

R#247-1991

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R E S O L U T I O N N O . 247-1991

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A SOIL EXTRACTION OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the 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 17.C of the Zoning Regulations, a conditional use permit to establish a soil extraction operation on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

Case No. CU-347

Conditional Use Permit request to establish a soil extraction operation for fill material on property zoned the "LC" Light Commercial and the "R-1" Suburban Residential Districts

The south half of the west half of the Southwest Quarter of Section 15, Township 28 South, Range 1 West of the Sixth P.M., Sedgwick County, Kansas, except the south 400 feet thereof. Generally located on the east side of Ridge Road, 400 feet north of 47th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. This conditional use permit is for the extraction and removal of topsoil and subsoil only, in accordance with the site grading plan approved by the County Bureau of Public Services on October 10, 1991.
- B. Prior to the scheduling of this case before the County Commission, the applicant shall submit a drainage/grading plan to the County Bureau of Public Services for review and

See map for location

approval. The drainage plan shall indicate all topographical features and information required by the County Engineer.

- C. The applicant shall grant by separate instrument the floodway reserve needed on the application area.
- D. All vehicular access to and from this property shall be by way of Ridge Road.
- E. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment yard. Once the soil removal operation has ceased and the land has been properly regraded, all soil excavation and grading equipment shall be removed from the property.
- F. It is encouraged that soil be removed and stockpiled during the summer months.
- G. Topsoil shall not be stockpiled within 100 feet of the east line of adjacent Ridge Road or within that portion of the application area being granted as floodway reserve. A revised site grading plan which notes these stockpiling restrictions and depicts that part of the site being established as a floodway reserve shall be submitted prior to this case being scheduled for County Commission review.
- H. All soil removal and regrading of the entire site, in accordance with the approved grading plan, shall be completed within five years after approval of this conditional use permit by the Board of County Commissioners. This conditional use permit shall expire five years from the date of County Commission approval, unless an extension is granted by that governing body after a public hearing is held by the MAPC to review the application for extension.
- I. Prior to scheduling this conditional use request for County Commission consideration, conditions B, C and G (above) shall be completed.
- J. Any violation of these conditions shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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.

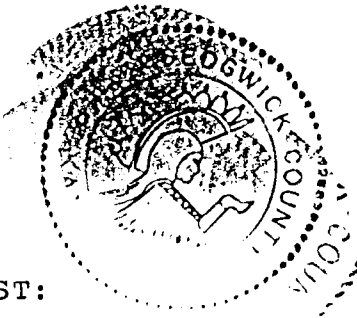
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
BERNARD A. HENTZEN
BILLY Q. MCCRAY
MARK F. SCHROEDER

Aye
Aye
Aye
Aye
Aye

DATED this 23rd day of October, 1991.



ATTEST:

Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

Henry H. Bass
County Counselor/Assistant

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Billy Q. McCray
BILLY Q. MCCRAY, Chairman

Betsy Gwin
BETSY GWIN, Chair Pro Tem

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner

City of Wichita
AREA NOT INCLUDED

"THIS AREA PROTECTED FROM THE ONE PERCENT ANNUAL CHANCE (100 YEAR) FLOOD BY LEVEE OR OTHER STRUCTURES SUBJECT TO POSSIBLE FAILURE OR OVERTOPPING DURING LARGER FLOODS"



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

September 26, 1991

STAFF REPORT

CASE NUMBER: CU-347

OWNER/APPLICANT/AGENT: Rufus and Doris Komp (owners/applicants)
Gary Wiley (agent)

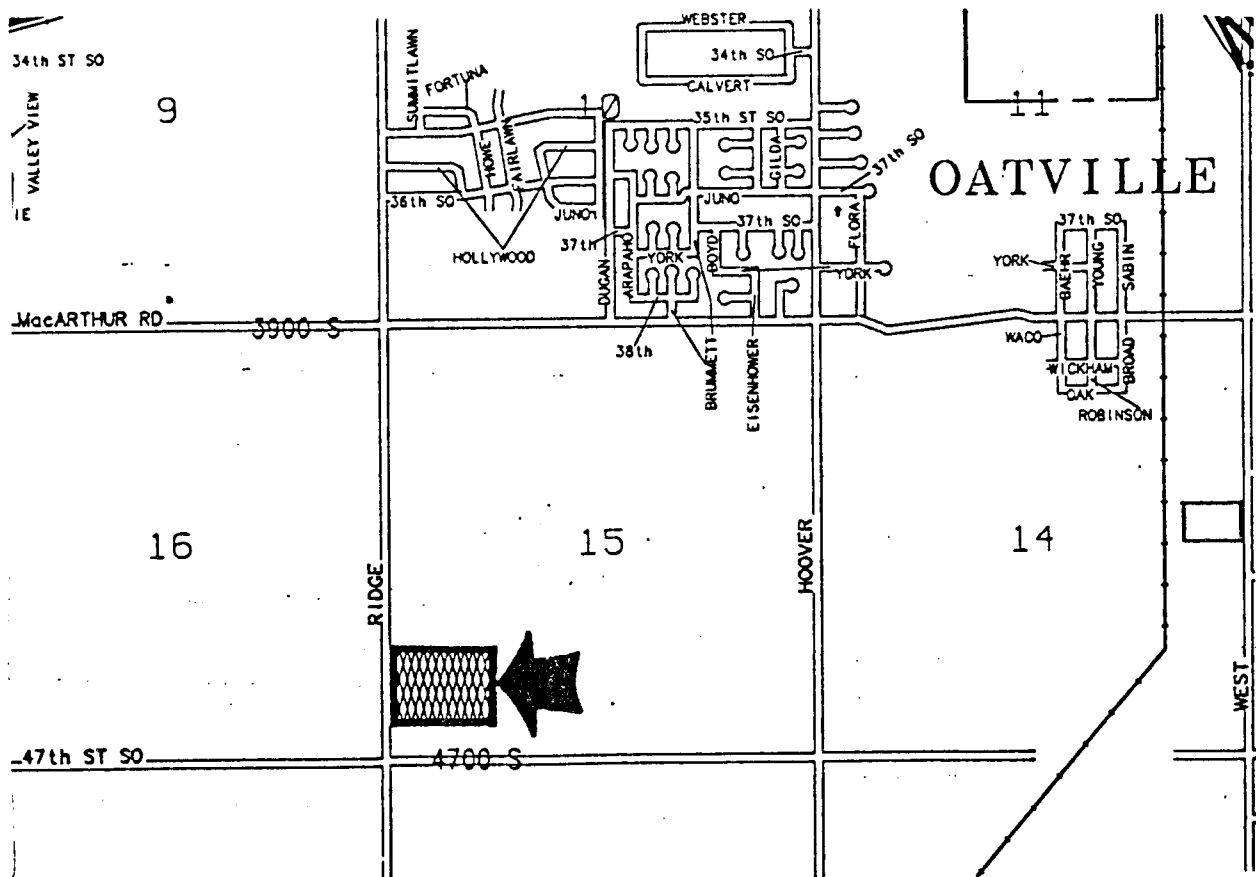
REQUEST: Conditional use permit for soil extraction

CURRENT ZONING: "R-1" Suburban Residential and "LC" Light Commercial Districts

SITE SIZE: 27.4 acres (approximately 1,300' x 900')

LOCATION: East side of Ridge Road, 400 feet north of 47th Street South.

PROPOSED USE: Soil extraction



BACKGROUND: The applicants are requesting a conditional use permit for soil removal on an unplatted tract of land located on the east side of Ridge Road in an area 400 feet north of 47th Street South. The application area measures 27.4 acres and is zoned "R-1" Suburban Residential, except for the south 200 feet of the west 600 feet of the site, which is zoned "LC" Light Commercial. All but approximately the south 150 feet of the property is within a 100-year floodplain.

If this conditional use permit is approved as requested, the applicants intend to remove topsoil and subsoil from this property in order to create the two ponds depicted on the attached grading plan. The applicants' agent estimates that in order to complete the regrading depicted on the plan, approximately 250,000 cubic yards of soil will need to be removed from the site. The applicants are requesting five years to complete the project. The applicants own the property immediately north and south of the site, but have stated that all truck traffic to and from the soil removal site will be only from adjacent Ridge Road. Ridge Road at this location has two lanes of pavement.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Undeveloped (agricultural use)
SOUTH	"LC" & "R-1"	Undeveloped (agricultural use)
EAST	"R-1"	Undeveloped (agricultural use)
WEST	"LC" & "R-1"	Undeveloped (agricultural use)

PUBLIC SERVICES: This site is not served with either sanitary sewer or municipal water. Adjacent Ridge Road is a paved, two-lane section line road with adequate right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the 1978 Comprehensive Plan depicts this property for agricultural uses.

RECOMMENDATION: It is recommended that this conditional use permit request be approved, subject to the following conditions:

- A. This conditional use permit is for the extraction and removal of topsoil and subsoil only, in accordance with the site grading plan approved by the County Bureau of Public Services on _____, 1991.
- B. Prior to the scheduling of this case before the County Commission, the applicant shall submit a drainage/grading plan to the County Bureau of Public Services for review and approval. The drainage plan shall indicate all topographical features and information required by the County Engineer.
- C. The applicant shall grant by separate instrument the floodway reserve needed on the application area.

- D. All vehicular access to and from this property shall be by way of Ridge Road.
- E. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment yard. Once the soil removal operation has ceased and the land has been properly regraded, all soil excavation and grading equipment shall be removed from the property.
- F. It is encouraged that soil be removed and stockpiled during the summer months. The areas where soil has been removed shall be graded, tilled and planted with acceptable vegetation cover in the fall. Should reasonable germination not occur, then replanting in the spring with some alternate cover material shall be required.
- G. Topsoil shall not be stockpiled within 100 feet of the east line of adjacent Ridge Road or within that portion of the application area being granted as floodway reserve. A revised site grading plan which notes these stockpiling restrictions and depicts that part of the site being established as a floodway reserve shall be submitted prior to this case being scheduled for County Commission review.
- H. All soil removal and regrading of the entire site, in accordance with the approved grading plan, shall be completed within five years after approval of this conditional use permit by the Board of County Commissioners. This conditional use permit shall expire five years from the date of County Commission approval, unless an extension is granted by that governing body after a public hearing is held by the MAPC to review the application for extension.
- I. Prior to scheduling this conditional use request for County Commission consideration, conditions B, C and G (above) shall be completed.
- J. Any violation of these conditions shall declare the conditional use permit null and void.