



Wichita-Sedgwick County Metropolitan Area Planning Department

October 18, 2021

Mies Land Development, LLC.
Attn: Earl Mies
1919 Southwest Boulevard
Wichita, KS 67213

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: CON2021 00036 - County Conditional Use to permit Rock Crushing on property zoned SF-20 Single-Family Residential; Generally located on the east side of North 135th Street West and within one-half mile north of West 13th Street North on property zoned SF-20 Single-Family Residential.

Dear Applicants:

On October 6, 2021, the Board of County Commissioners voted to approve your request.

Attached please find the approved site plan and executed resolution.

Sincerely,

A handwritten signature in blue ink that reads 'Kathy L. Morgan'.

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to:

MABCD

David Dennis, BoCC District 3

Justin Waggoner, Assistant County Council,

Lynn Packer, Sedgwick County Public Works, 1144 S Seneca, Wichita, KS 67213

Kelly Dixon, MABCD

A RESOLUTION TO APPROVE A CONDITIONAL USE A TEMPORARY ROCK CRUSHER ON SF-20 SINGLE-FAMILY RESIDENTIAL, 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-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND 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-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. CON2021-00036:

Generally located on the east side of North 135th Street West and within one-half mile north of West 13th Street North on property zoned SF-20 Single-Family Residential.

A tract located in the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas being described as follows: Beginning at a point approximately 455 feet South of the Northwest corner of the Southwest Quarter; thence East perpendicular to the West line of said Southwest Quarter, 350 feet; thence North parallel with the West line of said Southwest Quarter, 210 feet; thence East perpendicular to the West line of said Southwest Quarter, 900 feet; thence South parallel with the West line of said Southwest Quarter, 290 feet; thence West perpendicular to the West line of said Southwest Quarter, 1,250 feet; thence North along the West line of said Southwest Quarter, 80 feet to the point of beginning, subject to all road rights-of-way of record.

This conditional use is granted subject to the following conditions:

- A. The hours of operation shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The rock crusher may not be operated on Saturdays, Sundays or legal holidays.
- B. The site shall be developed and operated in conformance with the approved site plan.
- C. All applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing operations and material storage shall take place within the designated site plan area, unless an adjusted site plan is approved by the Director of Planning.
- D. Prior to rock crushing operations, the applicant (or applicant's hired rock crushing company) shall get an air permit from KDHE to operate in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants.
- E. Rock crushing operations on the site shall not create dust which travels on to surrounding properties. A dust suppression/watering system shall be used during all rock crushing operations.

- F. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be available and used to control dust at the site for the duration of this Conditional Use.
- G. Access to the site will be from the drive access on the east side of North 135th Street West.
- H. The rock crusher shall operate no more than 90 days total. The rock crusher Conditional Use shall be authorized for a period of twelve (12) months from the approval date of this application. The piles and all materials must be removed from the site at the end of the twelve (12) months.
- I. Any request for extension of timing for this Conditional Use must be submitted to the Planning Commission for consideration.
- J. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, 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 zoning change 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 and publication in the official county newspaper.

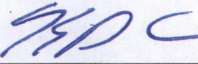
Commissioners present and voting were:

PETER F. MEITZNER	<u>Aye</u>
SARAH LOPEZ	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
LACEY D. CRUSE	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>


Dated this 6th day of October, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

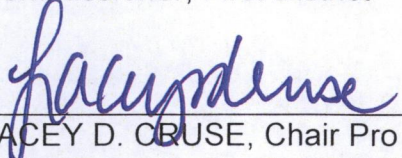


 KELLY B. ARNOLD, County Clerk



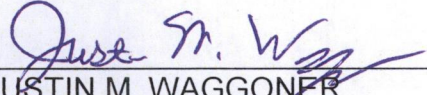


 PETER F. MEITZNER, Chairman
 Commissioner, First District

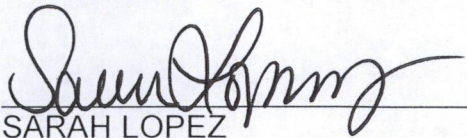


 LACEY D. CRUSE, Chair Pro Tem
 Commissioner, Fourth District


APPROVED AS TO FORM:



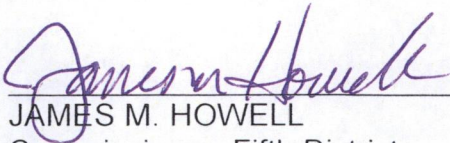
 JUSTIN M. WAGGONER
 Assistant County Counselor



 SARAH LOPEZ
 Commissioner, Second District



 DAVID T. DENNIS
 Commissioner, Third District



 JAMES M. HOWELL
 Commissioner, Fifth District

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, being first duly sworn, deposes and says: That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

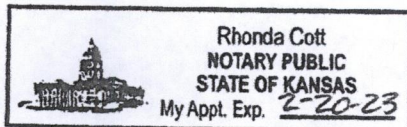
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 28th day of July 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this 28th day of July, 2021.

Rhonda Cott
Notary Public



Official Hearing Notice - MAPC - August 19, 2021

Printer's Fee: \$48.44

Additional copies: \$ _____

Legal Publication

OCA 150004

Published in The Derby Informer on July 28, 2021

MAPC August 19, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 19, 2021 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2021-00034: County Conditional Use for Vehicle Storage Yard for RVs and Boats on property zoned RR Rural Residential (in the Goddard Area of Influence); generally located on the east side of South 199th Street West and within one block south of West 6th Street South (740 S 199th Street West).

CON2021-00036: County Conditional Use to permit Rock Crusher on property zoned SF-20 Single-Family Residential; generally located on the east side of North 135th Street West and within one-half mile north of West 13th Street North.

VAC2021-00032: County request to vacate a portion of a platted utility easement on RR Rural Residential zoned property generally located a half mile north of East 39th Street South, a quarter mile west of South 159th Street East on the south side of East Hidden Estates Street

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda

to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/651544141>
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on July 28, 2021

Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

EXHIBIT
MIES - ROCK CRUSHER CONDITIONAL USE
 WICHITA, SEDGWICK COUNTY, KANSAS



SITE PLAN
 APPROVED 10-6-2021 BY *Baughman*



SCALE: 1" = 150'

F:\Planning\Zoning\Mies - 135th Street Rock Crusher Conditional Use\Mies - 135th Street Rock Crusher Conditional Use Site Plan (07-12-21).dwg