Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2024

JAL Investments, LLC
Attn: Aaron Snook
1200 S. 119th Street West
Wichita, KS 67235

Baughman Company, P.A.
Attn: Jay Cook
315 S. Ellis Ave.
Wichita, KS 67211

Re: **CON2024-00024:** Administrative Adjustment in the County to CON2014-00020 to extend the timeframe for Mining and Quarrying of soil for 10 years on property located on the east side of North 151st Street West and on the north side of West 13th Street North.

Legal Description: The Southwest Quarter of Section 11, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT a tract described as all that part of the west 750 feet of said Southwest Quarter lying south of the center line of Dry Creek, AND EXCEPT a tract described as beginning at a point on the West line of said Southwest Quarter, 467 feet north of the Southwest corner of said Southwest Quarter; thence east at right angles, 187.6 feet; thence southeasterly at an interior angle of 157°53'40", 474.15 feet; thence south at an interior angle of 112°06'20", 117 feet to the center of Dry Creek; thence northwesterly and southwesterly along the center line of said Dry Creek to a point on the West line of said Southwest Quarter, 151 feet north of the Southwest corner of said Southwest Quarter; thence north 316 feet to the point of beginning, AND EXCEPT a tract described as beginning at a point on the West line of said Southwest Quarter, 467 feet north of the Southwest corner of said Southwest Quarter; thence north 50 feet; thence east at right angles 187.6 feet; thence southeasterly at an interior angle of 157°53'40", 474.15 feet; thence south 50 feet; thence northwesterly, parallel to said Southeasterly line, 474.15 feet; thence west 187.6 feet to the point of beginning; AND EXCEPT that part described as Blackstone Addition, Wichita, Sedgwick County, Kansas;

Dear Applicant:

We have reviewed your request for a County Administrative Adjustment to modify Condition #15 for CON2014-00020 to allow for a 10-year extension of soil extraction to July 23, 2034 (10 years after the original approval date by the Board of County Commissioners). Condition #15 states that an extension of the Conditional Use can be applied for by Administrative Adjustment. The site is zoned SF-20 Single-Family Residential District (SF-20), and soil extraction began in July of 2014.

We understand that the first 3.4-acre extraction area is complete, and you desire to do soil extraction over 4 acres at a second location as shown on the proposed site plan.

Section V-D.14 of the Unified Zoning Code (UZC) allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any negative impacts as stated in Section V-I.6. We find that extending the time of the Conditional Use to July 23, 2034, meets the four conditions required by Section V-I.6 of the UZC.

1. Impact on safety and convenience of vehicular and pedestrian circulation: Extending the length of time to excavate a second pond on the subject site will have no significant impact on the safety and convenience of vehicular and pedestrian traffic. The site plan indicates that trucks carrying material would leave the subject site via North 151st Street West, away from the highest concentration of nearby residential uses.

2. Impact on existing uses in the surrounding area: The subject site is 88.32 acres in size and is separated from the higher concentration of residential properties by a heavily vegetated creek bed to the east. Condition #15 of CON2014-00020 is in place to ensure that operations are completed in a reasonable amount of time to limit the impact of operation on surrounding areas. Extending the length of time for soil extraction for a 4-acre pond on the site should not detrimentally impact the existing nearby uses.

3. Compatibility with existing or permitted uses on abutting sites: Soil extraction has been found to be compatible with existing or permitted uses on the site through the approval of CON2014-00020. The compatibility with existing or permitted uses on abutting sites should not be impacted significantly by extending the time period for which soil extraction is permitted. Properties to the north and south of the proposed 4-acre pond are zoned SF-20. Property to the north is an agricultural field. Property south of the proposed pond is part of the larger 88-acre subject site and is developed with a single-family dwelling, a 3.4-acre pond, and agricultural uses. Property to the west is zoned RR Rural Residential District (RR) and is developed with a single-family dwelling and agricultural field. Properties to the east are zoned SF-5 Single-Family Residential District (SF-5), in the City of Wichita, and are developed with single-family dwellings. As stated above, between the proposed pond and SF-5 properties is a heavily vegetated creek bed that screens and buffers the proposed use from the single-family dwellings.

4. Effect on public health, safety, or welfare: There will be no encroachment into public utility easements or rights-of-way. The extended length of time for soil extraction is not anticipated to have significant negative impacts on public health, safety, or welfare, nor it is anticipated that any properties or improvements in the vicinity will be materially damaged.

Our signatures below indicate that an Administrative Adjustment to Condition #15 of CON2014-00020 to extend the time for soil extraction for 10 years is hereby granted for the aforementioned property subject to the following conditions:

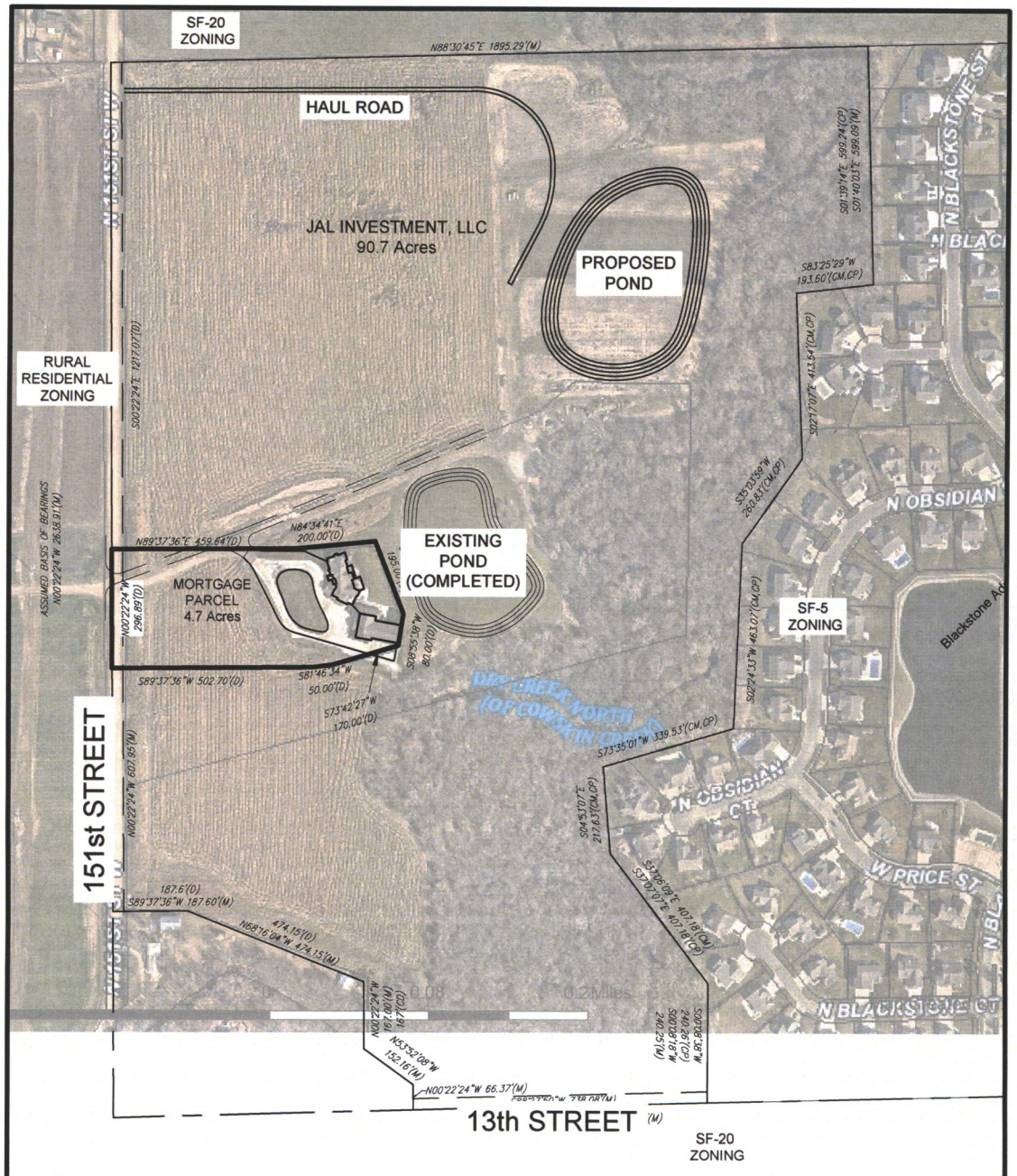
1. Soil extraction operations shall cease no later than July 23, 2034.
2. Soil extraction is limited to the area as indicated on the approved site plan associated with this Administrative Adjustment.
3. All other conditions of approval of CON2014-00020 shall be met.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Administrative Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Zoning Adjustment is null and void.

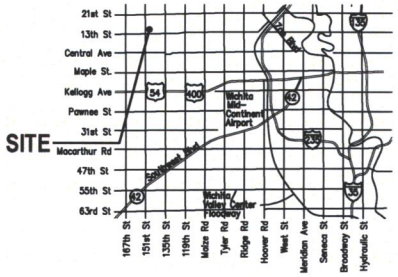
The "Development Applicant" sign should now be removed from the property.

Scott Wadle, Director
Metropolitan Area Planning Department

John R. Cox, Jr., Zoning Administrator
Metropolitan Area Planning Department

cc: MABCD
David Dennis, BOCC District 3
Nicole Gibbs, PIO, District 3





VICINITY MAP

SITE PLAN

APPROVED 4/25/24 BY

CON24-24

CONDITIONAL USE CON2021-20
JAL Investments, LLC
SOIL EXTRACTION - 151st STREET W. & 13th STREET N

04/17/2024

BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

1" = 200'

F:\planning\Zoning\Snook Res - Cond Use Permit\2024 exhibit\Snook Res - Revised exhibit.dwg

This exhibit is for illustrative purposes only