

CU-276 - Associated Material & Supply Co. Inc. requests conditional use permit to establish a sand excavation operation north of 37th Street North between Hoover and Ridge.

POSTED 2-5-85
copy filed # 1 VIII
OK

District #1

ACTION

COMMITTEE	DATE
M.A.P.C.	Referred 2 weeks. 2/21/85
M.A.P.C.	Referred 90 days 3/7/85
B.C.C./B. CO. C.	
M.A.P.C.	defer indefinitely 6-13-85
M.A.P.C.	Approved subject to conditions 8-8-85
B. Co. C.	Approved subject to conditions & recommended 9-4-85

Closed

Map No. 5052 B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 276
Filed 1-18-85

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Associated Material and Supply Company, Inc.
Address 6015 North Broadway, Wichita, KS. 67219 Phone 744-0433
 2. Agent: Don Bottenberg, Realtor
Address 923 1st Nat'l Bank Bldg. Wichita, KS. 67202 Phone 264-5031
 3. General Location: On the north side of 37th Street North between Hoover and Ridge Road
 4. Proposed Use: _____

- AREA DATA:
1. Acres: 123.6 (_____ ft. by _____ ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
 3. Land Use: East _____ South _____
West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted. _____

- PROCEDURE DATA:
1. Zoning Committee _____ by _____
 2. MAPC Meeting: _____

Date	Action
<u>2-21-85</u>	<u>Deferred 2 weeks</u>
<u>3-7-85</u>	<u>Deferred 90 days</u>
<u>6-13-85</u>	<u>Deferred indefinitely</u>
<u>7-8-85</u>	

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Ordinance Resolution
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTES:

LOS ANGELES COUNTY
REGISTERED PROFESSIONAL
LAND SURVEYOR
No. 2153C
U.S.A.

Shirley
No. 2153C

DATA SHEET

Z- _____
SCZ- _____
OU- 276
DR- _____
DP- _____

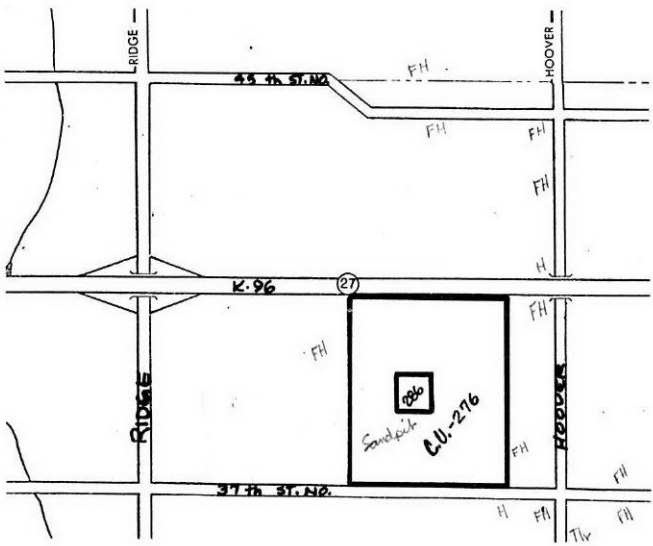
Amend _____
Case Filed: ~~7-11-85~~
Associated Case: CU-286

APPLICATION DATA: Map No. 5052 B
1. General Location: On the north side of 37th Street North in an area west of Hoover
2. From _____ to _____
3. Proposed Use: To Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant
4. DP Name: _____
5. Applicant: Associated Material & Supply Co., Inc. c/o Dave Stannard
Address 6015 North Broadway, Wichita, Kansas 67219 Phone 744-0433
6. Agent: Don Bottenberg, Realtor
Address 923 First National Bank Bldg., Wichita, Kansas 67202 Phone 264-5031

AREA DATA:
1. Acres: 118.2 (_____ ft. by _____ ft.)
2. Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
3. Land Use: North _____ East _____
South _____ West _____

PICTURE SHEET

PHOTO DATA:
Taken by _____ Date _____ Time _____



NOTES:

Map No. 5052 B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

'Z- _____
SCZ- _____
CU- 276
Filed 1-18-85

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

1. Applicant: Associated Material and Supply Company, Inc.
Address 6015 North Broadway, Wichita, KS. 67219 Phone 744-0433
2. Agent: Don Bottenberg, Realtor
Address 923 1st Nat'l Bank Bldg., Wichita, KS. 67202 Phone 264-5031
3. General Location: On the north side of 37th Street North between Hoover and Ridge Road
4. Proposed Use: _____

AREA DATA:

1. Acres: 123.6 (2630' ft. by 2030' ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East ARIG. FARM South FARM, ARIG.
West ARIG. FARM North HIGHWAY, ARIG.
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 4, 1985

RECEIVED	
OFFICE OF CITY CLERK	
OCT 7 1985	
<input type="checkbox"/> DG _____	<input type="checkbox"/> DR _____
<input type="checkbox"/> Agenda _____	<input type="checkbox"/> JE _____
<input type="checkbox"/> File _____	

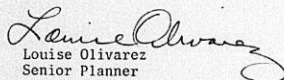
TO: Don Gisick, City Clerk

FROM: Louise Olivarez, Senior Planner

SUBJECT: Recording of covenant associated with CU-276.

Attached is a restrictive covenant which was a requirement of a County Conditional Use application recently approved by the MAPC and BCOC. Please record the document with the Register of Deeds and bill the Planning Department for the recording cost. (755-68-360-50000-295-000-000) Also, please return the original recorded document to me for our files.

Thanks.


Louise Olivarez
Senior Planner

LO:blw
Attachment

RESTRICTIVE COVENANT

The undersigned, Associated Material & Supply Co., Inc being owners of the following described real property covered by Conditional Use Permit No. 276, do hereby impose upon said property to wit:

Southeast 1/4, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the east 600 feet thereof, and EXCEPT the south 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

a covenant to run with the land as follows:

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies, building rubble or other trash shall be deposited on the site (except such materials as may be approved for temporary storage for crushing purposes under a separate conditional use permit). No foreign matter, including all of the above materials as well as new asphaltic concrete mix, shall be deposited within any sand pit excavation.
2. Bank stabilization and fill materials shall include sidewalk pavement, concrete pavement, concrete pavement with asphaltic concrete overlays, and asphaltic concrete pavement. All asphaltic concrete materials shall have aged sufficiently so that the water soluble pollutants have dissipated. In no instance will asphaltic concrete exceed 15% of the total materials used. Reinforcing materials protruding in excess of 12 inches shall not be permitted. Materials used for final grade shall have reinforcing materials clipped as close to flush as possible.

The covenant herein contained shall be binding upon the undersigned, their successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 24 day of September, 1985.

**MICROFILMED
OF RECORD**

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

ASSOCIATED MATERIAL & SUPPLY CO., INC.

OCT 16 1985
7 72224

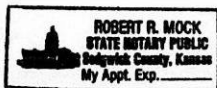
David L. Stannard
by David L. Stannard, President

STATE OF KANSAS) NO. PAT KETTLER
SEDGWICK COUNTY) REGISTER OF DEEDS

Ed Reed
Deputy

The foregoing instrument was acknowledged before me this 24TH day of SEPTEMBER, 1985 by David L. Stannard, President (name and title of officer) of Associated Material & Supply Co., Inc. (name of corporation),

a Kansas corporation, on behalf of the corporation.



Robert R. Mock
Notary Public

(SEAL)

My Appointment Expires DEC 26, 1986

500

city clerk

RESOLUTION NO. 254-1985

CASE NO. CU-276

A RESOLUTION TO EXPAND A SAND AND GRAVEL EXTRACTION OPERATION AND TO INCLUDE A CONCRETE AND ASPHALT MIXING PLANT IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a Conditional Use Permit to expand a sand and gravel extraction operation and to include a concrete and asphalt mixing plant in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

SE- $\frac{1}{4}$, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

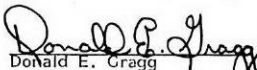
- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- E. All slopes shall have vegetative covering consisting of a perennial drowth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drowth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- K. The applicant shall proceed in accordance with the 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.
- M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
- O. All materials and equipment, in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.
- P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the $N\frac{1}{2}$ of the application area.


- Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.
- R. 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 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 Commission.

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 by the Board of County Commissioners at Wichita, Kansas, this 4th day of September, 1985.


Donald E. Cragg Chairman


Tom Scott Commissioner

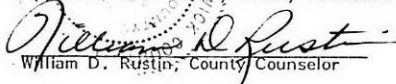

Bernard A. Hentzen Commissioner

ATTEST:


Donnell L. Wright, County Clerk

(SEAL)

Approved as to form By County Counselor


William D. Rustin, County Counselor

October 4, 1985

Don Gisick, City Clerk

Louise Olivarez, Senior Planner

Recording of covenant associated with CU-276.

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Thanks.

Louise Olivarez
Senior Planner

LO:blw
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IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 24 day of September, 1985.

ASSOCIATED MATERIAL & SUPPLY CO., INC.

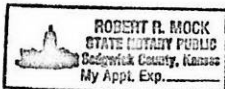
David L. Stannard
by David L. Stannard, President

STATE OF KANSAS)

SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me this 24TH day of SEPTEMBER, 1985 by David L. Stannard, President
(name and title of officer)
of Associated Material & Supply Co., Inc.
(name of corporation)

a Kansas corporation, on behalf of the corporation.



(SEAL)

Robert R. Mock
Notary Public

My Appointment Expires DEC 28, 1986

cc to Ron Worley 10-3-85

016700

To

Marilyn
Assoc. Mater. & Supply

From

Louise Olivarez
Metropolitan Planning Dept.

Subject

Restrictive Covenant for CU-276

Date

9-23-85

Message

Attached is a new copy of the covenant as we discussed on the phone this morning. It needs to be signed, notarized and returned to me.

Also attached is the old copy for you to dispose of as you wish.

SIGNED

Louise

DATE

Reply

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 47-223
Made in U.S.A.

SIGNED _____

SENDER RETAIN THIS COPY

September 10, 1985

Mr. Dave Stannard
Associated Material
& Supply Co., Inc.
6015 North Broadway
Wichita, Kansas 67219

RE: CU-276 and CU-286

Dear Mr. Stannard:

Attached are copies of the resolutions which will authorize the above-referenced conditional use permits once the resolutions have been published. The resolution for CU-286 (rock crusher) will be published within the next few days. The resolution for CU-276 will not be published until you have submitted the restrictive covenant as specified in condition "A" of that resolution. The covenant was mailed to you for your signature on August 12, 1985, along with our letter outlining the action of the MAPC. Please submit the signed covenant at your earliest convenience. If you have any questions about the covenant, you may call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Ron Worley, County Zoning Administrator, Dept. of Public Works

September 10, 1985

Ron Worley, County Zoning Administrator

Louise Olivarez, Senior Planner, Current Plans

CU-276

Attached for your files are two copies of the proposed operational plan for Dave Stannard's expanded sand excavation site on 37th Street North in an area west of Hoover. The resolution authorizing this expanded operation will not be published until Mr. Stannard submits the restrictive covenant required by condition "A". Once the resolution is published, it will supersede and make null and void Conditional Use #176 which was approved in 1975 for the south half of this site.

Louise Olivarez
Senior Planner

LO:blw

Attachments

August 20, 1985

Bruce Nicholson
4500 N. Ridge Rd.
Wichita, KS. 67205

Bernard A. Hentzen
Sedgwick Co. Courthouse
Suite 320
Wichita, KS. 67203

Re: DR-85-17
CU-286
CU-276

Dear Mr. Hentzen,

We feel that the planning commission recommendation was in error, primarily because they did not adequately deal with what I would call the "landfill" operation taking place on the present site. We have pointed this out at several previous meetings and even though the guidelines were apparently changed to make some stockpiling legal we feel that the "landfill" is going to continue.

The trees in 1 and 1a have been burned. The debris in 2 and 2a has been pushed into the hole creating a fill area of around two acres.

The large pile of material in 3 is still present as are the barrels. This is a mixture of something, it is not just a pile of sand.

Four is new material brought in since the last hearing along the west side. A drive thru inspection the morning of the last hearing reported no such material on the site. The other pictures show different closer views along the west side.

We feel that the past history of this business shows that guidelines are going to be ignored until the need for some new permit may require some clean up. We need an inspection system with the power to enforce immediate corrections. Until such a system exists the track record of this business shows that any new permit or expansion should be denied.

RECEIVED

AUG 29 1985

METROPOLITAN PLANNING
ROUTE _____

Yours Truly,
Bruce Nicholson
Bruce Nicholson

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-276 - AMENDED APPLICATION FOR CONDITIONAL USE PERMIT TO
EXPAND A SAND AND GRAVEL EXTRACTION OPERATION AND TO INCLUDE
A CONCRETE AND ASPHALT MIXING PLANT, GENERALLY LOCATED NORTH
OF 37TH STREET NORTH IN AN AREA WEST OF HOOVER.

The MAPC recommends that the application be approved.
(see minutes for full motion)

Moore moved, Chisholm seconded and it carried unanimously.

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission subject to the recommended conditions of approval, adopt a resolution establishing the conditional use; or
2. Deny the application.

21.3%
NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

DATA AND MINUTES

MAPC Hearing Date: 3-07-85
MAPC Hearing Date: 6-13-85
MAPC Hearing Date: 8-08-85

BCoC Hearing Date: 9-04-85

COMMISSION DISTRICT #1

AREA DATA:

Acres: 118

Size: 2000' x 2578' approximately

Reason: "The applicant is a prime paving contractor for Central Kansas and the extracted material is needed in their operation."

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction operation & farmland	"R-1"
North	K-96 Highway	"R-1"
South	Farmland	"R-1"
East	Farmland	"R-1"
West	Farmland	"R-1"

History: CU-176 covering the S½ of this application area was approved in 1975 for a sand extraction operation.

Applicant: Associated Material & Supply Co., Inc., 6015 North Broadway, Wichita 67219

Protestors: Bruce Nicholson, 4500 N. Ridge Road.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 7, 1985

LEGAL:

2. Case No. SCZ-0521 - Associated Material & Supply Co., Inc. requests zone change from "R-1" to "F" (as amended) for a tract beginning 650 feet West of the Southeast Corner of the Southeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M.; thence North 750 feet; thence west 750 feet; thence south 750 feet; thence east 750 feet to point of beginning. Generally located on the north side of 37th Street North between Hoover and Ridge.
3. Case No. CU-276 - Associated Material & Supply Co., Inc. requests a Conditional Use Permit for the Southeast Quarter (SE $\frac{1}{4}$) of Section 27, Township 26 South, Range 1 West of the 6th P.M., except the East 600 feet thereof. Generally located north of 37th Street North between Hoover and Ridge Roads.

DISCUSSION:

GALBRAITH stated that at the last meeting he pointed out that the reason for the heavy industrial request was that it was the first district in the County's text that had the word "rock crusher", and it was the applicant's desire to place a rock crusher on that site so that he could break up and crush concrete that had been stored there in violation of the conditional use for some months. GALBRAITH pointed out that Conditional Use 176 had been approved as a previous sand extraction case, and it was the applicant's desire how to expand this operation to the north.

GALBRAITH said that at the last meeting, the Commission asked for an aerial photograph. He pointed out that the aerial was taken in 1983. He called to the Commission's attention that there was some mention about a contract upcoming to repave or reimprove the I-235 bypass. It was mentioned how that concrete highway would be crushed and reused. The Commission wondered if there was any site on the interstate right-of-way that the contractor could have his facilities on, including a concrete batch plant. The Commission also asked staff to contact KDOT relative to finding out that answer. GALBRAITH said that KDOT responded to two questions that were asked of them. They maintained that the crushing of the concrete in the highway was an option. That some contractors may bid on it not to reuse it, but they are permitting it to be reused for base material, as well as part of the concrete could be used as aggregate to make new concrete. KDOT said also that whatever contractor gets the job, it was his responsibility to find the site that he would operate from. But they mentioned that there may be sites within the right-of-way, but the final approval was up to KDOT. GALBRAITH said that he had talked with Mr. Stannard, the applicant, since the contact with KDOT, and he says that as far as he was concerned he believed that there were two sites on which he could operate off the KDOT right-of-way, but in addition, he would need some adjacent flood control right-of-way that he had been led to believe that he might be able to use on a temporary basis.

GALBRAITH continued that after the last meeting he had had several discussions with the applicant, and he says that there was no immediate need for him to have heavy industrial zoning on this site relative to the contract he wants to bid on I-235. He would like a place in his operation to be able to store concrete, and every now and then to bring a portable crusher in to crush it. He does not own a crusher, but would have someone that comes into the site to crush it. A lot of people involved in the concrete construction have need for that type of facility.

GALBRAITH said that the Commission also asked staff to request an opinion from the County Counselor, "could the present County text be construed as permitting a rock crusher in association with a sand extraction pit". He said that the County Counselor's office believed that if you are crushing materials extracted from the site, then it could be

construed as being an accessory use to the conditional use. They feel that it could not be construed that way if material is being moved into a site and then crushed. Their advice was that if the Commission wanted to have a crusher being permitted as a conditional use, then first the text has to be amended. GALBRAITH said that heavy industrial zoning was not needed if the Commission instructed staff to proceed to amend the text to permit someone to be able to file a conditional use application for a rock crusher.

GALBRAITH pointed out that the reason the applicant filed the "E" Light Industrial request a year ago on this site was so that they could move an asphalt and concrete batch plant onto the site. He said that there still was some expression that they want to be able to do that. GALBRAITH felt that that might be something that the Commission would also like to see handled as a conditional use application when someone has a sand extraction business, to be able to let them apply for an asphalt or concrete batch plant as a conditional use where they could limit the number of years it would be there, and establish conditions of approval.

GALBRAITH further pointed out that there was some inquiry as to regulation of sandpits or rock crushers. He said that there was the State Health Department and others. They seem to be adequately regulated. He said that it was his understanding that there was some device to spray water on the rock crusher itself to minimize blowing dust. He said that the mesh and reinforcing in I-235 now was all baled and sold as scrap. The things that the applicant would be reusing was crushed aggregate for base material.

GALBRAITH stated that the staff was in support of the sand extraction and felt it should be permitted to expand. They recommended approval subject to a number of conditions. He called the Commission's attention to items "H", "J" and "K". The only sentence added to item "H" was clarification that the operational roads may be used as access to any approved industrial district on this site if that should occur. He said that staff did not want to have to grant industrial zoning out to 37th Street if they could use their own operational roads and a reasonable buffer was established from 37th Street. Item "J" would simply be all construction material and equipment not associated with the approved excavation operation shall either be removed or stored on an appropriately zoned area. GALBRAITH said the violations that are there today simply need to cease, be either moved to some other location or moved to a zoning classification that permits those uses. Item "K" states that the present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the north half of the application area. GALBRAITH said that he saw no reason to establish heavy industrial zoning in this location. It could be moved to some other spot, or the Commission could instruct the staff to keep the case open until they have an opportunity to amend the text.

GARDNER asked how long did it take to amend the text.

GALBRAITH answered 60 to 90 days.

GARDNER asked Galbraith to give the Commission some idea of what routes of access are available into the neighborhood or into the site from K-96.

GALBRAITH stated that according to the applicant at the last meeting, most of the access was over to Hoover, down to Zoo Boulevard and into the city at that location.

GARDNER asked if they were to indicate on the parcel where the location would be for a rock crusher that would be most remote from the surrounding residential uses, where would it likely be.

GALBRAITH pointed the spot out on the map.

BAYOUTH stated that there would be a need for this in the future, and asked where would you place something like this.

GALBRAITH stated that the storage of aggregate is best located in industrial areas that permit contractor building material yards.

DAVID STANNARD, applicant, stated that they would be more than willing to drop the rock crusher at this time if the County could come up with an answer saying that they could get a conditional use for six months to move in and crush the concrete. He said that they do like the idea of being able to store the concrete. They have to take it some place. He said that he might have given some of the Commissioners the wrong idea when he said that they do not do too much City work. They have a company, W. B. Carter, that does a lot. If they dig up a sewer which crosses a street, they have some concrete they have to get rid of. They have to take it some place. STANNARD said that if the request was not approved, they can break the concrete up more with a breakerball and rip-rap their shore. They plan to do part of this anyway. They did not plan to crush all of it. He said that they would like to be able to put in a concrete plant. He mentioned that an asphalt company has approached them that has some work on 21st Street and would like to move to this location. He said that EPA was really tough on asphalt. They have it to the place where there is more pollution in the air from a fire in a fireplace than from an asphalt plant.

GARDNER asked Stannard if there was another location more interior to his collective sites that would work for location of a rock crusher so that it was more removed from adjacent residential uses?

STANNARD said yes. He pointed out the location on the screen in the approximate east center of the site.

BRUCE NICHOLSON, stated that he farmed the area west of the present sandpit (4106 North Ridge Road), and that he lived at 4500 North Ridge Road. He said that at the earlier meeting, they had stated at the time that every attempt should be made to discourage scattered zoning, especially the heavy industrial type in an area surrounded by "R-1". They also noted that the current operators have been in violation of their permit for some time and have made little effort to do anything about it.

NICHOLSON showed his slides, and stated that around Section 27 there were 42 homes, and to the south there were a lot more homes. He said that the entire area actually drains off to the southeast. In the middle, crossing K-96, there were two drainage underpasses that drain all of the area to the north across the road, across the area that he farms, on out to the east. The land is fairly sandy on top. Down about two feet there was a clay layer that serves as a hardpan, and if there was an inch or two of rain, it soaks right in. NICHOLSON pointed out the rocks, cement chunks, reinforcement rods, and tree stumps now stored on the site and stated that no amount of text changes or amendments was going to make that a rock garden.

MOTION: That Mr. Nicholson be allowed two additional minutes to finish his presentation. Bayouth moved, Gardner seconded and it carried unanimously. Chisholm and Wilson were absent.

NICHOLSON continued showing slides. He commented that if the expansion was approved, they essentially would be saying that the current operation was satisfactory, and if the zoning change was allowed, they would be taking care of the problem the same way they would handle a speeding problem simply by raising the speed limit, which was not a proper procedure. NICHOLSON said that he had a petition signed by those people owning property around the section next to the area. This includes all of the people on the west, including across K-96 and Ridge Road. It includes over half of the people on the east and over half of the people on the south. NICHOLSON said that he could really appreciate the staff's problems in notifying property owners because he had trouble himself in finding out who owns some of the property. NICHOLSON continued showing slides, pointing out the smoke stack from Ritchie's. He said that the smoke smelled like burning creosote, and that was the kind of thing that they were trying to avoid.

NICHOLSON said that he knew the Planning Commissioners made the best decision they could based on the information they had, and know that the nature of their job demanded that they forget the whole thing when they went home, and it has to be that way. He knew that the people requesting the change go home, and he knew for the property owners the decision has to be the right one because they were at home.

MRS. KENNETH OTT, Route 1, Maize, Kansas, stated that she did not live close to the application site, but did own property across the road from the site. She asked why northwest of the city has to have everything. She said that they had the County landfill. This was the second time a piece of her property would be devalued. She has a piece on West Street and a sandpit is behind it. The City of Wichita has a dump out there where they put all of the sludge in the ground, and now this place will be there. She said that she did not know what they expected a person to do. The landfill is out their way, the roads are horrid, and for the people who live in town, they did not know what it was like out there. It is something to behold. To go down the road at night, one has to be careful or they might run into an icebox, a piece of concrete or something else that has fallen off a truck. OTT mentioned that one year they had 22 flat tires in one week. She asked the Commission to take into consideration if they lived out there and had to put up with this all of the time.

GOEBEL asked Galbraith if staff got an estimate on the percent of the existing sand extraction that has taken place on the existing conditional use permit.

GALBRAITH said that he did not know. The aerial photograph was in 1983 and he did not think that they have completed a third of the extraction yet.

GOEBEL asked Stannard what percent of the sand extraction was done on the conditional use he has now.

STANNARD stated that they probably have two-thirds of the conditional use area left. Last year they pumped more than they pumped in the previous five years, and this year it looks like they will pump more than they pumped last year.

GOEBEL figured that the conditional use was about nine years old.

STANNARD related that for three years they did not use the permit after they got permission.

GOEBEL asked if Stannard had something coming up that he planned on using considerable more sand than he has in the past?

STANNARD said that at the rate they went last year they would have the sand pumped out in between 2 to 3 years.

BAYOUTH asked if there would be a problem cleaning up the trees and stumps.

STANNARD said no. They could bury the trees.

PETERS pointed out that the roads were terrible, and this was not remarks against the contractor, but pointed out that the trucks just tear the roads up. Another thing was the housekeeping of these operations. The housekeeping was deplorable. He felt that something had to be done about those two problems. He said that when Mrs. Ott talked about the flat tires, he could sympathize with her because he has the same problem. He felt that, as business people, they should consider these things very seriously and try to the best of their abilities, without hindering progress, to come up with some solutions to the serious problems of these operations. He felt that there should be some rules and guidelines, and if the contractors don't follow them, pull the conditional permit. He said that there was no reason to dump wood up there. He would at least burn the wood. He would not bury it because no one knew what the land might be used for later on. PETERS felt that housekeeping and the roads were the problems facing the bench.

BANZER said that speaking as a relatively new member of the Commission, he did not understand how a condition like this could exist in terms of housekeeping that was in violation of the zoning. He said that he, for one, tends to be very negative on any expansion of the zoning because of the fact that they were in violation of what they have now.

RON WORLEY, County Zoning Administrator, stated that the comments were certainly correct in that some of the housekeeping conditions at Stannard construction operation were not entirely ideal. Most owners are in compliance with the majority of their conditional use requirements. He felt that one could find some that were good and some that were bad, and he supposed one could find something wrong with the best of them and many things wrong with the worst of them. WORLEY said that the reason they had the original application on this area last year for "E" zoning was an attempt to correct the problem of the stockpiling of the broken concrete. At that time when they were discussing that application, they introduced the element that they did want to bring in the rock crushing operation rather than simply the stockpiling that they had been doing, and in reviewing this, his department's opinion was that that operation could not take place in the "E" zoning that they had requested. At that time this application was put on hold and the applicant proceeded on to work on the amended plan, and apparently to work on some expansion to the north, because at the time of the original application, the expansion was not involved. He said that it has been approximately a year that they have been developing the revised application. Obviously getting that amount of rock moved is a real problem. It did not get there overnight, and WORLEY said that he did not know when it started coming in there. The majority of it has been there since prior to him assuming his position, and they are attempting to find a solution. WORLEY said that the applicant's answer to this was to request "F" zoning, which his office felt was the only answer in the text to allow them to do their rock crushing operation, and apparently at this time, it is still the only answer within the text. He mentioned that he and Galbraith have discussed the possibility of amending the County text. He said that obviously the concrete can be removed. It was brought in there, and therefore it could be removed. It is a time consuming operation and he would imagine a costly operation. He said that it has been his policy, with pretty much the support of staff, to allow people an opportunity to make a zone change application and to process it as a way of solving their zoning violation once it has been pointed out to them. If they are not successful in doing that, then there are enforcement measures which his staff has pursued when necessary through the court systems, to get injunctions, or compel some actions. WORLEY said that if the zoning was denied, and the conditional use avenue was not available, his next step would be simply to notify the applicant that he had a relatively short period in which to proceed and make good progress in removing these problems. WORLEY said that he knew for people in the area and for his staff, these were time consuming methods trying to get solutions. It was not just a simple matter of picking up a car and hauling it off to the shredder and getting it out of the way. It takes a longer time. WORLEY said that it has been their approach not to be entirely heavy handed but to try to get a voluntary solution that everyone could hopefully live with, and sometimes that has been more successful than others.

BANZER said that the thought occurs that the way to get a zoning change was to violate the existing zoning conditions in such a manner that it was costly to remove that violation so that there was no reason not to change the zoning.

WORLEY said that he was very cognizant of that position, and at times he was before the Commission suggesting that he would hope that the Planning Commission would not approve something because of that or at least not until the current violation was corrected, and he felt that was what Galbraith and his staff had suggested in this instance, that until such time as the other violations involving the fence and some construction material storage and some other things like that onsite are corrected, that expansion of the sandpit operation should not take place until those things had also been corrected.

PETERS said that he was for business and he wanted it done right. He did not feel that the Commission would cause this company any problems if their rock crushing equipment would go along where they were going to do their work, and for this reason, when they are through with the concrete, if they do not clean up the area along the highway, they probably would not get part of their money. PETERS said that what they were trying to do to a certain extent was to compound the problem of a violation that was already in effect if they allowed such a thing. He felt there was an answer other than "F" Heavy Industrial, and the answer was that the applicant go along the right-of-way where his contract was being let, put the rock crusher there, do the contract, and then clean the area up.

BAYOUTH agreed with Gardner as far as amending the conditional use to allow a conditional use to clean this up, and giving a specific period of time to do it, clean out the trees, and screen it. He felt that this still would not address the concrete that has been collected over a period of time. Dumping it in a landfill may not be the answer. He said that he may not approve of the zoning, but would consider an indefinite deferral until staff was heard from on amending the conditional use permits.

GOEBEL said that he would like to see an indefinite deferral on both items with two clauses to try to amend for a conditional use permit so that the contractor could clean up the rocks at that location and be limited to a period of time, but defer the extraction of sand because he already has a couple of years left on the conditional use.

BAYOUTH asked Stannard if his plans were still the same, of using this up at a faster rate than he had in the past.

STANNARD said that was true, but he could get by with a postponement.

HANSEN asked that if there was a current conditional use permit, what was the time frame on it?

It was pointed out that there was no time frame.

HANSEN commented that some of the Commissioners agreed with Coebel on deferring the matter, but some of them felt that there should be a requirement to clean up until it is in compliance before they do anything.

GARDNER asked if the present conditional use permit has the same item as item "O" on the staff comments. ("Any violation of conditions attached shall declare the conditional use permit null and void.")

GALBRAITH said no it did not.

HANSEN commented that she felt very strongly about people who break the law and then come in and have the Commission solve the problem by making it appropriate. She asked if the existing conditional use permit had any requirement similar to condition "O" of the new case which said the permit is void if violated?

GALBRAITH read the condition from CU-176 which stated: "All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners, or the conditional use permit shall be null and void". He said that the applicant did not even begin until three years afterwards. The conditions they complied with in the first year were simply those of giving a couple of covenants and street dedications at that time, and they complied with that before the year's time.

MOTION: That the Planning Commission defer both cases (SCZ-0521 and CU-276) indefinitely, and request Ron Worley, County Zoning Administrator, to require trees and trash to be cleaned up; instruct staff to amend conditional use provisions

of the zoning text to permit asphalt plants and rock crushers. Bayouth moved, Crockett seconded.

AMENDED MOTION: That the Planning Commission defer both cases (SCZ-0521 and CU-276) for 90 days, and request Ron Worley, County Zoning Administrator, to require trees and trash to be cleaned up; instruct staff to amend conditional use provisions of the zoning text to permit asphalt plants and rock crushers. Hansen moved, Gardner seconded and it carried unanimously. Chisholm and Wilson were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 13, 1985

LEGAL:

- 3a. Case No. SCZ-0521 - Associated Material and Supply Co., Inc., requests zone change from "R-1 to "F" (as amended) for a tract beginning 650 feet west of the Southeast Corner of the Southeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M.; thence North 750 feet; thence west 750 feet; thence south 750 feet; thence east 750 feet to point of beginning. Generally located on the north side of 37th Street North between Hoover and Ridge.
- 3b. Case No. CU-276 - Associated Material and Supply Co., Inc., requests Conditional Use Permit for the Southeast Quarter (SE¼) of Section 27, Township 26 South, Range 1 West of the 6th P.M., except the east 600 feet thereof. Generally located north of 37th Street North between Hoover and Ridge Roads.

WILSON stated that the applicant requested that these items be deferred.

MOTION: That the Planning Commission defer these items indefinitely. Chisholm moved, Hansen seconded and it carried unanimously. Crockett and Goebel were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 8, 1985

LEGAL:

6. Case No. CU-276 - Associated Material & Supply Co., Inc. requests Conditional Use Permit for the SE $\frac{1}{4}$, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

MOORE returned.

OLIVAREZ pointed out land use, zoning, and showed slides of the general area. She reviewed the following staff report:

COMMENTS:

1. Conditional Use Permit #176 was granted in 1975 to allow a sand extraction operation within the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of this section, except the east 600 feet thereof. The operation was not actually begun until several years ago. The current request (CU-276), as amended, is for expansion of the sand extraction operation into the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, except the east 600 feet thereof, and includes a concrete and asphalt mixing plant to be operated as an accessory use to the extraction operation. The County zoning regulations were amended in May of this year to allow batch plants as part of a raw materials extraction conditional use permit rather than requiring industrial zoning.
2. The applicant has submitted an operational plan which indicates the maximum extent of the sand extraction pit, the location of the asphalt and concrete batch plant (near the southeast corner of the application area), and the current and proposed locations for the sand extraction equipment. Also shown on the plan, near the center of the site, is a 400 ft. x 470 ft. area for a temporary rock crusher and storage of asphalt and concrete for recycling (see CU-286).
3. Should the Planning Commission recommend approval of this revised conditional use request, it should be approved subject to the following conditions:
 - A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
 - B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. 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.
- E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- K. The applicant shall proceed in accordance with the 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.
- M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
- O. All materials and equipment, in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.

- P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N½ of the application area.
- Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.
- R. Any violation of conditions attached shall declare the conditional use permit null and void.

DISCUSSION:

OLIVAREZ explained that items 6, 7 and 8 of the agenda were all related but should be voted on separately. She stated that this application was before the Commission in February, and it was a request, at that time, for expansion of the sand extraction operation which existed already on the south half of this property. They requested an expansion into the north half of the area, and associated with the conditional use permit last February was a request for heavy industrial zoning in the south portion of the site. They wanted to put a rock crusher and a batch plant in that area. After much discussion, and one deferral to a meeting in March, the Planning Commission instructed staff to prepare some amendments to the County zoning text which would provide for a rock crusher and batch plant perhaps under a conditional use case in which the Commission could put some limitations, such as the hours of operation or the time limit for the entire use of the site. OLIVAREZ said that staff came back with some amendments which the Commission approved, and which the County adopted in May.

OLIVAREZ said that this is an amended application now for just the expansion of the sand extraction operation without a zone change accompanying it. However, this conditional use permit now includes the concrete and asphalt mixing plant which now, according to the revised regulations, can be part of a conditional use permit when it is associated with a raw materials extraction operation. She said that staff recommends approval of the request for expansion of the sand extraction operation, including the location of a concrete and asphalt batch plant subject to the conditions in the staff report.

WILSON asked why were two batch plant approvals needed.

OLIVAREZ explained that the DR case (item 8 on the agenda) was for a temporary batch plant and the only reason that was filed was because it took less time to process a special use permit than to process a conditional use permit, and the person who wants to lease this property for the batch plant is under a timetable in which he has to get his paving projects completed this fall or this winter, and he did not want to wait the additional several weeks that it might take to get approval of CU-276. There was also some concern that CU-276 might not be approved and he wanted to, on his own, file the request for the special permit so that the site could be used temporarily for a batch plant. The special permit provides for use of property for certain things, as in this case a batch plant, if it is associated with a governmental project, and in this case, it is two County paving projects. She further explained that Mr. Stannard was the applicant on the DR case, but he would be leasing that site to George Myers, Inc., of El Dorado, who has the contract for the two paving projects.

DAVID L. STANNARD, applicant, stated that they had pumped a lot more sand than they pumped last year and the year before so would be needing to move into the north half of this site sooner than he had originally thought.

GARDNER asked if Stannard could live with the conditions that staff had outlined.

STANNARD said yes, but there was one concern. He said that they also owned the land over to Hoover Road. He mentioned that the staff report stated that all of the land should be drained to the lake. He said that in the area they had pumped, there was no problem, but there were some real low areas on the land they own outside the area

and it would take a good size ditch to drain all of that land back to the lake.

GALBRAITH said that it was staff's intent that they drain only that land which was within their application to the lake. It was not staff's intent that the applicant try to solve the offsite drainage problems.

WILSON stated that he was still concerned over the pile of waste on the site for several years.

STANNARD said that they had used quite a bit of the material to riprap the bank on the west side, but would get rid of the balance of it.

BRUCE NICHOLSON, 4500 North Ridge Road, stated that nobody really wants a sandpit in their back yard, with the pumps going all night and all weekend, and back up horns on their vehicles. He said that the street maintenance was a big problem for all of the people who signed the protest petition. He felt that the street was a County problem. The County gives the permit and felt the County should really be responsible for the street. He said that the truck drivers are the ones who suffer the most. They need to get somebody's attention about the street. It is tearing their trucks up. NICHOLSON noted that before they had complained about the fence, and he wanted to relate to the Commission that the fence had been cleaned up to some extent. He felt that the drainage was a problem and it would be a bigger problem if it had to drain back into the center because it goes east. NICHOLSON said that their real problem today was what they were filling the holes with. He felt it needed to be supervised, as it could contaminate areas.

GARDNER, speaking to Ron Worley, County Zoning Administrator, stated that the Planning Commission recently reviewed and approved a clause that addressed the type of rubble or material that could be put back as riprap or fill in these kinds of operations, and asked was there any kind of problem with this operation based on that clause.

WORLEY stated that he was on the site this morning and reviewed it to have a fresh idea of what was going on. He said that Mr. Nicholson was correct, there is a considerable amount of ripraping taking place, particularly along the west bank. He said that the fencing has been corrected to meet the requirements. The tree stumps have been removed from the site. He said that the two questions that he would have remaining were that there were a large number of barrels on the west and north banks, and the broken concrete was still stored on the east side. He mentioned the clause inserted in the recent case of the Ritchie operation as to what type of asphalt or percentage of asphalt could be contained in a bank stabilization material. He said that he did not know why that clause would not be applicable here. WORLEY said that he did not see much that he thought was broken asphalt going in, but he did not get out, walk through it and analyze it.

GARDNER asked staff if the same clause regarding the definition of rubble would be applicable on this application as was applicable on the other.

OLIVAREZ said yes, in condition "A" of the staff report, the words "new asphalted concrete mix and building rubble" had been added, and sample covenants are sent to the applicant so that they can draft the covenant with correct wording in it.

WILSON said that he would like to find out what was in the barrels.

STANNARD stated that the barrels were empty. They had contained curing compounds that were sprayed on concrete to cure it. The barrels will be removed as soon as the slopes of the lake are stabilized. He said that they did not like to put a final grade on the slopes for at least six months until the caving quits.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking

into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.
- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. 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.
- E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.

- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- K. The applicant shall proceed in accordance with the 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.
- M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
- O. All materials and equipment, in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.
- P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N½ of the application area.
- Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.
- R. Any violation of conditions attached shall declare the conditional use permit null and void.

Moore moved, Chisholm seconded and it carried unanimously.

RESOLUTION NO. _____

CASE NO. CU-276

A RESOLUTION TO EXPAND A SAND AND GRAVEL EXTRACTION OPERATION AND TO INCLUDE A CONCRETE AND ASPHALT MIXING PLANT IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a Conditional Use Permit to expand a sand and gravel extraction operation and to include a concrete and asphalt mixing plant in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

SE-1, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic, concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. 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.
- E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- K. The applicant shall proceed in accordance with the 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.
- M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
- O. All materials and equipment, in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.
- P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N½ of the application area.

Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.

R. 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 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 Commission.

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 by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 19__.

_____, Chairman
Donald E. Cragg

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - 00214- - RE 17 RLB

NICHOLSON DEAN ETUX

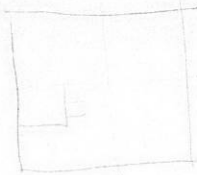
RR 7

PROPERTY ADDRESS
4100 N 71ST

WICHITA KS 67209 1805
SW1/4 EXC NW1/4 & EXC .65A FOR HWY
& EXC S 208.71 FT N 888.71 FT W
208.71 FT NE1/4 THEREOF
SEC 27-26-1W

W





PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00214-0001- RE 17 RLB

NICHOLSON PAULINE ETVIR

RT 7

PROPERTY ADDRESS

WICHITA KS 67209 1805
NW1/4 SW1/4 EXC 3.15A FOR HWY
SEC 27-26-1W

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00214-0002- RE 17 RLB

PF-KEYS, 1-MENU, 2-BACK, 3-FND, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00214-0002- RE 17 RLB

NICHOLSON S BRUCE ETUX

PROPERTY ADDRESS

4500 N. RIDGE RD.
WICHITA KS 67205 1805
S 208.71 FT N 888.71 FT W 208.71 FT
NE1/4 SW1/4 SEC 27-26-1W

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-270, request for establishment of _____ zoning district.

Legal description of property included in the above case:

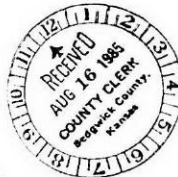
1/4 Section 27, Township 26 south Range 1 East of the 9th E.M., Sedgwick County, Kansas described as Beginning at a point 1120 feet north and 790 feet east of the southwest corner of said quarter section; thence ~~1120/1120~~ west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the beginning.

SET₄ exc E 600' & S 50' Per St

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

1/4 Sec 27 T26S R1E and 1/4 for H&W No. 27-2-1. SW 1/4, approx 5200.71 ft N 820.71 ft W 200 ft. All sold



B. Name(s) of protestor(s):

(a) Dean Nicholson
Signature
Dean Nicholson
Typed or Printed Name

(b) Pauline Nicholson
Signature
Pauline Nicholson
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 14th day of August, 1985, by Dean Nicholson & Pauline Nicholson, Husband & wife.

[Signature]
Notary Public

My Appointment expires .

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
422 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 258-4561

August 12, 1985

Dave Stannard
Associated Material & Supply Co., Inc.
6015 North Broadway
Wichita, Ks. 67219

Re: CU-276 - (as amended) - Permit to establish
a sand excavation operation - north side of
37th Street in an area west of Hoover Road.

Dear Mr. Stannard:

At its regular meeting on August 8, 1985, the Metropolitan Area Planning Commission considered the above-captioned conditional use request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

WICHITA—SEDGWICK COUNTY

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.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. 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.
- E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- K. The applicant shall proceed in accordance with the 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.

WICHITA—SEDGWICK COUNTY

- M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
- O. All materials and equipment, in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.
- P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N $\frac{1}{2}$ of the application area.
- Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.
- R. Any violation of conditions attached shall declare the conditional use permit null and void.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., Wednesday, September 4, 1985, in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,


Louise Olivarez
Senior Planner

LO:sd

cc: Don Bottenberg, Realtor, 923 First National Bank Bldg., Wichita
67202
Bruce Nicholson, 4500 N. Ridge Road, Wichita 67205
Tom Sanders, Sanders, Inc., 1716 Red Oaks, Wichita 67207
Art Sanders, 5303 W. 37th Street North, Wichita 67205
Mrs. Kenneth Ott, Rt. 1, Maize, Ks. 67101
Mrs. Clark, Box 103, Rt. 2, Sedgwick, Ks. 67135
Ron Worley, County Zoning Administrator

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

August 12, 1985

Bruce Nicholson
4500 North Ridge Road
Wichita, Ks. 67205

Re: CU-276 & CU-286 - Conditional Use
Permits - North side of 37th Street
North in an area west of Hoover Road.

Dear Mr. Nicholson:

The Planning Commission at its regular meeting of August 8, 1985, considered the above-captioned requests, and their action was as indicated on the attached letters.

This is to advise you that if property owners within 1000 feet of each application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, August 22, 1985. Enclosed are several copies of the protest petition form, and if you have need for more forms, they may be obtained at this office. A separate petition is required for each request you wish to protest.

If you have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez
Senior Planner

LO:sad
Encl. (2)

cc: Tom Sanders, Sanders, Inc., 1716 Red Oaks, Wichita 67207 (2)
Art Sanders, 5303 W. 37th Street North, Wichita 67205 (2)
Mrs. Kenneth Ott, Rt. 1, Maize, Ks. 67101 (2)
Mrs. Clark, Box 103, Rt. 2, Sedgwick, Ks. 67135 (2)
Ron Worley, County Zoning Administrator

RESTRICTIVE COVENANT

The undersigned, Associated Material & Supply Co., Inc., being owners of the following described real property covered by Conditional Use Permit No. 276, do hereby impose upon said property to wit:

Southeast 1/4, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the east 600 feet thereof, and EXCEPT the south 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

a covenant to run with the land as follows:

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies, building rubble or other trash shall be deposited on the site (except such materials as may be approved for temporary storage for crushing purposes under a separate conditional use permit). No foreign matter, including all of the above materials as well as new asphaltic concrete mix, shall be deposited within any sand pit excavation.

2. Bank stabilization and fill materials shall include sidewalk pavement, concrete pavement, concrete pavement with asphaltic concrete overlays, and asphaltic concrete pavement. All asphaltic concrete materials shall have aged sufficiently so that the water soluble pollutants have dissipated. In no instance will asphaltic concrete exceed 15% of the total materials used. Reinforcing materials protruding in excess of 12 inches shall not be permitted. Materials used for final grade shall have reinforcing materials clipped as close to flush as possible.

The covenant herein contained shall be binding upon the undersigned, their successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS
____ day of _____, 19__.

STATE OF KANSAS)
SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me this ____ day
of _____, 19__ by _____
(name and title of officer)
of _____,
(name of corporation)

a Kansas corporation, on behalf of the corporation.

Notary Public

(SEAL)

RE: AGENDA ITEM NO 6

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-276 - AMENDED APPLICATION FOR CONDITIONAL USE PERMIT TO EXPAND A SAND AND GRAVEL EXTRACTION OPERATION AND TO INCLUDE A CONCRETE AND ASPHALT MIXING PLANT. Generally located north of 37th Street North in an area west of Hoover.

MAPC HEARING DATE: 8-08-85

Acres: 118

Size: 2000' x 2578' approximately

Reason: "The applicant is a prime paving contractor for Central Kansas and the extracted material is needed in their operation."

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction operation & farmland	"R-1"
North	K-96 Highway	"R-1"
South	Farmland	"R-1"
East	Farmland	"R-1"
West	Farmland	"R-1"

History: CU-176 covering the S $\frac{1}{2}$ of this application area was approved in 1975 for a sand extraction operation.

Applicant: Associated Material & Supply Co., Inc., 6015 North Broadway, Wichita 67219

COMMENTS:

1. Conditional Use Permit #176 was granted in 1975 to allow a sand extraction operation within the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of this section, except the east 600 feet thereof. The operation was not actually begun until several years ago. The current request (CU-276), as amended, is for expansion of the sand extraction operation into the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, except the east 600 feet thereof, and includes a concrete and asphalt mixing plant to be operated as an accessory use to the extraction operation. The County zoning regulations were amended in May of this year to allow batch plants as part of a raw materials extraction conditional use permit rather than requiring industrial zoning.
2. The applicant has submitted an operational plan which indicates the maximum extent of the sand extraction pit, the location of the asphalt and concrete batch plant (near the southeast corner of the application area), and the current and proposed locations for the sand extraction equipment. Also shown on the plan, near the center of the site, is a 400 ft. x 470 ft. area for a temporary rock crusher and storage of asphalt and concrete for recycling (see CU-286).
3. Should the Planning Commission recommend approval of this revised conditional use request, it should be approved subject to the following conditions:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:
- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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 away from the excavation.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- D. 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.
- E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- F. To minimize blowing soil in this area, no overburden shall 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 drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- G. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- H. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- I. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
- J. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.

- K. The applicant shall proceed in accordance with the 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.
 - L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation and associated concrete and asphalt mixing plant.
 - M. The conditional use permit for the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall expire five years from the date of approval by the Board of County Commissioners unless an extension is granted by the County commission after a public hearing is held by the MAPC to review the application for extension.
 - N. All materials and equipment associated with the sand and gravel extraction operation and associated asphalt and concrete mixing plant shall be removed from the site within 60 days after termination of the conditional use permit.
 - O. All materials and equipment in particular broken asphalt and concrete, not associated with the approved operation shall be removed from the site or stored on an area approved for such use by means of a separate conditional use or rezoning application. This shall be accomplished by December 31, 1985, or this conditional use permit shall be declared null and void.
 - P. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N½ of the application area.
 - Q. The applicant shall comply with Condition A prior to the publication of the resolution establishing the conditional use.
 - R. Any violation of conditions attached shall declare the conditional use permit null and void.
-

CASE NO. CU-276 & CU-286
(Assoc. Case No. DR 85-17)

15	"Notices to Adjoining Property Owners" mailed on 7-25-85 for MAPC meeting on 8-8-85.
2	One each to Applicant and Agent.
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Louise, Terry and Glen.
<hr/>	
23	TOTAL

CASE NO. CU-276

Conditional Use Permit to Establish a Sand and Gravel Extraction
Operation Including a Concrete and Asphalt Mixing Plant
on Property Zoned "R-1" Suburban Residential District

SE-1, Section 27, Township 26 South, Range 1 West of the 6th P.M.,
Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and
EXCEPT the South 50 feet thereof for street. Generally located
on the north side of 37th Street North in an area west of Hoover.

154274 37-1-21



Present sand plant (to be moved to Tract #4)

① A TRACT OF LAND IN THE SE 1/4 OF SECTION 27, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6 TH. PRINCIPAL MERIDIAN, BEGINNING ^{A + A POINT} 650 FT DUE EAST AND 120 FT ^{DUE} NORTH OF THE SW CORNER OF THE SE 1/4 OF SECTION 27. THENCE EAST 250 FT ALONG A LINE PARALLEL OF THE SECTION LINE TO THE SE CORNER, THENCE DUE NORTH 370 FT TO THE NE CORNER, THENCE 250 FT DUE WEST TO THE NW CORNER, THENCE DUE SOUTH 370 FT TO THE SW CORNER, POINT OF BEGINNING.

Associated Material Supply Co



By _____ Date _____ Page _____ Of _____

MILLCON CORPORATION

Location of proposed new sand plant operation.

④

A TRACT OF LAND IN THE SE 1/4 OF SECTION 27, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH. PRINCIPAL MERIDIAN, BEGINNING AT A POINT 1115 FT DUE NORTH AND 1415 DUE EAST OF THE SW CORNER OF THE SE 1/4 OF SECTION 27. THENCE DUE EAST 600 FT ALONG A LINE PARALLEL OF THE SECTION LINE TO THE SE CORNER, THENCE DUE NORTH 470 FT TO THE NE CORNER, THENCE 600 FT DUE WEST TO THE NW CORNER, THENCE 470 FT DUE SOUTH TO THE SW CORNER, POINT OF BEGINNING.

Associated Material & Supply Co



By _____ Date _____ Page _____ Of _____

MILLCON CORPORATION

(2)

Location of proposed batch plant

A TRACT OF LAND IN THE SE 1/4 OF SECTION 27, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEGINNING AT A POINT 1370 FT DUE EAST AND 500 FT DUE NORTH OF THE SW CORNER OF THE SE 1/4 OF SECTION 27. THENCE 300 FT ALONG A LINE PARALLEL OF THE SECTION LINE TO THE SE CORNER, THENCE 300 FT DUE NORTH TO THE NE CORNER, THENCE 300 FT DUE WEST TO THE NW CORNER, THENCE 300 FT DUE SOUTH TO THE SW CORNER, POINT OF BEGINNING.



Location of proposed rock crusher

③

A TRACT OF LAND IN THE SE 1/4 OF SECTION 27, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEGINNING AT A POINT 1120 FT DUE NORTH AND 790 FT DUE EAST OF THE SW CORNER OF THE SE 1/4 OF SECTION 27. THENCE DUE EAST 400 FT ALONG A LINE PARALLEL OF SECTION LINE TO THE SE CORNER, THENCE DUE NORTH 470 FT TO THE NE CORNER, THENCE DUE WEST 400 FT TO THE NW CORNER, THENCE DUE SOUTH 470 FT TO THE SW CORNER, POINT OF BEGINNING.

CU-276

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Associated Material & Supply Co., Inc. c/o Dave Stannard
ADDRESS 6015 N. Broadway Zip Code 67219 PHONE 744-0433
AGENT Don Botterberg, Realtor
ADDRESS 923 1st National Bank Bldg. Zip Code 67202 PHONE 264-5031

B. APPLICANT
ADDRESS Zip Code PHONE
AGENT
ADDRESS Zip Code PHONE

C. APPLICANT
ADDRESS Zip Code PHONE
AGENT
ADDRESS Zip Code PHONE

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a sand and gravel extraction operation including a concrete and asphalt mixing plant (use) on property legally described as Lot(s) , Block(s) of the Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

SE 1/4, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the east 600 feet thereof, and EXCEPT the south 50 feet thereof for street.

B. There are 118.2 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5052B Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 8-8-85

3. This property is located at (address) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____, OR

✓ B. On the north side of 37th Street North (Ave.) Street-between in an area west of Hoover (Ave.) Street and _____ (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

D. L. Stannard Pres.
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 11:50 (AM, PM) on 7-11-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ ~~552.05~~ for fee already paid

Louis Olivarez Name
 Sr. Planner Title

*Additional addresses
of owners within
1000' of CV-276
from County real
estate records 7-9-85*

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00208- - RE 17 LTT

JOHNSON ARLENE L

PROPERTY ADDRESS

934 S. WICHITA
WICHITA KS 67213 1805
N 1/2 SW 1/4 EXC 4.24A DED TO ST
FOR HIGHWAY
SEC 26-26-1W

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00210- - RE 17 LTT

SANDUSKY MARC

RR #4 BOX 144 A

PROPERTY ADDRESS

BENTONVILLE AR 72712 1805
GOV. LOT 1 EXC N 208.71 FT W 417.42
FT & EXC S 420 FT N 700 FT E 311.14
FT & SE1/4 NE1/4 EXC N 208 FT S
1308 FT E 208 FT & EXC N 150 FT S
450 FT E 130 FT & EXC RDS
SEC 27-26-1W

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00210-0001- RE 17 LTT

SOUTHARDS WALTER F JR ETUX

4237 N HOOPER
5TH CT W.
WICHITA KS 67205 1805
BEG 300 FT N SE COR NE 1/4 W 130 FT
N 150 FT E 130 FT S TO BEG EXC E 30
FT FOR RD & EXC .02A FOR HWY
SEC 27-26-1W

PROPERTY ADDRESS

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: PK - -00254- - RE 17 LTT

CLARK JANE M WOODMAN

BOX 103 RFD 2

PROPERTY ADDRESS

SEDGWICK KS 67135 1804
NW 174 NE 174
SEC 34-26-1W

July 3, 1985

Mr. Dave Stannard
Associated Material
& Supply Co., Inc.
6015 North Broadway
Wichita, Kansas 67219

RE: Conditional Use requests for rock crusher and for
sand extraction with batch plant.

Dear Mr. Stannard:

In accordance with our telephone conversation yesterday, I am forwarding to you two revised conditional use applications for your signature. One application is for the sand and gravel extraction which now includes a concrete and asphalt mixing plant. The other application is for the rock crusher, including the storage of concrete and asphalt for recycling. Mr. Bottenberg indicated that a one-year time limit on this rock crusher and material storage would be acceptable. The one-year would probably begin on the date the application is approved by the County Commission.

Also enclosed is a copy of your operational plan marked with changes that need to be made on the drawing. I would appreciate your returning the signed applications and five copies of the revised plan at your earliest convenience. Both conditional use cases will be scheduled for MAPC review on August 8, 1985.

If you have any questions about these applications or requested changes on the drawing, please call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Don Bottenberg, Realtor, 923 First Nat'l Bank Bldg., 67202

CU-276

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Associated Material & Supply Co., Inc. c/o Dave Stannard
ADDRESS 6015 N. Broadway Zip Code 67219 PHONE 744-0433
AGENT Don Botterberg, Realtor
ADDRESS 923 1st National Bank Bldg. Zip Code 67202 PHONE 264-5031

B. APPLICANT
ADDRESS Zip Code PHONE
AGENT
ADDRESS Zip Code PHONE

C. APPLICANT
ADDRESS Zip Code PHONE
AGENT
ADDRESS Zip Code PHONE

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a sand and gravel extraction operation including a concrete and asphalt mixing plant (use) on property legally described as Lot(s) Block(s) of the Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

SE 1/4, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the east 600 feet thereof, and EXCEPT the south 50 feet thereof for street.

B. There are 18.2 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. Zoning (N) (S) (E) (W) MAPC

CU-286

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Associated Material & Supply Co., Inc. c/o Dave Stannard

ADDRESS 6015 N. Broadway Zip Code 67219 PHONE 744-0433

AGENT Don Bottenberg, Realtor

ADDRESS 923 1st National Bank Bldg. Zip Code 67202 PHONE 264-5031

B. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS Zip Code PHONE

C. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS Zip Code PHONE

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish an area for storage of concrete and asphalt for recycling including a portable rock crusher (use)

on property legally described as Lot(s)

Block(s)

of the Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

A tract of land in the SE 1/4 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as beginning at a point 1120 feet due north and 790 feet due east of the southwest corner of said SE 1/4; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning.

B. There are 4.3 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. Zoning (N) (S) (E) (W) MAPC

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

- A. APPLICANT Associated Material & Supply Co., Inc.
ADDRESS 6015 N. Broadway Zip Code 67219 PHONE 744-545-0133
AGENT Don Bottenberg, Realtor
ADDRESS 923 1st Nat'l Bank Zip Code 67202 PHONE 264-5031
- B. APPLICANT _____
ADDRESS _____ Zip Code _____ PHONE _____
AGENT _____
ADDRESS _____ Zip Code _____ PHONE _____
- C. APPLICANT _____
ADDRESS _____ Zip Code _____ PHONE _____
AGENT _____
ADDRESS _____ Zip Code _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a Sand extraction, Concrete
batch plant, & portable rock Crusher (use)
on property legally described as Lot(s) _____
_____, Block(s) _____
of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

The Southeast Quarter (SE/4) of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the East 600 feet thereof.

- B. There are 1.23 +/- acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. _____ Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC _____

T9-333-2

Revised 1/85

3. This property is located at (address) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the 600 feet West of corner of 27th St. North & Hoover Road and _____, OR

B. On the _____ side of _____ (Ave.) Street between _____ (Ave.) Street and _____ (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:
To be able to operate fully under Resolution #162-1985 and covered in Section 1-8 and designated by the letters "r" and "n".

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Associated Material & Supply Co., Inc. BY Don Bottenberg, Agent
APPLICANT'S SIGNATURE Don Bottenberg
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE BY _____ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 10 (AM) PM on 7-1-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ see 362-05-41 for fee.

This application combines all requests into one. He had asked for a separate CV application for the rock crusher. See my letter to Steward dated 7-3-85.

Louise Olving Name
Senior Title

June 14, 1985

Dave Stannard, President
Associated Material & Supply Co., Inc.
6015 North Broadway
Wichita, Ks. 67219

Re: SCZ-0521 - "R-1" to "F" (as amended)
& CU-276 - Permit to establish a
sand and excavation operation.

Dear Mr. Stannard:

At its regular meeting on June 13, 1985, the Metropolitan Area Planning Commission reconsidered the above-captioned cases. The action of the Planning Commission was to defer these cases indefinitely so the applicant could revise legal descriptions and file an additional Conditional Use.

If you have any questions, please contact our office.

Sincerely yours,

Terrence T. Smythe
Senior Planner

TTS:sad

cc: Don Bottenberg, Realtor, 923 First National Bank Bldg., Wichita
67202

Tom Sanders, & Sanders Inc., 1716 Red Oaks, Wichita 67207

Art Sanders, 5303 W. 37th Street North, Wichita 67205

Bruce Nicholson, 4500 North Ridge Road, Wichita 67205

Mrs. Clark, Box 103, Rt. 2, Sedgwick, Ks. 67135

Mrs. Kenneth Ott, Rt. 1, Maize, Ks. 67101

Ron Worley, County Zoning Administrator

6-10

Need to reevaluate a
legal for the reconstruction
& storage. Need CO
application.

CO for sand pit should
designate near the
batch plants. AND
sand plant. We need to
reevaluate this also to include
the batch plants

Done Stannard

was called and given this
info 6-10-85.

721-2384
June 6, 1985

Mr. Bruce Nicholson
4500 North Ridge Road
Wichita, Kansas 67205

RE: CU-276 and SCZ-0521. North of 37th Street North in an
area west of Hoover Road.

Dear Mr. Nicholson:

This letter is to advise you and others receiving a copy of it that the above-referenced cases will not be heard by the Metropolitan Area Planning Commission on June 13, 1985, as stated in our last letter dated on March 8, 1985. The County Zoning Regulations have recently been amended to allow for portable rock crushers and storage of concrete and asphalt for recycling under a conditional use permit. Concrete and asphalt mixing plants may also now be included as part of raw materials extraction operations when under conditional use permits. I would expect that Mr. Stannard will revise his applications accordingly.

We will keep you advised of the status of these applications or any revised applications which may be filed on this property and the date they will be reviewed by the Planning Commission.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Mrs. Kenneth Ott, Route 1, Maize, KS. 67101
Mrs. Clark, Box 103, Route 2, Sedgwick, KS. 67135
Tom Sanders, c/o Sanders, Inc., 1716 Red Oaks,
Wichita, KS. 67207
Art Sanders, 5303 W. 37th St. North, Wichita, KS. 67205
Don Bottenberg, Realtor, 923 First National Bank Bldg.
Wichita, KS. 67202

March 8, 1985

Dave Stannard, President
Associated Material & Supply Co., Inc.
6015 North Broadway
Wichita, Ks. 67219

Re: SCZ-0521 - "R-1" to "F" (as amended)
& CU-276 - Permit to establish a
sand and excavation operation.

Dear Mr. Stannard:

At its regular meeting of March 7, 1985, the Metropolitan Area Planning Commission reconsidered the above-captioned cases. The action of the Commission was to defer these cases for 90 days with instructions to staff that we prepare amendments to the County Zoning Regulations to consider permitting as a conditional use "the storage of concrete and asphalt for recycling, including a portable rock crusher, not on a permanent basis".

The Planning Commission encouraged that in this 90 days you undertake the removal of trees, equipment and materials that are not part of the sand excavation operation. This did not include, in my opinion, the removal of the concrete or asphalt. However, they did suggest that you consider where this material might be placed should the text be amended. It was recommended that you consider further north away from 37th and Hoover.

These cases will be rescheduled for consideration by the Planning Commission on June 13, 1985. This meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Don Bottenberg, Realtor, 923 First National Bank Bldg., Wichita 67202
Tom Sanders, & Sanders Inc., 1716 Red Oaks, Wichita 67207
Art Sanders, 5303 W. 37th Street North, Wichita 67205
Bruce Nicholson, 4500 North Ridge Road, Wichita 67205
Mrs. Clark, Box 103, Rt. 2, Sedgwick, Kansas 67135
Mrs. Kenneth Ott, Rt. 1, Maize, Kansas 67101
Ron Worley, County Zoning Administrator



SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: Robert Lakin, Director, MAPD
FROM: Richard A. Euson, Assistant County Counselor
DATE: March 7, 1985
RE: Zone Change Request SCZ-0521 - "R-1" to "F"

Bill Rustin has asked me to respond to your February 25 memo regarding the above.

You inquired whether a rock crusher could be considered an accessory use to the "development of natural resources and extraction of raw materials such as rock, gravel, sand, etc." Such development and extraction is permitted as a conditional use in Section A(10) of the "R-1" Suburban Residential District; rock crushing operations are a permitted use in the "F" Heavy Industrial District.

The Zoning Regulations governing land use in the unincorporated areas of Sedgwick County were adopted by the Board of County Commissioners on December 12, 1984. In order to determine whether rock crushing operations were intended to be considered an accessory use to development and extraction of raw materials, the Regulations must be examined in their entirety. Development and extraction of raw materials necessarily implies the use of equipment needed to perform such operations and probably would include the use of crushers or other machinery needed to prepare the materials for removal from the site. Allowing such as a conditional use fulfills the need for the use while at the same time protecting adjacent landowners against the impact of a heavy industrial use. Further, permitting such development and extraction, including use of necessary equipment therefor, as a conditional use implies some finality to the operations, i.e., such as when the development and extraction are complete; the heavy industrial use implies no such finality.

By reason of the above, it is our opinion that a rock crusher may be considered as an accessory use to development and extraction of raw materials only when it is used to process materials extracted at the site. Otherwise, its use is not permitted except in the Heavy Industrial District.

RAE/mp
cc: William D. Rustin
Ron Worley

RE AGENDA ITEM NO. 3

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

REVISED STAFF REPORT

CU-276 - Conditional use permit for sand and gravel extraction.
Generally located on the north side of 37th Street
North in an area west of Hoover Road.

MAPC HEARING DATE: 3-07-85

Acres: 123.6

Size: 2030' x 2630'

Reason: The applicant is a prime paving contractor for Central
Kansas and the extracted material is needed in their operation.

	Land Use	Zoning
Existing	Sand extraction & agriculture	"R-1"
North	Agriculture	"R-1"
East	Agriculture & single-family	"R-1" & "LC"
South	Agriculture & single-family	"R-1"
West	Agriculture & single-family	"R-1"

History: CU-176 Sand extraction on the south half of the SE 1/4
except the east 600'

6-12-75	MAPC	Approved subject to conditions.
7-02-75	BCoC	Approved subject to conditions.

Applicant: Associated Material & Supply Company, Inc., 6015 North
Broadway, Wichita 67219

COMMENTS:

1. The applicant is requesting a conditional use permit to expand a sand and gravel extraction operation on approximately 124 acres of land zoned "R-1" Suburban Residential and located on the north side of 37th Street North in an area west of Hoover Road. Associated with this operation, the applicant has applied for "F" Heavy Industrial zoning for a rock crusher.
2. The applicant has submitted an Operational Plan and a proposed Redevelopment Plan in conjunction with the application. The Redevelopment Plan proposes residential uses around the lake.
3. In considering this request and associated case SCZ-0521 on February 21st, the action of the Planning Commission was to defer these requests for two weeks with instructions that staff contact KDOT and request an opinion from the County Counselor. Staff will be prepared to comment on those requests.
4. In further review of this site with the County Zoning Administrator, there are construction materials on this property that are not permitted as part of the extraction operation and are first permitted to be stored in the "E" district. The proposed concrete and asphalt plant is also first permitted in the "E" district.
5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
 - A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation.
 - B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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:

- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
- (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- (3) 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.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
 - D. 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.
 - E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - G. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 37th Street North.
 - H. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt. The operational roads may be used as access to any approved industrial district on this site until platting occurs.
 - I. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
 - J. All construction materials and equipment not associated with the approved excavation operation shall either be removed or stored on an appropriately zoned area.
 - K. The present operation shall be in compliance with all conditions of approval prior to expanding the sand and gravel operation into the N½ of the application area.
 - L. The applicant shall proceed in accordance with the 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.
 - M. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - N. The applicant shall comply with Condition A, prior to the publication of the resolution establishing the conditional use.
 - O. Any violation of conditions attached shall declare the conditional use permit null and void.
-

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

February 25, 1985

Dave Stannard, President
Associated Material & Supply Co., Inc.
6015 North Broadway
Wichita, Ks. 67219

Re: SCZ-0521 - "R-1" to "F" as
amended & CU-276 - Permit to
expand a sand and gravel
extraction operation.

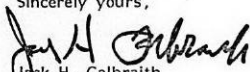
Dear Mr. Stannard:

At its regular meeting on February 21, 1985, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to defer these cases for two weeks and requested that staff request an opinion from the County Counselor as to whether or not a conditional use request could be filed for a rock crusher in the "R-1" District without a text amendment.

These cases will be scheduled for reconsideration at the Planning Commission meeting of March 7, 1985. This meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas beginning at 1:30 p.m.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,


Jack H. Galbraith
Chief Planner

JHG:sd

cc: Don Bottenberg, Realtor, 923 First National Bank Bldg., Wichita 67202
Tom Sanders, & Sanders Inc., 1716 Red Oaks, Wichita 67207
Art Sanders, 5303 W 37th Street North, Wichita 67205
Bruce Nicholson, & Dean & Betty Nicholson, 4106 N. 71 West, Wichita 67205
Mrs. Clark, Box 103, Route 2, Sedgwick, Kansas 67135
Ron Worley, County Zoning Officer *Administrator*

AGENDA ITEM NO. 36

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-276 - Conditional use permit for sand and gravel extraction.
Generally located on the north side of 37th Street
North in an area west of Hoover Road.

MAPC HEARING DATE: 2-21-85

Acres: 123.6

Size: 2030' x 2630'

Reason: The applicant is a prime paving contractor for Central
Kansas and the extracted material is needed in their operation.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction & agriculture	"R-1"
North	Agriculture	"R-1"
East	Agriculture & single-family	"R-1" & "LC"
South	Agriculture & single-family	"R-1"
West	Agriculture & single-family	"R-1"

History: CU-176 Sand extraction on the south half of the SE 1/4
except the east 600'

6-12-75	MAPC	Approved subject to conditions.
7-02-75	BCoC	Approved subject to conditions.

Applicant: Associated Material & Supply Company, Inc., 6015 North
Broadway, Wichita 67219

COMMENTS:

1. The applicant is requesting a conditional use permit to expand a sand and gravel extraction operation on approximately 124 acres of land zoned "R-1" Suburban Residential and located on the north side of 37th Street North in an area west of Hoover Road. Associated with this operation, the applicant has applied for "F" Heavy Industrial zoning for a rock crusher.
2. The applicant has submitted an Operational Plan and a proposed Redevelopment Plan in conjunction with the application. The Redevelopment Plan proposes residential uses around the lake.
3. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
 - A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation.
 - B. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area 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 a minimum height of 58 inches and shall be of the following types of construction:

- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
- (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- (3) 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 150 degrees facing away from the excavation.

- C. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
 - D. 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.
 - E. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - F. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - G. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the south 50 feet except for ingress and egress to 37th Street North.
 - H. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing silt.
 - I. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
 - J. The applicant shall proceed in accordance with the 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.
 - K. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation and rock crushing operation.
 - L. The applicant shall comply with Condition A, prior to the publication of the resolution effectuating the conditional use.
 - M. Any violation of conditions attached shall declare the conditional use permit null and void.
-

CASE NO. SCZ-0521/CU-276

CORRECT NOTICES SENT

11 "Notices to Adjoining Property Owners" mailed on 2-8-85.
2 One each to Applicant and Agent.

15 TOTAL

February 8, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

Our office has been advised that the Notice of Public Hearing which was sent to you on February 7, 1985, was not the correct notice for your area. The correct notice has been enclosed with this letter. We apologize for any inconvenience or confusion this may have caused. If you have further questions, please call me at 268-4421.

Terrence T. Smythe
Junior Planner

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

NOTICE OF PUBLIC HEARING

Case No.: SCZ-0521 (Amendment) and CU-276.

Location: On the north side of 37th Street North between Hoover and Ridge.

Address: N/A.

Request: Zone Change from the "R-1" Suburban Residential District to the "F" Heavy Industrial District; and, Conditional Use Permit to Establish a Sand and Gravel Extraction Operation on Property Zoned "R-1" Suburban Residential District.

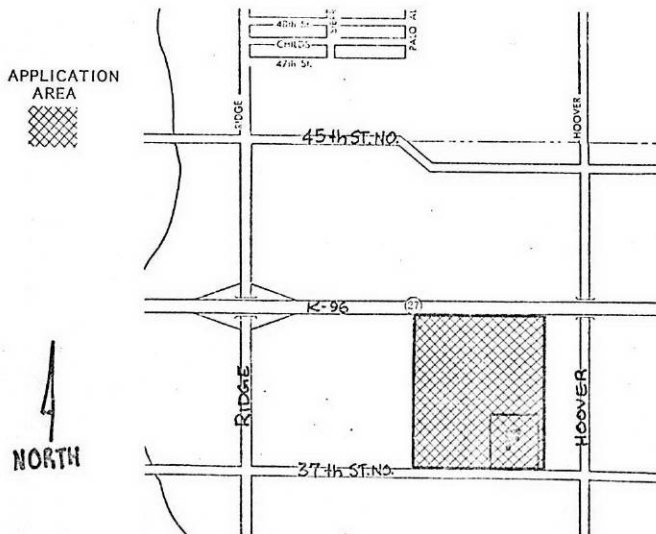
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

FEBRUARY 21, 1985

The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. SCZ-0521

Zone Change from the "R-1" Suburban Residential District to the "F" Heavy Industrial District As Amended

A tract beginning 650 feet West of the Southeast Corner of the Southeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M.; Thence North 750 feet; thence west 750 feet; thence south 750 feet; thence east 750 feet to point of beginning. Generally located on the north side of 37th Street North between Hoover and Ridge.

AND

CASE NO. CU-276

Conditional Use Permit to Establish a Sand and Gravel Extraction Operation on Property Zoned "R-1" Suburban Residential

Southeast Quarter (SE $\frac{1}{4}$) of Section 27, Township 26 South, Range 1 West of the 6th P.M., except the East 600 feet thereof. Generally located north of 37th Street North between Hoover and Ridge Roads.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

***Mobile home parks and trailer camps are not permitted.

CASE NO. CU-276 and SCZ-0521 (Amendment)

- 11
~~22~~ "Notices to Adjoining Property Owners" mailed on 2-7-85
for MAPC meeting on 2-21-85.
- 2 One each to Applicant and Agent.
- 3 One each to Karen Crook, Ron Worley and David Spears (Acting
Director of County Public Works.)

~~27~~
16 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

NOTICE OF PUBLIC HEARING

Case No.: SCZ-0521 (Amendment) and CU-276.

Location: On the north side of 37th Street North between Hoover and Ridge.

Address: N/A.

Request: Zone Change from the "R-1" Suburban Residential District to the "F" Heavy Industrial District; and, Conditional Use Permit to Establish a Sand and Gravel Extraction Operation on Property Zoned "R-1" Suburban Residential District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

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If you have any questions or wish additional information, please call 268-4421.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

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Zone Change from the "R-1" Suburban Residential District to the "F" Heavy Industrial District As Amended

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AND

CASE NO. CU-276

Conditional Use Permit to Establish a Sand and Gravel Extraction Operation on Property Zoned "R-1" Suburban Residential

Southeast Quarter (SE $\frac{1}{4}$) of Section 27, Township 26 South, Range 1 West of the 6th P.M., except the East 600 feet thereof. Generally located north of 37th Street North between Hoover and Ridge Roads.

Most Restrictive



Least Restrictive

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AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
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E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

***Mobile home parks and trailer camps are not permitted

CASE NO. CU-276

Conditional Use Permit to Establish a Sand and Gravel
Extraction Operation on Property Zoned "R-1"
Suburban Residential

Southeast Quarter (SE $\frac{1}{4}$) of Section 27, Township 26 South, Range 1
West of the 6th P.M., except the East 600 feet thereof. Generally
located north of 37th Street North between Hoover and Ridge Roads.

January 23, 1985

Mike Lindebak, City Engineer

Terrence T. Smythe, Junior Planner

CU-276 - Request to permit a sand excavation operation north of 37th Street North in an area between Hoover and Ridge.

We have received an application to permit the expansion of a sand excavation operation at the above referenced location. The owner of the existing sand-pit has submitted a new application in order to include much of the southeast quarter of Sec. 27, T26S, R1W.

I have enclosed a copy of the revised operational plan and redevelopment plan for your information and review. We have scheduled the case for MAPC consideration on February 21, 1985. We would appreciate receiving any comments you might have by Tuesday, January 29, 1985, so that they can be included in our staff report.

Terrence T. Smythe
Junior Planner

TTS:blw
Enclosures

cc: David Spears, Acting Director, County Department of Public Works
Ron Worley, County Zoning Administrator

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

CU-246

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT Associated Material & Supply Co., Inc ✓
67219
 ADDRESS 6015 N. Broadway, Wichita, Kans PHONE 7440433
 AGENT Don Bottenberg, Realtor ✓
 ADDRESS 923 1st Nat'l Bank Bldg 67202 PHONE 264-5031

B. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

C. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

(Use separate sheet for applicants).

See revised application filed 7-11-85

2. a. The applicant proposes a traction operation (use) _____ on property legally described as _____, Block _____ of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

OK [Southeast Quarter (SE/4) of Section 27, Township 26 South, Range 1 West of the 6th P. M., except the East 600 feet thereof.

2. b. There are 122.6 acres (round to nearest tenth) in the above described property.

T9-333-2

Revised 8/80

MAP NO 5052B ZONING N-R-1 S-R-1 E-R-1 W-R-1

MAPC 2-21-85

CU-216

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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A. APPLICANT Associated Material & Supply Co., Inc ✓
67219
 ADDRESS 6015 N. Broadway, Wichita, Kans PHONE 7440433
 AGENT Don Bottenberg, Realtor ✓
 ADDRESS 923 1st Nat'l Bank Bldg 67202 PHONE 264-5031

B. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

C. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a Sand & Gravel Extraction operation
 _____ (use)
 on property legally described as Lot(s) _____
 _____, Block(s) _____
 of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

OK [Southeast Quarter (SE/4) of Section 27, Township 26 South, Range 1 West of the 6th P. M., except the East 600 feet thereof.

2. b. There are 123.6 acres (round to nearest tenth) in the above described property.

T9-333-2

Revised 8/80

MAP NO 5052B zoning N^oR-1 S^oR-1 E^oR-1 W^oR-1

MAPC 2-21-85

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 600 feet West of 37th N & Hoover.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR

OK [B. ON THE North SIDE OF 37th North (AVE.) STREET BETWEEN Hoover (AVE.) STREET AND Ridge (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED ^{"R-1"} Suburban Residential "RM" (ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

OK [The applicant is a prime paying contractor for central Kansas, and the extracted material is needed in their operation.

6. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

BY _____ AUTHORIZED AGENT (IF ANY) Associated Material & Supply Co., Inc
BY [Signature] AUTHORIZED AGENT (IF ANY)

BY _____ AUTHORIZED AGENT (IF ANY) _____
BY _____ AUTHORIZED AGENT (IF ANY)

BY _____ AUTHORIZED AGENT (IF ANY) _____
BY _____ AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at 1:00
(AM, PM) on 1-18-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

T. SPAYTHE Name
J. PLANNER Title

DESCRIPTIONS

RECORD OWNERS

East Half of the Southwest Quarter of Southwest Quarter of Section 27, Township 26 South, Range 1 West,

✓ Dean W. & Pauline Nicholson
✓ 4106 N. 71st Street West
Wichita, Kansas 67205

Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West,

✓ Lola B. Torkleson
✓ 9632 W. 37th Street North
Wichita, Kansas 67205

Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West, EXCEPT Beginning 1100 feet North of the Southeast corner of the Northeast Quarter; thence West 208 feet; thence North 208 feet; thence East 208 feet; thence South to point of beginning AND EXCEPT Beginning 300 feet North of the Southeast Corner of the Northeast Quarter; thence West 130 feet; thence North 150 feet; thence East 130 feet; thence South 150 feet to the point of beginning, EXCEPT East 30 feet for road.

✓ Cash M. & Hallie Sandusky
ADDRESS UNKNOWN
c/o Marc Sandusky
PK-210 RR#4 Box 144 A
Beatrice, Ar. 72712

A tract of land beginning at a point 300 feet North of the Southeast corner of the Northeast Quarter of Section 27, Township 26 South, Range 1 West; thence West parallel to the South line of said Northeast Quarter 130 feet; thence North parallel to the East line of said Northeast Quarter, 150 feet; thence East 130 feet; thence South 150 feet to point of beginning, EXCEPT road easement on the East 30 feet thereof,

David R. & Vivian L. Pracht
ADDRESS UNKNOWN

PK-210-1
✓ *Walter F. Southards et ux*
4237 N. 58th St. Hoover
Wichita Ks 67205

East Half of the East Half of the Northwest Quarter, EXCEPT Highway, Section 27, Township 26 South, Range 1 West,

✓ Aleen & Charles W. Biby
✓ 937 W. 50th Street North
Wichita, Kansas 67204

West Half of the East Half of the Northwest Quarter, EXCEPT Highway, Section 27, Township 26 South, Range 1 West,

✓ Larry & Marsha Woodard
✓ 6607 W. 45th Street North
Wichita, Kansas 67205

Southwest Quarter of the Northwest Quarter of Section 26, Township 26 South, Range 1 West,

✓ Donna Evans Kingsbury and
Southwest National Bank of
Wichita, Kansas, Testamentary
Trustees of the John L. Evans
Trust Estate
5400 E. Douglas
Wichita, Kansas 67202

Northwest Quarter of the Southwest Quarter of Section 26, Township 26 South, Range 1 West,

✓ Laura M. Bunyan and
Arlene L. Johnson
ADDRESS UNKNOWN *PK-208*

734 S. Wichita
67213



DESCRIPTIONS

RECORD OWNERS

Southwest Quarter of Southwest Quarter of Section 26, Township 26 South, Range 1 West,

✓ Elgin M. & Odessa M. Gupton
2815 George Washington Boulevard
Wichita, Kansas 67210

West 40 Acres of the Northwest Quarter of Section 35, Township 26 South, Range 1 West,

PK-2011 ✓ Sanders, Inc.
3002 S. Millwood
Wichita, Kansas 67217
211107
1716 LED DAVIS
67207

South Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 34, Township 26 South, Range 1 West

✓ Mills and Clemson Trucking, Inc.
3701 N. Hoover
Wichita, Kansas 67205

North Half of the North Half of the Northeast Quarter of Section 34, Township 26 South, Range 1 West,

✓ Charles G. Mills
3701 N. Hoover
Wichita, Kansas 67205

Northwest Quarter of the Northeast Quarter of Section 34, Township 26 South, Range 1 West,

PK-254 ✓ Jane M. Woodman
ADDRESS UNKNOWN
Box 103 RFD2
Bellevue, KS 67135

Northwest Quarter of Section 34, Township 26 South, Range 1 West, EXCEPT a tract beginning at a point 2,282 feet East of the Northwest corner of the Northwest Quarter of said Section 34; thence South 915.126 feet; thence West 2,282 feet, more or less, to the West line of said Quarter section; thence North along the West line of said Quarter Section 915.126 feet to the Northwest corner of the Northwest Quarter of said Section 34; thence East 2,282 feet to point of beginning,

✓ Ken-Win Farms, Inc.
Maize, Kansas 67101

A tract of land in Northwest Quarter of Section 34, Township 26 South, Range 1 West, described as: beginning 1,904 feet East of the Northwest corner of Section 34; thence South 915.126 feet; thence West 1,904 feet; thence North 915.126 feet; thence East 1,904 feet, to the place of beginning,

✓ Ken-Win Farms, Inc.
Maize, Kansas 67101

A tract beginning at a point on the Section line 1904 feet East of the Northwest corner of the Northwest Quarter of Section 34, Township 26 South, Range 1 West; thence South parallel with the West line of said Northwest Quarter, 915.126 feet; thence East parallel to the North line of said Northwest Quarter, 378 feet; thence North 915.126 feet; thence West 378 feet to the place of beginning,

✓ Earl J. & Betty L. Smith
1116 Emerson
Wichita, Kansas 67212

envelope returned
7-30-85



-4-

Dated at Wichita, Kansas, this 3rd day of January, 1985 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina L. Suttler

By

Assistant Secretary

Tracer No. 68244



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-276 and CU-286.

Location: On the north side of 37th Street North in an area west of Hoover.

Address: N/A.

Request: Conditional Use Permit to Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant; AND Conditional Use Permit to Establish an Area for Storage of Concrete and Asphalt for Recycling Including Portable Rock Crusher on Property Zoned "R-1" Suburban Residential District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

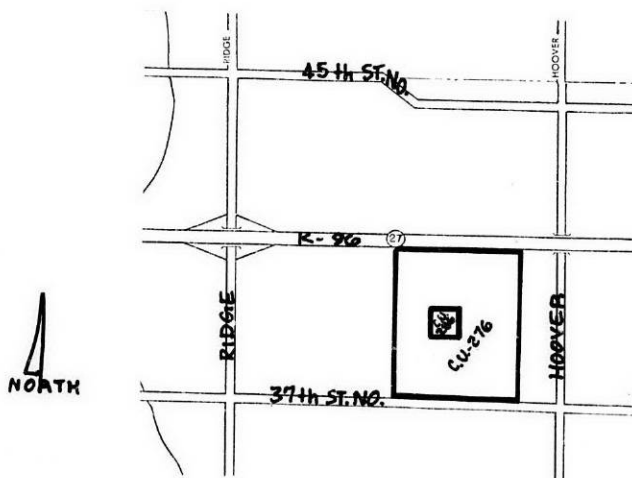
AUGUST 8, 1985

The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

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If you have any questions or wish additional information, please call 268-4421.

APPLICATION
AREA



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-276.

Conditional Use Permit to Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant on Property Zoned "R-1" Suburban Residential District

SE- $\frac{1}{4}$, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

CASE NO. CU-286

Conditional Use Permit to Establish an Area for Storage of Concrete and Asphalt for Recycling Including a Portable Rock Crusher on Property Zoned "R-1" Suburban Residential District

A tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

Most Restrictive



Least Restrictive

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WICHITA - SEDGWICK COUNTY

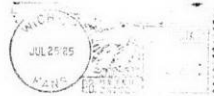
METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

RECEIVED

JUL 29 1985

METROPOLITAN PLANNING ROUTE



Returned For Better Address
CU-276/286

37A
Lola B. Torkleson
9632 W. ~~270~~ Street North
Wichita, Ks. 67205

*re-sent to 37A St.
8-5-85*

NO SUCH STREET NUMBER

Important! Notice of Meeting Enclosed



WICHITA - SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

RECEIVED

AUG 01 1985

METROPOLITAN PLANNING ROUTE



*CU-276/286
DR 85-17*

Earl J. & Betty L. Smith
1116 Emerson
Wichita, Ks. 67212

ATTENTION
NOT READING
RETURN TO SENDER

*1203
7-30-85*



*Opened by mistake -
Wrong Earl J. Smith +
wrong address*

Important! Notice of Meeting Enclosed

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 25, 1985

NOTICE OF PUBLIC HEARING

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APPLICATION
AREA



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-276.

Conditional Use Permit to Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant on Property Zoned "R-1" Suburban Residential District

SE-1, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

CASE NO. CU-266

Conditional Use Permit to Establish an Area for Storage of Concrete and Asphalt for Recycling Including a Portable Rock Crusher on Property Zoned "R-1" Suburban Residential District

A tract of land in the SE-1 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE-1; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Same as Conditional Uses***

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: DR 85-17.

Location: On the north side of 37th Street North in an area west of Hoover.

Address: N/A.

Request: Special Use Permit to Establish an Asphalt Mixing Plant as a Temporary Use Associated with Two County Paving Projects and Located on Property Zoned "R-1" Suburban Residential District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

AUGUST 8, 1985

The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

This special use permit has been requested for the duration of two paving projects which are expected to be completed by the end of the Fall 1985 paving season.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.

APPLICATION
AREA



NORTH

SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. DR 85-17

Special Use Permit to Establish an Asphalt Mixing Plant
as a Temporary Use Associated With Two County Paving Projects
and Located on Property Zoned "R-1" Suburban Residential District

A tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning 500 feet north and 1370 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence north 300 feet; thence east 300 feet; thence south 300 feet; thence west 300 feet to the point of beginning. Generally located on the north side of 37th St. North in an area west of Hoover.

Most Restrictive

Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

CU-276

CU-276

5,385,600.000 +
3,140,000.000 +
5,200,000.000 +
5,200,000.000 +
19,005,600.000 *

100. *
2,040. =
204,000. *

100. *
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200,000. *

2,640. *
60. =
158,400. *

204,000.000 +
200,000.000 +
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562,400.000 *

1,000. *
2,640. =
2,640,000. *

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275. =
5,500. *

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275. =
8,250. *

3,405. *
211. =
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30,120. *
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575. *
54. =
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330. *
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562,400.000 +
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15,060.000 +
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1,353,535.000 +
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19,015,535.000 +
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12,261,455. *
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This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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