

CU-252 - Conditional Use Permit  
to Establish a Sand Extraction  
Operation on property zoned "R"  
Rural Residential District. Generally  
located at the northeast

2-2-82

# ACTION

DATE

COMMITTEE

M.A.P.C.	<i>Approved with conditions</i>	<i>2-25-82</i>
B.C.C./B. CO. C.	<i>Refer to Council</i>	<i>3-24-82</i>
	<i>14th</i>	
Bd of Com	<i>Denial</i>	<i>4-14-82</i>

Map No. 4954C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(~~FORM 100~~ CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 252  
Filed 2-2-82

ASSOCIATED CASE: \_\_\_\_\_

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

1. Applicant: Cranmer Grass Farms, Inc.  
Address 2501 N. Maize Rd., Wichita 67205 Phone 722-7230
2. Agent: L. A. Knebler  
Address R.R. #1, Augusta, Ks. 67010 Phone 775-2205
3. General Location: Northeast corner of 53rd St North & Tyler Road
4. Proposed Use: To establish a sand extraction operation on property zoned "R", Rural Residential District.

AREA DATA:

1. Acres: 61.0 ( 1320 ft. by 2640 ft.)
2. Adjoining Zoning: E "R" S "R" W NONE N "R"
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ North \_\_\_\_\_
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: \_\_\_\_\_
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_
2. MAPC Meeting:

Date	Action
2-25-82	Approved subject conditions

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

Date	Action	Resolution
3-24-82	Refer to April 14, 1982	
4-14-82	Denial	

NOTES:

Mailed 5 protest Petition to Darryl Balyard, 7918 W 52nd N. 67205  
on 2/17/82

Map No. 4954C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(~~XXXXXX~~ CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 252  
Filed 2-2-82

ASSOCIATED CASE: \_\_\_\_\_

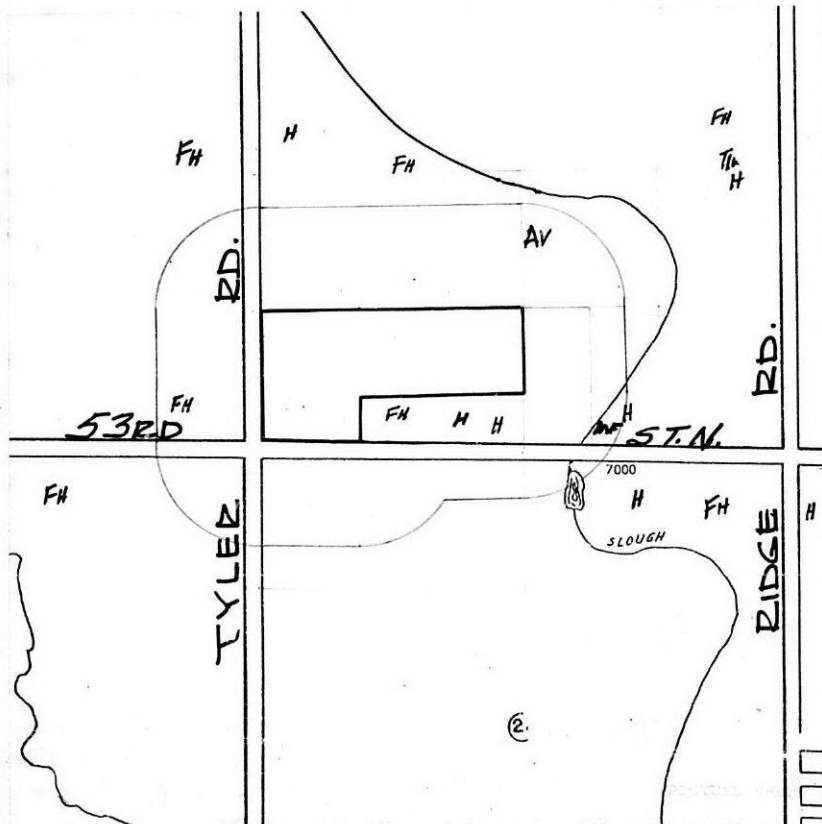
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2. Adjoining Zoning: E "R" S "R" W NONE N "R"
3. Land Use: East UNDEVELOPED South FARM HOUSE & SINGLE FARM  
West UNDEVELOPED North FARM HOUSE & SHEEP PROCESSING PLANT
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted. \_\_\_\_\_

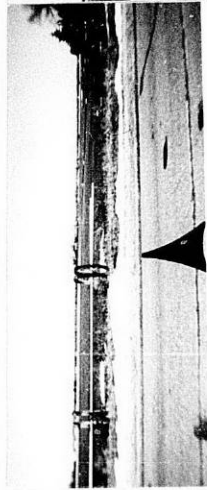
PHOTO DATA: D Date 2-19-82 Time 11:30  
Taken by \_\_\_\_\_



CU 252 - Pictures Slant



1



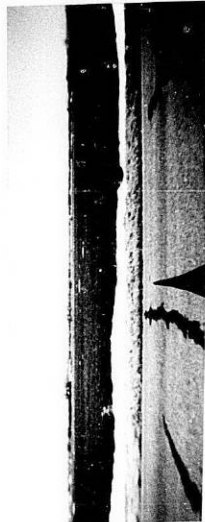
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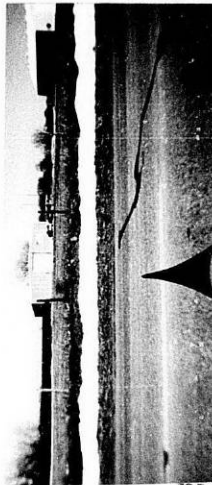
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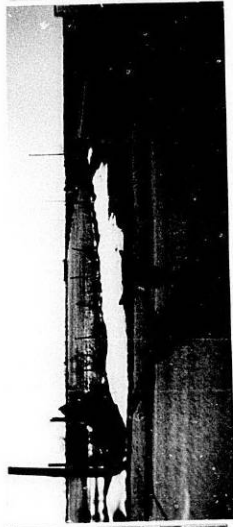


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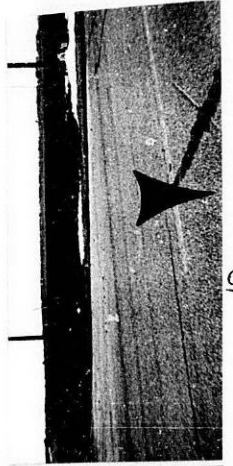
WASHINGTON  
LOS ANGELES CHICAGO LOHAIN, ON  
MCGREGOR, TAIACOUNT GROVE, CA  
USA



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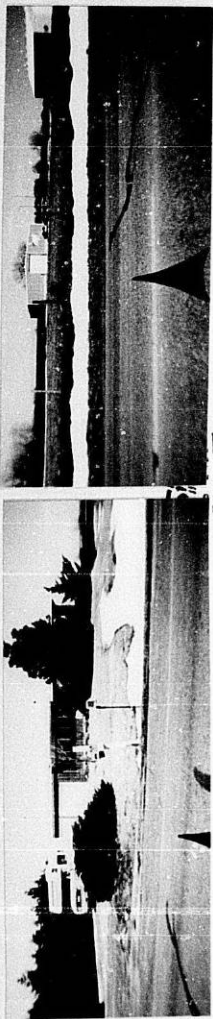
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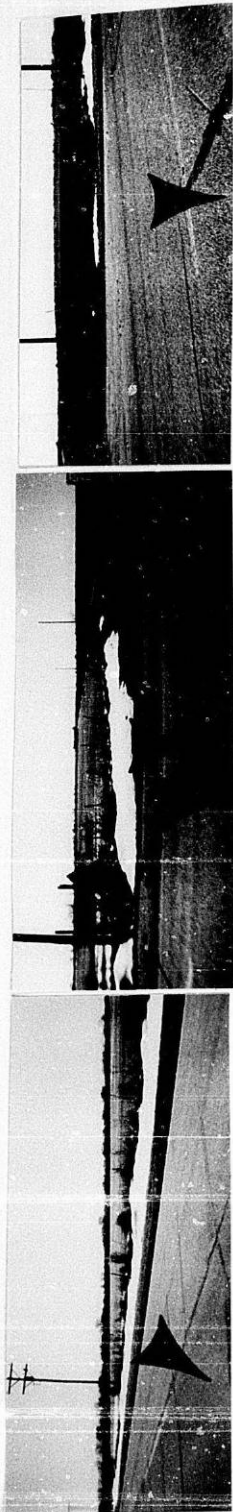
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AV

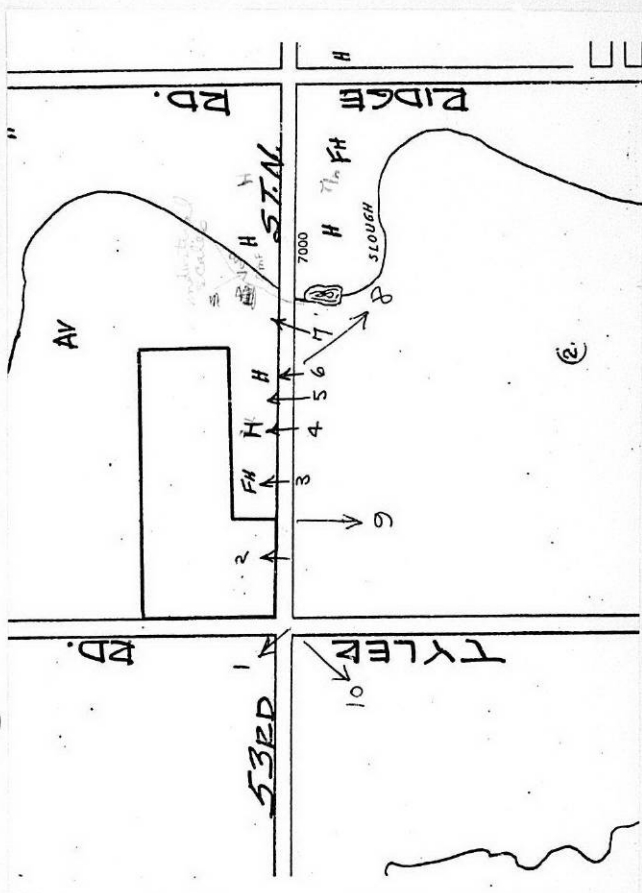


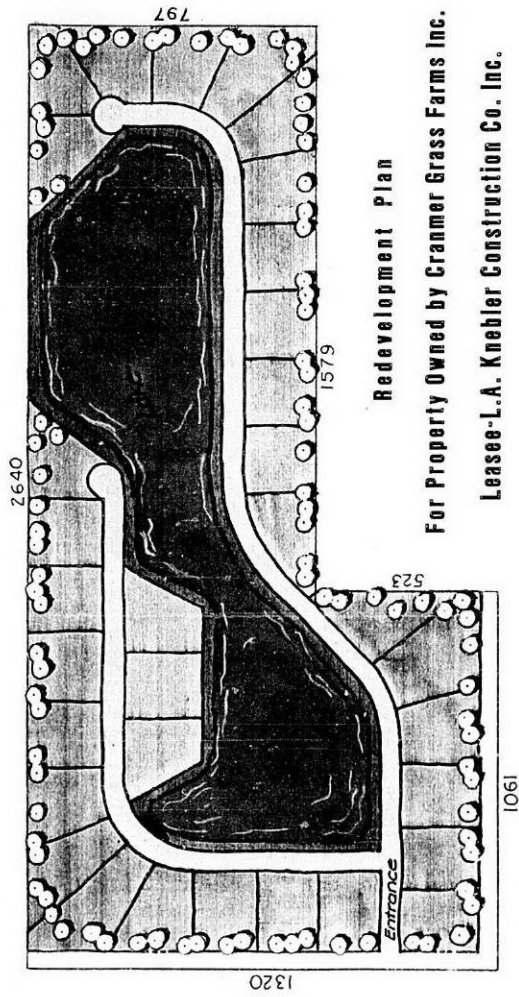
6

APARTMENTS ON  
LOS FUELOS BLVD. MORGAN CH  
INGRESSOR, PALO ALTO, CALIF. CA  
U.S.A.



8





Tyler Road

**Redevelopment Plan**

**For Property Owned by Cranmer Grass Farms Inc.**

**Leasee - L.A. Knabler Construction Co. Inc.**

53<sup>rd</sup> St. North

*This sketch shows future proposed Redevelopment on the Site of the proposed sand extraction operations. 33 Lots ~ 40,000 sq. ft. Min. ( This sketch is provided by the Developer )*

SW 1/4 of Sec. 16, Twp. 26  
R. 9, J. W., Segwick Co.

SCALE 1" = 300'

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

NOTICE TO ADJOINING PROPERTY OWNERS:

February 11, 1982

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on February 25, 1982 which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-252

Conditional Use Permit to Establish  
a Sand Extraction Operation  
on Property Zoned "R" Rural Residential District

The south half of the southwest quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 523 feet of the east 1579 feet thereof. Generally located at the northeast corner of 53rd Street North and Tyler Road.

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

Summary Description of County Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District  
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District  
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District  
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District  
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District  
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts  
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.

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A. TOTAL AREA 13,376,080 SQ. FT.  
B. APPLICATION AREA 2,591,033 "  
C. STREET R/W 162,080 "  
D. NET AREA 10,622,687 "  
E. 20% OF NET AREA 2,124,573 "  
F. NET PROTEST AREA 7,162,497 "  
G. TOTAL % PROTESTING 67.42 %

CU-252

3. General Location: Northeast corner of 53rd St. North & Tyler Road.

4. Proposed Use: To establish a sand extraction operation on property zoned "R", Rural Residential District.

AREA DATA:

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2. Adjoining Zoning: E "R" S "R" W NONE N "R"

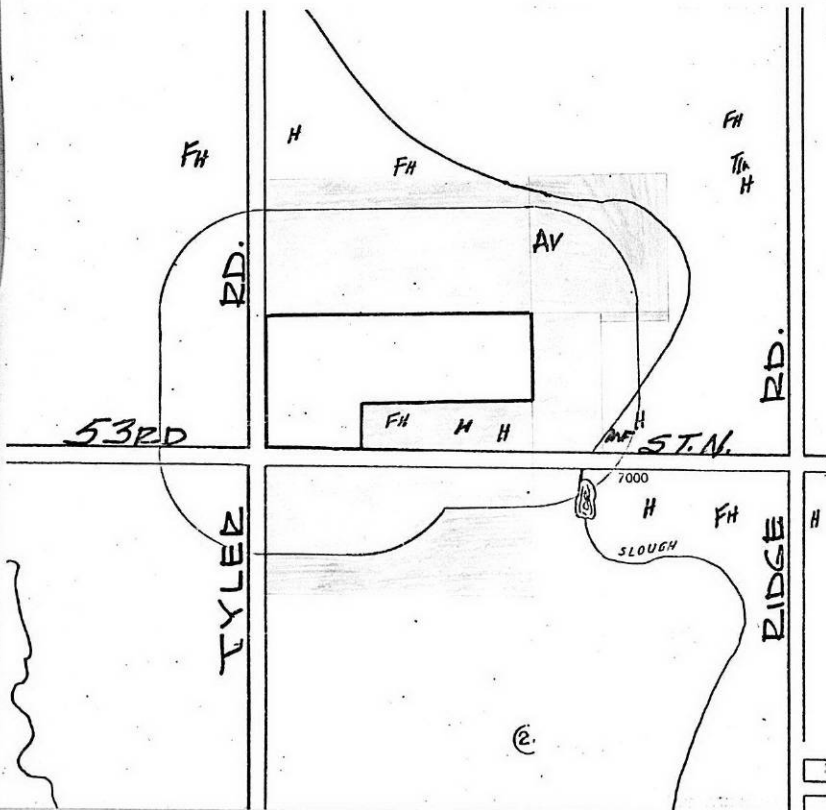
3. Land Use: East UNDEVELOPED South FARM HOUSE & SINKHOLE  
West UNDEVELOPED North FARM HOUSE & SHEEP PENS

4. Sketch Plan Land Use is for: \_\_\_\_\_

5. Present Land Use is for: UNDEVELOPED

6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA: Taken by D Date 2-19-82 Time 11:30



March 17, 1982

Mr. Jack H. Galbraith, Chief Planner  
Tenth Floor  
Wichita City Hall  
455 North Main Street  
Wichita, KS 67202

RECEIVED

MAR 18 1982

METROPOLITAN PLANNING  
ROUTE

Dear Mr. Galbraith:

Pursuant to our earlier conversations concerning case CU-252, Cranmer Provisional Use Permit, I am enclosing a map of the general area, with locations of existing pits noted, and a list of revisions that we, as area residents, would like to see imposed if we cannot prevail on the Commissioners to veto the permit entirely.

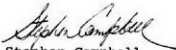
The map shows the general location and close proximity of ten (10) pits operating in the area, hoping to dispel the thought that a shortage of sand and gravel exists for Wichita needs. As a matter of fact we strongly suspect that Knebler Construction, the proposed developers of the site, would truck the majority of the sand to Augusta rather than use it to Wichita benefit.

The amended list of conditions enclosed does not concede that we want or will tolerate a sand extraction operation on the Cranmer property, but is offered only as the barest minimum of safeguards we feel are necessary to protect the public interest. Since acquiring the 61 acres involved Mr. Cranmer has repeatedly show bad faith and no regard for property bordering his and we feel that any good faith assumptions about the use permit are misguided.

Mr. Galbraith, as you know all of the area residents are opposed to the passage of CU-252 permit, I hope that you will see your way clear to at least change your list of conditions to passage to offer some additional safeguards for the protection of adjoining properties.

Thank you.

Sincerely

  
Stephen Campbell  
8230 W. 53rd N.  
Wichita, KS 67205

cc. Jack Spratt, Don Gragg, Tom Scott

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4561

February 26, 1982

Al Reiss, Engineer  
Reiss & Goodness, Engineers  
2160 West 21st Street  
Wichita, Kansas

Re: CU-252 - Conditional Use  
Permit to establish a sand  
extraction operation - north-  
east corner of 53rd Street  
North & Tyler Road

Dear Mr. Reiss:

At its regular meeting of February 25, 1982, 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 the following conditions:

B. No stockpiling of sand or storage of equipment shall occur within 200 feet of any property line or of any public right-of-way. All stockpiling of sand to be done along Tyler Road to a height no greater than 25 feet.

Operations shall be 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 as determined by the City-County Health Department.
- 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.

WICHITA - SEDGWICK COUNTY



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COMMISSION

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At its regular meeting of February 25, 1982, 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 the following conditions:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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.

J. A minimum 72-inch fence shall be constructed.....

- 1. To exclude use of chain link fence or other than solid material.
- 2. A 60-inch or higher.....
- 3. A 60-inch or higher.....

three or more strands of barbed wire.

- K. 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 150 degrees facing away from the excavation.
- L. 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.

- 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.
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  - 1. A 48-inch or higher chain link fence with three or more strands of barbed wire; or
  - 2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - 3. A 48-inch 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.
- K. The term "barbed wire" shall mean any twisted wire with harbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 150 degrees facing away from the excavation.
- L. 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.

- M. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.

O. ...types and sizes of plant materials with a minimum height of 48" in adequate density to provide visual, wind and noise protection for adjoining properties,...

... first planting season before the extraction operation commences...

(NEW SENTENCE) All grass cover to be mowed at least three (3) times per year.

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

Q. Violation of conditions of approval shall render the conditional use permit null and void with the property to be restored to original condition and grade within one year after operations cease.

the well no longer being used for all-govern... with conditions "h" and "o" must be completed prior to the publication of the Resolution of approval and of course prior to the commencing of the operation. The sample covenant associated with item H is attached.

Subject case will be forwarded on to the Board of County Commission for consideration at their regular meeting at 9:00 a.m., on Wednesday, March 24, 1982, in Room 320, Sedgwick County Courthouse.

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

- M. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.
- R. The approval of this Conditional Use is for a period not to exceed five years from the date of approval by the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

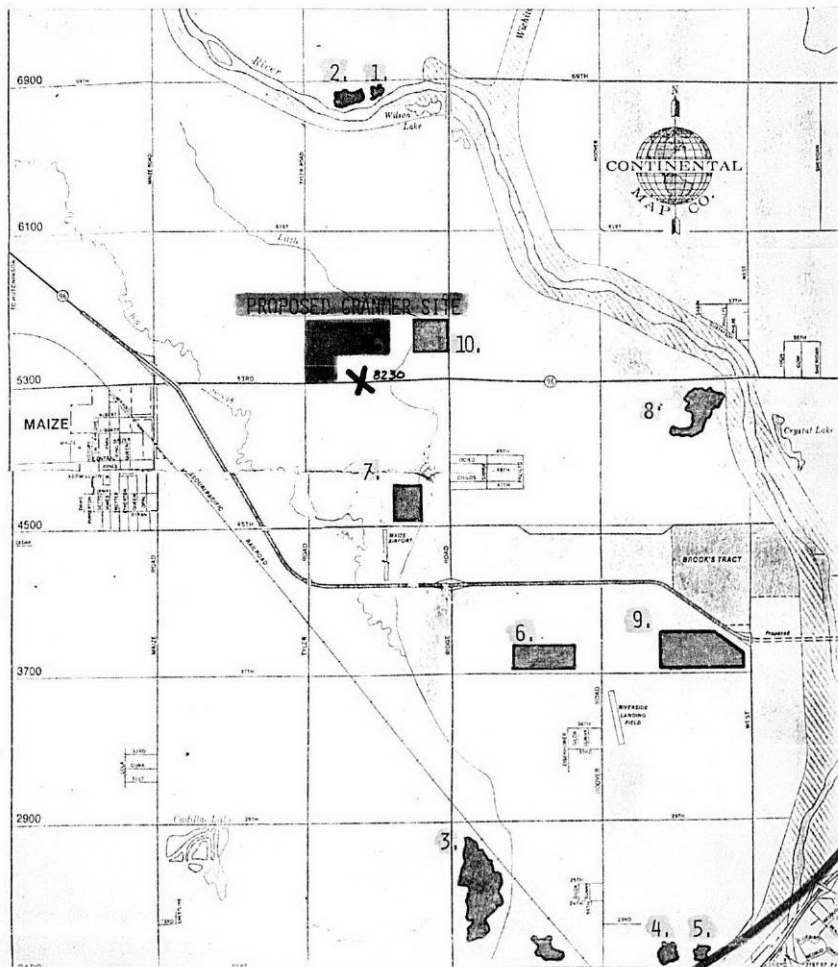
Regarding condition "A" above, we will furnish the appropriate dedication forms after you have determined from the County Engineer how he feels is best to handle the area where the well is. I would suggest an outright dedication for all of the area, except for a small described area where the well is located. That area could be dedicated contingently upon the well no longer being used for irrigation purposes. This item along with conditions "H" and "O" must be completed prior to the publication of the Resolution of approval and of course prior to the commencing of the operation. The sample covenant associated with item H is attached.

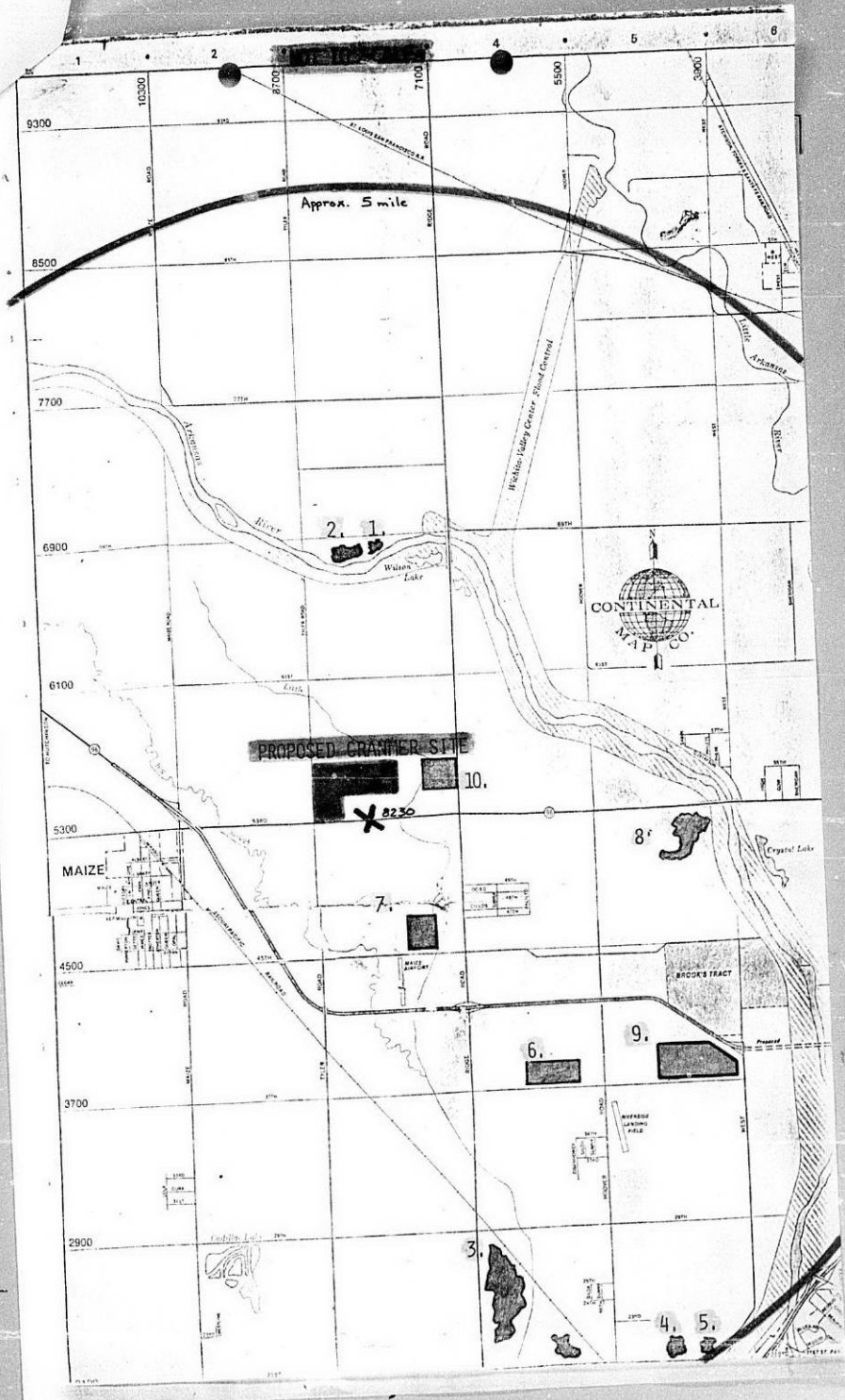
Subject case will be forwarded on to the Board of County Commission for consideration at their regular meeting at 9:00 a.m., on Wednesday, March 24, 1982, in Room 320, Sedgwick County Courthouse.

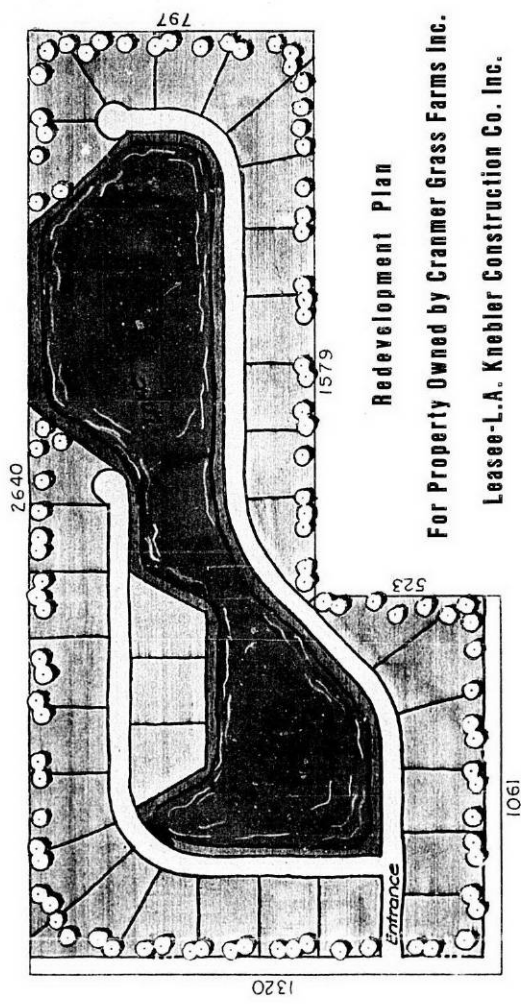
If you have any questions concerning this matter, please call our office.

SITES AS LISTED

1. MCGINTHY'S SAND COMPANY
2. KNERLER CONSTRUCTION OF AUGUSTA
3. RITCHIE SAND
4. BIG RIVER SAND COMPANY
5. UNKNOWN ACTICE PIT
6. ASSOCIATED MATERIAL AND SUPPLY
7. KEELER CONSTRUCTION
8. ASSOCIATED MATERIAL AND SUPPLY
9. RITCHIE, NEW SITE
10. RITCHIE SAND







Tyler Road

**Redevelopment Plan**  
**For Property Owned by Cranmer Grass Farms Inc.**  
**Leasee-L.A. Knebler Construction Co. Inc.**

53<sup>rd</sup> St. North

*This sketch shows future proposed Redevelopment on the Site  
of the proposed sand extraction operations. 33 Lots ~ 40,000 sq. ft. Min.  
( This Sketch is Provided by the Developer )*

SW 1/4 of Sec. 16, Twp. 26  
R. 9.1 W, Segwick Co.  
SCALE 1" = 300'

March 25, 1982

Al Reiss, Engineer  
Reiss & Goodness, Engineers  
2160 West 21st Street  
Wichita, Kansas 67203

Re: CU-252 - Conditional Use Permit  
to Establish a Sand Extraction  
Operation. At the northeast  
corner of 53rd Street North and  
Tyler Road.

Dear Mr. Reiss:

The Board of County Commissioners at their regular meeting of March 24, 1982, considered the above captioned case. Inasmuch as a favorable vote of all three Commissioners is needed to approve the case, and since one of the Commissioners was not present, their action was to defer this case to their meeting of April 14, 1982, in anticipation that a full commission will be in attendance. Their meeting begins at 9 a.m. in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

If you have any questions, please contact me.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el

cc: David Cranmer, Cranmer Grass Farms, Inc. 2501 N. Maize Rd., 67205  
L.A. Knebler, R.R.#1, Augusta, Ks. 67010  
Gary D. Galyardt, 7918 W. 53rd St. North, Wichita 67205  
Mary E. Galyardt, 8530 W. 53rd St. North, Wichita 67205  
Glenn A. Collins, 7818 W. 53rd St. North, Wichita 67205  
Stephen Campbell, 8230 W. 53rd St. North, Wichita 67205

March 19, 1982

Al Reiss, Engineer  
Reiss & Goodness, Engineers  
2160 West 21st Street  
Wichita, Kansas 67203

Re: CU-252 - Conditional Use Permit  
to establish a sand extraction  
operation - Northeast corner of  
53rd St. North & Tyler Road.

Dear Al:

Wanted you to have a copy of this letter to me and the Board  
of County Commissioners. Your client may want to review the  
change of conditions that they are substituting.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el

Enclosures

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-252

CONSIDERED BY MAPC: 2-25-82

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To establish a sand extraction operation."

GENERAL LOCATION: Northeast corner of 53rd Street North and Tyler Road.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of  
February 25, 1982)

APPLICANT: Cranmer Grass Farms, Inc., 2501 N. Maize Rd.

AGENT FOR APPLICANT: Al Reiss, Engineer, Reiss & Goodness Engineers,  
2160 W. 21st Street.

PROTESTORS ( LIST AGENT ) IF ANY: Gary D. Galyardt, 7918 W. 53rd St. No.;  
Stephen Campbell, 8230 W. 53rd St. No.; Glenn Collins, 7818 W. 53rd St.No.;  
Mary Galyardt, 8530 W. 53rd St. No.

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

LAND USE: Existing, North, East and West, Agriculture; South, Single-  
family and farm house.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the conditions as shown in  
the excerpt from Planning Commission minutes of February 25, 1982.  
Bayouth moved, Gardner seconded and it carried with a vote of 6 in  
favor (Bayouth, Gardner, Chisholm, Hansen, Jones and Goebel) and 2 opposed  
(Cazel and Lofton). Martens and Wilson were absent.

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

ACTION: 1. Concur with the findings of fact of the Metropolitan Area  
Planning Commission, approve the application subject to the recommended  
conditions and adopt a resolution establishing the conditional use; or  
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 25, 1982

- 5a. Case No. CU-252 - Cranmer Grass Farms, Inc. requests Conditional Use Permit for the south half of the south-west quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 523 feet of the east 1579 feet thereof. Generally located at the northeast corner of 53rd Street North and Tyler Road.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a sand extraction operation on approximately 61 acres of land zoned "R" Rural Residential located at the northeast corner of 53rd Street North and Tyler Road.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, fencing and perimeter landscaping. The plan also indicates the location of the pumping operation, stockpiles, weight station, office and access road.

The applicant has also submitted a redevelopment plan which proposes 33 residential lots with a minimum of 40,000 square feet per lot once the extraction operation ceases. Subject property is zoned "R" Rural Residential which requires a minimum of 2 acres per building site and, therefore, a zone change to the "R-1" Suburban Residential classification will be required if the redevelopment as proposed is to later occur.

The Soil Conservation Service office advises that there is a high water table in this area and questions the development of housing on the site as proposed. They also advise that the landscaping indicated on the plan is needed for wind erosion and visual screening and should be required to be planted when the extraction operation commences and properly maintained.

2. Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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 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-inch or higher chain link fence with three or more strands of barbed wire; or
  - 2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - 3. A 48-inch 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.
- K. 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 150 degrees facing away from the excavation.
- L. 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.
- M. 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.

- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.

GALBRAITH pointed out that he furnished, with the staff report to the Commissioners, a letter from Larry Henry, District Conservationist for the Soil Conservation Service, in which he pointed out some concerns. GALBRAITH said that he had discussed the concerns with the applicant's engineer and felt that most of them had been resolved. Henry pointed out that he found that the soil had exceptionally fine material. The applicant is aware of that and is satisfied with the type of materials that he desires to extract. Another concern of Henry's was that in this general area there is a high water table. He was concerned that in the future if the applicant was desirous, as the plan states, to have single family sites around the lake, the high water table may prohibit the property from being able to have septic tanks. Again, the applicant's engineer has advised that the water table in this area is ten and a half feet deep and should be no problem. Henry's assumption was that the water might be as shallow as two feet. If that is the case, later on whenever plating occurs, the issue would obviously be resolved at that time. GALBRAITH said that the applicant was totally agreeable to providing a landscape plan, and planting trees prior to beginning the operation. GALBRAITH stated that the applicant's engineer pointed out one concern regarding the dedication of major street right-of-way. Apparently there is one well about 32 feet off of the center line of Tyler Road. That matter should be resolved, and a contingent dedication should take care of that matter. He said that staff recommended approval of the request subject to the conditions as shown in the staff report.

AL REISS, agent, representing the applicant, said that he agreed with Galbraith's statements. He mentioned that the water depth dimensions came from the wells that were just drilled and one well was at the northwest corner of the property. Those wells are used for irrigation purposes for the Cranmer grass farming operation.

CAZEL asked how long did the applicant intend to extract sand out of the property. REISS said that it would be in operation approximately 5 to 7 years.

CAZEL asked how long was the conditional use permit in effect. GALBRAITH said that staff had not suggested any condition that would require the applicant to cease operation in seven years. The Planning Commission, in the past, has done so when requests have been in close proximity to residential areas.

GARY D. GALYARDT, 7918 W. 53rd Street North, speaking in opposition, stated that he owned property adjoining this site, and also owned the home that was in the southeast corner of that area. His mother owns the larger farm home and has lived there for 44 years. He said that he has lived in his home since 1958. He said that he would like to protest this application on the fact that this was his home and he could not see how a sandpit or extraction plant could possibly help the value or the area around them. He said that he did know something about the water table, having lived there for so long. It does rise above ten and one-half feet in wet years. He took exception to the plan drawing that was sent to him. It showed 33 sites on lots with 44,000 square feet, which is in violation of the County code for any septic system. He questioned the validity of the plan other than the fact that it was a very nice picture. That many homes could not possibly be put on that site under the code that is in effect now.

CAZEL asked if that statement was true as to the validity of the plan and code.

GALBRAITH explained that this was a site plan indicating how the applicant might try to plat and develop the property in the future. It is presently zoned "R" and lots have to be two acres, so he would need a zone change in the future to ever be able to plat to this lot size. He would probably go to the "R-1" zoning which permits acre size lots.

GALYARDT mentioned that he had protest petitions to present. GALBRAITH pointed out that they should be signed in by the County Clerk's office.

STEPHEN CAMPBELL, 8230 West 53rd Street North, owner of 5 acres south of the proposed site said that he did not feel that the assurances given by Mr. Reiss that the site would be maintained, improved or that the site would be able to be recovered for future residential uses were valid. He said that the applicant has not exhibited any good faith in the year and a half that he has owned the property. He has done very little improvement. CAMPBELL said that he did not see where a sandpit at this time was really necessary. He pointed out that there are two sandpits in the area now and he did not feel that the applicant would be able to compete any more cheaper in price or offer anything more in the way of sand. He said that because of the nature of this proposed use the neighbors have no assurance that the entire 61 acres would not be a 61 acre hole. He said that he did not know what plans the applicant has made for future roads in the area. Tyler was the only access road that he would have off of 53rd Street. Tyler was now an unimproved County road consisting solely of gravel, and he did not think that Tyler would hold up any length of time with large gravel trucks using it on a regular basis.

HANSEN asked if the fencing or landscaping would have to be up before the sandpit begins operation.

GALBRAITH said that the fence has to be installed prior to creating the body of water. The landscaping condition is worded in such a fashion that it is planted in the first planting season. It is ideal if they plant before they begin excavation.

LOFTON asked how far was the nearest houses. GALBRAITH pointed out their location on the map.

CAMPBELL commented that he lived 200 feet from the applicant's property. Even with the assurance that there will be some setback, that does not nullify the fact that he does not want a 40-acre hole in his back yard. If the applicant had a definite plan that said that he would come in within five years and build homes, in such a way that they would be an attribute to the area, maybe he could see it a little differently. He felt that the applicant's plans were a little too sketchy. This could be a sandpit for 50 years.

CAZEL asked where was the nearest development. GALBRAITH said that there had not been any recent plats in the area.

CAZEL said that his problem was the development has a lot of catching up to do.

GALBRAITH commented that this was a small enough site that it may be reasonable to place a limitation on the maximum number of years that they can operate the sandpit.

CAMPBELL stated that there was some very recent construction on Ridge Road, about three-fourths mile from this site. Two lots have been sold recently for single family residences. There is some development and there is some interest in that area. He pointed out that northwest was the only way Wichita could grow and stay within Sedgwick County boundaries.

BAYOUTH said that over the years he has watched several sandpits being extracted and redeveloped and they were an asset to the community.

GLENN COLLINS, 7818 West 53rd North, speaking in opposition, stated that 100 percent of the neighbors are very dissatisfied with the applicant's operation to date. He said that he felt confident that this will be a public hazard as well as local residential hazard. He has been putting up with one hell hole that adjoins them on the east. He said that the only access that the applicant would have would be off of Tyler, because he definitely would not give them access.

MARY GALYARDT, 8530 West 53rd Street North, speaking in opposition, stated that the sandpit operation would have an effect on her property. She said that she had lived on this property for 44 years and it has been a quiet, peaceful community.

REISS said that the developer of this operation would be Knebler Construction Company from Augusta.

DAVID CRANMER, applicant, stated that since 1966 he has spent one million dollars on different parcels of land in the west end of Wichita. He would challenge anybody to drive by any one of his places and say that it is not far superior to what it was when he bought the property. The ground is worth some money, and they have no intentions of going in and leaving a mudhole as the people might fear.

GARDNER asked if Mr. Cranmer would retain ownership of the property under the conditional use permit or would he be selling it.

CRANMER said that he would retain the ownership. GARDNER asked Mr. Cranmer if he had any idea how long he would be operating the sandpit. CRANMER felt that it would be 5 to 7 years.

GARDNER asked if there was any kind of arrangement that he would agree to that would establish a time that the operation would not continue beyond. CRANMER said that he would insist that the operation be pumped in such a manner that if it become a long drawn out affair, it could be terminated.

GARY GALYARDT took exception to Cranmer's statement that he had improved this particular area. He said that he has lived there for many years and until one year ago it was one big, nice wheat field. There were no weeds, no blowing dirt, no problems with any of the neighbors, and no well problems. When Cranmer came in, he immediately leveled the ground and there was dirt blowing from every direction. Cranmer tried to have a grass stand that did not work and that is why he is trying to dig a sandpit. Beautification has nothing to do with this, it is called money. GALYARDT said that he did not blame the applicant for wanting to make a living, but he did not want him to make it at his expense. He said that they wanted to live in a quiet neighborhood and object to Mr. Cranmer's beautification program.

BAYOUTH asked Cranmer if this land was suitable to grow grass. CRANMER stated that this was an excellent piece of ground and it will grow grass.

GOEBEL asked if Mr. Cranmer would consent to a lesser term than 5 to 6 years for the sand operation.

CRANMER said that he could not answer that because he just did not know what the economy would be or the demand for sand. If the Commission wanted to tie his hands and make a mudhole, by making him stop short of what he was trying to accomplish, then it certainly would be a good way to do it.

BAYOUTH asked if a ten year limit was set on this operation, and the economy was bad and it took twelve years to complete it, could the applicant come back in and renew the application.

GALBRAITH said yes, it could be done.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the agricultural character of the general area; the Rural Residential zoning surrounding this site; the agricultural uses on nearby properties; the suitability of the subject site for the excavation of sand and the recommendation of approval of staff; I move that we recommend to the County Commission that this application be approved subject to staff comments, Soil Conservation Service recommendations and a 10 year time limit on the sandpit operation. Bayouth moved. Gardner seconded.

CAZEL said that there was one sandpit in the area and did not see where they needed another one. He also did not like the ten year limitation, and he could not see any economic loss at this point. The applicant does have a grass business there now.

JONES agreed with Bayouth, about the fact that sand extraction plants have to be where the sand is. He said that the sand extraction plants that they have had in other places might have been an inconvenience at the time and might not have added to the beauty of the area at that time, but later they were some of the most expensive residential sites that have been developed. He said that he would rather see a five year limitation than a ten year limitation.

BAYOUTH said that he would amend his motion for seven years of operation of the sandpit.

LOFTON wanted to know how the neighbors felt about a time limitation of the operation.

GALYARDT said that he was a home builder himself and understands the market and the need for gravel, but to go into a residential area and disturb that entire area forever is not appropriate. It would never be changed back to where it was. He said that he opposed the creation of any pit at any time for this site.

CAMPBELL stated that the five years would only limit the amount of time that the applicant could take sand out of this hole and it would not place any time limit on redevelopment, beautification, homesites or anything else. The hole could sit there for the next 50 years.

GOEBEL said that it sounded to him like there was a bad situation in the neighborhood and that is why he would insist on a shorter limitation. The most he would vote for would be five years limitation.

AMENDED MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the agricultural character of the general area; the Rural Residential zoning surrounding this site; the agricultural uses on nearby properties; the suitability of the subject site for the excavation of sand and the recommendation of approval of staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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-inch or higher chain link fence with three or more strands of barbed wire; or
  - 2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - 3. A 48-inch 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.
- K. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four inches apart and placed at the top of the fence and gates at an angle not to exceed 150 degrees facing away from the excavation.
- L. 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.
- M. All slopes shall have vegetative covering consisting of a perennial drowth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.
- R. The approval of this Conditional Use is for a period not to exceed five years from the date of approval by the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

Bayouth moved, Gardner seconded and it carried with a vote of 6 in favor (Bayouth, Gardner, Chisholm, Hansen, Jones and Goebel) and 2 opposed (Cazel and Lofton). Martens and Wilson were absent.

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( \_\_\_\_\_ ) Published in The Wichita Eagle-Beacon on \_\_\_\_\_, 1982

RESOLUTION

CASE NO. CU-252

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND EXTRACTION OPERATION IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LAND 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 3.A.8.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 3.A.8.f and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a sand extraction operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The south half of the southwest quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 523 feet of the east 1579 feet thereof. Generally located at the northeast corner of 53rd Street North and Tyler Road.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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-inch or higher chain link fence with three or more strands of barbed wire; or
  2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  3. A 48-inch 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.
- K. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four inches apart and placed at the top of the fence and gates at an angle not to exceed 150 degrees facing away from the excavation.
- L. 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.
- M. 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.
- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.

- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.
- R. The approval of this Conditional Use is for a period not to exceed five years from the date of approval by the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

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  
Jack Spratt

\_\_\_\_\_, Chairman pro tem  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald E. Gragg

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
William D. Rustin, County Counselor

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from R to CU (for establishment of a SAND FILTRATION OPERATION in R zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Gary D. Galvardt</u> Signature	B-9. S.E. COR. S.W. 1/4 W. 130' N. 247.8' E, 130' S, 247.8' To B-9, SEC. 16-26-1W		
<u>GARY D. Galvardt</u> Typed or Printed Name			
b) <u>Theresa E. Galvardt</u> Signature			
<u>Theresa E. Galvardt</u> Typed or Printed Name			

FILED  
FEB 25 1982  
DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 23rd day of February, 1982, before me, a notary public in and for said County and State, came Gary D. Galvardt and Theresa E. Galvardt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Linda Price  
Notary Public Linda Price

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from R to CU (for establishment of a Sand Extraction Operation in R zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Gary D. Galvardt</u> Signature			<u>S. 523' E. 1579' SW 1/4 Exc. E. 230' + Exc. B-9, 1470' W. + 251' N. 194' W. 178' To B-9, + Exc. B-9, N. 523' E., + 456' S. 523' To B-9, FT. S. 247.8' + Exc W. 100' E. 430' S.E. Cor, SW. 1/4 N. 144' E. 178' S. 694' W. of S.E. Cor. SW. 1/4 W. 456' + Exc K-96 Hwy. Sec. 16-26-4W</u>
b) <u>Theresa E. Galvardt</u> Signature			
<u>Theresa E. Galvardt</u> Typed or Printed Name			

ACKNOWLEDGMENT

**FILED**

FEB 25 1982

DOROTHY K. WHITE  
COUNTY CLERK

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 23rd day of February, 1982, before me, a notary public in and for said County and State, came Gary D. Galvardt and Theresa E. Galvardt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Linda Price  
Notary Public Linda Price

My Commission expires March 7, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 252, zone change from R to C4 (for establishment of a Small Pk in R zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Trail Woodard</u> Signature	<u>NW14</u>	<u>Sec 21-26-1W</u>	
<u>FRAIL WOODARD</u> Typed or Printed Name			
b) <u>Jean F. Woodard</u> Signature			
<u>Jean F. Woodard</u> Typed or Printed Name			

**FILED**

MAR 08 1982

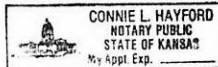
DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 8<sup>th</sup> day of March, 1982, before me, a notary public in and for said County and State, came Trail Woodard & Jean Woodard to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Connie L. Hayford  
Notary Public

My Commission expires Oct 29, 1983

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from R-1 Single Residential to CU (for establishment of a Seed Production Operation in R zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Susan S. White</u> Signature <u>Susan S. White</u> Typed or Printed Name	<u>N 1/2 SW 1/4</u>	<u>Ct 200ft</u>	<u>Sec 16-26-1W</u>
b) _____ Signature _____ Typed or Printed Name			

FILED

MAR 08 1982

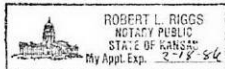
DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 8 day of March, 1982, before me, a notary public in and for said County and State, came \_\_\_\_\_ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



My Commission expires \_\_\_\_\_

2-18-84

Robert L. Riggs  
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

*Jack Schmitt*

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from Residential to Sand Extraction for establishment of a Sand extraction operation on Property in Residential zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Stephen D. Campbell</i></u> Signature	BEG 694 FT W SE COR SW1/4 W 456 FT N 523 FT S 523 FT EXC K-96 HWY. SEC 16-26-1W		
<u>STEPHEN D. CAMPBELL</u> Typed or Printed Name	ALSO KNOWN AS 8230 W. 53rd. N.		
b) <u><i>Rebecca L. Campbell</i></u> Signature			
<u>REBECCA L. CAMPBELL</u> Typed or Printed Name			

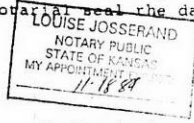
*VOID*  
*NOT LISTED IN CAMPBELL 457*  
**FILED**  
MAR 01 1982  
DOROTHY K. VINTAGE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 27th day of February, 19 82 before me, a notary public in and for said County and State, came Stephen D. Campbell and Rebecca L. Campbell to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



*Louise Josseland*  
Notary Public

My Commission expires 11-18-84

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

ATTACHMENT FOR VERIFICATION OF OWNERSHIP.

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from R to CU (for establishment of a SAND EXTRACTION PLANT in R zoning).

**FILED**

MAR 01 1982

DOROTHY K. WHITE  
COUNTY CLERK

SECTION II - Protestor(s)

<u>Name</u>	<u>Property Owned</u>
<u>Lot(s)</u> <u>Block(s)</u>	<u>Addition</u>
a) <u>Mary E. Galyardt</u> Signature	<u>beg. 1470 FT. WEST AND 251' FT.</u> <u>NORTH SE. COR. WEST 178' TO</u> <u>beg. SW 1/4 N. 144' E. 178' S.</u> <u>144 FT. SEC. 16-26-14W</u>
<u>MARY E. Galyardt</u> Typed or Printed Name	
b) _____ Signature	
_____	
Typed or Printed Name	

**FILED**

MAR 01 1982

DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas        ) ss  
County of Sedgwick    )

Be it remembered that on this 26th day of February, 1982, before me, a notary public in and for said County and State, came Mary E. Galyardt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Linda K. Paul  
Notary Public    Linda K. Paul

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

**SECTION I.**

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-252, zone change from R to CONDITIONAL USE for establishment of a SAND EXTRACTION OPERATION in R zoning).

**SECTION II - Protestor(s)**

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u><i>Dyrald D. Smith</i></u> Signature	BEG 330 FT W OF SE COR SW 1/4 SEC TO BEG SEC 16-26-1W 16W 100 FT N 247.8 FT E. 100 FT S		
	<u>DYRALD D. SMITH</u> Typed or Printed Name			
b)	<u><i>Joan E. Smith</i></u> Signature			
	<u>JOAN E. SMITH</u> Typed or Printed Name			

**FILED**

FEB 20 1982

DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 22 day of February, 1982, before me, a notary public in and for said County and State, came Dyrald D. Smith and Joan E. Smith to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



My Commission expires 4-09-83

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 252, zone change from \_\_\_\_\_ to \_\_\_\_\_ (for establishment of a Sand Extraction Operation in R zoning).

SECTION II - Protestor(s)

	<u>Name</u>	<u>Property Owned</u>
		<u>Lot(s)</u> <u>Block(s)</u> <u>Addition</u>
a)	<u><i>Glenn A. Collins</i></u>	<u>1/2 W/4 S8/4 Sec 16-26-1W</u> <u>1/2 W/4 S8/4 S8/4 + N 65ft E 1/2 S8/4 S8/4</u> <u>Sec 16-26-1W</u>
	Signature	
	<u>GLENN A. Collins</u>	
	Typed or Printed Name	
b)	_____	
	Signature	
	_____	
	Typed or Printed Name	

**FILED**  
FEB 25 1982  
DOROTHY K. WHITE  
COUNTY CLERK

ACKNOWLEDGMENT

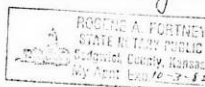
State of Kansas )  
County of Sedgwick ) ss

Be it remembered that on this 24 day of February, 1982, before me, a notary public in and for said County and State, came Glenn A. Collins to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

*Rogene A. Fortney*  
Notary Public

My Commission expires Oct 3, 1982



ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION  
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CV-252, zone change from R to CV (for establishment of a SAND EXTRACTION OPERATION in R zoning).

SECTION II - Protestor(s)

Name	Property Owned
Signature	Lot(s) Block(s) Addition
a) <u>Gary D. Galyardt</u> Signature	B-9, at a point 130' W. of the S.E. corner of the S.W. 1/4 of Section 16, Township 26, Range 1 West of the 12th P.M., Sedgwick County, Ks, thence
<u>Gary D. Galyardt</u> Typed or Printed Name	West along the South line of said S.W. 1/4, 100ft, thence North at right angles to said line, 247.8ft, thence East 100ft, thence South 247.8 ft to the place of beginning.
b) <u>Theresa E. Galyardt</u> Signature	
<u>Theresa E. Galyardt</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas ) ss  
County of Sedgwick )

Be it remembered that on this 23rd day of February, 1982, before me, a notary public in and for said County and State, came Gary D. Galyardt and Theresa E. Galyardt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Linda Price  
Notary Public Linda Price

My Commission expires March 7, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

**FILED**

FEB 25 1982

DOROTHY K. WHITE  
COUNTY CLERK

February 26, 1982

Gary D. Galyardt  
7918 West 53rd Street North  
Wichita, Kansas 67205

Re: CU-252 - Conditional Use Permit to  
establish a sand extraction operation  
northeast corner of 53rd Street North  
and Tyler Road

Dear Mr. Galyardt:

The Planning Commission at its regular meeting of February 25, 1982, considered the above-captioned Conditional Use Permit request, and their action was as indicated on the attached letter.

It is my understanding that protest petitions have already been filed with the County Clerk. If additional petitions are to be filed, they must be in the office of the County Clerk's Office no later than 5:00 p.m. on Monday, March 8, 1982.

If you have any questions or additional copies are needed, please call.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

Encl.

cc: Mary E. Galyardt, 8530 West 53rd Street North, Wichita 67205  
Glenn A. Collins, 7818 West 53rd Street North, Wichita 67205  
Stephen Campbell, 8230 West 53rd Street North, Wichita 67205

February 26, 1982

Al Reiss, Engineer  
Reiss & Goodness, Engineers  
2160 West 21st Street  
Wichita, Kansas 67203

Re: CU-252 - Conditional Use  
Permit to establish a sand  
extraction operation - north-  
east corner of 53rd Street  
North & Tyler Road

Dear Mr. Reiss:

At its regular meeting of February 25, 1982, 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 the following conditions:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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-inch or higher chain link fence with three or more strands of barbed wire; or
  - 2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - 3. A 48-inch 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.
- K. 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 150 degrees facing away from the excavation.
- L. 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.

- M. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- N. The property shall be platted within one year from the time the excavation is completed and prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.
- R. The approval of this Conditional Use is for a period not to exceed five years from the date of approval by the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

Regarding condition "A" above, we will furnish the appropriate dedication forms after you have determined from the County Engineer how he feels is best to handle the area where the well is. I would suggest an outright dedication for all of the area, except for a small described area where the well is located. That area could be dedicated contingently upon the well no longer being used for irrigation purposes. This item along with conditions "H" and "O" must be completed prior to the publication of the Resolution of approval and of course prior to the commencing of the operation. The sample covenant associated with item H is attached.

Subject case will be forwarded on to the Board of County Commission for consideration at their regular meeting at 9:00 a.m., on Wednesday, March 24, 1982, in Room 320, Sedgwick County Courthouse.

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

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

Encl.

cc: David Cranmer, Cranmer Grass Farms, Inc., 2501 North Maize Rd.,  
Wichita 67205  
L. A. Knebler, R. R. #1, Augusta, Kansas 67010  
Gary D. Galyardt, 7918 West 53rd Street North, Wichita 67205  
Mary E. Galyardt, 8530 West 53rd Street North, Wichita 67205  
Glenn A. Collins, 7818 West 53rd Street North, Wichita 67205  
Stephen Campbell, 8230 West 53rd Street North, Wichita 67205

RECEIVED  
OFFICE OF CITY CLERK  
MAR 26 1981  
DG \_\_\_\_\_ DR \_\_\_\_\_  
JE \_\_\_\_\_

SAMPLE

FILM 468 PAGE 921

RESTRICTIVE COVENANTS

GAIL WOODARD and JEAN E. WOODARD, husband and wife, do hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

The East Half of the Southeast Quarter of Section 33, Township 26 South, Range 1 West, Sedgwick County, Kansas (E/2 SE/4 33-26S-12),

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

"No rubbish, trees, car bodies or any other foreign matter shall be deposited on the application area, or within the excavation made in the removal of sand or gravel on the 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 the 26<sup>th</sup> day of February, 1981.

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD  
MAR 20 1981  
5 30 739

Gail Woodard  
Gail Woodard

Jean E. Woodard  
Jean E. Woodard

STATE OF KANSAS  
SEDGWICK COUNTY

NO. BETTE F. McCART  
REGISTER OF DEEDS  
SS: Pat Kittle  
Wesley

MICROFILMED  
OF RECORD

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of February, 1981, by Gail Woodard and Jean E. Woodard, husband and wife.

MARY L. LOGAN  
NOTARY PUBLIC  
STATE OF KANSAS

My Appointment Expires:  
August 6, 1983

Mary L. Logan  
Notary Public  
MARY L. LOGAN

5.00 City Clerk

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 2-25-82

Case No. CU-252 Request: Conditional Use Permit for  
a sand extraction operation

Location: Northeast corner of 53rd Street North & Tyler Road.

Reason: To establish a sand extraction operation

Acres: 61 Size: 1320' x 2640' (irregular)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R"
North	Agriculture	"R"
East	Agriculture	"R"
South	Single-family & farm house	"R"
West	Agriculture	Unzoned

Street rights-of-way inadequate.

Platted: No

History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a sand extraction operation on approximately 61 acres of land zoned "R" Rural Residential located at the northeast corner of 53rd Street North and Tyler Road.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, fencing and perimeter landscaping. The plan also indicates the location of the pumping operation, stockpiles, weight station, office and access road.

The applicant has also submitted a redevelopment plan which proposes 33 residential lots with a minimum of 40,000 square feet per lot once the extraction operation ceases. Subject property is zoned "R" Rural Residential which requires a minimum of 2 acres per building site and, therefore, a zone change to the "R-1" Suburban Residential classification will be required if the redevelopment as proposed is to later occur.

The Soil Conservation Service office advises that there is a high water table in this area and questions the development of housing on the site as proposed. They also advise that the landscaping indicated on the plan is needed for wind erosion and visual screening and should be required to be planted when the extraction operation commences and properly maintained.

2. Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:

- A. The applicant shall dedicate by separate instrument, 50 feet of half-street right-of-way for 53rd Street North and Tyler Road.
- B. No 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 as determined by the City-County Health Department.
- 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 (Note temporary fence location on operational plan dated 1-29-82 and provision for extending) 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-inch or higher chain link fence with three or more strands of barbed wire; or
  - 2. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - 3. A 48-inch 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.
- K. 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 45 degrees facing away from the excavation.

- L. 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 Resolution and amendments thereto.
- M. 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.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the sand excavation operation.
- O. The applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening around the perimeter of the site. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
- P. The applicant shall comply with conditions A, H and O, prior to the publication of the resolution effectuating the conditional use.
- Q. Violation of conditions of approval shall render the conditional use permit null and void.



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

4100 Maple Street  
Wichita, Kansas 67209

February 12, 1982

Jack H. Galbraith  
Chief Planner  
Wichita-Sedgwick County MAPD

Re: Cu-252 - Request to permit a sand excavation  
operation at the northeast corner of 53rd St.  
North and Tyler.

Dear Mr. Galbraith:

According to the standard Soil Survey, this soil is unsuited  
for sand because of excess fines. This area is of less  
quality than the other sand mining to the east and south of  
this site.

This area needs the screening as proposed on the plan. This  
is needed for wind erosion and visual screening. I would like  
to see more concern by the developer in planting and maintaining  
this tree and shrub planting. Too many of the past sites have  
not followed through in this part of their plan. They should  
be required to do this planting when they start the mining  
operation.

Also, can development of housing be done on this site with the  
high water table?

I would be happy to discuss these points with you by phone.

Sincerely,

Larry L. Henry  
District Conservationist

RECEIVED

FEB 16 1982

METROPOLITAN PLANNING

ROUTE



CU-252 - 11 "Notice to Adjoining Property Owners" mailed 2-11-82 for  
the MAPC meeting for 2-25-82 \*

—  
11 TOTAL

\*  $8\frac{1}{2} \times 14$  Redevelopment Plan  
also mailed

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

NOTICE TO ADJOINING PROPERTY OWNERS:

February 11, 1982

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on February 25, 1982 which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-252

Conditional Use Permit to Establish  
a Sand Extraction Operation  
on Property Zoned "R" Rural Residential District

The south half of the southwest quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 523 feet of the east 1579 feet thereof. Generally located at the northeast corner of 53rd Street North and Tyler Road.

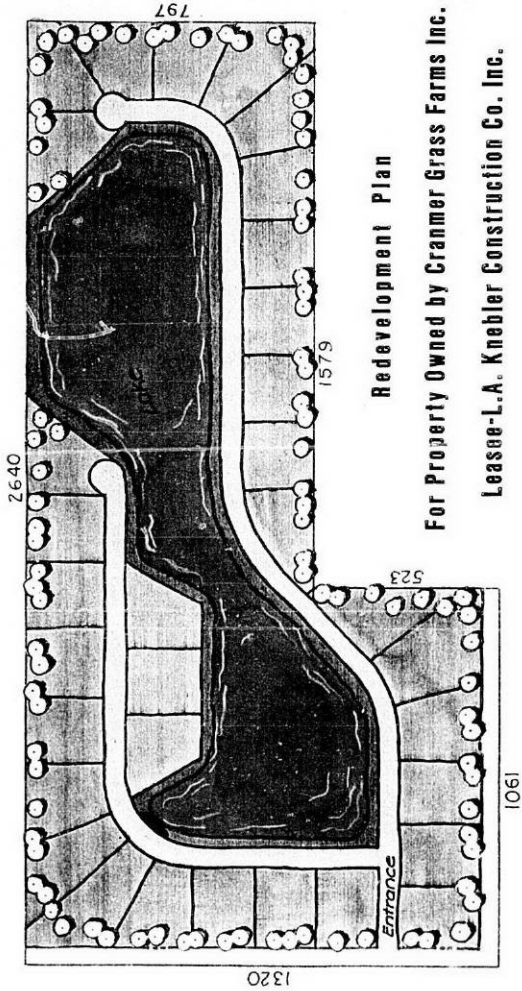
Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

T9-216

Summary Description of County Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District  
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District  
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District  
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District  
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District  
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts  
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.



Tyler Road

**Redevelopment Plan**

**For Property Owned by Cranmer Grass Farms Inc.**

**Leasee-L.A. Knebler Construction Co. Inc.**

53<sup>rd</sup> St. North

*This sketch shows future proposed Redevelopment on the Site of the proposed sand extraction operations. 33 Lots-40,000±sf. Min. ( This Sketch is Provided by the Developer )*

SW<sup>1</sup>/<sub>4</sub> of Sec.16, Twp. 26  
R. 9 W, Segwick Co.

SCALE 1"=300'

February 9, 1982

Claud S. Shelor, Director, County Dep't. of Public Works  
Larry Henry, USDA Soil Conservation Service, 4100 Maple, 67209

Jack H. Galbraith, Chief Planner

CU-252 - Request to permit a sand excavation operation at the northeast corner of 53rd Street North and Tyler Road.

A conditional use application has been submitted to our office requesting approval of a sand extraction operation at the above referenced location.

I have enclosed a copy of the operational plan and redevelopment plan for your information and review. We have scheduled this case for MAPC consideration on February 25, 1982. We would appreciate any comments you might have by Monday, February 15, 1982, so that they can be included in our staff report.

If you have any questions, please call.

Jack H. Galbraith  
Chief Planner

JHG:GLS:el

Enclosure

4954C  
Existing "R"  
N-"R"  
S-"R"  
E-"R"  
W-Village

CU 252

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

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, 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.

1. 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  CRANMER GRASS FARMS, INC.  
ADDRESS 2501 N. MAIZE ROAD, WICHITA, KS 67205 PHONE (316) 722-7230  
AGENT  L. A. KNEBLER  
ADDRESS R.R. #1, AUGUSTA, KANSAS 67010 PHONE (316) 775-2205

B. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

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

2. a. The applicant proposes to establish a sand extraction 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).

OK for legal

The south half of the southwest quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 523 feet of the east 1579 feet thereof.

2. b. There are 61.0 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) \_\_\_\_\_.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE NE CORNER OF 53 Rd. St. North AND

Tyler Road, OR

B. ON THE \_\_\_\_\_ SIDE OF \_\_\_\_\_ (AVE.) STREET BETWEEN

\_\_\_\_\_ (AVE.) STREET AND \_\_\_\_\_ (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R  
(ZONING DISTRICT CLASSIFICATION).

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

The establishment of a sand extraction operation.

6. 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 AT 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.

William Thomas Harris, Inc.

BY David P. Harrison, Inc.  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

J. A. Kumbler, Inc. & Co.

BY J. A. Kumbler, Inc. & Co.  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at 9:30  
(AM, PM) on February 2, 1982 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

G. Lynn Shirkey Name  
J. C. Lanier Title

OWNERSHIP LIST

Tract

Property Owner

NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W

✓ Glenn A. Collins, 7818 W.  
53rd St. North, 67205

East  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W except the north 65 ft. and except the east 208.71 ft. of the south 258.71 ft.

✓ Loy N. Gallop, 749 S.  
Crestway, 67218

West  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W, except the north 65 ft.

✓ Lena Mae Gallop, 749 S.  
Crestway, 67218

West  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W

D Glenn A. Collins, 7818 W.  
53rd St. North, 67205

✓ North 65 ft. of the west  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W

"

North 65 ft. of the east  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of 16-26-1W

"

South 60 ft. of the north  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of 16-26-1W

D Cranmer Grass Farms Inc.,  
2501 N. Maize Rd., 67205

North 40 ft. of the south 100 ft. of the north  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of 16-26-1W

✓ Susan Gail Wilhite, 9  
Hawthorne Rd., 67206

North  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of 16-26-1W except the south 100 ft.

✓ Susan Gail Woodard, 9  
Hawthorne Rd., 67206

① The south  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of 16-26-1W exc. the south 523 ft. of the east 1579 ft. thereof

D Cranmer Grass Farms Inc.,  
2501 N. Maize Rd., 67205

Tract in the SW $\frac{1}{4}$  of 16-26-1W beg. at the SE corner thereof; then west 130 ft.; then north 247.8 ft.; then east 130 ft.; then south 247.8 ft. to beg.

✓ Gary D. Galyardt & Theresa  
E. Galyardt, 7918 W. 53rd  
St. North, 67205

② Tract in the SW $\frac{1}{4}$  of 16-26-1W beg. at a pt. 130 ft. west of the SE corner of said SW $\frac{1}{4}$ ; then west along the south line of the SW $\frac{1}{4}$  100 ft.; then north at right angles 247.8 ft.; then east 100 ft.; then south 247.8 ft. to pt. of beg.

"

③ Tract in the SW $\frac{1}{4}$  of 16-26-1W beg. 330 ft. west of the SE corner of the SW $\frac{1}{4}$ ; then west 100 ft.; then with an angle to the right of 90° a distance of 247.8 ft.; then east 100 ft.; then south 247.8 ft. to the pt. of beg.

✓ Dyrald Dean Smith & Joan  
Elizabeth Smith, 822 N.  
Colorado, 67212

Tract

Property Owner

Tract in the SW $\frac{1}{4}$  of 16-26-1W beg. 1470 ft. west and 251 ft. north of the SE corner of the SW $\frac{1}{4}$ ; then north 144 ft.; then east 178 ft.; then south 144 ft.; then west 178 ft. to the pt. of beg.

D Dave Galyardt (Deceased) & Mary E. Galyardt, 8530 W. 53rd St. North, 67205

The south 523 ft. of the east 1579 ft. of the south  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of 16-26-1W except highway and except the tracts described in the last 4 entries immediately previous

D Gary D. Galyardt, 7918 W. 53rd St. North, 67205

NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of 21-26-1W

Comanche West Inc., 2541 Bob White, 67204

North  $\frac{1}{2}$  of the NW $\frac{1}{4}$  of 21-26-1W

Gail L. Woodard, 4320 N. 103rd St. West, 67205

SE $\frac{1}{4}$  of 17-26-1W

Earl W. Youngmeyer as Trustee for Earl W. Youngmeyer Jr. & Mary Joan Youngmeyer (Earl W. Youngmeyer, Trustee is Deceased)

AND

Earl W. Youngmeyer Jr., 8610 Huntington, 67206

NE $\frac{1}{4}$  of 20-26-1W

D Earl W. Youngmeyer Jr., 8610 Huntington, 67206

page 3

We hereby certify the foregoing to be a true and correct list of the property owners within a 1000 foot radius of

The South Half of the Southwest Quarter of  
Section 16, Township 26 South, Range 1 West  
of the 6th P.M., Sedgwick County, Kansas,  
Except the South 523 feet of the East 1579  
feet thereof

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of January, 1982, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*

Vice-President

Order No. 306181  
GE

FORM 29-1

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
-------------	--------

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*