be maintained.
 2. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 4. Maintaining all operational roads in a graveled condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.

- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- M. 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.
- N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- O. The applicant shall comply with Conditions B, C, and J, prior to the publication of the resolution effectuating the conditional use.
- P. Any violation of conditions attached shall declare the conditional use permit 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 _____, 19____.

_____, Chairman
_____, Commissioner
_____, Commissioner

ATTEST:

George Pierce, City Clerk
(SEAL)

APPROVED AS TO FORM:

Theodore H. Hill
County Counselor

() Published in The Wichita Beacon on _____, 1976

RESOLUTION

CASE NO. CU-191

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL EXTRACTION OPERATION ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL DISTRICT

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.

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SUBJECT TO THE FOLLOWING:

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- C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and as to form by the County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and Maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- E. 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 excavation area and plant operation area 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:
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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.

- F. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
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 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 4. Maintaining all operational roads in a gravel condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.

- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless July authorized under provisions of the County Zoning Resolution and amendments thereto.
- M. 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.
- N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- O. The applicant shall comply with Conditions B, C, and J, prior to the publication of the resolution effectuating the conditional use.
- P. Any violation of conditions attached shall declare the conditional use permit 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 _____, 19_____.

_____, Chairman
 _____, Commissioner
 _____, Commissioner

ATTEST:

George Pierce, City Clerk
 (SEAL)

APPROVED AS TO FORM:

Theodore H. Hill
 County Counselor

November 12, 1976

Mr. Victor Eisenring
4900 West 21st Street North
Wichita, Kansas 67212

Re: CU-191 - Conditional Use for
sand and gravel extraction -
South side of 21st Street
in an area between Zoo Boule-
vard and Flood Control Ditch

Dear Mr. Eisenring:

At the regular meeting of the Metropolitan Area Planning Commission on November 11, 1976, the above-captioned application was considered. The action of the Commission was to recommend the approval of the request subject to conditions A. through P. as shown in our staff report, a copy of which is attached.

Regarding the conditions, it is necessary that you comply with Conditions A, B, C, and J prior to the publication of the resolution effectuating this change. Enclosed is a marked copy of the site plan, which needs to be corrected and four copies returned to our office. Also enclosed is a dedication form for additional right-of-way for 21st Street, as well as a sample covenant responding to Conditions C and J.

This case will be forwarded to the Board of County Commissioners for consideration on December 1, 1976, 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
Enclosures

cc: Don Bottenberg, 509 Union Center Building 67202
Syd Werbin, County Zoning Office, 1015 Stillwell 67213

Lynn

COVENANT RUNNING WITH THE LAND

WHEREAS, the undersigned as owner of the property hereinafter described has made application to the Metropolitan Planning Commission of the City of Wichita and County of Sedgwick for permission to use said property as a borrow or sand pit together with such other uses as may be necessary to carry on a borrow or sand pit operation on said land; and

WHEREAS, the lands adjacent to the above described tract are and will be developed for urban purposes and the operation of a borrow or a sand pit at such location will endanger the health, welfare and property of residents who may live in such areas unless certain protective measures are taken and

WHEREAS, the undersigned desires to obligate himself and his successors in title to protect the public welfare by constructing and maintaining a loop levee upon said property and to subject and burden the fee title thereto so that such obligation is a covenant running with the land;

NOW THEREFORE, in consideration of the premises and the zoning by the Metropolitan Planning Commission of my land hereinafter described so as to permit the use thereof for borrow and/or sand pit operations, the undersigned hereby covenants to and with the Metropolitan Planning Commission, the Board of County Commissioners of Sedgwick County and City of Wichita, Kansas, on behalf of himself and his successors in title of said land, to construct or cause to be constructed and maintained without cost or expense to the County of Sedgwick or the City of Wichita, a loop levee on, around and enclosing any borrow or sand pit located on the following described land to-wit:

(description)

all in accordance with the plans and specifications prepared by the City and County Engineers attached hereto marked Exhibit "A" and made a part hereof:

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

The undersigned warrants that he is the owner of the fee title to said tract of land and that the obligation and covenant above set forth constitutes a first and prior lien against and encumbering said land.

This instrument shall be recorded in the Office of the Register of Deeds, Sedgwick County, Kansas, so as to appear in the chain of title of said land.

Executed in triplicate this ____ day of _____
19__.

(Owner)

(Owner's Wife)

A C K N O W L E D G M E N T

STATE OF KANSAS }
SEDGWICK COUNTY } SS:

Be it remembered, that on this ____ day of _____
19__, before me, the undersigned, a notary public, in and for
the County and State aforesaid, came _____

who are personally known to me to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Notary Public

My Commission Expires: _____

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, VICTOR B. EISENRING, does hereby impose upon the following described real property, to-wit:

The East Half (E/2) of the Southwest Quarter (SW/4) of Section 2, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas,

covenant to run with the land as follows:

1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenants herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenants may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit ~~these~~ ^{this} covenants ~~are~~ ^{is} made.

IN WITNESS WHEREOF, I have hereunto set my hand this day of
1971.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this *25th* day of *October* 1971, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came VICTOR B. EISENRING, personally known to me to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Joseph W. Stanberry
Notary Public

My commission expires: *June 6, 1972*

The above instrument approved as to form
this
John Miller

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, _____

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

The north 50 feet of the north half of the northwest quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, except the west 600 feet lying north and east of the Missouri Pacific Railroad right-of-way and westerly of the west line of the Floodway, Sedgwick County, Kansas.

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

Executed this _____ day of _____ 19 ____.

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person 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

Notary Public

My Commission Expires: _____

CU-191

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 11-11-76

Case No. CU-191

Request: Conditional Use to permit sand and gravel extraction.

Location: South side of 21st Street North in an area between Zoo Boulevard and Wichita-Valley Center Flood Control Ditch.

Reason: "Sand and gravel extraction."

Acres: 56.87

Size: 1270' x 2029' (irregular shape)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Oil well and oil storage tank	"R-1"
North	Sand pit, auto salvage and mobile home	"R-1"
East	Single family and general business	"R-1"
South	Undeveloped	"R-1"
West	Horse stable and undeveloped	"R-1" & "IC"

Existing R/W 21st St - half - 30 ft.
Proposed R/W 21st St - half - 50 ft.

Platted: No
History: None

Comments:

1. The applicant is requesting a Conditional Use Permit to establish a sand and gravel operation on approximately 57 acres of land zoned "R-1" Suburban Residential and located in an area between Zoo Boulevard and the Wichita-Valley Center Flood Control Ditch.
2. The applicant has submitted an operational plan indicating the limits of the area to be excavated as well as a redevelopment plan which proposes the development of single, two, and multi-family around the northern portion of the lake area that will remain after the extraction operation ceases.

3. The Flood Control Office advises that no excavation should occur nearer than 200 feet from the Flood Control right-of-way and that a loop levee should be required completely surrounding subject project. They also advise that the loop levee should be guaranteed by the standard "Covenant Running with the Land" and that the elevation of the loop levee should be 1324 MSL minimum.
4. Inasmuch as sewers are not extended into this area and residential development is not projected, the sand and gravel extraction operation would appear to be a logical use and should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:
 - A. The applicant submitting revised copies of the operational and redevelopment plan indicating an excavation line of 200 feet from the Flood Control right-of-way line and a minimum depth of six feet below the water table for the excavation area.
 - B. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the south half of 21st Street North as indicated on the operational plan.
 - C. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit at a minimum elevation of 1324 MSL, and shall be constructed in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
 - D. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - E. 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 excavation area and plant operation area 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.

- F. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- H. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- I. The sand plant operator shall be responsible for:
 1. Insuring that the loop levee elevation be maintained.
 2. That the grading of the area around the perimeter the sandpit lake be maintained so as to direct drainage toward the lake.
 3. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 4. Maintaining all operational roads in a graveled condition.
- J. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.

- K. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
 - L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 - M. 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.
 - N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - O. The applicant shall comply with Conditions B,C, and J prior to the publication of the resolution effectuating the conditional use.
 - P. Any violation of conditions attached shall declare the conditional use permit null and void.
-

Shirley



THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works Maint.

DATE Oct. 27, 1976

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT Proposed Sand and Gravel Operation, CU-191

Subject Sand Pit is adjacent to a portion of the Big Slough-Cowskin Floodway and therefore should comply with the following recommendations:

- 1) Excavation should be prevented nearer than 200 ft. from the Flood Control right-of-way line.
- 2) A loop levee should be required completely surrounding subject project and should be guaranteed by the standard "Covenant Running with the Land", a copy of which is enclosed with attachments. The elevation of the loop levee should be 1324 MSL minimum. I trust this information is sufficient for your review; however, if further information is desired, please advise.

M. S. Mitchell

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
CU - 191 File

Attach: Specifications
Covenant Running with the Land



CU 191
16

CU-191 - 16 "Notice to Adjoining Property Owners" mailed 10/28/76 for
the MAPC meeting of 11-11-76

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

NOTICE TO ADJOINING PROPERTY OWNERS

OCT 28 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 NOV 11 1976, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-191

Conditional Use Request to Establish
a Sand and Gravel Extraction Operation
on Property Zoned "R-1" Suburban Residential District

North Half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Except the West 600 Feet lying North and East of the Missouri Pacific Railroad Right of Way and Westerly of the West line of the Floodway, Sedgwick County, Kansas. Generally located on the south side of 21st St. North in an area between Zoo Blvd. and Wichita Valley Center Flood Control Ditch.

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

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.

October 20, 1976

M. S. Mitchell, Assistant Superintendent, Public Works, Maintenance

Jack H. Galbraith, Chief Planner

Sand and Gravel Operation Proposal - CU-191

Attached is a copy of a proposed operation and redevelopment plan for a sand and gravel operation proposed on the south side of 21st Street in an area between Zoo Boulevard and the Wichita-Valley Center Flood Control Ditch. This plan is associated with a conditional use application (CU-191) which is scheduled for consideration by the Metropolitan Area Planning Commission on November 11, 1976. We would appreciate any comments relative to this proposal by October 27, 1976.

Jack H. Galbraith
Chief Planner

JBG:GLS:el

Attachment

5149
11
275
1W

CV-191

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, City Hall, Tenth Floor, 455 North Main Street, 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.

A. APPLICANT Victor Eisenring, (67212)
ADDRESS 4900 West 21st Street North, Wichita, Kansas PHONE 943-4372

AGENT Don Bottenberg, Realtor (67202)
ADDRESS 509 Union Center Bldg Wichita, Kans PHONE 264-5031

B. APPLICANT _____
ADDRESS _____ PHONE _____

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 & Gravel Extraction (use)
Operation _____

on property legally described as Lot (s) N/A

N/A Block (s) N/A of the

N/A Addition.

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

N/2 of NW/4 of Section 11, Twp. 27 South, Range 1 West of the 6th P. M. Sedgwick County, Kansas, except the West 600 Feet, lying North & East of the Missouri Pacific Railroad Right-of-Way and Westerly of the West line of the Floodway.

Form PR-3

see legal from ownership list

N RI
W RI-LC
S RI
E RI

1. THIS PROPERTY IS LOCATED AT (ADDRESS) about 4901 West 21st St. North.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. Beg. 600 feet East of the Hoover & 21st North AND
~~AT THE~~ CORNER OF Next OR South side of 21st North in an
N/A area bet. Zoo Blvd & Wichita Valley
Center & Central Ditch.

B. ON THE South SIDE OF 21st St. North (AVENUE)
STREET BETWEEN N/A (AVENUE) STREET AND
N/A (AVENUE) STREET.

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:

It has been found that this land can produce in sufficient quantity
the quality of sand and gravel necessary for the construction industry
of Wichita, Kansas.

V I. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRU-
TION 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 ABTRACTOR'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.

Walter B. Bousharing 4900 West 21st St. North, Wichita, Kansas (67212)

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

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

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 2 PM
(AM, PM) on Oct 4, 1976 (day, month, year). It has been checked
and found to be complete and accompanied by required documents and
the appropriate fee of \$ 70.00.

Carl Gandy Name
Inspector Title

Application For Approval of Conditional Use Permit
WICHITA-SEDGWICK 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> (6 acres and under)	\$200.00
<u>"LC", "C", "E", and "F" Classifications</u> (over 6 acres)	\$400.00

4. The Wichita-Sedgwick County Metropolitan Area Planning Commission will meet to consider Conditional Use requests on the date advertised for public hearing, 1:30 p.m., in the City Commission Chambers, City Hall, 1st floor, 455 North 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, 455 North 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.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas,

also for legal

All of the owners within 1000 feet of the North Half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Except the West 600 Feet lying North and East of the Missouri Pacific Railroad Right of Way and Westerly of the West line of the Floodway, Sedgwick County, Kansas.]



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

TRACT DESCRIPTION

OWNER & ADDRESS

The N½ of the NW¼ of Section 11, Township 27, Range 1 West, Except the West 500 feet lying North and East of the Missouri Pacific Railroad Right of Way and Westerly of the West line of the Floodway.

Victor Eisenring
 4900 West 21st Street North
 Wichita, Kansas 67212

West 500 feet of the North Half of the Northwest Quarter lying North and East of the Missouri Pacific Railroad Right of Way and Westerly of the West line of the Floodway, except that part deeded to Sedgwick County, Kansas for road, Section 11, Township 27 Range 1 West, Sedgwick County Kansas.

Lloyd B. Stewart
 Emily M. Stewart
 Jack C. Stewart
 James M. Stewart - Trustees
 of Lloyd B. Stewart Trust
 #2 Parkwood Drive
 Wichita, Kansas 67208



TRACT DESCRIPTION

OWNER & ADDRESS

South Half of the Northwest Quarter lying North and East of the Missouri Pacific Railroad Right of Way except the part taken for Floodway in Section 11, Township 27 South, Range 1 West, Sedgwick County, Kansas

✓ O. B. Clark
% Evelyn Grandfield Jones
1601 West 53rd Street North
Wichita, Kansas 67204

Northwest Quarter of the Northeast Quarter lying North and West of the Floodway of Section 11, Township 27, Range 1 West, Sedg. Co., Ks.

✓ Drillers Production Co., Inc.
4th National Bank Building
Wichita, Kansas 67202

Southwest Quarter of the Southeast Quarter lying North and West of the Floodway in Section 2, Township 27, Rangel West, SEDg. Co., Ks.

✓ Globe Construction Co., Inc.
200 West 10th Street
Wichita, Kansas 67203

The Southeast Quarter of the Southwest Quarter of Section 2, Township 27, Range 1 West, SEDg. Co., Kansas

✓ Victor Eisenring
4900 West 21st Street North
Wichita, Kansas 67212



Beginning at the Southeast corner of the Southwest Quarter; thence North 880 feet, West 165 feet; South 880 feet, East 165 feet to beginning, Section 2, Township 27, Range 1 West, Sedg. Co., Kansas

✓ Helen M. Petersen
5226 West 21st Street North
Wichita, Kansas 67212

East 10 acres of the Southwest Quarter of the Southwest Quarter of Section 2, Township 27, Range 1 West, except the East 165 feet of the South 880 feet thereof, Sedgwick County, Kansas

✓ John F. Peterson
5228 West 21st Street North
Wichita, Kansas 67212

The West 20 acres of the East 30 acres of the Southwest Quarter of the Southwest Quarter of Section 2, Township 27, Range 1 West, SEDg. Co., Kansas

✓ Victor Eisenring
4900 West 21st Street North
Wichita, Kansas 67212

West 10 acres of the Southwest Quarter of the Southwest Quarter of Section 2, Township 27 South, Range 1 West, Sedg. Co., Kansas

✓ Elgin M. & Odessa M. Gupton
2815 George Washington Blvd.
Wichita, Kansas 67210

South 677 feet of the Southeast Quarter lying East of the Missouri Pacific Railroad Right of Way Section 3, Township 27, Range 1 West, except the North 337 feet thereof, Sedg. Co., Kansas

✓ Hattie M. Taylor
2203 North Hoover
Wichita, Kansas 67212

North 337 feet of the South 677 feet of the Southeast Quarter lying East of the Missouri Pacific Railroad Right of Way, Section 3, Township 27, Range 1 West, Sedg. Co., Kansas

✓ James Roscoe & Cecilia M. Taylor
2249 North Hoover
Wichita, Kansas 67212

Fidelity  Title
COMPANY, INC.

TRACT DESCRIPTION

OWNER & ADDRESS

Beginning 677 feet North of the Southeast corner of the Southeast Quarter of Section 3, Thence West 20 rods, thence North 16 rods, thence East 20 rods, thence South 16 rods to beginning, all in Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas

✓ Pete & Ava Louise Clupny
10826 West 53rd Street North
Wichita, Kansas 67226

Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 1 West of the 6th P.M., lying East and North of the Missouri Pacific Railroad Right of Way, Sedg. Co., Kansas

✓ C. A. Dennett & Clara Dennett
Route #1
Valley Center, Kansas 67147

Lot 1, Block A, SEDGWICK COUNTY ZOO 2ND ADDITION, Sedg. Co., Kansas

✓ Tom Sarr,
✓ John Hale, Chairman
✓ Earl Rusk
Board of County Commissioners
Sedgwick County Court House
Wichita, Kansas 67202



Dated at Wichita, Kansas, this 8th day of September, 1976,
at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Christa Gray*
Asst. Sec. ag

Tracer No. 34740

Fidelity  Title
COMPANY, INC.

FORM 223-05

PAYMENT NOTICE

City of Wichita
PAY AT TREASURER'S OFFICE - SECOND FLOOR

Bids & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	770.00	

DESCRIPTION	AMOUNT
County Conditional Use	

Name: Victor Pincus

Address: 2420 West 21st Street W.

Type: NH-207133 Due Date: _____

Comments: _____

Date: 11/4/76 By: Paul Newby

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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