

*POSTED
A-5-79*

ACTION

COMMITTEE	DATE
<i>Approved subject to conditions</i>	<i>3-1-79</i>
<i>B&E/B. CO. C. Approved subject to conditions</i>	<i>3-28-79</i>
<i>Derby Approved subject to conditions</i>	<i>2-8-79</i>
<i>Hopville Approved subject to conditions A thru D except M</i>	<i>2-22-79</i>

closed

CU-214 - Fairfield Polo Ass'n. Etal requests Conditional Use Permit to establish a Sand and Gravel Extraction Operation on property zoned "R" - Rural Residential

Map No. Book 4
0-6-C
Sec. 3
Twp. 29
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 214
Filed 1-24-79

(Associated SCZ-0416)

APPLICATION DATA: From _____ to _____

1. Applicant: Fairfield Polo Ass'n
Address 320 Page Court, Wichita, 67202 Phone _____
2. Agent: Paul R. Swartz, Attorney
Address Page Court, 67202 Phone 265-9311
3. General Location: East side of Hydraulic, 1/4 mile north of 79th St.
South. Address _____
4. Proposed Use: Establishment of a Sand and Gravel Extraction Operation
on property zoned "R" Rural Residential District.

AREA DATA:

1. Acres: 3.90 (1290 ft. by 1320 ft.)
2. Adjoining Zoning: E "un" S "un" W "un" N "un"
3. Land Use: East UNDEVELOPED South FARM HOUSE
West SINGLE FAM. ^{HEAVY EQUIP. STORAGE} ~~UNDEVELOPED~~ North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PROCEDURE DATA:

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

	Date	Action
DERBY P.C.	2-8-79	Approved sub to conditions Action 0
HAYSVL EC	2-22-79	Approved sub to conditions Action 0 except 19
MAPC	3-1-79	Approved sub to conditions Action 0 except 19 where changed.

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

Date	Action	Resolution
<u>3-28-79</u>	<u>Approved as Amended</u>	<u>Pub 5-14-79</u>

NOTES:

REGISTERED MAPS AND RECORDS
SECTION CHIEF - WASHINGTON, D. C. U. S. A.

No. 2153C

Smindle

5638

Book 4
Map No. 0-6-C
Sec. 3
Twp. 29
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z-
SCZ-
CU- 214
Filed 1-24-79

(Associated SCZ-0416)

APPLICATION DATA: From _____ to _____

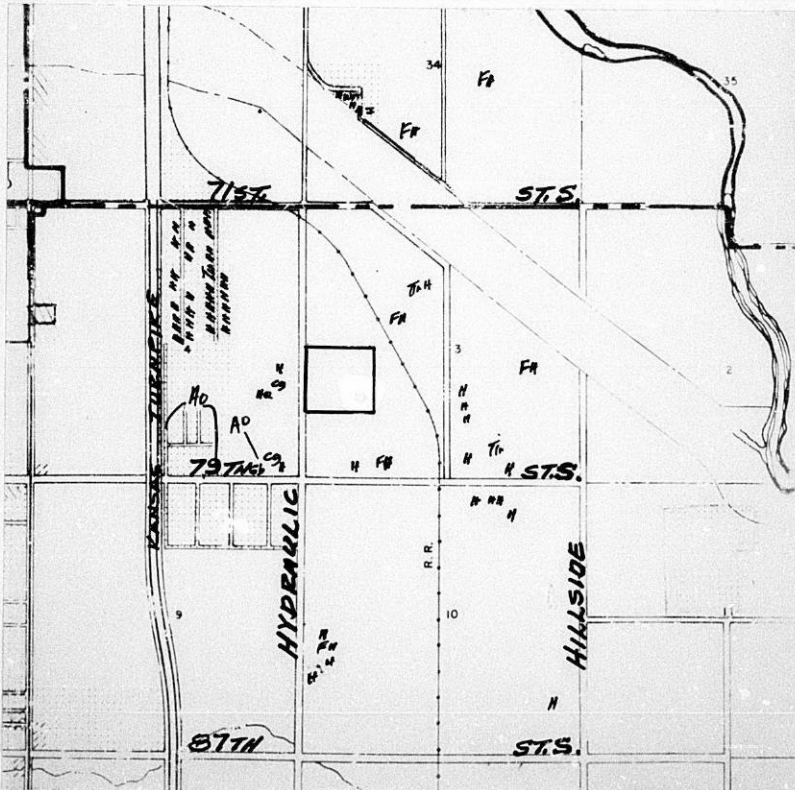
- Applicant: Fairfield Polo Ass'n.
Address 320 Page Court, Wichita, 67202 Phone _____
- Agent: Paul B. Swartz, Attorney
Address Page Court, 67202 Phone 265-9311
- General Location: East side of Hydraulic 1/4 mile north of 79th St.
South _____ Address _____
- Proposed Use: Establishment of a Sand and Gravel Extraction Operation
on property zoned "R" Rural Residential District.

AREA DATA:

- Acres: 3.90 (1290 ft. by 1320 ft.)
- Adjoining Zoning: E "R" S "R" W "R" N "R"
- Land Use: East UNDEVELOPED South FARM HOUSE
West SINGLE FARM North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION TO
DERBY CITY PLANNING COMMISSION.

CASE No. CU-214 To BE HEARD BY THE M. A. P. C. ON March 1, 1979

REQUEST FOR approval of Conditional Use Permit.

REASON FOR REQUEST (AS PROVIDED BY PETITIONER): Sand and gravel extraction.

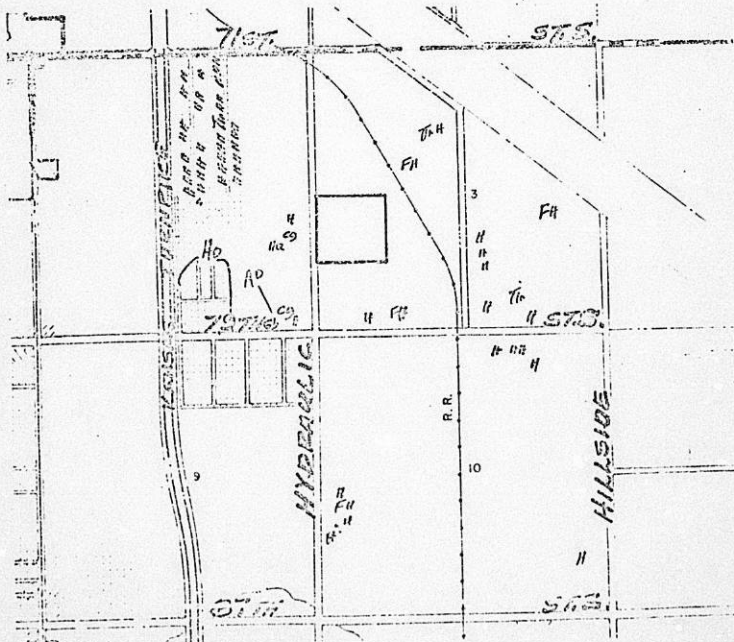
LOCATION OF PROPERTY: East side of Hydraulic, 1/4 mile north of 79th Street
South.

LEGAL DESCRIPTION OF PROPERTY: $W\frac{1}{2}$ of the No. $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 3, Twp. 29S,
R1E, Sedgwick County, Kansas.

APPLICANT: Fairfield Polo Ass'n.
ADDRESS: 320 Page Court, Wichita, Kansas 67202

AGENT FOR APPLICANT: Paul B. Swartz, Attorney

SURROUNDING LAND USE: North, East and South: Undeveloped
West: Single Family, Contractors Storage Yard,
and Undeveloped.



RECOMMENDATION OR COMMENTS BY P. C. D. C.:

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO HAYSVILLE CITY PLANNING COMMISSION.

CASE No. CU-214 TO BE HEARD BY THE M. A. P. C. ON March 1, 1979

REQUEST FOR approval of Conditional Use Permit.

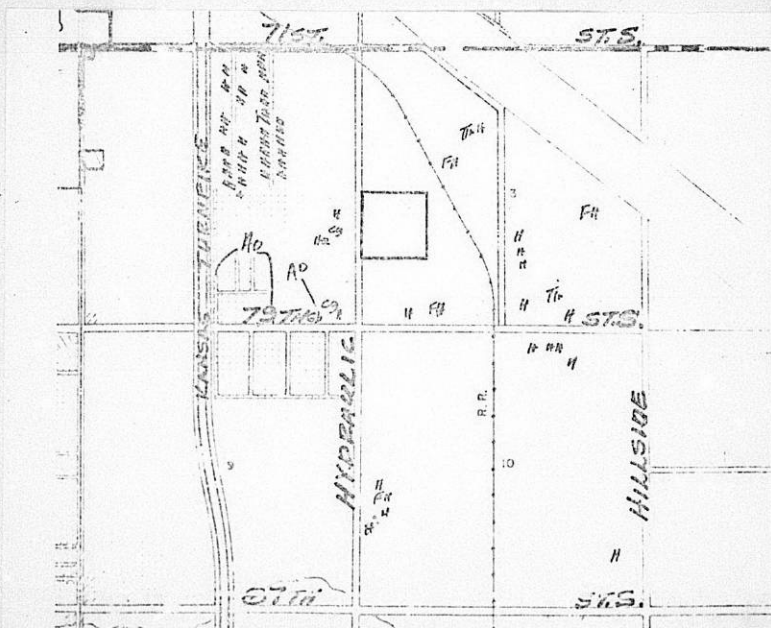
REASON FOR REQUEST (AS PROVIDED BY PETITIONER): Sand and gravel extraction.

LOCATION OF PROPERTY: East side of Hydraulic, 1/4 mile north of 79th Street South.

LEGAL DESCRIPTION OF PROPERTY: $W\frac{1}{2}$ of the No. $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas.

APPLICANT: Fairfield Polo Ass'n.
Address: 320 Page Court, Wichita, Kansas 67202

AGENT FOR APPLICANT: Paul B. Swartz, Attorney
SURROUNDING LAND USE: North, East and South: Undeveloped
West: Single Family, Contractors Storage Yard, and Undeveloped.



RECOMMENDATION OR COMMENTS BY H. C. P. C. :

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, R. A. Ruud & Son, Inc.

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

The west sixty (60) feet of the W 1/2 of the N 1/2 of the SW 1/4, Section 3, Twp. 29S, R1E of the 6th P.M., Sedgwick County, Kansas.

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

Executed this 28th day of June 19 83.

THE R. A. RUUD & SON, INC.

By [Signature]
Robert A. Ruud, President

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 28th day of June, 1983,

came Robert A. Ruud, President of R. A. Ruud & Son, Inc.

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

[Signature]
Notary Public
Jennifer Ruud

My Commission Expires: 6-8-87

JENNIFER RUUD
NOTARY PUBLIC
Sedgwick County, Kansas
My Appt. Exp. 6-8-87

See D-1141

June 17, 1983

Mr. Robert A. Ruud
4140 E. Clark
Wichita, Kansas 67218

Re: CU-214 - Conditional use permit allowing a sand and gravel operation in the "R" rural residential district on the east side of Hydraulic 1/4 mile north of 79th Street South

Dear Mr. Ruud:

In 1979, the above-referenced conditional use permit application was reviewed and approved by the Metropolitan Area Planning Commission and the Board of County Commissioners. One of the conditions of approval was that "the applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way)." A dedication document was subsequently submitted and recorded, a copy of which is attached.

As you can see, this document dedicates only the west 15 feet rather than the required 60 feet. I am not sure who prepared the document but they probably thought that 45 feet already existed and the additional 15 feet would make a total of 60 feet. There may be 45 feet of road easement existing along the west side of this property but ownership goes all the way to the section line. Thus the full 60 feet needs to be dedicated for street right-of-way.

This discrepancy between the required and the actual dedicated right-of-way was brought to our attention by the County Engineer's office a few days ago when the official County maps were being updated. We would very much appreciate your signing and having notarized the enclosed, corrected dedication document. If you will then return it to us, we will pay the recording costs.

If you have any questions about this dedication, please do not hesitate to all me at 268-4404. I appreciate any assistance you can provide in this matter.

Sincerely,

Jack H. Galbraith
Chief Planner
Enclosures
JHG:LO:bh
cc: Phil Dietrich, County Engineering

X copy

DEDICATION

Approved by Board of Commissioners
MAY 22 1979

KNOW ALL MEN BY THESE PRESENTS:

HW 369 #11085

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, R. A. Ruud & Son, Inc.

JA-

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

The West 15 feet of the $\frac{1}{2}$ of the $\frac{1}{2}$ of the SW $\frac{1}{4}$, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas.

SW 1/4 Sec 3-29S-1E

ENTERED ON
TRANSFER RECORD
JUN 1 1979
EUGENE K. WHITE
COUNTY CLERK

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

Executed this 3rd day of April 19 79.

STATE OF KANSAS)
FILED FOR RECORD AT
JUN 12 1979

THE R. A. RUUD & SON, INC.

By *Robert A. Ruud* President
Robert A. Ruud, President

STATE OF KANSAS)
SEDGWICK COUNTY) SS

JUN 12 1979
BETHE F. MCCART
Notary Public
Pat

BE IT REMEMBERED, that on this 3rd day of April, 1979, came Robert A. Ruud, President of R. A. Ruud & Son, Inc.

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 7 JUN 4 1979
Donald L. ...
City Clerk

Wilbur E. Blance
Notary Public
Wilbur E. Blance

My Commission Expires: 6-21-81



City Clerk

May 15, 1979

Donald C. Gisick, City Clerk

Curtis L. Newby, Junior Planner

Restrictive covenant associated with County Conditional
Use Case CU-214

Attached herewith is a private restrictive covenant which was required as a condition of approval of the above referenced case. Said covenant should be recorded with the Register of Deeds and the recording fee billed to Paul B. Swartz, Attorney, Page Court, 67202.

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

Curtis L. Newby
Junior Planner

CLN:bh

DEDICATION

D-0890

Assoc. CV. 214 ✓

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, R. A. Ruud & Son, Inc.

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

The West 15 feet of the W $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas.

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

Executed this 3rd day of April 19 79.

THE R. A. RUUD & SON, INC.

By Robert A. Ruud (President)

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 3rd day of April, 1979, came Robert A. Ruud, President of R. A. Ruud & Son, Inc.

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

William E. Blaine
Notary Public

My Commission Expires: 8-26-81



RESTRICTIVE COVENANTS

R. A. RUUD & SON, INC. hereby makes the following Declaration as to restrictions, limitations and use of the following described real estate:

The West $\frac{1}{2}$ of the North $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas,

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

"No rubbish, car bodies or any other foreign matter shall be deposited within the 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 3 day of April, 1979.

R. A. RUUD & SON, INC.

By Robert A. Ruud
President

STATE OF KANSAS }
SEDGWICK COUNTY } SS:

The foregoing instrument was acknowledged before me this 3 day of April, 1979 by Robert A. Ruud, President of R. A. Ruud & Son, Inc.

William E. Blain
Notary Public

My Commission Expires:

August 26, 1981



(R 78-1118) Published in the Wichita Beacon on May 14, 1979
none given

RESOLUTION

CASE NO. CU-214

A RESOLUTION PERMITTING A SAND AND GRAVEL OPERATION IN THE "R" RURAL 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 a sand and gravel operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The West 1/2 of the North 1/2 of SW $\frac{1}{4}$, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas. Generally located on the east side of Hydraulic, 1/4 mile north of 79th St. South.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way).
- B. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
- C. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The earth shall be extracted to at least a minimum depth of six feet below the water table.
- E. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- G. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.

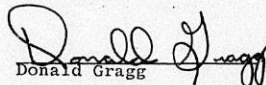
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- J. Applicant shall maintain the existing 72-inch high fence with wooden posts on 10-foot centers in good condition. 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.
- K. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- L. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of zoning and building permits, except those necessary for the sand extraction operation and the concrete batch plant.
- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the conditional use.
- O. Violation of conditions of approval shall render 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 by the Board of County Commissioners at Wichita, Kansas, this 25th day of March, 1977.


Tom Scott, Chairman


Donald Gragg, Commissioner


Everett Patrick, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

for Russell Canada
Theodore H. Hill, County Counselor



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT
AND FOR CHANGE OF ZONING

CASE NO. CU-214 & SCZ-0416

CONSIDERED BY MAPC: 3-1-79

REQUEST FOR: Conditional Use Permit & Zone Change from "R" to "E"

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Sand and gravel extraction; and ready mix concrete plant."

GENERAL LOCATION: East side of Hydraulic 1/4 mile north of 79th
Street South.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes
of March 1, 1979).

APPLICANT: Fairfield Polo Association, 320 Page Ct., Wichita, Ks.

AGENT FOR APPLICANT: Don Moehring, engineer, 433 S. Hydraulic, Wichita, Ks.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, East, South and West, "R".

LAND USE: Existing, North, East and South, undeveloped; West, single
family and undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That SCZ-0416 be approved, and the associated case CU-214 be approved
subject to the recommended conditions as shown in the attached excerpt
from minutes of the Planning Commission, March 1, 1979. Jones moved,
Bayouth seconded and it carried unanimously. Hennessy was absent.

-
- ACTION:** 1. Approve the recommendation of the Metropolitan Area Planning
Commission, subject to the recommended conditions, adopt resolutions
effectuating the Conditional Use and zone change; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 1, 1979:

19. Case No. CU-214 - Fairfield Polo Association requests a Conditional Use Permit for the West 1/2 of the North 1/2 of SW 1/4, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas. Generally located on the east side of Hydraulic, 1/4 mile north of 79th St. South.
20. Case No. SCZ-0416 - Fairfield Polo Association request zone change from "R" to "E" for the East 400 feet of the South 400 feet of W 1/2, N 1/2, SW 1/4, Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas. Generally located on the east side of Hydraulic, approximately 1/4 mile north of 79th Street South.

GALBRAITH showed slides of the area and surrounding area and reviewed the following staff reports:

Case No. CU-214:

COMMENTS:

1. The applicant is requesting a conditional use permit to establish a sand and gravel extraction operation on approximately 40 acres of land zoned "R" Rural Residential located on the east side of Hydraulic (FAS road) 1/4 mile north of 79th Street South.
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 family lots around a 20-acre lake which will remain after the extraction operation ceases. In conjunction with this application the applicant is requesting a change of zoning to "E" Light Industrial for a tract 400 x 400 feet in the southeast corner of subject property (SCZ-0416) in order to construct a ready-mix concrete plant.
3. Should the Planning Commission determine the extraction use appropriate for the area, it should be approved subject to the following conditions:
 - A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way).
 - B. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
 - C. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - D. The earth shall be extracted to at least a minimum depth of six feet below the water table.
 - E. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
 - F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

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

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

- K. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- L. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the conditional use.

O. Violation of conditions of approval shall render the conditional use permit null and void.

P. The Planning Commission may want to consider setting a time that the operation must commence and a date that the operation must cease.

Case No. SCZ-0416:

COMMENTS:

1. The applicant is requesting a change of zoning from "R" Rural Residential to "E" Light Industrial for a tract of land 400 x 400 feet lying 1/4 mile north and 1/4 mile east of the intersection of 79th Street South and Hydraulic.
2. Should this application be approved, the applicant proposes to construct a ready mix concrete plant to be utilized in conjunction with a sand and gravel operation on adjacent property for which the applicant is requesting approval of a conditional use permit for that purpose (CU-214).
3. A concrete mixing plant is first permitted in "E" Light Industrial under the provisions of the County Zoning Resolution. The applicant has indicated it is desired to move their existing facility located at 6700 South Hydraulic to this location so as to be nearer their source of supply of sand and gravel.
4. Should the Planning Commission recommend approval of this application it should be approved subject to approval of associated case CU-214 by the Board of County Commissioners or the case be considered denied and closed.

GALBRAITH stated that sand extraction operations have a number of conditions to hopefully make them more acceptable or compatible to the neighborhood. He noted that on the Conditional Use Permit on condition "J", the applicant has asked that he not be required to have the steel post and reconstruct the fence. GALBRAITH suggested that condition "J" be revised. On condition "M", the Derby Planning Commission did not recommend deletion of that condition, but the Haysville Planning Commission did. GALBRAITH was not sure why because sandpits have not been required to plat, but have put a caution condition in alerting the developer that he must plat prior to development of any other uses. He added some wording to the condition. Condition "P", both Derby and Haysville did not recommend inclusion of that condition, and Galbraith also recommended that the time element not be a requirement. The applicant feels that it was uncertain now as to how long he might operate there.

GALBRAITH said that on the zone change request, Derby Planning Commission was concerned about light industrial being established in that area, setting a dangerous precedent for having to approve other applications. They debated how that might be removed someday to rezoning it back to Rural Residential. When the sand operation ceases, and the applicant later submits a residential plat, hopefully the record will reflect the intent at that time to change it back to residential zoning classification.

SAVINA asked if the platting requirement was made to protect the neighborhood with platting around the sandpit at a later date.

GALBRAITH said that he did not think so. Anytime that they seek to use this property for residential purposes, it has to be platted.

BARRIER asked that when this conditional use expires, what was the procedure at that point.

GALBRAITH stated that there was nothing written in the conditional use that states that it expires when the sand operation ceases. It is usually the understanding that once it ceases to be used for sand extraction, the conditional use application is no longer valid.

TAYLOR asked if Galbraith could recall any other cases allowing light industrial zoning to accompany an extraction conditional use.

GALBRAITH stated after County zoning was established in 1958, there were other conditional use applications approved for sand extraction, and some light industrial was granted later. When the light industrial cases were filed, they were for the purpose of asphalt/concrete batch plant operations.

DON MOEHRING, engineer representing the applicant, stated that with the exception of conditions "J", "M" and "P", they have no problems with the staff comments.

There was no one present in opposition to the application.

MOTION: That the Planning Commission recommend to the County Commissioners that SCZ-0416 be approved, and the associated case CU-214 be approved subject to the following conditions:

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way).
- B. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
- C. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The earth shall be extracted to at least a minimum depth of six feet below the water table.
- E. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- G. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- J. Applicant shall maintain the existing 72-inch high fence with wooden posts on 10-foot centers in good condition. 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.

- K. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- L. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of zoning and building permits, except those necessary for the sand extraction operation and the concrete batch plant.
- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the conditional use.
- O. Violation of conditions of approval shall render the conditional use permit null and void.

Jones moved, Bayouth seconded and it carried unanimously. Hennessy was absent.

R E S O L U T I O N

CASE NO. CU-214

A RESOLUTION PERMITTING A SAND AND GRAVEL OPERATION IN THE "R" RURAL 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 a sand and gravel operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The West 1/2 of the North 1/2 of SW $\frac{1}{4}$, Sec. 3,
Twp. 29S, R1E, Sedgwick County, Kansas.
Generally located on the east side of Hydraulic,
1/4 mile north of 79th St. South.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way).
- B. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
- C. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The earth shall be extracted to at least a minimum depth of six feet below the water table.
- E. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- G. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.

- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- J. Applicant shall maintain the existing 72-inch high fence with wooden posts on 10-foot centers in good condition. 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.
- K. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- L. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of zoning and building permits, except those necessary for the sand extraction operation and the concrete batch plant.
- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the conditional use.
- O. Violation of conditions of approval shall render 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 by the Board of County Commissioners at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Tom Scott

_____, Commissioner
Donald Gragg

_____, Commissioner
Everett Patrick

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

Theodore H. Hill, County Counselor

March 2, 1979

Don Moehring
Moehring & Associates Consulting
Engineers
433 S. Hydraulic
Wichita, Kansas 67211

Re: CU-214 - Conditional Use
Permit - east side of
Hydraulic 1/4 mile north
of 79th St. South

Dear Mr. Moehring:

At its regular meeting of March 1, 1979, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a sand and gravel extraction operation. The action of the Planning Commission was to recommend approval of the Conditional Use Permit subject to conditions A through O as recommended in the Planning Department report, except that conditions J and K were changed to read as follows:

- J. Applicant shall maintain the existing 72 inch high fence with wooden posts on 10 foot centers in good condition. 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.
- K. The property shall be platted prior to the issuance of zoning and building permits, except those necessary for the sand extraction operation and the concrete batch plant.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednes-

Page 2
March 2, 1979
Don Moehring
Re: CU-214

day, March 28, 1979, in Room 320, Sedgwick County Courthouse.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bbo

cc: Fairfield Polo Assn., 320 Page Ct. 67202
Paul B. Swartz, Attorney, Page Ct. 67202
R. A. Rund & Son, Inc., Box 16082, 67218
Larry Sims, Chmn., Derby Planning Commission,
820 English Ct., Derby 67037
George Rosedale, Chmn., Haysville Planning Commission,
Box 404, Haysville 67050
Syd Werbin, County Zoning Officer

Deerby 2-8-79

Approval of the CC subject to
conditions A thru D +
maintenance of the road in a dust
free condition 7-1

Hazwille 2-22-79

Approval subject to conditions A
thru D except M and subject
to rewriting condition J to
provide for the ~~the~~ maintenance of
the existing 72" fence.

JHO

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DCPC HEARING DATE: 2-8-79
RCPC HEARING DATE: 2-22-79
MAPC HEARING DATE: 3-1-79

Case No. CU-214 Request: Conditional Use Permit
for Sand and Gravel
Extraction

Location: East side of Hydraulic 1/4 mile north of 79th Street
South

Reason: Sand and gravel extraction.

Acres: 40 Size: 1320' x 1320'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Single Family & Undeveloped	"R"

Existing R/W - Hydraulic-40 ft.-half Platted: No
Proposed R/W - Hydraulic-60 ft.-half History: None

COMMENTS:

1. The applicant is requesting a conditional use permit to establish a sand and gravel extraction operation on approximately 40 acres of land zoned "R" Rural Residential located on the east side of Hydraulic (FAS road) 1/4 mile north of 79th Street South.
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 family lots around a 20-acre lake which will remain after the extraction operation ceases. In conjunction with this application the applicant is requesting a change of zoning to "E" Light Industrial for a tract 400 x 400 feet in the southeast corner of subject property (SCZ-0416) in order to construct a ready-mix concrete plant.

Case No. CU-214
MAPC AGENDA
3-1-79
Page 2

3. Should the Planning Commission determine the extraction use appropriate for the area, it should be approved subject to the following conditions:
 - A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Hydraulic up to FAS road standards (60 feet of half-street right-of-way).
 - B. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
 - C. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - D. The earth shall be extracted to at least a minimum depth of six feet below the water table.
 - E. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
 - F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - G. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
 - H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
 - I. The applicant shall be responsible for maintaining all operational roads in a graveled condition.

- J. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as in the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 53 inches and shall be of the following types of material:
1. A 48" or higher chain link 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 180 degrees facing away from the excavation.

- K. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- L. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.

Case No. CU-214
MAPC AGENDA
3-1-79
Page 4

- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the conditional use.
- O. Violation of conditions of approval shall render the conditional use permit null and void.
- P. The Planning Commission may want to consider setting a time that the operation must commence and a date that the operation must cease.

SCZ-0406 &)
✓CU-214)

11 "Notice to Adjoining Property Owners mailed 2/6/79
for the Derby P.C. meeting 2-8-79;
the Haysville P.C. meeting 2-22-79; and
the MAPC meeting for 3-1-79

THE FOLLOWING RECEIVED NOTICE, STAFF REPORT & REFERRAL SHEETS

- 3 Applicants and agent
- 9 Derby P.C.
- 1 Sect.
- 1 Grover McLure
- 1 Bickley Foster

- 9 Haysville P.C.
- 1 Sect.
- 1 Outside Agent
- 1 Grover McLure

38 TOTAL

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

February 2, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, February 3, 1979, at 7:00 p.m., the DERBY CITY PLANNING COMMISSION, City Hall, Derby, Kansas, will consider the following items for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. SCZ-0416

Zone Change from the "R" Rural Residential District
to the "E" Light Industrial District

East 400 feet of the South 400 feet of W $\frac{1}{2}$, N $\frac{1}{2}$, SW $\frac{1}{4}$,
Sec. 3, Twp. 29S, R1E, Sedgwick County, Kansas.
Generally located on the east side of Hydraulic,
approximately 1/4 mile north of 79th St. South.

And

CASE NO. CU-214

Conditional Use Request to Permit Establishment of
A Sand and Gravel Extraction Operation
in the "R" Rural Residential District

West $\frac{1}{2}$ of the North $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 3, Twp. 29S,
R1E, Sedgwick County, Kansas. Generally located
on the east side of Hydraulic, 1/4 mile north of
79th St. South.

These matters will also appear on the agenda for the regular meeting of the HAYSVILLE CITY PLANNING COMMISSION at 8:00 p.m., Thursday, February 22, 1979, Haysville City Hall, Haysville, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If these matters are not deferred for further hearings before either the Derby City Planning Commission or the Haysville City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, these items will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, March 1, 1979, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed Zoning Resolution or Conditional Use will be considered as by law provided.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

January 31, 1979

Ms. Wanda Squib
The Daily Reporter
201 South Baltimore
Derby, Kansas 67037

Re: SCZ-0416
CU-213 and
✓CU-214

Dear Ms. Squib:

Please publish the enclosed official notices one time in the Daily Reporter, at the earliest possible date.

I would appreciate a copy of the papers in which these notices appear.

Sincerely,

G. Lynn Shirkey
Junior Planner

GLS:el
Enclosures

Book 4
3-29-1E
0-6-C
M
E
W
R

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

CU-214
(assess sc2-0416)

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 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 D. Fairfield Polo Assn.

ADDRESS _____ PHONE _____

AGENT Paul B Swertz attorney

ADDRESS Page court, 67302 ROAD PHONE _____

B. APPLICANT RA. Rund & Son Inc Contract Purchaser

ADDRESS P.O. Box 16082 Wichita, 67218 PHONE 524.8631

AGENT _____ PHONE 686.6344

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 Production & Ready Mix Concrete Plant Operation (use)

on property legally described as Lot(s) _____

Block(s) West 1/2 of the No 1/2 of SW 1/4 Sec. 3 Twp 29S R 1E of the Sedgwick County, Kan. addition.

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

OK for legal

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

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND
~~W 1/2 N 1/2 SW 1/4 Sec 3 Twp 215 on R 1 E~~

B. ON THE East side of Hydraulic Trench (AVENUE)
north of 79th Street South
~~STREET BETWEEN _____ (AVENUE) STREET AND _____ (AVENUE) STREET.~~

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

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

Sand & Gravel Production & Extraction
Ready mix Concrete Plant

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

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

BY _____ BY Fairfield Polo Assn
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 4:00
(AM, PM) on January 24, 1979 (day, month, year). It has been checked
and found to be complete and accompanied by required documents and
the appropriate fee of \$ 70⁰⁰.

L. Lynn Shisley Name
Jr. Planner Title

Book 4
3-29-1E
0-6-C

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, of:

The West half of the North half of the Southwest Quarter (NW $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 3, Township 29S, Range 1E

together with all real estate lying within a 1,000 foot radius thereof.

this is duplicate list with SC20416

DESCRIPTION

OWNERS AND ADDRESSES

S $\frac{1}{2}$ NW $\frac{1}{4}$ 3-29S-1E except beginning at the NE corner of S $\frac{1}{2}$ NW $\frac{1}{4}$, thence south along the east line of said NW $\frac{1}{4}$, 260.0', thence W837.7', thence N260.0' to a point in the north line of S $\frac{1}{2}$ NW $\frac{1}{4}$, thence E837.7' to point of beginning; and except beginning at a point on the east line of said NW $\frac{1}{4}$, said point being 274.1' North of SE corner of said NW $\frac{1}{4}$, thence west 905' at right angles from said east line, thence N 215' parallel with said east line, thence E 905' to said east line, thence S 215' to point of beginning; and except beginning at the SE corner of said NW $\frac{1}{4}$, thence N along the E line of said NW $\frac{1}{4}$ a distance of 274.1', thence west 905', thence south at a 90° angle, 274.1' to a point on the south line of said NW $\frac{1}{4}$, thence east 905' to beginning; and except the Right of Way of the Midland Valley Railroad.	Leonard E. Steen & Dorothy E. Steen 827 Anita Drive Haysville, Kansas 67060
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-29S-1E except beginning at the southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence N473', E225', S473', W225' to beginning.	Thomas M. Hess and Mary Ellen Hess 4151 S. Ridge Road Wichita, Kansas 67215
Beginning at NE corner of S $\frac{1}{2}$ NW $\frac{1}{4}$ 3-29S-1E, thence S along the east line of said NW $\frac{1}{4}$ a distance of 260.0', thence W837.7', thence N260.0' to point in the north line of said S $\frac{1}{2}$ NW $\frac{1}{4}$, thence E837.7' to beginning.	Albert C. Kahre and Mary A. Kahre 2240 Everett Wichita, Kansas 67217
Beginning at a point on the east line of NW $\frac{1}{4}$ 3-29S-1E, said point being 274.1' N of SE corner of said NW $\frac{1}{4}$, thence west 905' at right angles from said east line, thence N215' parallel with said east line, thence N215' parallel with said east line, thence E905' to said east line, thence S215' to beginning.	Delbert E. Fowler & Eloise M. Fowler 7521 S. Grove Wichita, Kansas 67233
Beginning at the SE corner of NW $\frac{1}{4}$ of 3-29S-1E, thence N along east line of said NW $\frac{1}{4}$ 274.1', thence W905', thence S at a 90° angle, 274.1' to a point on the south line of said NW $\frac{1}{4}$, thence E905' to point of beginning.	W.L. Hartman 1001 N. Rock Road Wichita, Kansas 67206
N $\frac{1}{2}$ SW $\frac{1}{4}$ 3-29S-1E	Fairfield Polo Association 320 Page Court Wichita, Kansas 67202
SW $\frac{1}{2}$ SW $\frac{1}{4}$ 3-29S-1E	R.L. Hancock and Dema A. Hancock 1506 E. 79th St. So. Wichita, Kansas 67207
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-29S-1E lying east of Railroad Right of Way	T.M. Hess & Mary Ellen Hess 4151 S. Ridge Road Wichita, Kansas

Certificate of Ownership
W $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ 3-29S-1E
Page 2

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
Beginning at the SW corner of SE $\frac{1}{2}$ SW $\frac{1}{4}$ 3-29S-1E, thence N 473', E225', S473', W225' to beginning.	Herbert M. Reay & Florence E. Reay 2100 E. 79th St. South Wichita, Kansas 67206
E $\frac{1}{2}$ NE $\frac{1}{4}$ 4-29S-1E except right of way	Ruth C. Lee c/o Jeannie Garver 340 N. Grove Wichita, Kansas 67214
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-29-1E except W405' E640' S215' & exc. 79th St. So.	Dema A. Hancock 1500 E. 79th So. Wichita, Kansas 67233
North 20 acres of E $\frac{1}{2}$ SE $\frac{1}{4}$ 4-29-1E	Grover M. Hart c/o Julius Pinkerton 7601 S. Hydraulic Wichita, Kansas 67233
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ exc. N196' E630' 4-29-1E	Dema A. Mahoney 1205 E. 95th South Wichita, Kansas 67206

Dated at Wichita, Kansas
this 8th day of December,
1978.

REALTY TITLE CO., INC.

By 
Linda Ayala-Vice President

Dalblath

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MCPC HEARING DATE: 2-8-79
HCPC HEARING DATE: 2-23-79
MAPC HEARING DATE: 3-1-79

Case No. SCZ-0416 Request: "R" to "E"

Location: East of Hydraulic in an area 1/4 mile north of 79th Street South

Reason: Ready mix concrete plant.

Acres: 3.67 Size: 400' x 400'

	Land Use	Zoning
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

Platted: No History: None

COMMENTS:

1. The applicant is requesting a change of zoning from "R" Rural Residential to "E" Light Industrial for a tract of land 400 x 400 feet lying 1/4 mile north and 1/4 mile east of the intersection of 79th Street South and Hydraulic.
2. Should this application be approved, the applicant proposes to construct a ready mix concrete plant to be utilized in conjunction with a sand and gravel operation on adjacent property for which the applicant is requesting approval of a conditional use permit for that purpose (CU-214).
3. A concrete mixing plant is first permitted in "E" Light Industrial under the provisions of the County Zoning Resolution. The applicant has indicated it is desired to move their existing facility located at 6700 South Hydraulic to this location so as to be nearer their source of supply of sand and gravel.
4. Should the Planning Commission recommend approval of this application it should be approved subject to approval of associated case CU-214 by the Board of County Commissioners or the case be considered denied and closed.

Mr. Jorg

Approval - subject to the approval of the
EU being granted. 6-1

with the understanding that the zoning will
be changed back after operation and operation

should consider this.

Reserve (Considered a temporary use for the land and the
intent is to revert the zoning back to residential.
Compatible use for the land.

Opposition to the rezoning is concerned with eliminating prime
agricultural land.

Hassell -

Approval of this zone change - Unanimously -

FORM 29-0

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION		AMOUNT
[Handwritten Description]		7.2
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

REV: -CC13-
B. A. BOND & SON, INC.
3700 S. HYDRAULIC
MICHIGAN EXST R-02N & EXS
SS 67215 2201
CS2175

w/c
Not shown

D-0890 BCC 5-22-79
CU-214 RCOC 3-28-79
SCZ-0416 BGC 3-28-79

The requirement was to dedicate sufficient ^{n.o.w.} ~~half~~ 5
to provide 60' half-street row for Hydraulic

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*