



Wichita-Sedgwick County Metropolitan Area Planning Department

March 30, 2001

Scott Hoskinson
2776 N. Northshore
Wichita, KS 67205

FILE COPY

RE: CON2000-00012 – Conditional Use to allow sand and gravel extraction on property zoned “RR” Rural Residential. Generally located north of 53rd Street North and east of Ridge Road.

Dear Ladies and Gentlemen:

At its regular meeting on June 29, 2000, 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 letter dated July 3, 2000.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed approved MAPC resolution with conditions of approval listed.

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

Sincerely,

Scott Knebel
Senior Planner

Cc: Tom Holmes and George B. Holmes, 7158 W. 53rd Street N., Wichita, KS 67205
Janet Hoskins, 1780 3100 Ave. Chapmon, KS 67431
Clarence R. and Betty Golden, 6811 West 53rd Street North, Wichita, KS 67205
Ruth Irene Cox, 6901 West 53rd Street North, Wichita, KS 67205
Gary C. Norris, 6707 West 53rd Street North, Wichita, KS 67205
Joyce Grandfield, 6719 West 53rd Street North, Wichita, KS 67205
Brad and Kim Stoskopf, 6415 West 53rd Street North, Wichita, KS 67205

CONDITIONAL USE RESOLUTION NO. CON2000-0012

WHEREAS, Scott Hoskinson (Contract Purchaser/Applicant); Tom Homes and George Holmes (Owners); Baughman Company, PA c/o Russ Ewy (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow sand and gravel extraction on property zoned "RR" Rural Residential and described as:

The West Half of the Southwest Quarter of Section 15, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas EXCEPT the South 735 feet thereof TOGETHER WITH the East 110 feet of the South 735 feet of said West Half except that part taken for the road. Generally located north of 53rd Street North and east of Ridge Road.

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 June 29, 2000, 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 allow a Conditional Use to Allow Sand and Gravel Extraction on property zoned "RR" Rural Residential and described as:

The West Half of the Southwest Quarter of Section 15, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas EXCEPT the South 735 feet thereof TOGETHER WITH the East 110 feet of the South 735 feet of said West Half except that part taken for the road. Generally located north of 53rd Street North and east of Ridge Road.

subject to the following conditions:

1. The applicant shall submit a revised operational plan for the area to be excavated that locates the gate along Ridge an appropriate distance to the east from the Ridge right-of-way to permit queuing of vehicles on the applicant's property rather than the right-of-way. The extraction of sand and gravel on the site shall proceed in accordance with the revised 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. In order to assist in the enforcement of the operational plan, the applicant shall post a copy of the approved operational plan in the sand and gravel extraction office.
3. The gaps in the existing hedgerow along the east side of the access road to 53rd Street North shall be filled with trees planted according to a landscape plan approved by the Director of Planning.
4. Adjacent to the north, south, and west property lines of the application area, as indicated on the approved operational plan, a minimum 60-inch-high fence shall be constructed prior to the beginning of any extraction operation. A minimum 60-inch-high fence shall be constructed adjacent to the east property line at such time as the existing fence on the adjacent property to the east is removed. The fence and existing hedge rows shall be maintained at the locations depicted on the approved 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 of barbed wire; or
- C. A 48-inch-high or higher wood fence which may have cracks or openings not in excess of 5% of the area of 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.

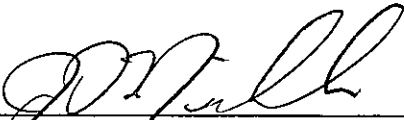
5. The sand and gravel shall be extracted to at least a minimum depth of 6 feet below the normal water table, as determined by the Wichita-Sedgwick County Health Department.
6. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no more steep than five horizontal to one vertical.
7. 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.

8. 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 and gravel 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.
9. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the Unified Zoning Code and amendments thereto.
10. 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.
11. To minimize blowing soil in this area, overburden shall not be removed more than six months 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. As part of the required operational plan, the applicant shall divide the site into 2 distinct areas for the purpose of showing phased excavation over time. The plan would show which area was to be excavated and at what time.
12. The storage of equipment or stockpiling of sand is not permitted closer than within 50 feet of the north, south, and east property lines and 100 feet of west property line.
13. 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.
14. The approval of the Conditional Use is for a period not to exceed 10 years from the beginning of operation, which shall not exceed 3 years from the date of approval by the MAPC and/or the Board of County Commissioners. Subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.
15. Hours of operation for the sand extracting business shall be limited to 6:00 a.m. to sunset.
16. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Wichita-Sedgwick County Health Department.

17. 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.
18. The applicant shall make the site available to the Wichita-Sedgwick County Health Department for the installation and management of groundwater monitoring wells.
19. Any on-site storage of fuels or chemicals must be approved by the Wichita Sedgwick County Health Department.
20. A drainage plan shall be submitted to and approved by the Sedgwick County Bureau of Public Works prior to starting the sand and gravel extraction. All of the area included within the fenced sand extraction operation shall be graded in accordance with the approved drainage plan. Additional requirements, such as a public drainage easement, a floodway reserve, or a covenant authorizing the site for use as a detention storage facility for public drainage purposes, may be required as a condition of approval for the drainage plan.
21. 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 to minimize blowing dust. The owner of the property shall be responsible for minimizing blowing dust from the site.
22. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the sand and gravel extraction operation.
23. The applicant shall dedicate by separate instrument right-of-way for 53rd Street North and Ridge Road pursuant to Article 7-201(H) of the Wichita-Sedgwick County Subdivision Regulations.
24. The south 705 feet of the access road to 53rd Street North shall be surfaced with ground asphalt.
25. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Adopted this 29th day of June, 2000. 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



J.D. (Jerry) Michaelis, Acting MAPC Chair

ATTEST:



Marvin S. Krout, MAPC Secretary

STAFF REPORT
MAPC – June 15, 2000

CASE NUMBER: CON-2000/00017

APPLICANT/AGENT: Carp Brothers, LLC (c/o Wallace F. Carp/Owner), Ritchie Corporation (c/o Steve Hatfield/Contract Purchaser) & PEC (c/o Gary Wiley, agent)

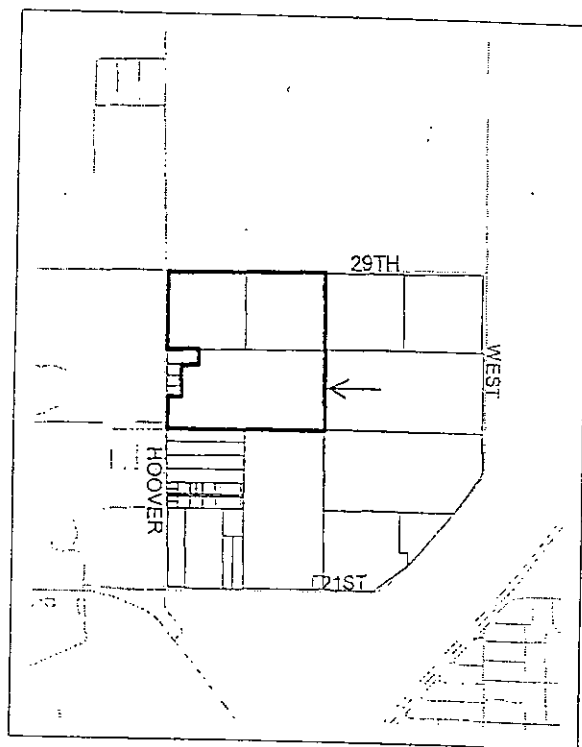
REQUEST: *Conditional Use to Allow Sand and Gravel Extraction*

CURRENT ZONING: *"SF-6" Single-Family Residential and "LC" Limited Commercial*

SITE SIZE: 150+ acres

LOCATION: Southeast Corner of 29th Street North and Hoover

PROPOSED USES: Sand and Gravel Extraction



CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" & "SF-20"	Residence, airport and agricultural uses
EAST:	"SF-20"	City of Wichita lime sludge storage site
SOUTH:	"SF-20"	Large-lot residences
WEST:	"LC" & "SF-6"	Residential subdivision

PUBLIC SERVICES: Municipal water and sewer services are not necessary to serve the proposed use. The property has access to *Hoover Street*, a two-lane paved section-line arterial; traffic volumes are not rated. Twenty-ninth Street is a sand and gravel street that is scheduled to be improved to four lanes in 2008. There are no scheduled road improvements to *Hoover* at this time. This area is a part of the *Northwest Sewer Master Plan Study* that is underway.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "agricultural/low density residential uses." 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 79 lots surrounding a 95-acre lake is perhaps not the best redevelopment scheme. A revised site plan employing an undulating shoreline would provide a better development pattern. Lake-oriented developments like this (*Barefoot Bay*, *Spinnaker Cove* or *The Moorings*) have been successful, due in part to designs which created a final land form that created a more interesting development patterns than is proposed with this application. It is recommended that a revised redevelopment site plan be submitted which depicts a curvilinear shoreline or has peninsulas or similar land features, and reduces the maximum size of the lake by at least 15 to 20 acres.

Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The extraction of sand on this site shall proceed in accordance with the revised operational plan ~~as~~^{is} approved by the MAPC. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved plan.

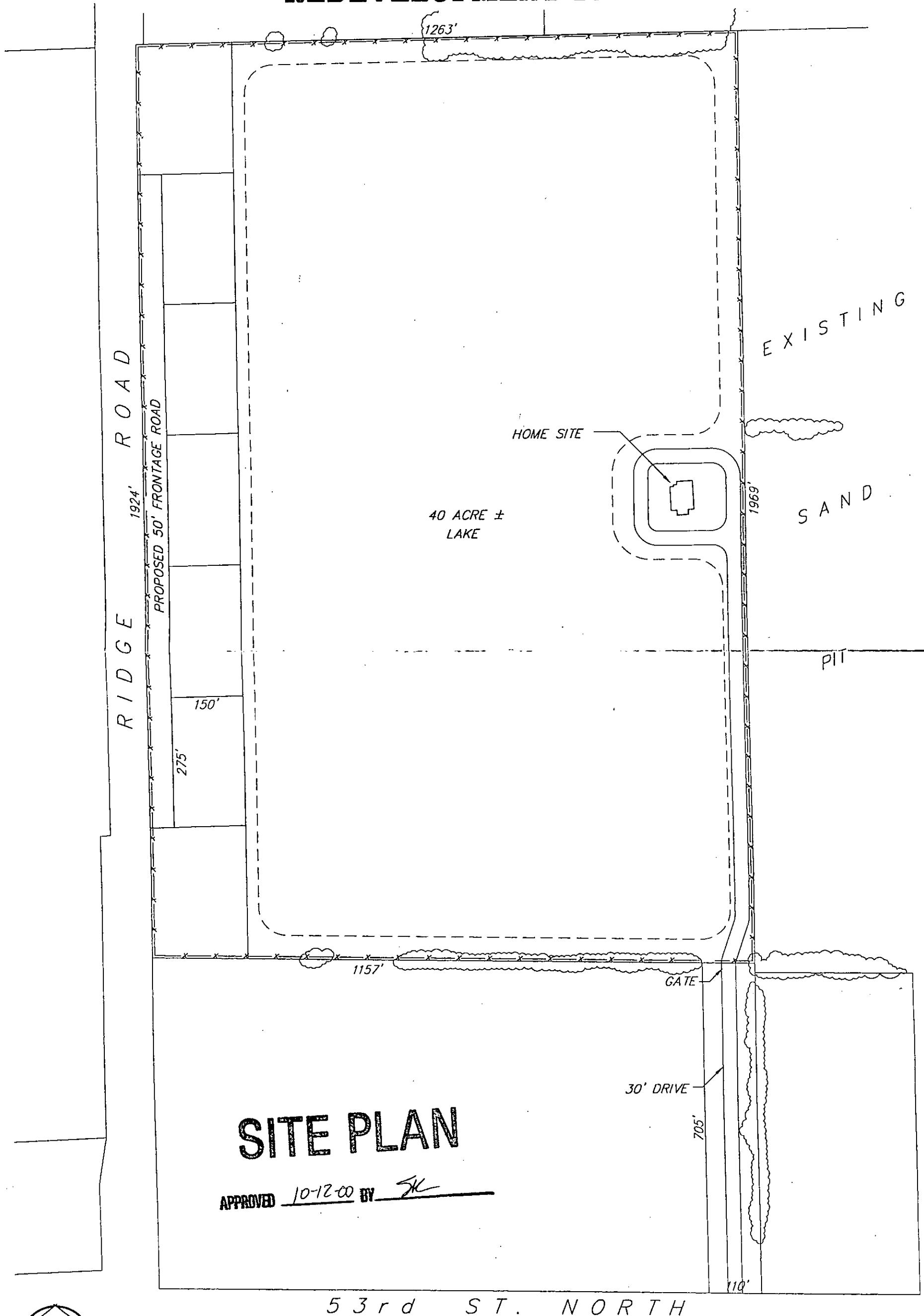
9. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel, prior to the commencement of any sand extraction operation, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the application area.
- *10. 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.
- *11. The property shall be platted prior to the issuance of any zoning or building permits, except that necessary for the sand extraction operation.
12. 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.
13. 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.
14. 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. ~~The revised site plan shall divide the site into at least two areas indicating the sequence the areas are to be worked.~~
15. 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.~~
16. 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.

1. The zoning, uses and character of the neighborhood: The general vicinity is characterized by a mixture of agricultural, airport, sand extraction and suburban single-family residential uses on property zoned "*SF-6" Single-Family Residential, "SF-20", Single-Family* and "*LC" Limited Commercial*. There are five extraction sites and a lime sludge storage facility within one mile of the subject property.
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 and Policies: 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 nature 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 minimal impact upon *Hoover Road* or *29th Street* since the sand is to be pumped to the West Street plant, minimizing the number of trips generated by this use.

HOSKINSON SAND EXTRACTION

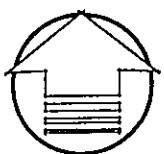
CONDITIONAL USE - CON 2000-12

REDEVELOPMENT PLAN



SITE PLAN

APPROVED 10-12-00 BY SK



1" = 200'