CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 18, 2003

Dennis Downes
DenMarkLand LLC
8323 Mystic Lakes
Maize, KS 67101

Re: CON2003-00036: An administrative adjustment to condition of approval "L" for CU-484 to extend the Conditional Use.

Legal Description: Mystic Lakes Addition, Sedgwick County, Kansas. Located ¼ mile north of 53rd St. N. on the west side of Tyler Rd.

Dear Mr. Downes:

We have reviewed your request for an administrative adjustment to condition of approval "L" for CU-484. We understand that the condition of approval "L" requires sand and gravel operations on the subject property to cease in October 2003. However, the sale of material from the site has been slower than anticipated, and additional time is needed to complete excavation of the lake. Therefore, you have requested an administrative adjustment to extend the conditional use.

The Unified Zoning Code 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 of the negative impacts stated in Section V-I.6. We find that extending the Conditional Use meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: Extending the length of time to complete excavation of the lake will have no significant impact on the safety and convenience of vehicular and pedestrian circulation.

2) Impact on existing uses in surrounding areas: Condition of approval "L" is in place to ensure that operations are completed in a reasonable amount of time to limit the impact of operations on surrounding areas. Extending the length of time sand and gravel operations are permitted on the site increases the duration of the negative impacts adjacent properties; however, existing uses in surrounding areas are primarily agricultural and extractive in nature and should not be detrimentally impacted from additional time to complete operations.

3) Compatibility with existing or permitted uses on abutting sites: Sand and gravel extraction has been found to be compatible with existing or permitted uses on abutting sites through the approval of CU-484. The compatibility with existing or permitted uses on abutting sites should not be impacted significantly by extending the time period for which sand and gravel extraction is permitted.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an administrative adjustment to condition of approval "L" for CU-484 to extend the Conditional Use on the aforementioned property is hereby granted subject to the following conditions:

1) Sand and gravel extraction operations shall cease no later than December 31, 2004.

2) All other conditions of approval for CU-484 shall be met.

3) 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 that the Administrative Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.

John L. Schlegel
Planning Director

Glen Wiltse
Code Enforcement Director

cc: Glen Wiltse, Sedgwick County Code Enforcement