

5353
 Map No. Z-3-C ~~6-73~~ A
 Sec. 19 ~~30~~
 Twp. 26 ~~25~~
 Range 1E ~~2E~~

see CO-157

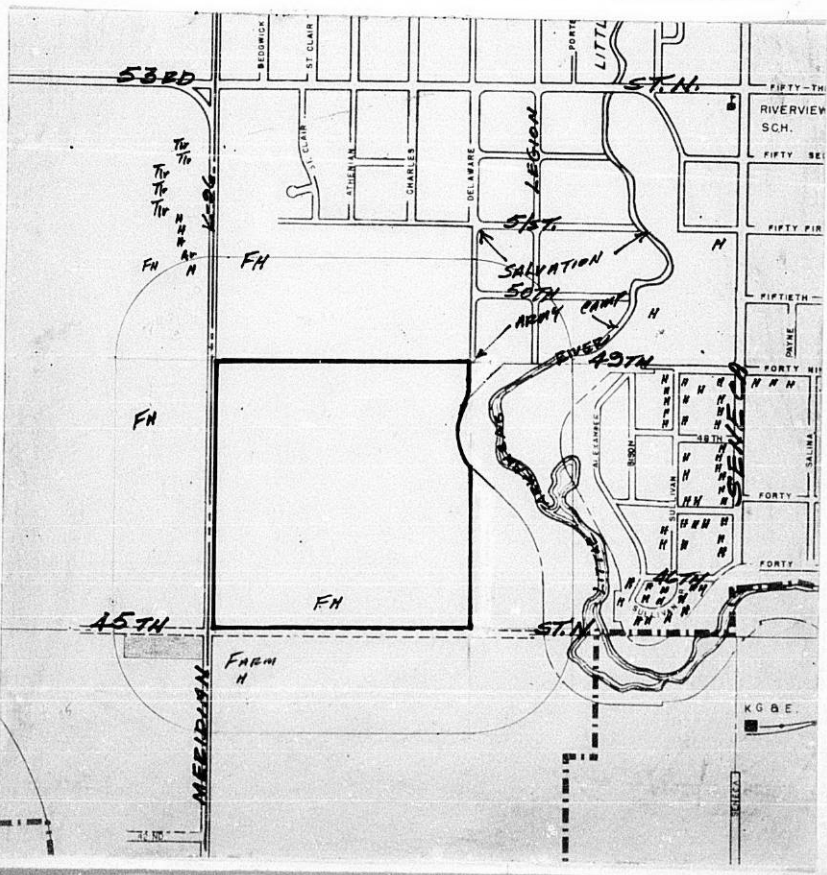
DATA SHEET
 (ZONING & CONDITIONAL USE)

X2- _____
 X00- _____
 CU- 129
 Filed 11-16-70

APPLICATION DATA: From _____ to _____
 1. Applicant: Miles Sand, inc.
 Address 4857 North Meridian Phone 838-3362
 2. Agent: Fred A. Beaty
 Address 435 North Broadway (02) Phone 262-8289
 3. General Location: On the east side of Meridian in an area between
 45th and 53rd Streets North Address _____
 4. Proposed Use: Sand Excavation

AREA DATA:
 1. Acres: 160 (minus E.C.E.P.) 2640 ft. by 2640 ft.)
 2. Adjoining Zoning: E E-1 S.R. & LC W.R. & LC N R-1
 3. Land Use: East LITTLE ARKANSAS RIVERSOUTH FARM HOUSE & AGRICULTURE
 West FARM HOUSE & AGRICULTURE North " " " "
 4. Sketch Plan Land Use is for:
 5. Present Land Use is for: FARM HOUSE & AGRICULTURE
 6. Area ~~is~~ (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



September 20,
1973

Sharon Dearing, Deputy County Clerk

Jack H. Galbraith, Chief Planner

CU-129 - Conditional Use for sand and gravel pit -
East side of Meridian in an area between 45th and
53rd Streets North

This is to advise you that the above captioned case has been closed. Your minutes will reflect that the Board of County Commissioners approved the case on February 2, 1971, subject to 15 conditions. Recently, in an attempt to close old cases, the Planning Commission reconsidered this case on June 14, 1973, and at the applicant's request, extended the time for completing the case for 90 days to September 14, 1973. Inasmuch as the conditions had not been complied with on that date, and as instructed by the Planning Commission, the case has been closed.

This is provided for your information so that you can mark the copies of your resolution accordingly. Please call if you have any questions.

JHG:rw

cc: Earl Rush, Chairman, Board of County Commissioners
Alvin J. Hennessy, Director of Planning and Zoning

Do not publish
until dedications
are submitted and
plans are returned.
J.K.S.

() Published in The Wichita Beacon on _____, 1971

R E S O L U T I O N

CASE NO. CU-129

A RESOLUTION PERMITTING A SAND EXTRACTION OPERATION ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, OR THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 4.10.f., and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation is hereby approved on the lands legally described as follows;

The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located on the east side of Meridian in an area between 45th and 53rd Streets North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian, 40 feet of half-street right-of-way along the south property line for 45th Street and the 40 and 80 foot rights-of-way as indicated on the operational plan along the east property line for Delaware.
2. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loon levee around the entire sand pit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
3. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
4. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.

- a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
- b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three 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 gates at an angle not to exceed 160 degrees facing away from the excavation.

5. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
6. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
7. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
8. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the two drainageways be constructed and maintained as part of the operational plan.
 - c. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake;
 - d. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
9. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners
10. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
11. 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.
12. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
13. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
14. The applicant shall comply with conditions 1, 2 and 9 prior to the publication of the resolution effectuating the conditional use.

15. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office 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 and publication in the official County paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 3rd day of February, 1971.

Chairman

Commissioner

Commissioner

ATTEST:

County Clerk
(SEAL)