CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 30, 2000

Carp Brothers, L.L.C.
C/o Wallace F. Carp – Owner
2714 N. Hoover
Wichita, KS 67205

RE: CON2000-00017 – Conditional Use to allow sand and gravel extraction, on property zoned "SF-6" Single Family Residential and "LC" Limited Commercial. Generally located on the Southeast Corner of 29th Street North and Hoover.

Dear Mr. Carp:

At its regular meeting on June 15, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to APPROVE, the request subject to the conditions stated in the letter dated June 20, 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 copy of the above-referenced Conditional Use Resolution CON2000-000017. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Barry L. Carroll

Barry L. Carroll,
Associate Planner

BLC/rs

cc: Ritchie Corporation, %Steven P. Hatfield, 3500 N. West. St., P.O. Box 7717, Wichita, KS 67277-7717
P.E.C., P.A., %Gary Wiley, 303 S. Topeka, Wichita, KS 67202
Carolyn McGinn, County Commissioner, District IV, Mail Stop County Room #320
Glen Wiltse, Director Sedgwick County Code Enforcement

CONDITIONAL USE RESOLUTION NO. CON2000-00017

WHEREAS, Carp Brother, LLC (c/o Wallace F. Carp/Owner), Ritchie Corporation (c/o Steve Hatfield/Contract Purchaser) and PEC (c/o Gary Wiley, 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 described as:

> A tract of land in the Northwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Government Lots 3 and 4, and the South Half of the Northwest Quarter of said Section 2; except the North 30 feet and the West 30 feet for road right-of-way and except commencing at the Northwest corner of said Northwest Quarter; thence South along the West line of said Northwest Quarter 1168 feet to the point of beginning; thence continuing South along the West line of said Northwest Quarter 931.9 feet; thence East 245.7 feet; thence North 531.9 feet; thence East 384.3 feet; thence North 400 feet; thence West 630 feet to the point of beginning. Generally located on the southeast corner of 29th Street North and 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 June 15, 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 described as:

> A tract of land in the Northwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Government Lots 3 and 4, and the South Half of the Northwest Quarter of said Section 2; except the North 30 feet and the West 30 feet for road right-of-way and except commencing at the Northwest corner of said Northwest Quarter; thence South along the West line of said Northwest Quarter 1168 feet to the point of beginning; thence continuing South along the West line of said Northwest Quarter 931.9 feet; thence East 245.7 feet; thence North 531.9 feet; thence East 384.3 feet; thence North 400 feet; thence West 630 feet to the point of beginning. Generally located on the southeast corner of 29th Street North and Hoover.

subject to the following conditions:

1. The extraction of sand on this site shall proceed in accordance with the operational plan as 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 for this extraction use, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.

3. 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 and shall be maintained at the locations depicted on the operational plan. Said fence shall be placed on steel posts that are not less than seven (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 three (3) or more strands of barbed wire; or

   b) A 48-inch high or higher solid metal or solid masonry fence with three (3) or more strands of barbed wire; or

   c) A 48-inch or higher wood fence which may have cracks or openings not in excess of 5% of the area or such fence, with three (3) or more strands of barbed wire.

   The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four (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 extraction.

4. The earth and sand shall be extracted to at least a minimum of six (6) feet below the normal water table, as determined by the Wichita-Sedgwick County Health Department.

5. To provide for bank stabilization for safety of future uses, the side slope of the extraction shall be no steeper than five (5) horizontal to one (1) vertical.

6. 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.

7. All the area included within the fence sand extraction operation shall be graded in accordance with a plan submitted to, and approved by, the Sedgwick County Bureau of Public Services.

8. The owner of the property shall be responsible for minimizing blowing dust from the site.

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.

17. The approval of the Conditional Use is for a period not to exceed 10 years from the date of approval by the MAPC or the Board of County Commissioners [excavation will start within a period not to exceed a period of three years and will be completed within 10 years from the beginning of excavation] and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

18. Hours of operation for the removal of overburden shall be limited from 6 a.m. to sunset. The same hours of operation shall apply if sand removal is conducted with use of non- electrical driven equipment. If sand is removed with the use of an electrical pump, sand extraction may operate 24 hours a day.

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 Environmental 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. The Wichita-Sedgwick County Health Department must approve any on-site storage of fuels or chemicals.

23. 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.

24. The applicant shall obtain and maintain all applicable local, state and federal permits necessary for the sand and gravel extraction operation.

25. The applicant shall dedicate by separate instrument right-of-way for Hoover Street and 29th Street North pursuant to Article 7-201(H) of the Wichita-Sedgwick County Subdivision Regulations.

26. Any violation of the conditions approved, as a part of this request, shall render 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

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

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)

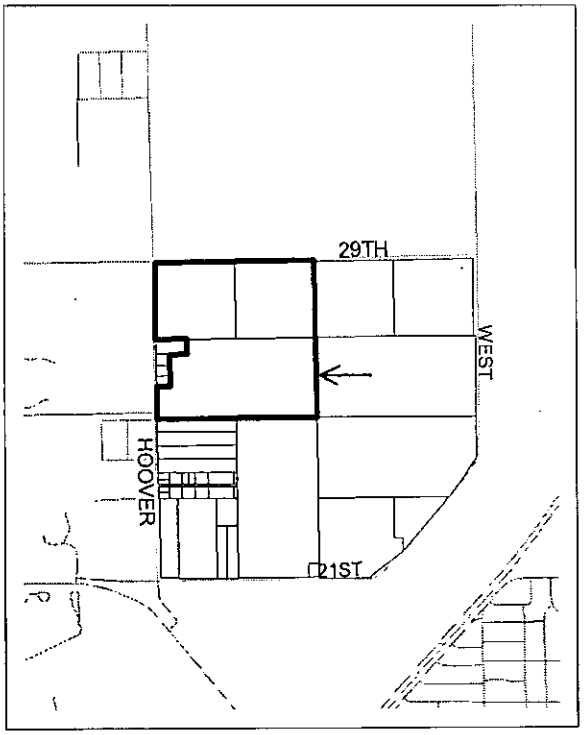
REQUEST: *Conditional Use* to Allow Sand and Gravel Extraction

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



BACKGROUND: The applicant is requesting a *Conditional Use* to allow for a sand and gravel extraction operation on an unplatted 150-acre tract of land. This property is zoned *"SF-6" Single-Family Residential* and *"LC" Limited Commercial.* The application area is a rectangular shaped parcel and is located at the southeast corner of *29th Street North* and *Hoover.* Currently, access to the site is from *Hoover.* There is also an opening proposed on *29th Street* on the redevelopment plan. The applicant has submitted a site plan for review.

According to the applicant, the material from the excavation is proposed to be pumped to the Ritchie Corporation plant site (CU-278) located on the east side of *West Street* approximately ½ mile north of *29th Street North.* It will be from this site that the sand and gravel will be distributed. A redevelop-ment plan also submitted by the applicant shows 79 lots surrounding the 95-acre lake, with a 50-foot collector road looping around the development with one connection onto 29th Street North and one connection to the southeast. The plan assumes that public water and sewer service will be extended to this site in the future. Both plans show a 40-foot *Phillips* pipeline easement located in the southeast corner of the application area.

A mixture of agriculture and extractive uses characterizes the general vicinity. There are five other extraction sites within one mile on the subject property. There is an airport north of the application area is a residential area and zoned *"LC"* and *"SF-6,"* the property south is residential and *zoned "SF-6;"* to the east is a lime sludge deposit area and zoned *"SF-20,"* to the west is a residential area (*Barefoot Bay 2nd Addition)* and zoned *"LC"* and *"SF-6."*

No portion of the subject property is located within the FEMA floodplain. Also, the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County indicates that the site is not associated with wetlands. The excavation is to be completed within 15 years. Once the excavation is completed, the applicant proposes to develop the property with a total of 79 dwelling units (see site plan).

Staff is convinced that the redevelopment plan could be redesigned to create a more livable subdivision. Creation of undulating shoreline with "fingers" or peninsulas would be a more desirable design that the one proposed. *Bay Foot Bay, Spinnaker Cove* or *The Moorings* are examples of subdivisions built on sandpits which utilize a design that left a more desirable development pattern than the one proposed.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	*"LC" & "SF-20"*	Airport/Agricultural Uses
EAST:	*"SF-20"*	City of Wichita Lime Sludge Storage Site
SOUTH:	*"SF-20"*	Agricultural Uses
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. 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 the initial design which created more interesting development patterns than is proposed with this application.

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 operational plan approved 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 for this extraction use, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.

3. 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 and shall be maintained at the locations depicted on the operational plan. Said fence shall be placed on steel posts that are not less than seven (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 three (3) or more strands of barbed wire; or
   b) A 48-inch high or higher solid metal or solid masonry fence with three (3) or more strands of barbed wire; or

   c) A 48-inch or higher wood fence which may have cracks or openings not in excess of 5% of the area or such fence, with three (3) or more strands of barbed wire.

   The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four (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 extraction.

4. The earth and sand shall be extracted to at least a minimum of six (6) feet below the normal water table, as determined by the Wichita-Sedgwick County Health Department.

5. To provide for bank stabilization for safety of future uses, the side slope of the extraction shall be no steeper than five (5) horizontal to one (1) vertical.

6. 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.

7. All the area included within the fence sand extraction operation shall be graded in accordance with a plan submitted to, and approved by, the Sedgwick County Bureau of Public Services.

8. The owner of the property shall be responsible for minimizing blowing dust from the site.

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.

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.

17. The approval of the *Conditional Use* is for a period not to exceed 10 years from the date of approval by the MAPC or the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

18. Hours of operation for the sand extraction business shall be limited from 6 a.m. to sun set.

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 Environmental 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. The Wichita-Sedgwick County Health Department must approve any on-site storage of fuels or chemicals.

23. 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.

24. The applicant shall obtain and maintain all applicable local, state and federal permits necessary for the sand and gravel extraction operation.

25. The applicant shall dedicate by separate instrument right-of-way for *Hoover Street* pursuant to Article 7-201(H) of the Wichita-Sedgwick County Subdivision Regulations.

26. The applicant shall submit a revised site plan for review.

27. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* 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-6" Single-Family Residential* and *"LC" Limited Commercial.* There are five extraction sites within one mile of the subject property. To the east of the application area is the City of Wichita's lime sludge storage facility zoned *"SF-6."*

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 Street*, which currently has, and is projected to have, surplus capacity.