WICHITA -- SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 7, 1997

Robert J. and Aileen B. Clark
5320 N. Hoover
Wichita, KS 67205

RE: CU-432 - Conditional Use to allow a sand extraction operation on 139 acres zoned "SF-20" Single-Family Residential and generally located one-quarter mile south of 53rd Street North, east of Hoover Road (5000 N. Hoover)

Dear Mr. and Mrs. Clark:

At its regular meeting on June 12, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated June 17, 1997.

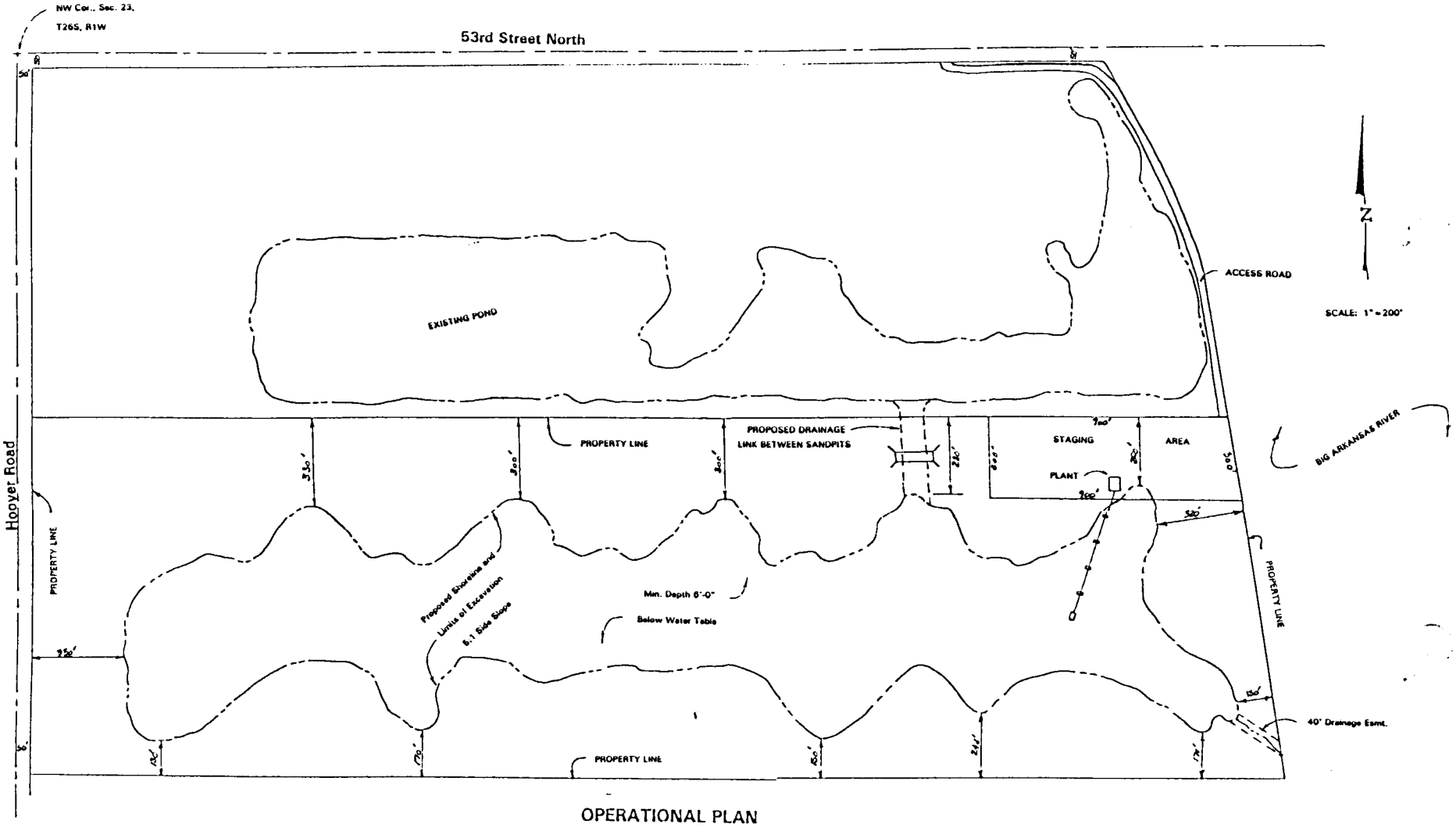
This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

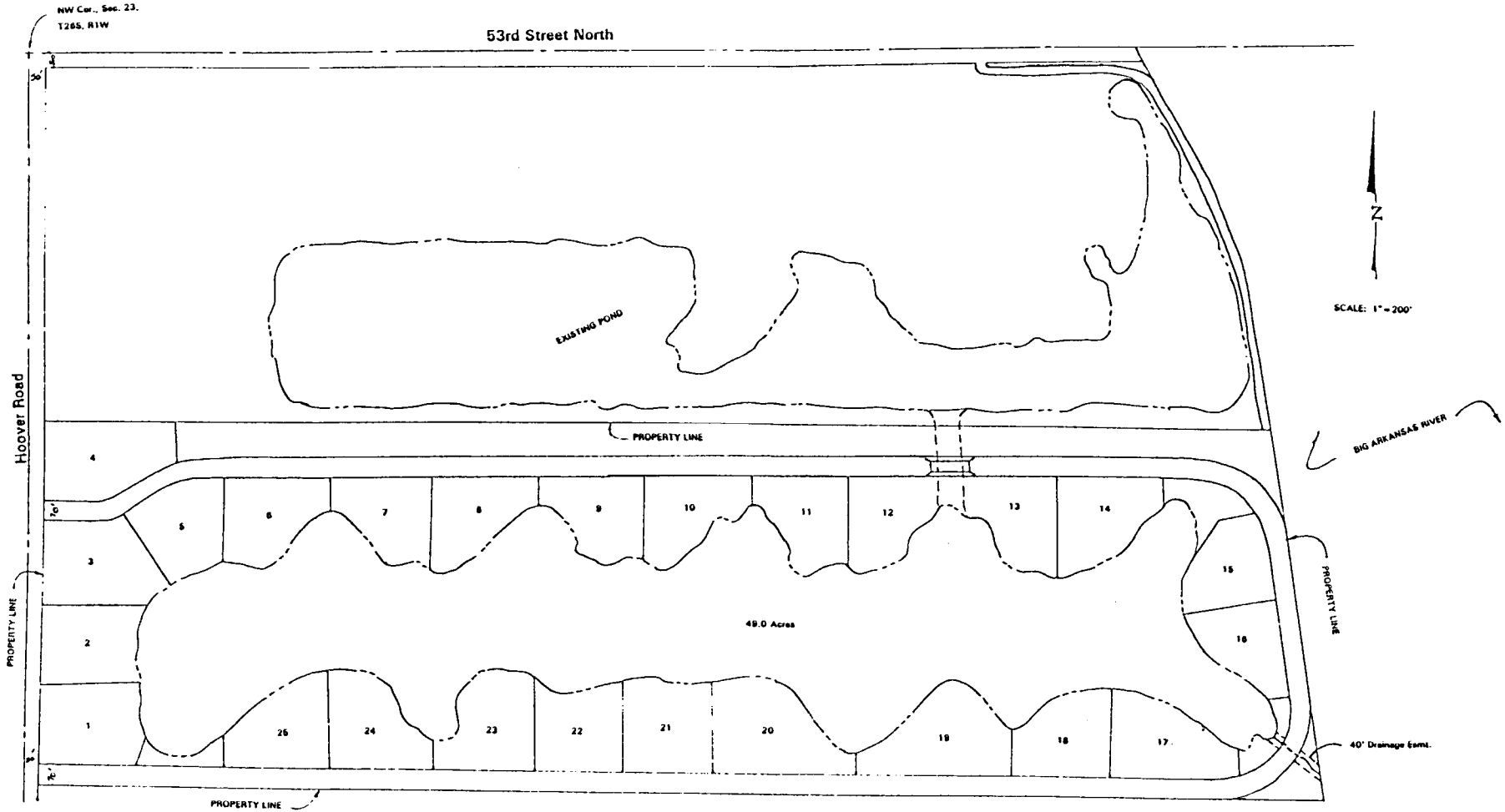
Russ Ewy
Associate Planner

RE/sh

cc: James A. Lindner, 5911 W. 45th St. N., Wichita, KS 67205
Troy Fawcett, 4245 Mamie, Wichita, KS 67209
Steve Lackey, Director, Public Works (1-82)
Glen Wiltse, Sedgwick County Code Enforcement



OPERATIONAL PLAN



REDEVELOPMENT PLAN

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

May 15, 1997
June 12, 1997

CASE NUMBER: CU-432

APPLICANT/AGENT: Robert J. & Aileen B. Clark (applicant/property owner)

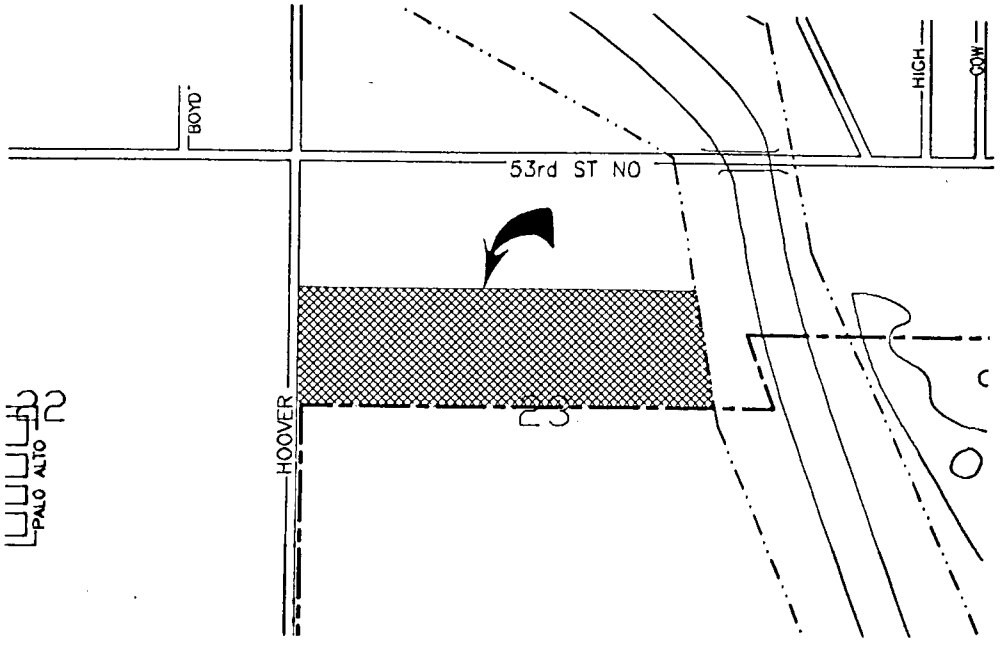
REQUEST: Conditional Use to allow a sand extraction operation

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 139 acres

LOCATION: One-quarter mile south of 53rd Street North, east of Hoover Road.

PROPOSED USE: Sand extraction operation



BACKGROUND: The applicant requests Conditional Use to allow a sand extraction operation located on 139 acres zoned "SF-20" Single-Family Residential approximately one-quarter mile south of 53rd Street North, east of Hoover Road. This case was scheduled to be heard by the MAPC on May 15, 1997, but was deferred in order to address several concerns raised by City staff.

The applicants have submitted an operational plan, which shows the general shape of the excavation area and a 900 foot by 300 foot staging area located in the northeast corner of the site. The access road to the staging area is from 53rd Street at a point approximately three-quarter mile east of Hoover Road and winds to the east of the extraction operation along the flood control levee. The operational plan also shows the proposed excavation site being linked with the existing lake to the north. A redevelopment plan also submitted by the applicant, shows 25 lots surrounding the 49 acre lake, with a 70 foot collector road looping around the development and connecting to Hoover at two locations. Both plans show a 40 foot drainage easement located at the southeast corner of the application area.

The general vicinity is characterized by a mixture of agricultural uses and suburban single-family homes on property zoned "SF-20" and "SF-6". There are two other extraction operations within 1 mile of the subject property. To the south of the application area is part of the Brooks Landfill property owned by the City of Wichita zoned "SF-6". There are approximately 6 homes within 1,000 feet of the application area. Of the two sand extraction operations in the area, one is approximately 1,500 feet north and the other is approximately 3,500 feet northwest of this application site.

No portion of the subject property is located within the FEMA floodplain. According to the Hydrogeologic Map of Sedgwick County and the Environmental Constraints map of the Comprehensive Plan, the application area is characterized by shallow ground water at depths of 10 feet or less below the surface. Also, the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County indicates that the site includes Carwile fine sandy loam soil, which is commonly associated with wetlands. Therefore, prior to extracting material from this site, the applicant would need to meet with the Corps of Engineers and acquire all necessary permits for the protection and management of any wetland or riparian areas located within the application area.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Existing sand pit; Agricultural uses
SOUTH:	"SF-6"	Agricultural uses; Brooks Landfill
EAST:	"SF-6"	Big Arkansas River
WEST:	"SF-20"	Agricultural uses; Suburban residential

PUBLIC SERVICES: Municipal water and sewer services are not necessary to serve the proposed use. The property has access to 53rd Street North, a 2-lane paved section-line arterial, with existing traffic volume of approximately 2,196 average daily trips (ADT) from Hoover to West Street. The 2020 Transportation Plan projects traffic along 53rd Street to decrease to approximately 1,872 ADT for this segment. There are no scheduled road improvements to 53rd Street at this time.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies this area as appropriate for suburban uses. This category seeks to accommodate flexibility of choice for individuals preferring more suburban lifestyles, but is generally located in areas which are not prime agricultural resources. This request is in conformance with the land use objective of the plan by placing industrial uses in rural areas only when it is agriculturally-oriented, dependent upon a natural resource, or as part of an appropriate expansion of an existing industrial area.

RECOMMENDATION: Staff would like to point out that the redevelopment plan that was submitted by the applicant showing 25 lots surrounding the 49 acre lake is purely conceptual. If the MAPC and/or the Board of County Commissioner approve the request for the sand extraction use, they are not necessarily approving the applicant's suggested residential lot pattern. Furthermore, the lots shown on the plan are approximately 2.5 acres in size, and although the Wichita-Sedgwick County Health Department has approved residential subdivisions with lots less than 5 acres for septic systems, that policy may very well change by the time the sand extraction use is finished and the site is available for residential development.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

A. Since the proposed excavation is within 1,000 feet of a flood protection structure, the applicant shall obtain a permit from the County Engineer, as required by K.S.A. 19-3309, prior to the commencement of any sand extraction operation.

B. The applicant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications, Sections 1 and 2 of Construction and Maintenance Specifications, as prepared by the City-County Flood Control Office, if required by the Sedgwick County Bureau of Public Services. A revised site plan showing the location of the above-referenced levee shall be submitted to the MAPC for approval.

A covenant shall be submitted to the Planning Department, approved as to content by the City-County Flood Control Office and as to form by the County Counselor, providing for the above-referenced levee prior to the commencement of any sand extraction operation. Said covenant shall run with the land and be binding on all owners, successors, or assigns.

C. The extraction of sand on this site shall proceed in accordance with the operational plan approved by the MAPC. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved plan.

D. In order to assist in the enforcement of the operational plan for this extraction use, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.

E. Adjacent to the perimeter of the application area, a minimum 60-inch-high fence shall be constructed prior to the beginning of any extraction operation and shall be maintained at the locations depicted on the operational plan. Said fence shall be placed on steel posts which are not less than 7 feet tall. The posts shall not be set more than 16 feet apart.

The fence shall be a minimum height of 60 inches and shall be of the following types of construction:

1. A 48-inch-high or higher chain link fence with 3 or more strands of barbed wire; or

2. A 48-inch-high or higher solid metal or solid masonry fence with 3 or more strands of barbed wire; or

3. A 48-inch-high or higher wood fence which may have cracks or openings not in excess of 5% of the area or such fence, with 3 or more strands of barbed wire.

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

F. The earth and sand shall be extracted to at least a minimum depth of 6 feet below the normal water table, as determined by the Wichita-Sedgwick County Health Department.

G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than 5 horizontal to 1 vertical.

H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.

I. All of the area included within the fenced sand extraction operation shall be graded in accordance with a plan submitted to, and approved by, the Sedgwick County Bureau of Public Services.

J. The owner of the property shall be responsible for:

1. Insuring that the loop levee elevation be maintained, if constructed.

2. The asphalting and maintenance of all operational roads in order to minimize blowing dust from the site.

K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel, prior to the commencement of any sand extraction operation, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.

M. The applicant shall submit a covenant satisfactory in form to the County Counselor and Sedgwick County Department of Public Services, prior to the commencement of any sand extraction operation, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes.

N. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.

O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the county Zoning Resolution and amendments thereto.

P. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.

Q. To minimize blowing soil in this area, overburden shall not be removed more than one year in advance of the lake being expanded into an area, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of which will permit the establishment of sod cover to help prevent erosion.

R. The storage of equipment or stockpiling of sand is not permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.

S. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the sand extraction operation, the land surrounding the lake shall be properly graded and planted with a vegetative cover. Also, all stockpiled sand, sand pumping and related equipment shall be removed from the subject site.

T. The approval of the Conditional Use is for a period not to exceed twenty years from the date of approval by the MAPC and/or 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.

As part of the required operational plan, the applicant shall divide the site into 2 distinct areas for the purpose of showing excavation over time. The plan would show which area was to be excavated and at what time.

U. Hours of operation for the sand extraction business shall be limited to 6:00 a.m. to 6:00 p.m.

V. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Wichita-Sedgwick County Health Department.

W. Any water wells needed to operate the facility must comply with the Water Well Construction Standards contained in Article 30 of the Kansas Department of Health and Environment rules and regulations.

X. The applicant shall meet with the Corps of Engineers and acquire all necessary permits for the protection and management of any wetland or riparian areas located within the application area prior to the commencement of any sand extraction operation.

Y. The applicant shall make the site available to the Wichita-Sedgwick County Health Department for the installation and management of groundwater monitoring wells.

Z. Any violation of conditions attached shall declare the conditional use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The general vicinity is characterized by a mixture of agricultural uses and suburban single-family homes on property zoned "SF-20" and "SF-6". There are two other extraction operations within 1 mile of the subject property. To the south of the application area is part of the Brooks Landfill property owned by the City of Wichita zoned "SF-6".

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The establishment of this use would not pose a new threat to this area of the county, which is characterized by several sand extraction sites that are in operation and several closed sand extraction sites. Furthermore, the conditions of approval included in this staff report are designed to mitigate any adverse impact this use may have on surrounding properties.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This request is in conformance with the land use objective of the plan by placing industrial uses in rural areas only when it is agriculturally-oriented, dependent upon a natural resource, or as part of an appropriate expansion of an existing industrial area.

4. Impact of the proposed development on community facilities: Municipal water and sewer services are not necessary for the proposed use. The proposed use should have a minimal impact upon 53rd Street, which currently has, and is projected to have, surplus capacity.