CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

February 17, 2005

City of Wichita
John Philbrick, Property Management, Director (owner-lessor)
455 N. Main, Mail Stop 1-135
Wichita, KS 67202

RE: CON2004-45 – Conditional Use to permit sand extraction on property zoned "SF-5" Single-family Residential and "LC" Limited Commercial. Generally located north of K-96 Highway, east of Hoover. (District VI)

Dear Ladies and Gentlemen:

At its regular meeting on January 27, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Dale Miller
Chief Planner

DLM/rms

Cc: Chuck Hill, Quik Sand, Inc., (Lessee), 2060 E. Tulsa, Wichita, KS 67216
Joe Pajor, Natural Resources Director, Mail Stop, 1-82
Sharon Fearey, WCC VI, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2004-00045

WHEREAS, Quik Sand, Inc. (lessee, Chuck Hill) / City of Wichita (owner-lessor, John Philbrick) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit sand extraction on 460 acres zoned "SF-5" Single-family Residential and "LC" Limited Commercial described as:

> The Southwest Quarter (1/4) of Section Twenty-Three (23); and the Southeast Quarter (1/4) of Section Twenty-Three (23), except Twelve (12) acres for Floodways; and Government Lot Four (4) except Twenty-Four and Ninety-Two Hundredth (24.92) acres for floodway, in the Southwest Quarter of Section 24; and Government Lot Six (6), and Government Lot Three (3) and Government Lot Four (4) in the Northwest Quarter of Section Twenty-Six (26), and the South Half (1/2) of the Northwest Quarter of Section Twenty-Six (26), except Eleven and Forty-Nine Hundredths (11.49) acres acquired for K-96 Highway, all in Township Twenty-Six (26) South, Range One (1) West of the Sixth Principal Meridian, Sedgwick County, Kansas, containing 459.55 acres, more or less; except that part designated as Hoover Road. Generally located north of K-96 Highway, east of Hoover.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 27, 2005, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit sand extraction on 460 acres zoned "SF-5" Single-family Residential and "LC" Limited Commercial described as:

> The Southwest Quarter (1/4) of Section Twenty-Three (23); and the Southeast Quarter (1/4) of Section Twenty-Three (23), except Twelve (12) acres for Floodways; and Government Lot Four (4) except Twenty-Four and Ninety-Two Hundredth (24.92) acres for floodway, in the Southwest Quarter of Section 24; and Government Lot Six (6), and Government Lot Three (3) and Government Lot Four (4) in the Northwest Quarter of Section Twenty-Six (26), and the South Half (1/2) of the Northwest Quarter of Section Twenty-Six (26), except Eleven and Forty-Nine Hundredths (11.49) acres acquired for K-96 Highway, all in Township Twenty-Six (26) South, Range One (1) West of the Sixth Principal Meridian, Sedgwick County, Kansas, containing 459.55 acres, more or less; except that part designated as Hoover Road. Generally located north of K-96 Highway, east of Hoover.

APPROVED, subject to the following conditions:

1. Extraction operations on the site shall proceed in accordance with the approved operations and redevelopment site plans (including any modifications to the extent of excavations required to protect the western high bank of the Arkansas River or proposed public facilities), and be subject to the supplementary use regulations found in the *Unified Zoning Code* at Article III, Section III-D, gg (pp.147-149, attached). If limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions.

2. The Conditional Use for sand extraction shall be valid for 20 years following the date of final action (either MAPC or governing body) approving extraction operations. The applicant may apply for an administrative adjustment for an additional two years should extraction operations not be completed at the end of the initial 20-year time period. During this period of time, the land may be returned to the City in phases to be used for recreation and as a public park.

3. 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.

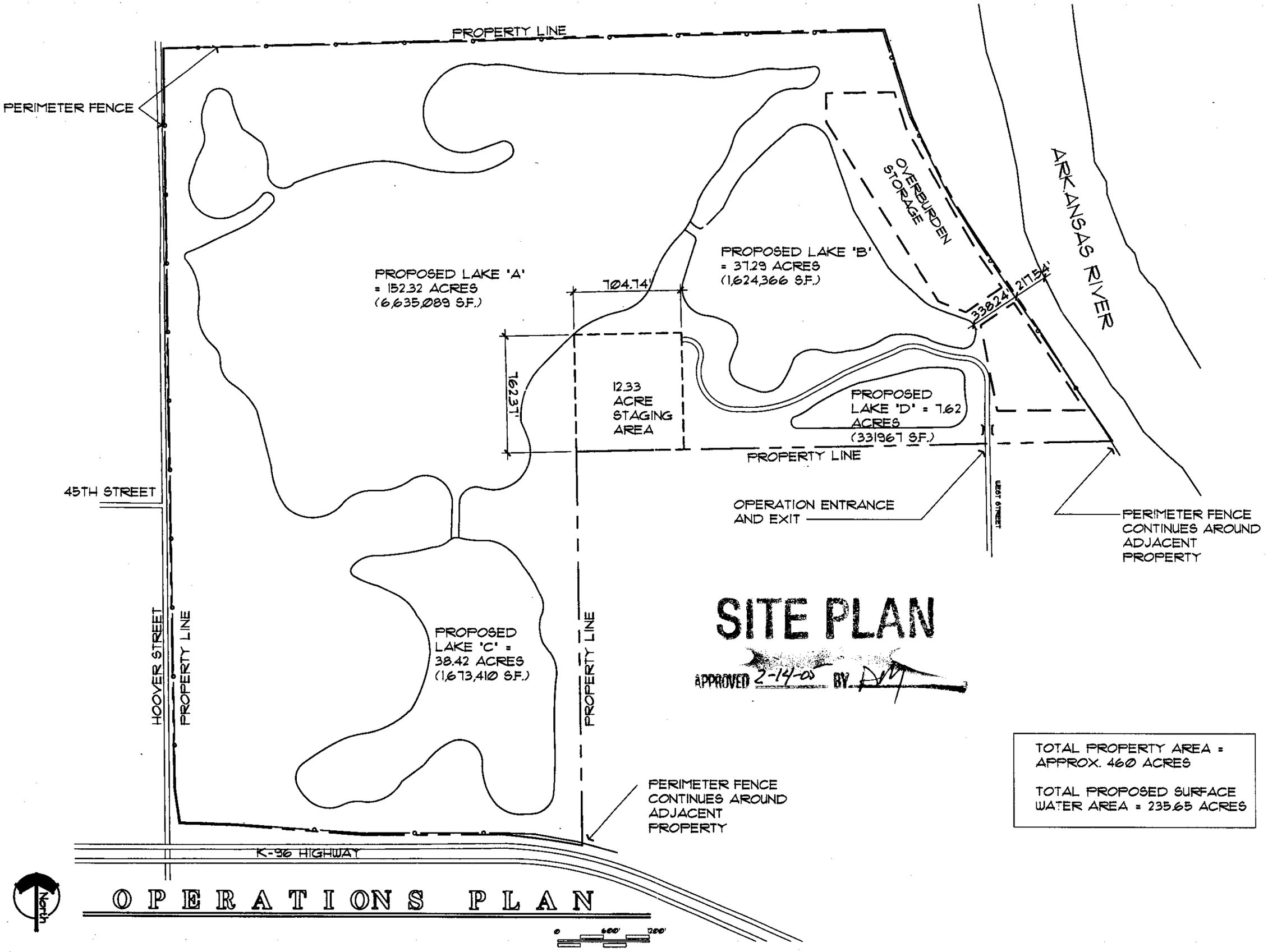
Adopted this 27th DAY of JANUARY, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary



OPERATIONS PLAN

SITE PLAN

APPROVED 2-14-05 BY

TOTAL PROPERTY AREA =
APPROX. 460 ACRES

TOTAL PROPOSED SURFACE
WATER AREA = 235.65 ACRES

wdm architects

Wilson Darnell Mann P.A.
105 N. Washington Wichita, Kansas 67202
ph 316.262.4700 fx 316.262.0802
www.wdmdesign.com

KINGSBURY SAND
EXTRACTION SITE

4500 Block West Street North
Wichita, Kansas

PRINTS ISSUED
December 17, 2004

work no.
drawn:
checked:

OPERATIONS PLAN
FOR QUICK SAND INC.

OP-1

© copyright 2004 Wilson Darnell Mann P.A.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

DAB VI 1-19-05
MAPC 1-27-05

CASE NUMBER: CON 2004-00045

APPLICANT/AGENT: Quik Sand, Inc. (lessee, Chuck Hill) / City of Wichita (owner-lessor, John Philbrick)

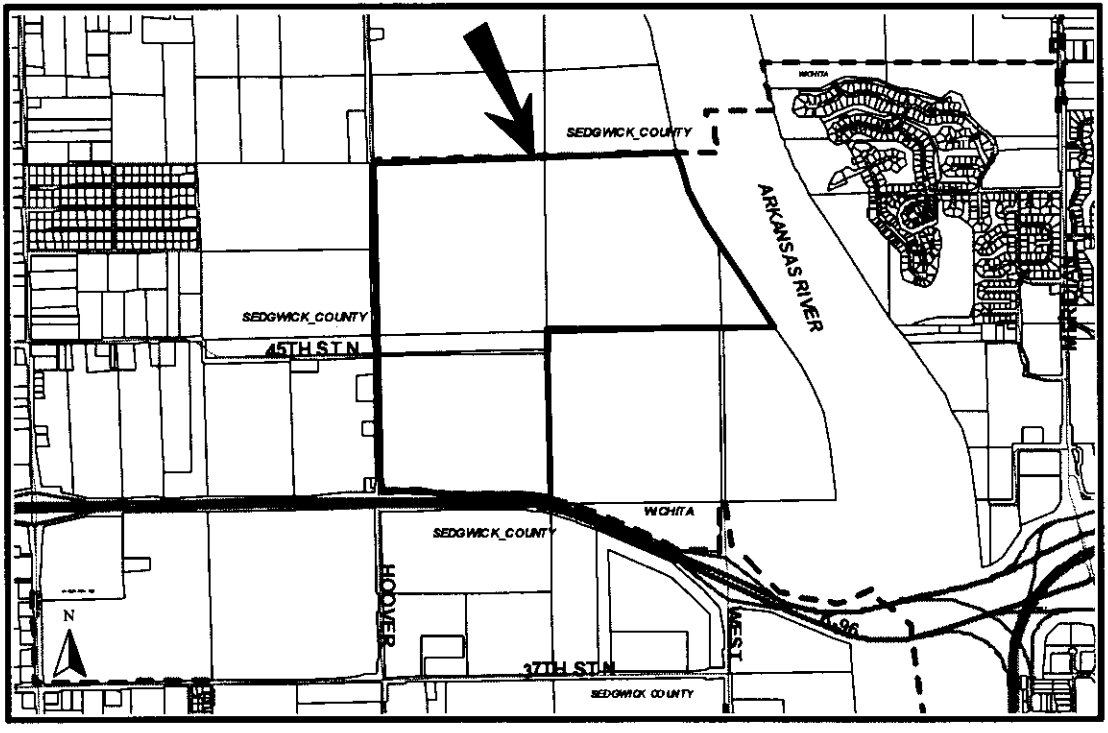
REQUEST: Conditional Use to permit sand extraction

CURRENT ZONING: "SF-5" Single-family Residential and "LC" Limited Commercial

SITE SIZE: 460 acres

LOCATION: North of K-96 Highway, east of Hoover

PROPOSED USE: Sand extraction



BACKGROUND: The applicants are seeking approval of a Conditional Use to permit sand extraction and mining on an upside-down, "L"-shaped unplatted tract containing 460 acres located north of Highway K-96 and east of Hoover Road. The application area is mostly zoned "SF-5" Single-family Residential, but there are approximately 30 acres of "LC" Limited Commercial zoning on the site. The site is currently undeveloped and surrounded by an extensive pine hedgerow on three sides. The site is fenced.

Approximately 236 acres of the site would be excavated, creating four lakes ranging in size from 7.62 acres to 152.32 acres. With respect to the Arkansas River, the closest excavation is approximately 338 feet away from the site's eastern property line, with another 218 feet further east to the channel of the Arkansas River for a total of 556 feet from the river. Excavation of the sand is expected to take 20 years and could generate over 100 truck trips a day at peak times. Access to the site would be via West Street. A 12.33-acre staging area is proposed near the center of the site. Storage of overburden material would be along the eastern side of the site, backing up to the Arkansas River.

The proposed excavations are designed to provide room for redevelopment of the site as open space, playground, outdoor recreation and other public infrastructure uses. The redevelopment plan depicts two potential sites for a wastewater treatment plant and 20 acres of "developable land." This request is strictly for sand extraction, so additional zoning and/or Conditional Use approvals would be required before any use not permitted by the site's current zoning or the requested Conditional Use could occur. The area designated as "developable land" is zoned "SF-5" and would require rezoning to another district to permit commercial development. A wastewater treatment plant is classified by the Unified Zoning Code as a "utility, major," and would require Conditional Use approval.
Surrounding properties are predominantly zoned SF-20 (north, south and west), and primarily used for farm ground. To the north, south and west there are scattered farmsteads, a sand pit and a closed landfill. "SF-5" Single-family Residential zoning is located to the east, across the Arkansas River, and is developed with an urban scale single-family subdivision.

CASE HISTORY: DR 95-4, a request for a landfill, was deferred indefinitely on April 18, 1995.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single-family Residential CU-432 to permit sand extraction	sand pit, farm ground
SOUTH:	"SF-20" Single-family Residential "SF-5" Single-family Residential	Highway K-96, farm ground, closed landfill
EAST:	"SF-5" Single-family Residential	closed landfill, Arkansas River single-family residences

WEST:	"SF-20" Single-family Residential "LC" Limited Commercial;	farmsteads and farm ground

PUBLIC SERVICES: West Street, at this location, provided access to the Brooks landfill when it was open and it had lots of truck traffic. Sand extraction does not require public sewer or water services, and neither service is adjacent to the site. 45th Street right-of-way appears to still exist, running east from "T" intersection of 45th and Hoover over to West Street. This right-of-way probably should be vacated or accounted for in the operations and redevelopment plan.

CONFORMANCE TO PLANS/POLICIES: The *Wichita Land Use Guide* map depicts this site as being located within the City of Wichita's 2030 "urban service area," and is appropriate for both industrial and open space uses. The Comprehensive Plan contains polices that look favorably on uses that are resource based. The plan also contains recommendations stating that industrial uses should not feed directly to local streets in residential areas; and that industrial areas should be generally located away from existing residential area, and sited so as not to generate industrial traffic through less intensive areas.

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

1. Extraction operations on the site shall proceed in accordance with the approved operations and redevelopment site plans (including any modifications to the extent of excavations required to protect the western high bank of the Arkansas River or proposed public facilities), and be subject to the supplementary use regulations found in the *Unified Zoning Code* at Article III, Section III-D, gg (pp.147-149, attached). If limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions.

2. The Conditional Use for sand extraction shall be valid for 20 years following the date of final action (either MAPC or governing body) approving extraction operations. The applicant may apply for an administrative adjustment for an additional two years should extraction operations not be completed at the end of the initial 20-year time period. During this period of time, the land may be returned to the City in phases to be used for recreation and as a public park.

3. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding property is zoned "SF-20" Single-family Residential with a couple of 600-foot by 600-foot squares of "LC" Limited Commercial zoning located on the northwest and southwest corners of 45th Street and Hoover. The application area is adjacent to: K-96 Highway, a closed landfill, an active sand pit, farm ground, farmsteads and the Arkansas River. While the landfill was active development interest in this area of the city and county was not strong, but with the closing of the landfill and with the extension of sewer and water, this rural area will experience increasing development pressure.

2. The suitability of the subject property for the uses to which it has been restricted: The site is predominantly zoned "SF-5" Single-family Residential with some areas zoned "LC" Limited Commercial. The zoning would allow for residential development on lots as small as 5,000 square feet, but sewer and water services are not currently available which limits the site's use as currently zoned. However, the presence of the closed landfill probably discourages the development of the site as single-family residential. Approval of the Conditional Use would allow the site to ultimately be redeveloped as a significant public park with lakes and recreation areas.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: During the extraction phase there could be truck traffic, noise and blowing sand when compared to farming operations. However, the conditions of approval and the existing landscaped buffer mitigate these potential negatives. Further, if the site were to be redeveloped as a park the site would become an amenity for the area.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would cause the applicant an economic hardship in that their business is the selling of sand and sand dependent products. Sand has to be produced from sites that contain enough of the material to make it economically worthwhile to mine the site. Not all properties contain sand. The public benefits from a stable and adequate supply of sand since it is an integral part of the construction process; approval would add to the supply of sand.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Wichita Land Use Guide* map depicts this site as being located within the City of Wichita's 2030 "urban service area," and is appropriate for both industrial and open space uses. The Comprehensive Plan contains polices that look favorably on uses that are resource based. The plan also contains recommendations stating that industrial uses should not feed directly to local streets in residential areas; and that industrial areas should be

generally located away from existing residential area, and sited so as not to generate industrial traffic through less intensive areas.

6. Impact of the proposed development on community facilities: Sand extraction does not require publicly supplied sewer or water services. No impacts have been identified that are not or cannot be addressed by the development and redevelopment plan.