



Wichita-Sedgwick County Metropolitan Area Planning Department

August 14, 2014

Associated Material & Supply Co. Inc.
c/o Nadine Stannard
PO Box 4476
Wichita, KS, 67204

RE: CON2014-00019 – County request to amend CU-346 to extend operational time (25-years) and to amend the post operational site plan on SF-20 zoned property located on the north side of 53rd Street North, both sides of Hoover Road (ends at 53rd Street North) and on the west side of the Arkansas River.

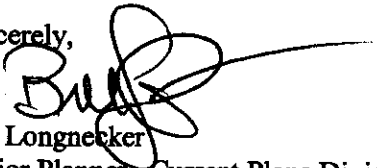
Dear Applicant

At its regular meeting on August 13, 2014, the Sedgwick County Commission considered the above captioned request. The action of the Commission was to **APPROVE** the requested amendment to CU-346, with the following conditions:

1. If approved by the MAPC and the Sedgwick County Board of County Commissioners, the 25-year sand and gravel excavation and removal period will begin at the end of the current permitted 25-years of sand and gravel excavation and removal period, which ends October 23, 2016. The amended operational time is October 23, 2041.
2. All other supplementary conditions of CU-346 shall remain in effect, unless updated in regards to the current supplemental use regulations (Unified Zoning Code, Art.III, Sec. III-D.gg) for mining or quarrying, updating zoning references, or County departments.
3. Sand and gravel extraction and extraction will be in two phases, Phase 1 and Phase 2.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,


Bill Longnecker
Senior Planner - Current Plans Division

BL/mc

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

RESOLUTION NO 113-2014

A RESOLUTION FOR AN AMENDMENT TO CONDITIONAL USE CU-346 TO EXTEND THE OPERATIONAL TIME FOR A SAND AND GRAVEL EXTRACTION AND REMOVAL FACILITY ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-D of the Wichita Sedgwick County Unified Zoning Code, an amendment of CU-346, a Conditional Use for "mining or quarrying," (the extraction and removal of sand and gravel from the site), by extending the operational period by 25-years, on SF-20 Single-Family Residential zone property generally located north of on the north side of 53rd Street North, at the end of Hoover Road and on the west side of the Arkansas River.

Case No. CON 2014-00019

Legally described below:

The East half of the Southeast Quarter EXCEPT 14 acres for floodway in Condemnation Case A-33666 and EXCEPT that part for roads on the South, all in Section 15, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas

AND

Government lots 2 and 6 and the South half of the Southwest Quarter EXCEPT for 56.28 acres in Condemnation Case A-33666 and EXCEPT the West 500 feet of the South 550 feet thereof and EXCEPT part for road on the South, all in Section 14, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas,

AND

Government lot 3 EXCEPT 20 acres for floodway in Condemnation Case A-33666, all in Section 14, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas

AND

That part of the Southwest Quarter beginning at the Southwest corner; thence East 500 feet; thence North 550 feet; thence West 500 feet; thence South 550 feet to the point of beginning EXCEPT roads on the South, all in Section 14, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The amended CU-346's 25-year sand and gravel excavation and removal period shall begin October 23, 2016 and end October 23, 2041.
2. The amended operational plan shall increase the size of the operational sand pit lake (from 113.7-acres to 122.1-acres) in two phases; Phase 1 and Phase 2. The amended post operation plan for the site, shall reduce the number of single-family residential lots
3. All other supplementary conditions of CU-346 shall remain in effect, unless updated in regards to the current supplemental use regulations for mining or quarrying, updating zoning references, or County departments.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES B. SKELTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>

Dated this 13 day of August, 2014.

ATTEST:

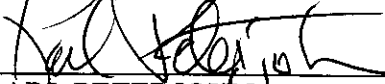

KELLY B. ARNOLD, County Clerk



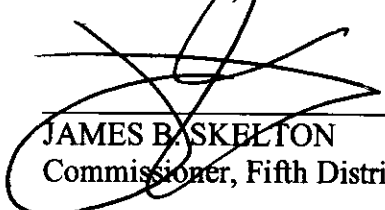
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


DAVID M. UNRUH, Chairman
Commissioner, First District


TIM R. NORTON, Chair Pro Tem
Commissioner, Second District


KARL PETERJOHN
Commissioner, Third District


RICHARD RANZAU
Commissioner, Fourth District


JAMES B. SKELTON
Commissioner, Fifth District

APPROVED AS TO FORM:

Robert W. Parnacott

ROBERT W. PARNACOTT
County Counselor

AGENDA ITEM REQUEST

14-1556

Proposed Agenda Item: CON2014-00019 – AN AMENDMENT TO CONDITIONAL USE CU-346, TO EXTEND THE OPERATIONAL TIME OF A SAND AND GRAVEL EXTRACTION AND REMOVAL FACILITY BY 25-YEARS ON SF-20 SINGLE-FAMILY RESIDENTIAL ZONED PROPERTY, GENERALLY LOCATED ON THE NORTH SIDE OF 53RD STREET NORTH, AT THE END OF HOOVER ROAD AND THE WEST SIDE OF THE ARKANSAS RIVER. (DISTRICT 4)

Presented By: John L. Schlegel, Director of Planning JLS

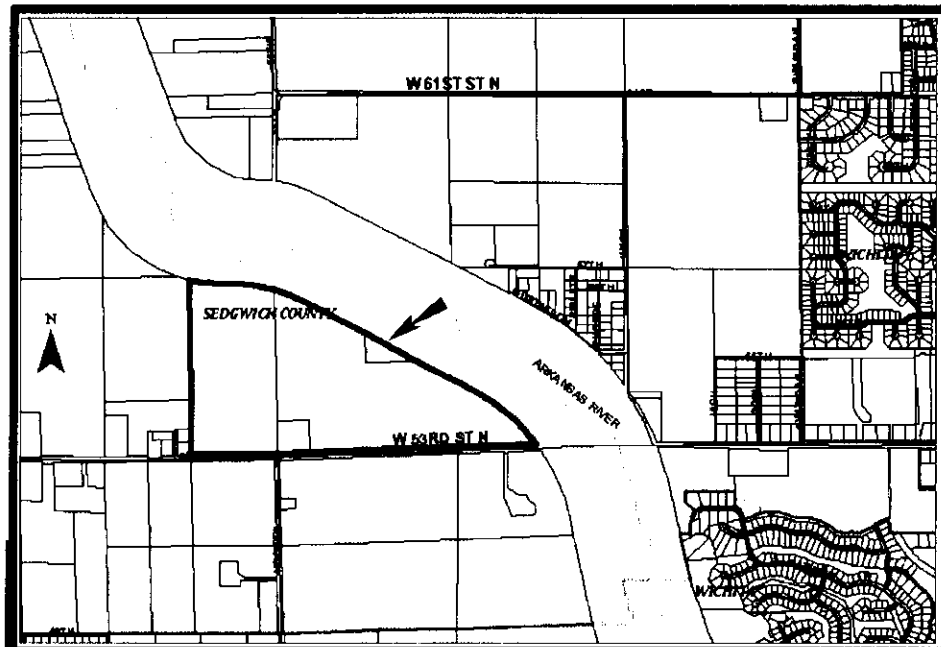
Recommended Action: Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the Conditional Use subject to the conditions recommended by the MAPC, and authorize the Chairman to sign the resolution.

Proposed Agenda Date: August 13, 2014

Outside Attendees: Ruggles and Bohm, c/o Chris Bohm (Agent)

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: The applicant is requesting an amendment to CU-346, a Conditional Use to permit "mining or quarrying," which on this site means the extraction and removal of sand and gravel from the site. Condition "X" of CU-346 states that, "All sand and gravel extraction shall be completed within 25-years after approval of this Conditional Use permit by the Board of County Commissioners" (BoCC). CU-346 was approved by the BoCC October 23, 1991, thus it will end October 23, 2016. Condition "X" also states that an extension of the operational time can be granted by the BoCC after a public hearing by the MAPC, thus the BoCC's consideration of this request. The proposed amendment also includes: changing the operational plan, which will increase the size of the operational sand pit lake (from 113.7-acres to 122.1-acres) in two phases, and; changing the post operation plan for the site, by reducing the number of single-family residential lots.

Reasons given for the proposed extension includes: the recent economic recession slowing the demands for the sand and gravel extracted from the site, thus not allowing the Conditional Use to be more fully realized, and; the owners studying the possibility of extracting more materials from the site with additional equipment.

The SF-20 Single-Family Residential (SF-20) zoned site is located on the north side of 53rd Street North, at the end of Hoover Road, where it intersects 53rd Street North. The site runs from the Arkansas River on its east side to about a ¼-mile past the Hoover Road – 53rd Street North intersection on its west side. The Arkansas River also abuts the north side of the site. SF-20 and RR Rural Residential (RR) zoned active sand/gravel extraction and removal operations, low density large tract and suburban scale single-family residences, single-family residences built around sand pits lakes, agricultural lands, and inactive sand pits either abut or are adjacent to the west, northwest, southeast, south and southwest sides of the site. The Arkansas River is the reason this area is dotted with so many active sand and gravel extraction and removal operations. Subsequently, when these sand and gravel removal and extraction operations end single-family residential development have been built around the remaining sand pit lakes. The site is also located over the Equus Beds.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held June 19, 2014, the MAPC voted (10-0) to recommend approval of the requested amendment Conditional Use CU-346 subject to the following conditions:

1. The amended CU-346's 25-year sand and gravel excavation and removal period shall begin October 23, 2016, and end October 23, 2041.
2. The amended operational plan shall increase the size of the operational sand pit lake (from 113.7-acres to 122.1-acres) in two phases; Phase 1 and Phase 2. The amended post operational plan for the site, shall reduce the number of single-family residential lots
3. All other supplementary conditions of CU-346 shall remain in effect, unless updated in regards to the current supplemental use regulations for mining or quarrying, updating zoning references, or County departments.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

A citizen was present at the MAPC to speak against the request. However, no valid protests to the request have been received by staff.

Alternatives:

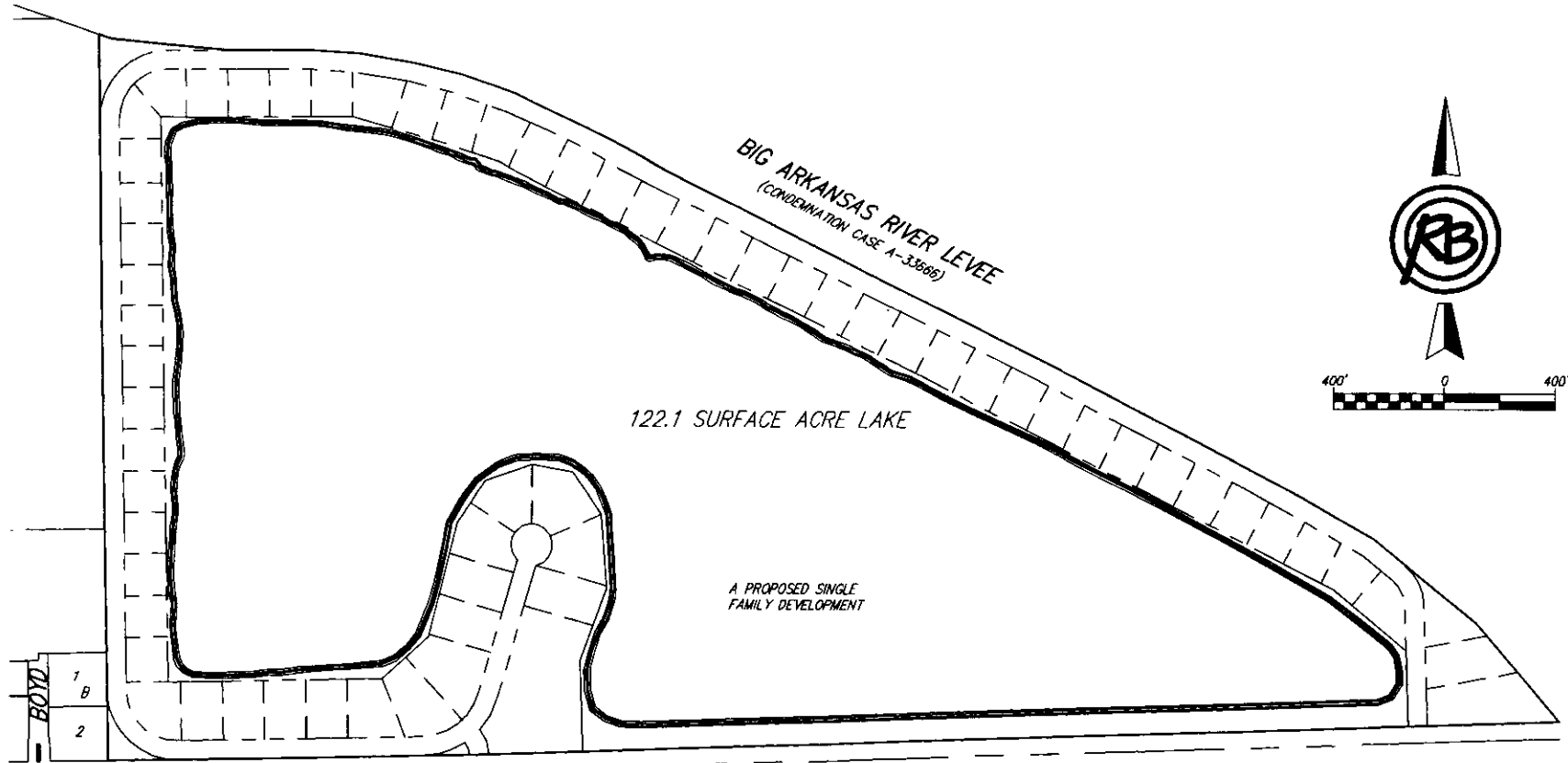
1. Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the Conditional Use subject to the conditions recommended by the MAPC, and authorize the Chairman to sign the resolution (Simple majority vote required); or
2. Deny the application, by making alternative findings, and override the MAPC recommendation (Two-thirds majority vote required); or
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Simple majority vote required.)

Financial Considerations: There are not any additional financial considerations to the County associated with this application.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations  ☐ ***Approved as to form and signed by County Counselor's Office:*** The City and County are authorized by K.S.A. 12-741, et seq. to adopt and amend a comprehensive plan, joint zoning code and official zoning map. The City and County have done so, and in that code have provided for the zoning of properties, including overlay districts, planned unit developments, protective overlays, conditional uses and community unit plans.

REDEVELOPMENT PLAN



53RD STREET NORTH

SOUTHWEST CORNER OF
THE E1/2 OF THE SE1/4
OF SEC. 15, T26S, R1W

SOUTHEAST CORNER OF
OF SEC. 15, T26S, R1W

SOUTHWEST CORNER OF
OF SEC. 14, T26S, R1W

CONDITIONAL USE
CU - 346



DWG FILE: REDEVELOPMENT PLAN
PROJECT NO. 4255P
APRIL 23, 2014

ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
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