

CU-215 - Gladys Church, et al -  
requests Conditional Use Permit  
to establish a Sand Extraction  
Operation in the "R" Rural  
Residential District. generally

closed

amount - 5000 - signed last week  
fence.

# ACTION

Melrose COMMITTEE Yield to Derby DATE 2-12-79  
Derby PC - Approve sale to condition <sup>except</sup> fencing 2-22-79  
M.A.P.C. Approved sale to condition 3-1-79  
+ fence adjacent to Bluff  
B.C.C./B. CO. C. Approved sale to 3-28-79  
conditions - only required bank wire  
fence.

closed

CU-215 - Gladys Church, et al -  
requests Conditional Use Permit  
to establish a Sand Extraction  
Operation in the "R" Rural  
Residential District, generally

Map No. Book 5  
R-7-A  
 Sec. 23  
 Twp. 29  
 Range 1E

DATA SHEET  
 (ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- 215  
 Filed 1-31-79

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

- Applicant: Gladys Church, et al  
 Address 4005 E 95th St South, Wichita 67236 Phone 788-1205
- Agent: Ted E Church  
 Address 9714 S. Bluff, Wichita, 67216 Phone 788-4418
- General Location: Southeast corner of 95th St. South and Bluff  
 Address \_\_\_\_\_
- Proposed Use: to establish a Sand Extraction Operation in "R" Rural Residential District.

AREA DATA:

- Acres: 79.1 ( 1320 ft. by 2610 ft.)
- Adjoining Zoning: E "R" S "R" W "R" N "R"
- Land Use: East BIG NECKS RIVER South UNDEVELOPED  
 West UNDEVELOPED North SINGLE FARM
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: SINGLE FARM
- Area (is) (is not) platted.

PROCEDURE DATA:

- Zoning Committee \_\_\_\_\_ by \_\_\_\_\_
- MAPC Meeting:

	Date	Action
MULVANE 7 <sup>35</sup>	2-12-79	<u>Yield To Derby</u>
DERBY 7 <sup>25</sup>	2-22-79	<u>Approved sub to conditions elevating fence</u>
MAPC	3-1-79	<u>Approved sub to conditions - fence required adjacent to Bluff</u>

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

Date	Action	Resolution
<u>3-28-79</u>	<u>Approved sub to conditions</u>	<u>Sept 10, 1979</u>
	<u>Bluff required back wire fence</u>	

NOTES:

HASTINGS, MN - LOS ANGELES  
 DODAN, OH - MADISON, TX U. S. A.

No. 2153C  
 Shindell®

5735

Map No. Book 5  
R-7-A  
Sec. 23  
Twp. 29  
Range 1E

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 215  
Filed 1-31-79

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

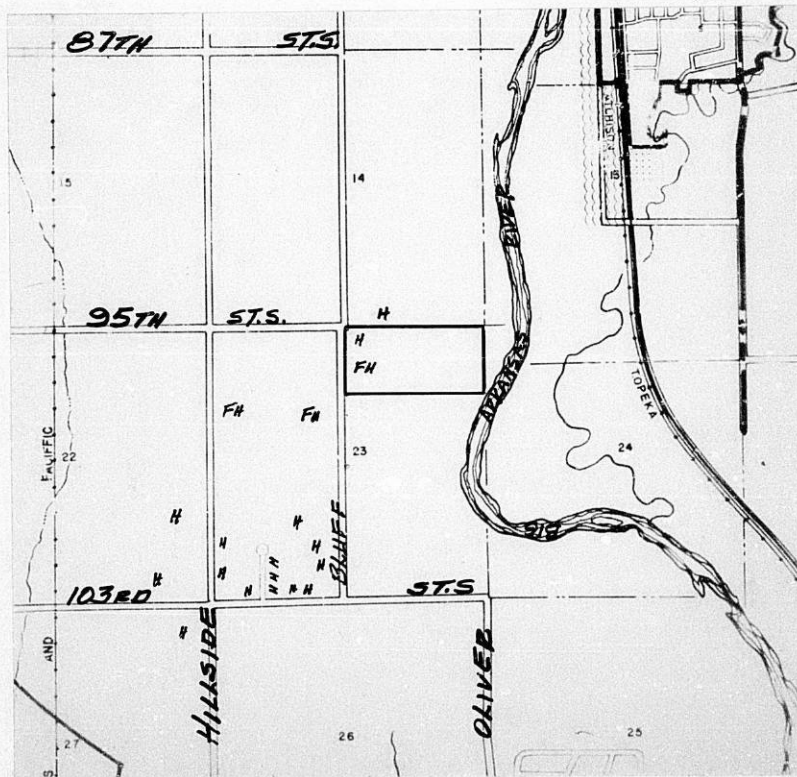
- Applicant: Gladys Church, et al  
Address: 4005 E. 95th St. South, Wichita 67236 Phon#88-1205
- Agent: Ted E. Church  
Address: 9714 S. Bluff, Wichita, 67216 Phon#88-4418
- General Location: Southeast corner of 95th St. South and Bluff  
Address \_\_\_\_\_
- Proposed Use: to establish a Sand Extraction Operation in "R" Rural Residential District.

AREA DATA:

- Acres: 79.1 (1320 ft. by 2610 ft.)
- Adjoining Zoning: E "R" S "R" W "R" N "R"
- Land Use: East BIG ARKANSAS RIVER South UNDEVELOPED  
West UNDEVELOPED North SINGLE FARM
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: SINGLE FARM
- 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-215 To BE HEARD BY THE M. A. P. C. ON March 1, 1979

REQUEST FOR Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY PETITIONER):

"For the extraction of sand for sale."

LOCATION OF PROPERTY: Southeast corner of 97th Street South and Bluff.

LEGAL DESCRIPTION OF PROPERTY:

The north half of the NE $\frac{1}{4}$  of Section 23, Township 29  
South, Range 1 East of the 6th P.M., Sedgwick County,  
Kansas.

APPLICANT: Gladys Church, et al

ADDRESS: 4005 E. 95th St. South, Wichita, Ks.

AGENT FOR APPLICANT: Ted E. Church, 9714 S. Bluff, Wichita, Ks.

SURROUNDING LAND USE:

North, single family and undeveloped; East, Arkansas River; South,  
Arkansas River and undeveloped; West, undeveloped.



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



DERBY CITY PLANNING COMMISSION  
FEBRUARY 22, 1979 7:00 P.M.

AGENDA

ROLL CALL: BILL BURRESS  
TATE BUTLER  
RON FANGMANN  
LILLIAN GARDNER  
JOHN LAUBER, JR.  
L.O. PAYNE  
DOLAN PELLEY  
LARRY SIMS - CHAIRMAN  
BILL SMITH

HEARING: CASE NO. CU-215 - CONDITIONAL USE PERMIT  
ESTABLISHMENT OF A SAND EXTRACTION OPERATION  
ZONING: "R" RURAL RESIDENTIAL DISTRICT  
LOCATION: North half of the NE ¼ of Section 23,  
Township 29 South (generally located  
SE corner of 95th St. So. & Bluff)  
APPLICANT: GLADYS CHURCH AGENT FOR APPL: TED CHURCH

MINUTES OF FEB. 8, 1979 MEETING

PRELIMINARY PLAT: MINSON-MIZE OAK VALLEY ESTATES DISCUSSION

REQUEST FOR  
VACATION OF EASEMENT: JOHN PAIR - 919 BROOKFOREST - DERBY, KS.

PRESENT SKETCH  
PLAT: CARL POPE - EXEMPTION OF PLATTING  
10 ACRE PLOT FOR DALE ESMOND  
6221 SO. GREENWICH RD.  
WICHITA, KS.

COMMITTEE REPORTS

COUNCIL REPORT - FEB. 20 MEETING

ADJOURNMENT

Assoc. D-0907

October 18, 1979

Mr. Ted E. Church  
9714 South Bluff  
Wichita, Kansas 67216

Re: Right-of-way dedication for  
Bluff Street, associated with  
CU-215 Establishment of a Sand  
EXtraction Operation. Generally  
located at the southeast corner  
of 95th Street South & Bluff.

Dear Mr. Church:

In reviewing the street dedication you submitted to Mr. Shirkey of our office, it was noted that the legal description was incorrect in that it described a dedication involving additional right-of-way for the west half of Bluff. The requirement for approval of the Conditional Use Case, CU-215, was that additional right-of-way be dedicated for the east half of Bluff, so as to have 40 feet of half-street right-of-way. In addition, it was noted that the dedication was not signed by those listed as owning the property on the certified ownership list in the Conditional Use Case file.

Enclosed herewith is a corrected dedication form for the appropriate street right-of-way dedication. Please have the form signed and returned to the Metropolitan Area Planning Department Office, 10th floor, City Hall, 455 North Main, Wichita, Kansas, 67202.

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:el  
Enclosure

R E S O L U T I O N

CASE NO. CU-215

A RESOLUTION PERMITTING A SAND EXTRACTION 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 extraction operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows;

The north half of the NE $\frac{1}{4}$  of Section 23, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 95th Street South and Bluff.

SUBJECT TO THE FOLLOWING:


- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Bluff up to collector standards (40 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 barbed wire fence shall be constructed adjacent to Bluff from the existing tree row on the north side of the house at the south, north to the south yard line of the house at the northwest corner of the application area. Said fence shall then be constructed east and then north around the yard area of the north home to the existing row of trees along the north line of the site. The fence may provide one 10-16 foot gate for reasonable access, which shall be kept locked except when the sand extraction operation is 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 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 operational plan shall be amended to reflect that the operational road shall intersect Bluff at a point approximately midway between the two houses on the tract. Four revised copies of the plan shall be submitted to the Planning Department prior to the publication of the resolution effectuating the Conditional Use.


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 28 day of March, 1979.

  
Tom Scott, Chairman

  
Donald Gragg, Commissioner

  
Everett Patrick, Commissioner

ATTEST:

*Dorothy G. White*  
Dorothy G. White, County Clerk  
(SEAL) *by Dorothy G. White*

Approved as to form by County Counselor

*for* *Russell D. Canaday*  
Theodore H. Hill, County Counselor

DEDICATION

D-0907  
(Assoc CU-215)

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, Gladys Church

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

The west 20 feet of the east 33 feet except south 153 feet and 150 feet beginning 400 feet north of southwest corner of north half of the NW1/4 of Section 23, Township 29 South, Range 1 east of the 6th P.M., Sedgwick County, Kansas.

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

Executed this 28 day of August 1979.

Gladys Church

STATE OF KANSAS )  
SEDGWICK COUNTY )<sup>SS</sup>

BE IT REMEMBERED, that on this 28th day of August, 1979  
came Gladys Church

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.

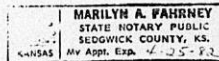
Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this \_\_\_\_\_

City Clerk

Marilyn A. Fahrney  
Notary Public

My Commission Expires: 4/25/82



STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
MAY 2 1979

NO 4 37170  
BETIE F. McCART  
REGISTER OF DEEDS

FILM 362 PAGE 950

Original Compared  
With Record

RESTRICTIVE COVENANT

*Pat Kettler Deputy*

GLADYS CHURCH, for herself, her executors, administrators and assigns, hereby covenants with the public that the following conditions will be maintained at a sand pit which is to be located on her lands described as:

North One-Half (N/2) of the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Twenty-nine (29) South, Range One (1) East, Sedgwick County, Kansas, generally located at the Southeast corner at 95th Street and Bluff.

There shall not be disposed on any part of the property described above any foreign matter, such as rubbish, car bodies, or the like within the area of the excavation which is to be used as a sand pit.

It is understood that this conveyance is made by the owner of these premises and accepted in behalf of the public by the County Commissioners, Sedgwick County, Kansas, with the above covenants, conditions, restrictions and reservations applying to and running with the conveyed land; all successive future owners and occupants have the same right to invoke and enforce these covenants, conditions, restrictions and reservations set forth in this conveyance as the original parties hereto.

*Gladys Church*  
Gladys Church

STATE OF KANSAS, COUNTY OF SEDGWICK, ss:

BE IT REMEMBERED, that on this 30 day of April, 1979, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came GLADYS CHURCH 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 official seal the day and year last above written.

*Dayma L. Essex*  
Notary Public

My Appointment Expires:

*10 March 1981*



April 16, 1979

The Metropolitan Area Planning Department has received four copies of revised plans of the sandpit operation at Coyd's Lake, as directed by the Board of County Commissioners.

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RESOLUTION

CASE NO. CU-215

A RESOLUTION PERMITTING A SAND EXTRACTION 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 extraction operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows;

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- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Bluff up to collector standards (40 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 barbed wire fence shall be constructed adjacent to Bluff from the existing tree row on the north side of the house at the south, north to the south yard line of the house at the northwest corner of the application area. Said fence shall then be constructed east and then north around the yard area of the north home to the existing row of trees along the north line of the site. The fence may provide one 10-16 foot gate for reasonable access, which shall be kept locked except when the sand extraction operation is 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 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 operational plan shall be amended to reflect that the operational road shall intersect Bluff at a point approximately midway between the two houses on the tract. Four revised copies of the plan shall be submitted to the Planning Department prior to the publication of the resolution effectuating the Conditional Use.

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



EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 1, 1979:

22. Case No. CU-215 - Gladys Church, et al requests Conditional Use Permit for the north half of the NE¼ of Section 23, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 95th Street South and Bluff.

GALBRAITH showed slides of the area 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 extraction operation on approximately 80 acres of land zoned "R" Rural Residential located on the southeast corner of 95th Street South and Bluff.
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 40 acre lake area left after the operation ceases will be utilized for boating and swimming. The applicant has indicated that subject property lies within a flood plain and therefore, is not suitable for redevelopment with permanent habitable structures.
3. It should be pointed out that privately owned outdoor recreational areas are permitted in the "R" Rural Residential District subject to the approval of a Conditional Use Permit by the Board of County Commissioners and not an outright permitted use.
4. 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 Bluff up to collector standards (40-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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- M. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- N. The applicant shall comply with conditions A and H, prior to the publication of the resolution effectuating the Conditional Use.
- O. 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.

GALBRAITH stated that this application was heard first by Mulvane Planning Commission and then Derby because it is in their overlapping three-mile rings. He said that the applicant indicated that some day this may be utilized as a recreational beach since it is in a flood plain. Mulvane felt that this application was primarily in Derby's area of influence, and they moved to defer the consideration of this case to Derby. Mulvane did make some comments about the conditions of approval, and one of the matters discussed was the access point to the site, and they encouraged that it not be located at the north property line between the two single family homes. GALBRAITH said that one other condition discussed by the applicant's attorney was not requiring them to construct any fence around the site. They emphasized that this was out in the County, and they did not have a lot of traffic in the area. Mulvane felt very strongly that the fence should be required, and the road should be moved south to the center of the property.

GALBRAITH stated that when the Derby Planning Commission considered this application, they recommended approval of the request subject to conditions as outlined in the staff report, and the complete waiver of any fencing requirements. He said that Derby commented about the shelter belt or hedge row along the north property line, and recommended that it be retained.

JIM L. LAWING, attorney representing the applicant, stated that the sandpit that the applicant is extracting from is about to be finished, and the quality of sand that is needed cannot be found in the river. He said the question on the road has been laid to rest. There was a mistake in the original drawing that had a road going down between the houses. He said that access on three sides of the sandpit is controlled going across the Church land, and the river is on the east. The north boundary is next to Mr. Glaziers' land. He said there doesn't seem to be any dispute of the immediate neighbors about the road matter. No one can get to the pit without being seen, and he did not feel the fence would be needed. He mentioned the sandpit in Wichita that does not have a fence at Central and the Drainage Ditch. LAWING asked that the Planning Commission go along with the unanimous vote of the Derby Planning Commission to waive the fence requirement.

COLE stated that he had some concern about the fence along the public road and not the rest of the property.

LAWING said there was 250 yards from Bluff until you get back to the place where the lake might want to develop to its fullest.

COLE stated that situations were changing. There is no lake there now that would be attractive to children, however, when the plant operation is in, there will be an attraction.

There was no one present in opposition to the application.

MAY expressed reluctance to no fencing at all. She could not see the logic for not having any fence at all and saying that presently no one comes there, and that someone will be at the house 24 hours a day to observe anyone driving past. She did not know what kind of protection that offers to someone that happens onto the property after it is developed with a pit. She said she would like to see it fenced in its entirety.

SAVINA asked if the Planning Commission agreed to waive the fencing requirement, could they be brought into court on a liability case.

BELL stated that the Planning Commission has immunity.

BARRIER said that she felt that since there was a reason for this kind of requirement, and since others are required to fence, she did not feel in this instance that an exception should be granted.

BELL said that he has always found Mr. Jones to be very interested in the opinions of those of them that live in the north, and he asked what was Mr. Jones' feeling about this.

JONES stated the reason he remained silent was that they couldn't just think about the present, but 3 or 4 years from now, the residents could change and there could be more people there, and if because the Commission waived any fencing requirement and some child got in and drowned, he would not feel very happy about it. He felt it would be reasonable to have some compromise of a fencing requirement along Bluff.

LAWING stated the compromise of a fence along Bluff was something that he had never considered. He said it seemed reasonable to him, and to also have a gate at the road where the gate could be locked. He felt Mr. Jones was right, they do not know what the area was going to be like a few years from now.

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

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way to bring Bluff up to collector standards (40 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 west perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence shall tie in with the fence along the north and south property lines and those existing fences shall be maintained in good condition. 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 drowth-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 operational plan shall be amended to reflect that the operational road shall intersect Bluff at a point approximately midway between the two houses on the tract. Four revised copies of the plan shall be submitted to the Planning Department prior to the publication of the resolution effectuating the Conditional Use.

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

-----

March 2, 1979

Jim L. Lawing  
120 Building  
Wichita, Kansas 67202

Re: CU-215 - Conditional Use  
Permit - southeast corner  
of 95th St. South & Bluff

Dear Mr. Lawing:

At its regular meeting of March 2, 1979, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a sand extraction operation. The action of the Planning Commission was to recommend that this application be approved subject to conditions A through O as recommended in the Planning Department report, except that condition J was amended to require a fence along the west perimeter of the property which is to tie in with the fence along the north and south property lines and those existing fences are to be maintained in good condition; and the following condition was added:

"The operational plan shall be amended to reflect that the operational road shall intersect Bluff at a point approximately midway between the two houses on the tract. Four (4) revised copies of the plan shall be submitted to the Planning Department prior to the publication of the resolution effectuating the Conditional Use.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, March 28, 1979, in Room 320, Sedgwick County Courthouse.

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

Page 2  
March 2, 1979  
Jim L. Lawing  
Re: CU-215

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:bbe

cc: Gladys Church, 4005 E. 95th St. S., 67236  
Ted E. Church, 9714 S. Bluff, 67216  
Kathleen Hughes, 232 E. Villa Rita, LaHabra, CA. 90631  
Syd Werbin, County Zoning Officer  
Larry Sims, Chmn., Derby Planning Commission,  
820 English Ct., Derby 67037  
G. A. Wessels, Chmn., Mulvane Planning Commission,  
Mulvane 67110

2/13/79

The action of the Seaboard Planning Commission was to defer (yield) to the decision of the Dealy Planning Commission since it is in their area of influence. They recommended to Dealy the approval of the conditions as recommended by NAPPD, that a fence definitely be required as recommended in the report, that the entrance for the sandpit be moved to the south at least 300' and hard surfaced.

Revised site plan showing fence and entrance drive will later be required.  
JHS

Dealy 2-22-79

Approved subject to all conditions except fencing.  
Move the access road south to between the two homes.

*js*

NOTICE OF MEETING

MMLVANE CITY PLANNING COMMISSION

DATE: Monday, February 12, 1979

TIME: 7:30 P.M.

PLACE: Council Meeting Room  
City Building, Mulvane

Agenda












Hank Wessel, Chairman

1. Approval of Minutes for January 8, 1979 -- Secretary.
2. Public Hearing for a conditional use request for a sand extraction operation in the County R-Rural Residential District at the SE corner of 95th Street South and Bluff. (CU-215) -- Jack Galbraith, MAPD.
3. Review of Zoning and Subdivision Regulations for proposed flood plain amendments -- Merle Mason, City Attorney.
4. Review of proposed Resident Questionnaire and final arrangements for survey. (Any comments or additional questions received? Where to return them? Survey dates?)
5. Preliminary report and map on existing land use in the urban and rural areas. -- Bickley Foster, Planning Consultant.
6. Return of initial survey questionnaires provided to Planning Commissioners.
7. Discussion of possible meeting with Sumner County and Belle Plaine Planning Commissions on zoning and subdivision jurisdictional line.
8. Other business:
9. Adjournment.

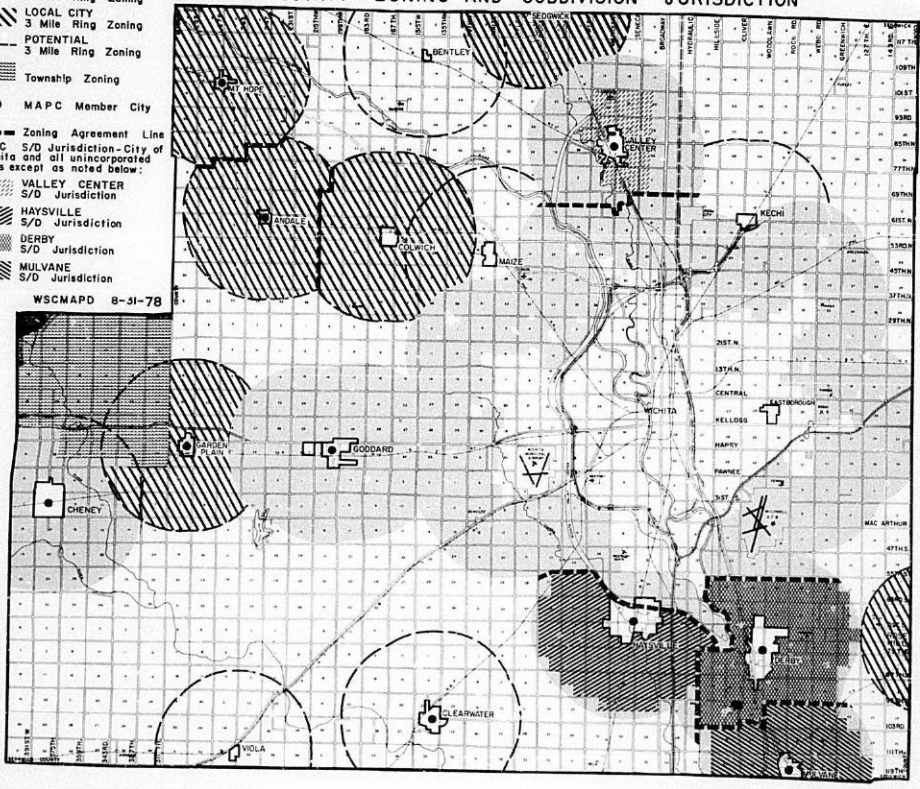
cc: Planning Commission      City Attorney      MAPD  
City Council              City Engineer      News Media  
City Clerk



### COUNTY ZONING AND SUBDIVISION JURISDICTION

-  SEDGWICK COUNTY  
3 Mile Ring Zoning
-  LOCAL CITY  
3 Mile Ring Zoning
-  POTENTIAL  
3 Mile Ring Zoning
-  Township Zoning
-  MAPC Member City
-  Zoning Agreement Line
-  MAPC S/D Jurisdiction - City of  
Wichita and all unincorporated  
areas except as noted below:
-  VALLEY CENTER  
S/D Jurisdiction
-  HAYSVILLE  
S/D Jurisdiction
-  DERBY  
S/D Jurisdiction
-  MULVANE  
S/D Jurisdiction

WSCMAPD 8-31-78



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MCPC HEARING DATE: 2-12-79  
DCPC HEARING DATE: 2-22-79  
MAPC HEARING DATE: 3-1-79

---

Case No. CU-215 Request: Conditional Use Permit  
for Sand Extraction

---

Location: Southeast corner of <sup>95</sup>27th Street South and Bluff

---

Reason: For the extraction of sand for sale.

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Acres: 80 Size: 1320' x 2640'

---

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

---

Existing R/W - Bluff-half-20 ft. Platted: No.  
Proposed R/W - Bluff-half-40 ft. History: None.

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COMMENTS:

1. The applicant is requesting a conditional use permit to establish a sand and gravel extraction operation on approximately 80 acres of land zoned "R" Rural Residential located on the southeast corner of 95th Street South and Bluff.
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 40 acre lake area left after the operation ceases will be utilized for boating and swimming. The applicant has indicated that subject property lies within a flood plain and therefore, is not suitable for redevelopment with permanent habitable structures.

3. It should be pointed out that privately owned outdoor recreational areas are permitted in the "R" Rural Residential District subject to the approval of a Conditional Use Permit by the Board of County Commissioners and not an outright permitted use.
4. 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 Bluff up to collector standards (40-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.

Case No. CU-215  
MAPC AGENDA  
3-1-79  
Page 4

- 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.

CU-215 - 12 "Notice to Adjoining Property Owners" mailed 2/7/89  
for the MULVANE P.C. meeting for 2-12-79;  
the DERY P.C. meeting for 2-22-79; and  
the MAPC meeting for 3-1-79

THE FOLLOWING RECEIVED NOTICE, STAFF REPORT AND REFERRAL SHEET:

For Mulvane:  
3 Applicants (Mulvane & Derby Maps) ·  
7 Mulvane P.C.  
1 Secretary  
1 Grover McLure, Jr. (Mulvane & Derby)  
1 C. Bickley Foster (Mulvane & Derby)

For Derby:  
9 Derby P.C.  
1 Secretary  
1 Delamater, Freund & Assoc. (Mulvane & Derby)

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36 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 Monday, February 12, 1979 at 7:30 p.m., the MULVANE CITY PLANNING COMMISSION, City Hall, Mulvane, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. CU-215

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

The north half of the NE $\frac{1}{4}$  of Section 23, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 95th Street South and Bluff.

This matter will also appear on the agenda for the regular meeting of the DERBY CITY PLANNING COMMISSION at 7:00 p.m., Thursday, February 22, 1979, Derby City Hall, Derby, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings before either the Mulvane City Planning Commission or the Derby City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, this item 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 Hearing 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 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

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MCPC HEARING DATE: 2-12-79  
DCPC HEARING DATE: 2-22-79  
MAPC HEARING DATE: 3-1-79

---

Case No. CU-215 Request: Conditional Use Permit  
for Sand Extraction

---

Location: Southeast corner of 97th Street South and Bluff

---

Reason: For the extraction of sand for sale.

---

Acres: 80 Size: 1320' x 2640'

---

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

---

Existing R/W - Bluff-half-20 ft. Platted: No.  
Proposed R/W - Bluff-half-40 ft. History: None.

---

COMMENTS:

1. The applicant is requesting a conditional use permit to establish a sand and gravel extraction operation on approximately 80 acres of land zoned "R" Rural Residential located on the southeast corner of 95th Street South and Bluff.
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 40 acre lake area left after the operation ceases will be utilized for boating and swimming. The applicant has indicated that subject property lies within a flood plain and therefore, is not suitable for redevelopment with permanent habitable structures.

3. It should be pointed out that privately owned outdoor recreational areas are permitted in the "R" Rural Residential District subject to the approval of a Conditional Use Permit by the Board of County Commissioners and not an outright permitted use.
4. 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 Bluff up to collector standards (40-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.

Case No. CU-215  
MAPC AGENDA  
3-1-79  
Page 4

- 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.

February 1, 1979

Mr. Clay Ricketts  
Daily Reporter  
201 South Baltimore  
Derby, Kansas 67037

Re: Case No. CU-215

Dear Mr. Ricketts:

Enclosed is a notice for public hearing which I would like to have published one time on the earliest possible date.

I would appreciate a copy of the Daily Reporter in which this notice will appear.

Sincerely,

G. Lynn Shirkey  
Junior Planner

GLS:el  
Enclosure

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

CU-215

Block 5  
R-7-A  
23-29-1E

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.

WEST  
R

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 GLADYS CHURCH

ADDRESS 4005 E. 95th ST South, Wichita KS 67236 PHONE 788-1205

AGENT TED E. CHURCH

ADDRESS 9714 S. BLUFF, Wichita KS 67216 PHONE 788-4418

B. APPLICANT TED E. CHURCH

D ADDRESS 9714 S. BLUFF, Wichita KS 67216 PHONE 788-4418

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

C. APPLICANT KATHLEEN HUGHES

ADDRESS 232 E. Villa Rita, La Habra Calif. 90631 PHONE 691-3420<sup>213-</sup>

AGENT TED E. CHURCH

D ADDRESS 9714 S. BLUFF, Wichita KS 67216 PHONE 788-4418

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

II. The applicant proposes to establish a SAND EXTRACTION

PLANT Operation (use)

on property legally described as Lot(s) \_\_\_\_\_

\_\_\_\_\_, Block(s) \_\_\_\_\_ of the \_\_\_\_\_

\_\_\_\_\_ Addition.

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

N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SECTION 23, TOWNSHIP 29 SOUTH RANGE 1 EAST  
of SIXTH PRINCIPAL MERIDIAN, IN SEDGWICK COUNTY, KANSAS

I I I. THIS PROPERTY IS LOCATED AT (ADDRESS) 4005 EAST 75th ST South

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE SOUTH EAST CORNER OF 95th STREET SQ. AND

BLUFF, OR

B. ON THE \_\_\_\_\_ SIDE OF \_\_\_\_\_ (AVENUE)

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:

For the extraction of sand for sale

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 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.

Kathleen Hughes KATHLEEN HUGHES

BY \_\_\_\_\_ BY Sted E. Church  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

Sted E. Church \_\_\_\_\_  
BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY Sted E. Church BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at 11:30  
(AM) (PM) on January 31, 1979 (day, month, year). It has been checked  
and found to be complete and accompanied by required documents and  
the appropriate fee of \$ 70.<sup>00</sup>.

J. Lynn Shirley Name  
J. Planner Title

OWNERSHIP LIST

Tract

Property Owner

The North half of the NE $\frac{1}{4}$  except the West 660 feet of the South 153 feet, and the East 33 feet of the North half of the NW $\frac{1}{4}$  except the South 153 feet, and except a tract beginning at a point 400 feet North of the SW corner of said North half of NE $\frac{1}{4}$ , thence East parallel with South line of said North half of NE $\frac{1}{4}$  for 257.4 feet, thence North parallel with west line of said NE $\frac{1}{4}$ , 150 feet, thence West parallel with south line of said North half of NE $\frac{1}{4}$  for 290.4 feet to a point 33 feet West of West line of said NE $\frac{1}{4}$ , thence South parallel with West line of said NE $\frac{1}{4}$  for 150 feet, and thence East 33 feet to point of beginning, all in Section 23-29-1E

Ted E. Church and  
Kathleen Hughes  
9517 South Bluff Street

67036

136

67036 is Danville, Ks.

Verified changes  
with Wanda Herman  
2-5-79. Edie

The East 33 feet of the South 153 feet of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , and the south one-half of the NE $\frac{1}{4}$ , the South 153 feet of the West 660 feet of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and one acre 33 feet wide lying along the east side of the south half of the NW $\frac{1}{4}$ , all in Section 23-29-1E

Ted E. Church and  
Venita L. Church  
9517 South Bluff

67036

2

Beginning at a point 80 rods North of the center of Section 23-29-1E, thence West 18 rods, thence South 20 rods, thence East 18 rods, thence North to the point of beginning, except the East 33 feet thereof.

Gerald W. Bachman and  
Norma Bachman  
9801 South Bluff  
Mulvane, Kansas 67110

The South half of the NW $\frac{1}{4}$  of Section 23-29-1E except above described tract conveyed to Gerald W. Bachman and Norma Bachman

Lawrence L. Bachman  
9400 South Hillside 67033

2

George E. Bachman  
9804 South Hillside 67033

2

Beginning 400 feet North of the SW corner of the North half of the NE $\frac{1}{4}$  of Section 23-29-1E thence East parallel with the South line of the north half of said NE $\frac{1}{4}$ , a distance of 257.4 feet; thence North parallel with the West line of said NE $\frac{1}{4}$  150 feet; thence West parallel with the south line of the North one-half of said NE $\frac{1}{4}$  a distance of 290.4 feet to a point 33 feet West of West line of said NE $\frac{1}{4}$ ; thence south parallel with the West line of the NE $\frac{1}{4}$  150 feet; thence East 33 feet to point of beginning

Ted E. Church and  
Venita L. Church  
9517 South Bluff 67036

2

East 927.5 feet of the north half of the NW $\frac{1}{4}$  except the East 73 feet, all in Section 23-29-1E

Naomi Wardrip  
Address Unknown

Tract

Property Owner

The North half of the NW $\frac{1}{4}$  of Section 23-29-1E except the West 879.5 feet and East 927.5 feet

Ted E. Church and  
Venita L. Church  
9517 South Bluff St.  
67036

Lot 1, except the Santa Fe Railroad row, and the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  lying West of the Santa FE Railroad row of Section 24-29-1E

Clarence K. Cherry and  
Doris L. Cherry  
9715 South 63rd St. East  
Derby, Kansas 67037

Govt. Lot 4 in the NW $\frac{1}{4}$  of Section 24-29-1E

Charles W. Glaser and  
Naomi F. Glaser  
9414 South Bluff 67036

All that part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and lot 2, lying west of Spring Creek; all that part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and Lot 2 lying east of Spring Creek; and a part of Lot 3 described as follows: Beginning at the SW corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and running thence south to the Arkansas River; thence with the meanderings up said river to the half section line running east and west through said section; thence east to the place of beginning, all in Section 24-29-1E

Richards Diversified  
Investment, Inc.  
1343 Gardner 67208

Lot 1 except Santa Fe railroad row,  
Section 24-29-1E

Laura M. Bunyan and  
Kenneth C. Cherry  
R.F.D. #1, Mulvane, Kansas  
67110

Govt. Lots 6, 7 and 8, Section 13-29-1E

Charles W. Glaser and  
Naomi F. Glaser  
9414 South Bluff 67036

The South 130 Acres of the SE $\frac{1}{4}$  of Section 14-29-1E, except that portion conveyed to El Paso Water Company, Inc., deed 1034, page 175

Paul Fred Glaser and  
Emma A. Glaser  
9500 South Bluff 67036

Beginning at a point 4,296 feet south of the quarter section corner common to Sections 11 and 14, Township 29 South of Range 1 East, which point is 1,138 feet south of the property line between Albert Glaser and Paul Fred Glaser, thence North 100 feet, thence East 215 feet, thence South 100 feet, thence west 215 feet to the pob, Being Tract No. 1; Tract No. 2, Beginning at a point 3,752 feet south of the quarter section corner common to Section 11 and 14, Township 29 South of Range 1 East, which point is 594 feet south of the property line between Albert Glaser and Paul Fred Glaser, thence north 100 feet, thence east 215 feet, thence south 100 feet, thence west 215 feet to the pob.; and Tract No. 3, Beginning at a point 5,144 feet south of the quarter section corner common to Section 11 and 14, Township 29 South of Range 1 East, which point is 1986 feet south of the property line between Albert Glaser and Paul Fred Glaser, thence North 100 feet, thence East 215 feet, thence South 100 feet, thence West 215 feet to the pob.

El Paso Water Co., Inc.  
215 N. Baltimore  
Derby, Kansas 67037

Tract

A tract in the SE $\frac{1}{4}$  of Section 14-29-1E described as beginning 2483.2 feet south of the NW corner of said SE $\frac{1}{4}$ , said point being 1986 feet south of a stone that marks the SW corner of a 30 acre tract surveyed by W. R. Kessler, County Surveyor March 3, 1895; thence East parallel with the south line of said 30 acre tract 267 feet; thence south 189.7 feet more or less to the south line of said SE $\frac{1}{4}$ ; thence west 267 feet to the SW corner of said SE $\frac{1}{4}$ ; thence North 189.5 feet more or less to beg.

The South half of the SW $\frac{1}{4}$  of Section 14-29-1E

Property Owner

✓ Paul F. Glaser, Jr. and  
Delores G. Glaser  
9500 South Bluff 67036  
✓

✓ Laurence L. Bachman and  
Evelyn G. Bachman  
9400 South Hillside  
67033  
✓

We hereby certify the foregoing to be a true and correct list of the property owners of:

*OK for legal*

A 1000 foot radius of: [the north half of the NE $\frac{1}{4}$  of Section 23, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 9th day of January, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC. 267-8371

By

*Mary Kable*

Vice President

Order No. 272694  
wh

*Wanda Herrmann  
267-8371  
verify zip:  
change 67036 to 67236  
67033 to 67233  
+*

## Hold Sand Pit Extraction Hearing

A public hearing was held by the Derby City Planning Commission last night on a proposed sand pit extraction operation.

Cloyd Church, proposed operator of the sand pit, said the 80 acre tract located at 95th Street South and South Bluff would eventually be used as a recreation lake.

Mike Meek, Metropolitan Area Planning Department representative, said the Mulvane Planning Commission had already heard the case, and had agreed to go with the recommendation made by Derby in this meeting.

Several residents in the general area of the proposed operation were heard on the subject. Their main concern appeared to be the dust level in the area, and the fence required by MAPD. They had understood the fence would have to be placed on the south property line where a wind break of trees now stand. They did not want the trees removed due to erosion factors.

Meek assured them the trees did not have to be moved as the fence could be placed within the boundary rather than on the line.

Church said the operation would open no more than one to two acres per year, and the remainder of the area would be under cultivation. Currently wheat is planted in the area.

Another concern of the residents was the roadway the trucks would be using. They felt the heavy truck usage would cause the road, which is sand and gravel now, to deteriorate more rapidly.

Church said the operation would have a maximum of 40 trucks entering and leaving the area on a daily basis, but usually 10 to 20 would be a closer estimate.

L. O. Payne, commissioner, made a motion to recommend approval of the sand pit extraction operation subject to all conditions of the MAPD being met, and exemption of the fence requirement. The motion also included the trees at the south end of the

property which provide the windbreak be left as they are.

The motion was approved with all members voting aye.

Oakwood Valley Estates' preliminary plat was once again brought before the commission by Jim Minson, developer.

The city planners have previously reviewed the plat in sub-division meetings, and heard public input on the proposed development which is located north of 87th Street South and East of Derby's present city limits.

Last night Minson said the flood control agency had suggested an elevated roadway along the proposed Oakwood Valley Road within the development. They would then be required to fill part of the area between the roadway to the edge of the flood plane in order to permit proper drainage. Minson said the plat had been revised to include this elevated roadway.

Minson said they wanted to develop the property to the creek keeping the property in the hands of the owner's along the creek. They do not want to dedicate this area to the city for use as a park.

He stated the developers are now asking to be annexed to the city rather than build the development as a part of the county as previously proposed.

Dave Mize, developer, said they had included in the new revised preliminary plat an access to the development along Kay Street. He said while a bridge is not a part of the plat, the road would probably be opened when residents move into the area. This would meet the USD260 Board of Education requirement a bridge or walkway be provided across the creek for the residents.

The commission asked if the developers had considered making a creek-side drive along Spring Creek rather than developing up to the Creek's edge. Minson said they had thought about it, but since they had paid a premium for the land to be used as creek lots, he felt they

would have to develop it as planned.

The preliminary plat will again be mailed to concerned parties due to the revisions made at the request of the sub-division committee, and it will again be on the agenda for consideration in late March.

The only action taken last night was to accept the general concept of the plat. This was not a final action by the commission however.

See PLANNERS Page 3

Referral From Wichita-Sedgwick County Metropolitan Area Planning Commission  
To Mulvane City Planning Commission.

Case No. CU-215 To Be Heard By The M.A.P.C. on March 1, 1979

Request For Conditional Use Permit

Reason For Request (As Provided By Petitioner):  
"For the extraction of sand for sale."

Location of Property: Southeast corner of 97th Street South and Bluff.

Legal Description Of Property:

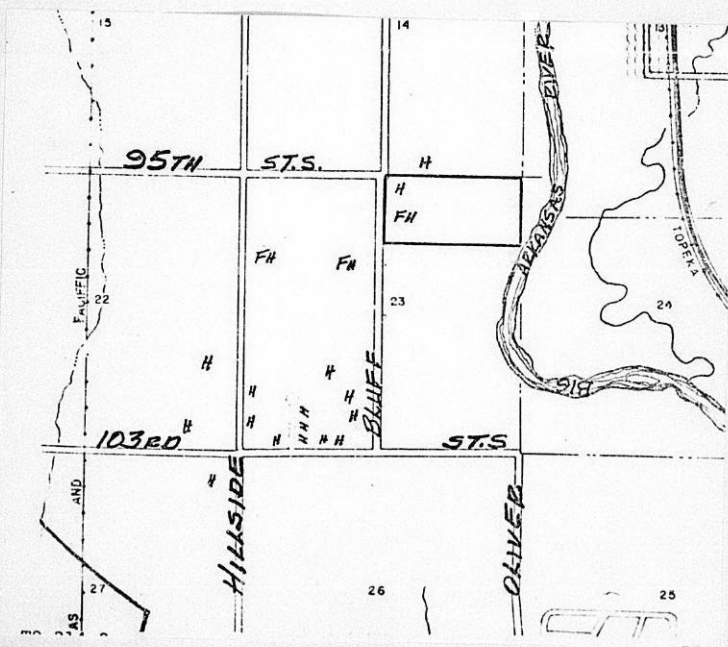
The north half of the NE $\frac{1}{4}$  of Section 23, Township 29  
South, Range 1 East of the 6th P.M., Sedgwick County,  
Kansas.

APPLICANT: Gladys Church, et al  
Address: 4005 E. 95th St. South, Wichita, Ks.

AGENT FOR APPLICANT: Ted E. Church, 9714 S. Bluff, Wichita, Ks.

Surrounding Land Use:

North, single family and undeveloped; East, Arkansas River; South,  
Arkansas River and undeveloped; West, undeveloped.



Recommendation Or Comments By M. C. P. C.:

FORM 2 21

PAYMENT NOTICE  
City of Wichita

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

DESCRIPTION	AMOUNT
	7 -

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_  
COMMENTS \_\_\_\_\_  
DATE 1/21/71 BY \_\_\_\_\_

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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