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

December 19, 1997

Gerald E. Blood
6346 S. Broadway
Wichita, KS 67216

RE: CU-457 - Conditional use to allow a sand and gravel extraction on 90.0 acres zoned "RR" Rural Residential and "SF-20" Single-Family Residential generally located east of Broadway on the north side of 63rd Street South

Dear Mr. Blood:

At its regular meeting on December 4, 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 December 10, 1997.

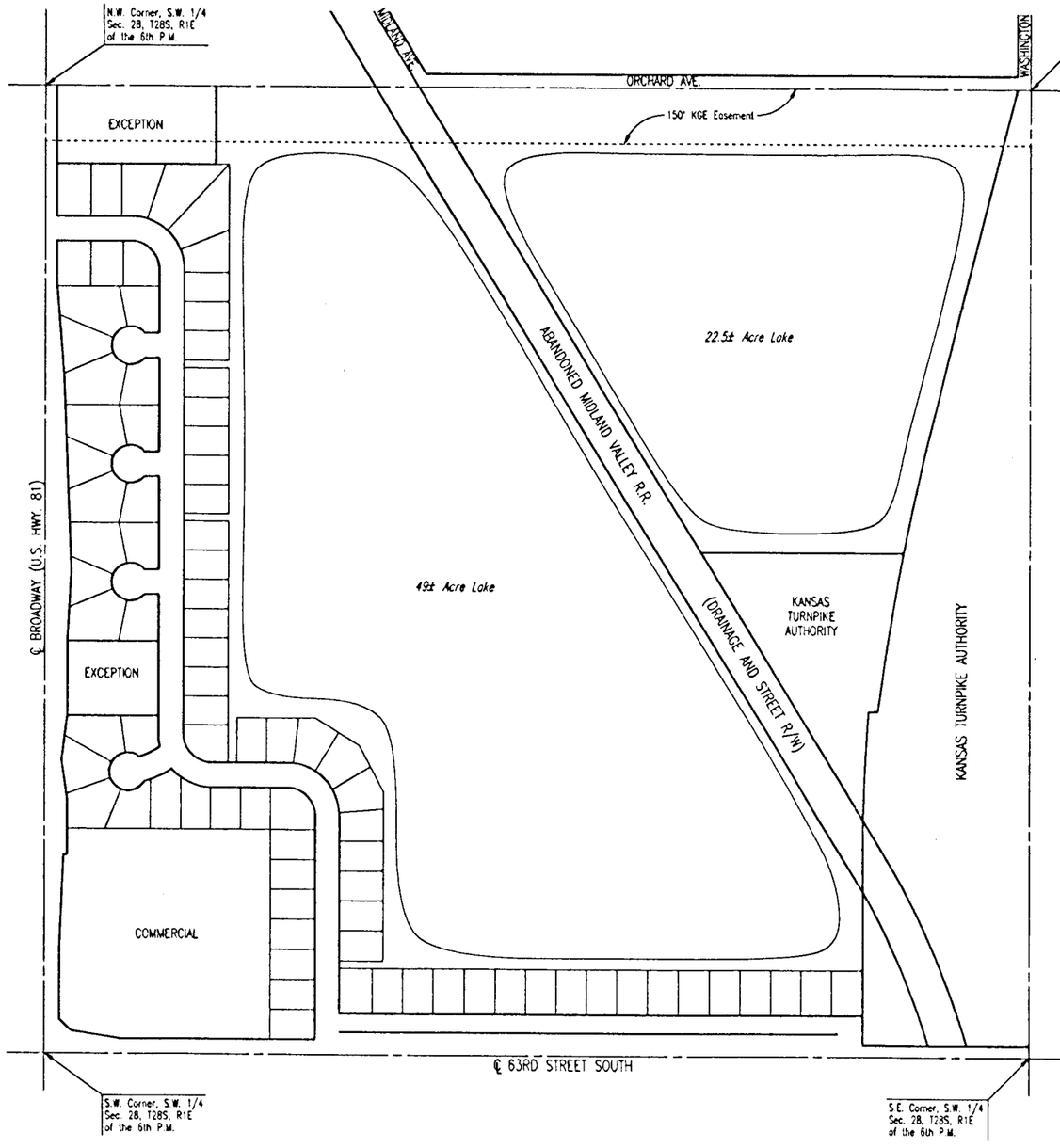
This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

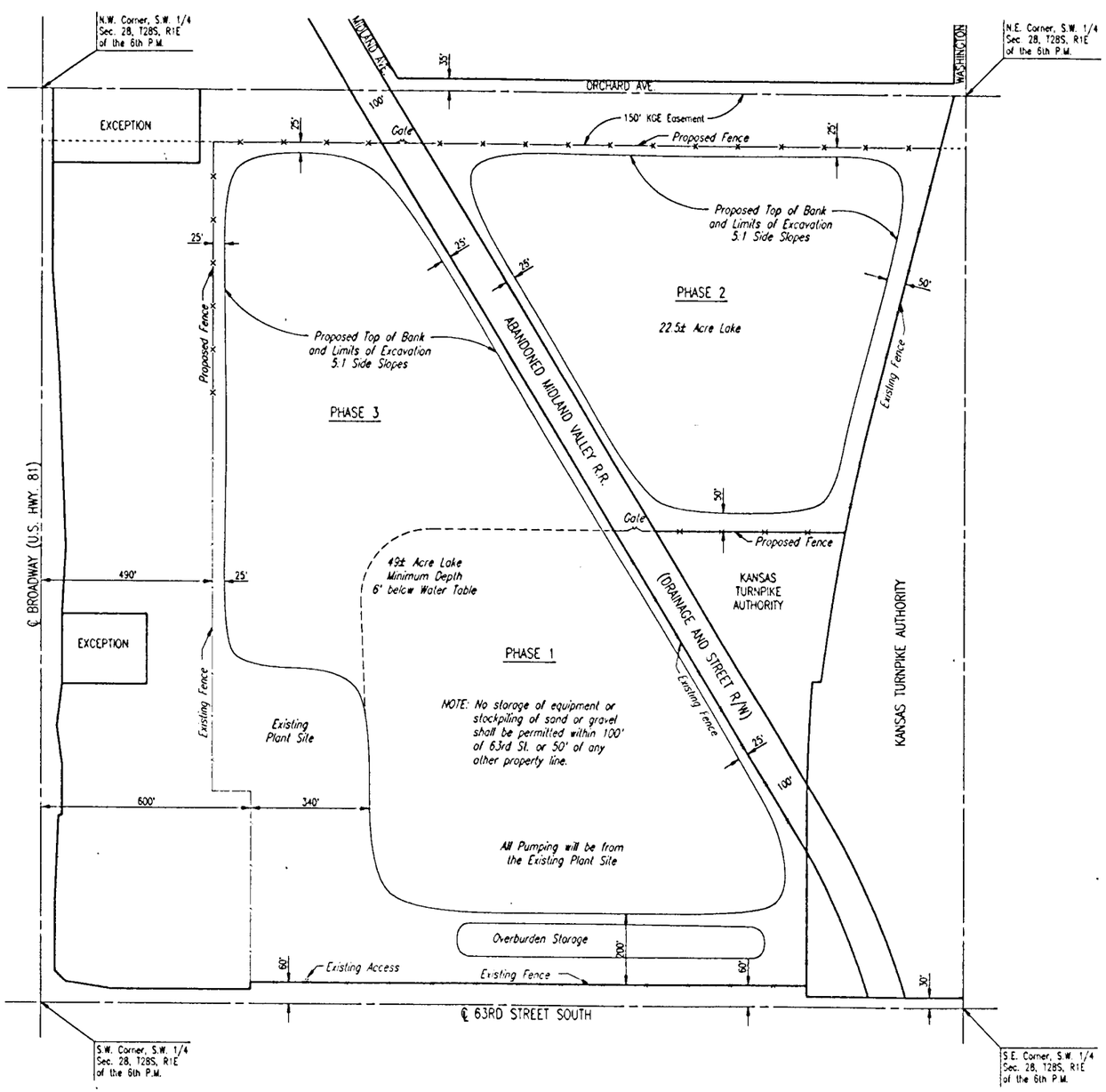
Lawrence P. Mitchell
Senior Planner

LPM/sh

cc: N.H. McDonald, 717 E. 58th St. S., Wichita, KS 67216
PEC, PA, c/o Gary Wiley, 303 S. Topeka, Wichita, KS 67202
Glen Wiltse, Sedgwick County Code Enforcement
Rick Corley, Sedgwick County Code Enforcement



REDEVELOPMENT PLAN



OPERATIONAL PLAN

10-13-97

200 0 200 400

GERALD BLOOD

CONDITIONAL USE CU-457

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

Haysville PC - November 13, 1997
MAPC - December 4, 1997

CASE NUMBER: CU-457

APPLICANT/AGENT: Gerald E. Blood (applicant)/Gary Wiley, PEC, PA (agent)

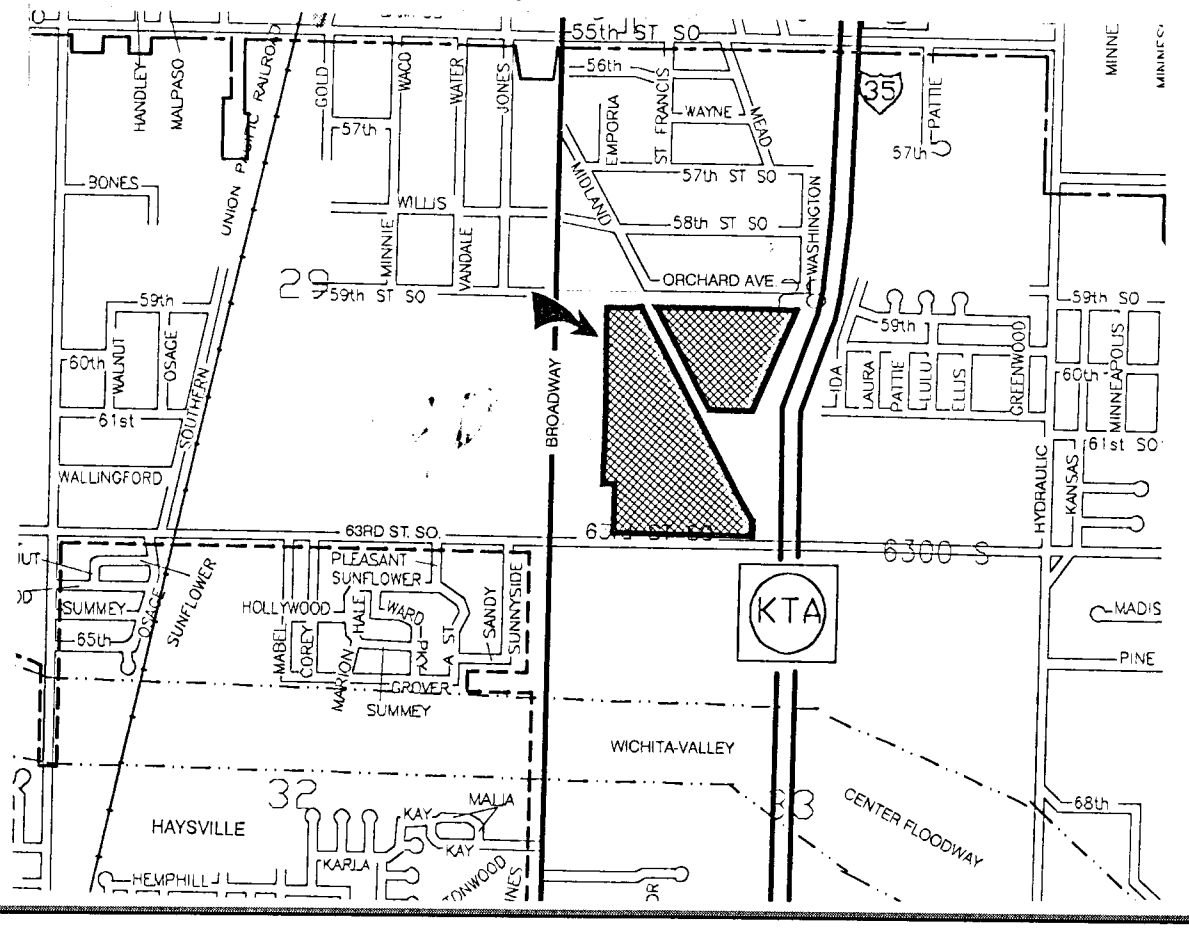
REQUEST: Conditional use permit for sand and gravel extraction.

CURRENT ZONING: "RR" Rural Residential and "SF-20" Single-Family Residential

SITE SIZE: 90.0 acres

LOCATION: East of Broadway on the north side of 63rd Street South

PROPOSED USE: Sand and gravel extraction



BACKGROUND: The applicant is requesting a conditional use permit to expand an existing 50 acre sand and gravel extraction operation by an additional 40 acres into an unplatted tract generally located east of Broadway on the north side of 63rd Street South. The application area is currently zoned "RR" Rural Residential and "SF-20" Single-Family Residential. A site plan submitted by the applicant indicates that 71.5 acres of the 90 acre site was excavated. A redevelopment plan submitted by the applicant, shows 84 lots on two sides of the lake, with a 70-foot collector along the west side of the proposed development with connections to 63rd Street South and Broadway. The lots along the southern portion of the site will be served with a 50-foot street with access to 63rd Street South and the collector. The plan shows the abandoned Midland Valley railroad right-of-way which is now considered a drainage and street right-of-way.

The applicant has indicated that the sand and gravel from the expansion of the original site will be pumped to the existing plant site, CU-359, located on the southwest corner of the site. It will be from this location that sand and gravel will be distributed. Access to the plant site will continue to be from 63rd Street South. The applicant has indicated that the excavation of materials from the site will be completed by June 23, 2008. This date coincides with the time limit established with the original conditional use.

The expanded application area is currently undeveloped. Surrounding property to the north is currently zoned "SF-20" Single-Family Residential and is currently developed with homes. There is a 150-foot utility easement along the north property line of the application area as well as a hedge row. Property to the east is currently zoned "RR" Rural Residential and is the Kansas Turnpike. Property to the west is zoned "RR" Rural Residential and "GC" General Commercial and is developed with a fire station, a single family home and a craft store. There are currently two sand and gravel extraction sites existing to the south on property zoned "RR" Rural Residential.

Staff believes that the expanded sand and gravel extraction is a reasonable temporary use of the applicant's property. To ensure the environmental quality of the site, staff is recommending that the Wichita-Sedgwick County Health Department (WSCHD) and the Kansas Department of Health and Environment be allowed access to the site for the purpose of water testing. In addition, all on-site water and sewage facilities and on-site storage of chemicals and fuel shall be approved by the WSCHD. Landscaping was required as part of CU-359 along 63rd Street South and as a buffer from the existing single family residence to the west of the application area. This requirement should continue. It appears that the residential development north of the expanding site will be buffered from the use by the 150-foot utility easement and the existing tree row along the south line of Orchard Avenue.

CASE HISTORY: A conditional use permit, CU-359, was granted for a 50 acre portion of this site for sand and gravel extraction August 26, 1993.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Single Family Homes
SOUTH:	"RR"	Sand and Gravel Extraction (CU-291 and CU-166)
EAST:	"SF-20"	Kansas Turnpike
WEST:	"RR" & "GC"	Fire Station, Single Family Home, Craft Store

PUBLIC SERVICES: The application area has access to 63rd Street south, and FAS designated, 2-lane arterial with existing traffic volume of 5324 average daily trips (ADT) in 1996 between Broadway and Hydraulic. The nearest municipal services from the City of Wichita are located at 55th Street South and Broadway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan shows this area within the City of Haysville's Growth Area. Haysville's 1992 Comprehensive Plan indicates that the application area is appropriate for commercial uses.

RECOMMENDATION: Staff would like to point out that the redevelopment plan that was submitted by the applicant showing 84 lots surrounding the 72 acre lake is purely conceptual. If the MAPC and/or the Board of County Commissioners approve the request for the sand extraction use, they are not necessarily approving the applicant's suggested residential lot pattern. However it does appear that lake-oriented lot developments like this have been successful.

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

1. 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.

2. No stockpiling of sand or storage of equipment shall occur within 100 feet of any public right-of-way or within 50 feet of all remaining property lines.

3. The earth shall be extracted to at least a minimum depth of six feet below the water table determined by the City-County Health Department.

4. 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.

5. 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 in Phase II and III, which authorizes the use of the extraction area as a detention storage facility for

public drainage purposes.

6. 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 project site.

7. The applicant shall submit a restrictive covenant which provides that no foreign matter, such as rubbish, trees, ar bodies, etc., shall be deposited on the site or in the extraction area and which specifies what bank stabilization materials are acceptable. This covenant shall be submitted to the County Counselor and Sedgwick County Department of Public Services prior to the commencement of any sand extraction operations.

8. The applicant shall be responsible for maintaining all operational roads in a sand or graveled condition and shall apply water or other acceptable dust retardant so as to minimize blowing dust.

9. 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.

10. 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 (topsoil, subsoil or sand) 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:

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

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

    C. A 48-inch high or higher wood fence which may have cracks or opening 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 degrees facing away from the excavation.

11. 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.

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

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

14. The applicant shall maintain the landscaping required as part of CU-359 which provides for screening around the southern portion of the site and as a buffer from the existing single family residence to the west of the application area.

15. The approval of the conditional use is for a period not to exceed June 23, 2008, after approval by the MAPC or the Board of County Commissioners, and subject operation is to cease after that date, with all equipment and materials associated with the operation removed from the premises.

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

17. 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.

18. 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 grasses which will permit the establishment of sod cover to help prevent erosion.

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

20. 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.

21. The applicant shall make the site available to the Wichita-Sedgwick County

Health Department for the installation and management of groundwater monitoring wells.

22. Any on-site storage of fuels or chemicals must be approved by the Wichita Sedgwick County Health Department.

23. No pumping of sand or gravel shall occur between the hours of 7:00 p.m. and 6:00 a.m.

24. Violation of conditions of approval shall render 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 RR. There are 3 extraction sites within ½ mile of the subject property. To the north of the application area is a single-family development zoned SF-20.

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 adopted or recognized Comprehensive Plan: The 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 continue to have a minimal impact upon 63rd Street South, which currently has, and is projected to have surplus capacity.