

# ACTION

S/D COMMITTEE

DATE

M.A.P.C. Bd of Co. Com. W.P.C.	Approved subj. to Construction	3/16/89
	Withdrawn	4/12/89

Withdrawn by applicant

from Bd. Co. Com. appears  
Life of the contracts on 6 months<sup>4</sup> whichever is less.

DR 89-4: B.S.F. requests special use permit to establish a temporary concrete mixing plant on the north side of 47th St south of an area west of Woodlawn, if extended from the south

Received 2-17-89

RESTED 2-17-89 KB  
✱

# ACTION

S/D COMMITTEE \_\_\_\_\_ DATE \_\_\_\_\_

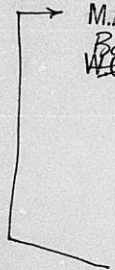
M.A.P.C.  
Bd of Co. Com  
W.C.C. [REDACTED]

Approved sub to  
condition \_\_\_\_\_ 3/16/89  
~~Withdrawn~~ \_\_\_\_\_ 4/12/89

Withdrawn by applicant

from Bd. Co. Comm. approval

Life of the contracts at 6 months<sup>4</sup> whichever is less.



DR 89-4: B.S.F. requests special use permit to establish temporary concrete mixing plant on the north side of 47th St south in an area west of Woodlawn. If extended from the south

DATA SHEET

MAP #: 5841 A

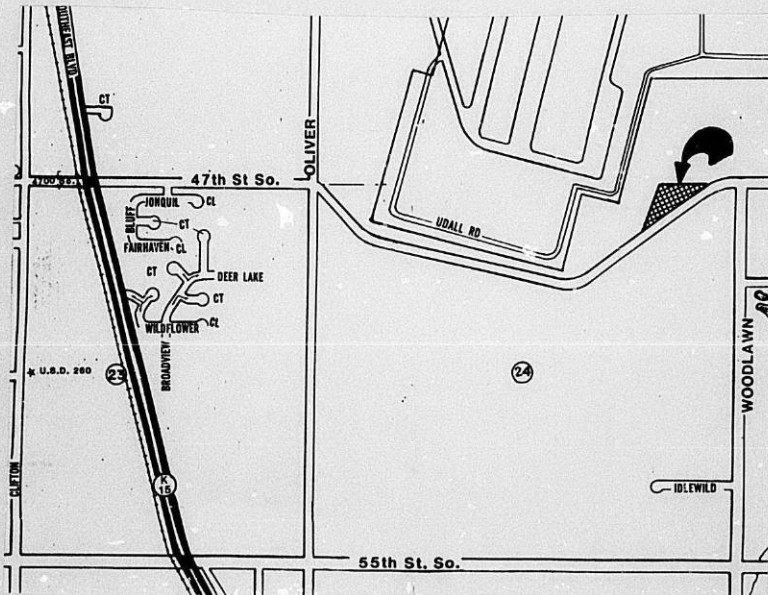
Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 DR- DR 89-4  
 DP- \_\_\_\_\_  
 Amend # \_\_\_\_\_  
 Case Filed: 2/15/89  
 Associated Case: SCZ-0603  
 CPO Council Area: \_\_\_\_\_  
 CPO Meeting Date: \_\_\_\_\_  
 MAPC Hearing Date: 3/16/89

APPLICATION DATA:

1. GENERAL LOCATION: On the north side of 47th Street South in an area west of Woodlawn, if extended from the south
2. FROM \_\_\_\_\_ to \_\_\_\_\_
3. Proposed Use: Special Use Permit to establish a Temporary Concrete Mixing Plant on Property Zoned "R-1"
4. DP Name: \_\_\_\_\_
5. Applicant: Bill E. Mesker, d/b/a B.S.F. Associates  
 Address: 7879 West Kellogg, Wichita, KS 67209 Phone: 721-5870
6. Agent: Robert W. Kaplan  
 Address: 430 North Market, Wichita, KS 67214 Phone: 262-5175

AREA DATA:

1. Acres: 5.1 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
3. Land Use: North \_\_\_\_\_ South \_\_\_\_\_  
 East \_\_\_\_\_ West \_\_\_\_\_



No. 2153C  
 HASTINGS MN  
 LOS ANGELES, CHICAGO, LOGAN, OH  
 MOORESBOROUGH, TN, LOCUST GROVE, GA  
 U.S.A.  
**Stead**

SEDGWICK COUNTY

  
METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1888  
(316) 268-4561

March 31, 1989

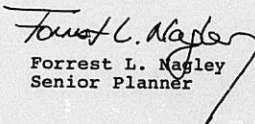
Mr. Robert Kaplan  
Kaplan, McMillan & Harris  
430 N. Market  
Wichita, KS 67202

Re: Withdrawal of request for a temporary concrete mixing plan - DR 89-4. Located on the north side of 47th Street South, in an area west of Woodlawn, if extended from the south.

Dear Mr. Kaplan:

Pursuant to your request, in your March 29, 1989 letter, we have closed the above-captioned case. As a result, this case will not be considered by the Board of County Commissioners. The case file has been marked closed.

Sincerely,

  
Forrest L. Nagley  
Senior Planner

FLN:svm

cc: Ron Worley, Sedgwick County Zoning Administrator  
Bill E. Mesker, B.S.F. Assoc., 7879 W. Kellogg, Wichita, KS  
67209  
Lt. Col. Duane Ellingson, 207 Bonnie Brae, Wichita, KS 67207  
Jerry L. Griffith, Box 184, Derby, KS 67037  
Donna Inkelaar, 6510 E. 49th St. So., Derby, KS 67037  
Bill Bloedel, Rt. 2, Derby, KS 67037  
Larry Menges, RR 2, Box 261, Derby, KS 67037  
Ann Fowler, 7035 E. 49th St. So., Derby, KS 67037  
Jim Clark, 6510 E. 49th St. So., Derby, KS 67037  
Glen Haight, 4312 S. Woodlawn, Derby, KS 67037

FILE COPY

LAW OFFICES

KAPLAN, McMILLAN AND HARRIS

ROBERT W. KAPLAN  
CALVIN McMILLAN  
CHARLES F. HARRIS

LAW BUILDING  
430 NORTH MARKET  
WICHITA, KANSAS 67202  
316-262-5175

March 29, 1989

Mr. Jack H. Galbraith  
Chief Planner  
Metropolitan Area Planning Department  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202-1688

RE: DR 89-4 - Special Use Permit to establish a temporary  
concrete mixing plant filed by B.S.F. Associates

Dear Mr. Galbraith:

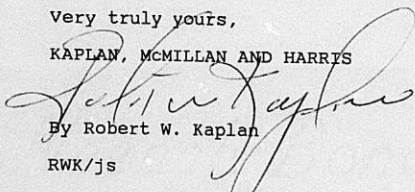
On behalf of the contractor, please accept this correspondence as  
a withdrawal of the request made for special use referenced  
above.

Arrangements have been made to place the plant inside the fence  
on McConnell property, eliminating the need for the special use  
for the McConnell job. We will supply the KDOT job from the  
Augusta facility directly.

Thank you for your cooperation and consideration.

Very truly yours,

KAPLAN, McMILLAN AND HARRIS

  
By Robert W. Kaplan

RWK/js

cc: Mr. Bill E. Mesker

**RECEIVED**

MAR 30 1989

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_



Sedgwick County, Kansas

589 552

RI-333

RIGHT OF WAY AGREEMENT W.O. # AC-293

WHEREAS, It becomes necessary in the reconstruction and maintenance of Highway 530 - 30 for Sedgwick County, State of Kansas, Party of the First Part, to widen, improve and/or change location of said highway in NE1/4 Section 24, Twp. 20-S, Range, 1-E, and said widening, improving and/or change of location requires new and additional...

right of way in the above section, township and range as follows: A tract of land for road purposes 170 feet wide; 60 feet either side of a centerline described as beginning at the northeast corner of the NE1/4 Sec. 24, T 20-S, R 1-E; thence southwesterly on a curve to the left having a radius of 924.72 feet and a delta angle of 40° 45' for a distance of 754.03 feet to point of tangent; thence southwesterly on tangent 1,319.98 feet to the point of a curve to the right having a radius of 692.58 feet and a delta angle of 60° 01' for a distance of 753.37 feet to the point of tangent; thence northwesterly on tangent 137 feet plus or minus to a point on the curve from a line extended south from the northeast corner of the NE1/4; and Except that part lying north of the north line of the northeast corner of the NE1/4; also a tract of land 137.84 feet plus or minus north of above described centerline to southern most property line of irregular described tract of U.S.A. on the north, and 60 feet south of centerline beginning at the east point of above described exception of west 137 feet plus or minus of curve; thence westerly 137 feet plus or minus to the point of tangent of said curve, right-of-way points being 150 feet north and 60 feet south of centerline of said curve; thence continuing westerly on tangent to said curve, 150 feet north and 60 feet south to the west line of the NE1/4 Sec. 24, T 20-S, R 1-E; Except that part of road along NE1/4 Sec. 24, T 20-S, R 1-E containing 9.14 acres.

AND WHEREAS San Diego County Heart Association, Party of the Second Part, is the rightful owner of, or legal agent for, the above property. THE PARTIES HERETO AGREE as follows: That the party of the second part, for himself, his heirs, executors, administrators, and assigns for the consideration of... Hundred SEVENTY Dollars No Cents (\$ 170.00...), and other valuable considerations as follows:

Table with 3 columns: Description, Rate, Total. 9.14 Acres Land @ \$500.00 per acre = 4,570.00; 21.31 Acres Governance Damage @ \$50.00 per acre = 1,065.50; 9.14 Acres Plowing, Disking, Spring Toothling = 100.50; Total = 5,736.00

One dollar (\$1.00) of the above amount being in hand paid and receipt therefor being hereby acknowledged the remainder to be allowed at the next regular meeting of Board of County Commissioners when claim is presented as required by law in similar cases do hereby Grant, Sell and Convey to the party of the first part a permanent and perpetual right of way on and an easement in, in and on the property above described for public road and highway purposes with right and privilege in the party of the first part to grade, construct, fill, drain and/or improve as the party of the first part may order and direct.

THEREFORE, It is agreed and understood that the above amount of money together with the valuable consideration tendered by the party of the first part shall be in full compensation for actual land taken and all damage done to the property of the party of the second part.

IN WITNESS WHEREOF, the parties hereto have set their hand... this 12th day of November, 1914

WITNESSES:

FILED FOR RECORD AT NOV 23 1914 23760 WALTER E. DELBERT

Handwritten signatures and printed names for the President and Secretary of the Second Party.

Co. Eng.

RI-333

RIGHT OF WAY AGREEMENT

W.O. # RC-293

WHEREAS, it becomes necessary in the reconstruction and maintenance of Highway 1-2-30

for Sedgwick County, State of Kansas, Party of the First Part, to widen, improve and/or change location of said highway in NE 1/4 Section 24, Twp. 28-S, Range 12-E and said widening, improving and/or change of location requires new and additional

right of way in the above section, township and range as follows: tract of land for road purposes 120 feet wide; 60 feet either side of a centerline described as beginning at the northwest corner of the NE 1/4 Sec. 24, T. 28-S, R. 12-E; thence southwesterly on a curve to the left having a radius of 924.72 feet and a delta angle of 40° 45' for a distance of 154.03 feet to point of tangent; thence southwesterly on tangent 1,112.98 feet to the point of a curve to the right having a radius of 692.58 feet and a delta angle of 60° 01' for a distance of 75.97 feet to the point of tangent; Except the west 135 feet plus or minus to a point on the curve from a line extended south from the northwesterly, southwesterly property line of U.S.A.; and Except that part lying north of the north line of the northeast corner of the NE 1/4 Sec. 24, T. 28-S, R. 12-E, 135 feet plus or minus north of above described centerline to southern most property line of irregular described tract of U.S.A. on the north and 60 feet south of centerline beginning at the east point of above described exception of west 135 feet plus or minus of curve; thence westerly 135 feet plus or minus to the point of tangent of said curve; thence westerly 150 feet north and 60 feet south of centerline of said curve; thence continuing westerly on tangent to said curve, 150 feet north and 60 feet south to the west line of the NE 1/4 Sec. 24, T. 28-S, R. 12-E; Except that part of road along north line NE 1/4 Sec. 24; containing 9.14 acres.

AND WHEREAS, E. F. Bryans (Edward F.), a single man, (life tenant only) Party of the Second Part, is the rightful owner of, or legal agent for, the above property. THE PARTIES HERETO AGREE as follows: That the party of the second part, for himself, his heirs, executors, administrators, and assigns for the consideration of \$4,000.00 Dollars and other valuable considerations as follows:

Table with 2 columns: Description of land/property and Amount. Includes items like '9.14 Acres Land', '21.11 Acres Sewerage Easement', and '9.14 Acre Plowing, Ditching, Spring, Tooling'.

One dollar (\$1.00) of the above amount being in hand paid and receipt therefor being hereby acknowledged the remainder to be allowed at the next regular meeting of Board of County Commissioners when claim is presented as required by law in similar cases do hereby Grant, Sell and Convey to the party of the first part a permanent and perpetual right of way on and an easement in, in and on the real property above described for public road and highway purposes with right and privilege in the party of the first part to grade, construct, fill, drain and/or improve as the party of the first part may order and direct.

THEREFORE, it is agreed and understood that the above amount of money together with the valuable considerations tendered by the party of the first part shall be in full compensation for actual land taken and all damage done to the property of the party of the second part.

IN WITNESS WHEREOF, the parties hereto have set their hand this 4th day of October 1966

WITNESSES: [Signatures]
PARTY OF THE FIRST PART: E. F. Bryans
PARTY OF THE SECOND PART: [Signature]

STATE OF KANSAS
FILED 159
NOV 23 1966
MAYNARD E. DEERING
COUNTY CLERK

Sedgwick County, Kansas

589

RI-333

RIGHT OF WAY AGREEMENT

W.O. / RC-293

WHEREAS, it becomes necessary in the reconstruction and maintenance of Highway 2-30

for Sedgwick County, State of Kansas, Party of the First Part, to widen, improve and/or

change location of said highway in Section 24, Twp. 28-S, Range 1-E

and said widening, improving and/or change of location requires new and additional

right of way in the above section, township and range as follows: A tract of land for road purposes 120 feet wide; 60 feet either side of a centerline described as beginning at the northeast corner of the NE 1/4 Sec. 24, T. 28-S, R. 1-E; thence southwesterly on a curve to the left having a radius of 924.72 feet and a delta angle of 40° 45' for a distance of 754.03 feet to point of tangency; thence southwesterly on tangent 119.98 feet to the point of a curve to the right having a radius of 692.58 feet and a delta angle of 60° 01' for a distance of 755.77 feet to the point of tangency; Except the west 135 feet plus or minus to a point on the curve from a line extended south from northeasterly, southwesterly property line of U.S.A.; and except that part lying north of the north line of the northeast corner of the NE 1/4; also a tract of land 137.84 feet plus or minus north of above described centerline to southern most property line of irregular described tract of U.S.A. on the north, and 60 feet south of centerline beginning at the east point of above described exception of west 135 feet plus or minus of curve, thence westerly 135 feet plus or minus to the point of tangency of said curve, right-of-way points being 150 feet north and 60 feet south of centerline of said curve; thence continuing westerly on tangent to said curve, 150 feet north and 60 feet south to the west line of the NE 1/4 Sec. 24, T. 28-S, R. 1-E; Except that part of road along north line NE 1/4 Sec. 24, containing 9.14 acres.

AND WHEREAS, The National Foundation for Infantile Paralysis,

Party of the Second Part, is the rightful owner of, or legal agent for, the above property.

THE PARTIES HERETO AGREE as follows: That the party of the second part, for himself, his heirs, executors, administrators, and assigns for the consideration of \$40,000.00 Dollars

Cash (\$40,000.00), and other valuable considerations as follows:

9.14 Acres Land @ \$500.00 per acre	\$4,570.00
21.11 Acres Severance Damage @ 250.00 per acre	5,277.50
9.14 Acres Flooding, Draining, Spring Footings	10,000.00
	\$19,847.50

NOV 23 1966  
RUFUS E. DEERIN  
J. D. [Signature]

One dollar (\$1.00) of the above amount being in hand paid and receipt therefor being hereby acknowledged the remainder to be allowed at the next regular meeting of Board of County Commissioners when claim is presented as received by law to similar cases done by Harvey Grant, Bell and Cherry to the party of the first part a permanent and perpetual right of way on and on occasion to, in and on the real property above described for public road and highway purposes with right and privilege in the party of the first part to grade, concrete, fill, drain and/or improve as the party of the first part may order and direct.

THEREFORE, it is agreed and understood that the above amount of money together with the valuable concessions tendered by the party of the first part shall be in full compensation for actual land taken and all damage done to the property of the party of the second part.

IN WITNESS WHEREOF, the parties hereto have set their hand, this 23rd day of November, 1966.

WITNESS:

ATTEST:

[Signature]  
Assistant Secretary

[Signature]  
PARTY OF THE FIRST PART  
The National Foundation, formerly  
The National Foundation for Infantile Paralysis  
By [Signature] Vice President  
PARTY OF THE SECOND PART

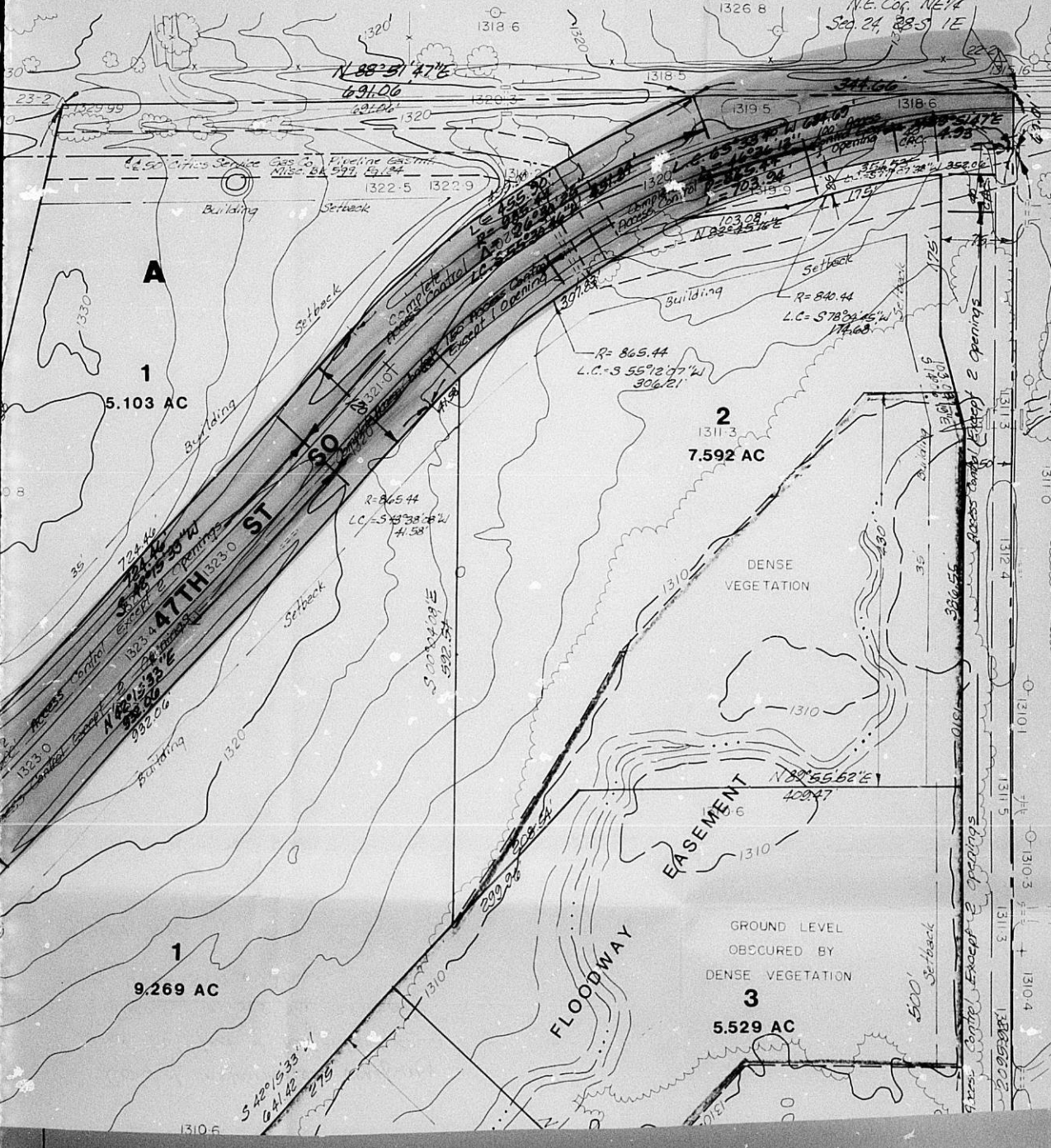


2358000 E

2358500 E

2359000 E

N.E. Cor. NE 1/4  
Sec. 24, T8S, R1E



**A**

**1**

5.103 AC

**47TH ST**  
50'

**1**

9.269 AC

**2**

7.592 AC

DENSE VEGETATION

EASEMENT  
6'

**3**

GROUND LEVEL  
OBSCURED BY  
DENSE VEGETATION

5.529 AC

FLOODWAY

500' Setback

Access Control Easement & Openings

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Called Kaplan's office  
and reminded them  
that we needed separate  
road dedication in  
order to send this case  
to the County

7 Feb  
3/28/89

They said we would get  
it today.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

March 17, 1989

Robert W. Kaplan  
430 N. Market  
Wichita, KS 67214

Re: DR 89-4 - Special Use Permit to establish a temporary concrete mixing plant, located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

Dear Mr. Kaplan:

At its regular meeting on March 16, 1989, the Metropolitan Area Planning Commission considered the above-captioned ~~zone change~~ request. The action of the Planning Commission was to recommend that the application be approved for six months from the date of approval by the Board of County Commissioners or the life of the two contracts, whichever is less, subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site upon completion of the paving projects unless a conditional use permit has been granted for a mixing plant at this location on a more permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.
- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations. *(60' already exists) Fen*

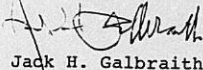
If we received the signed dedication for the 50 feet of half-street right-of-way by March 29, 1989, this matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on Wednesday, April 12, 1989. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas, beginning at 9:00 a.m.

FILE COPY

DR 89-4  
Page 2

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

Sincerely yours,



Jack H. Galbraith  
Chief Planner

JHG:jcm

cc: Bill E. Mesker, B.S.F. Associates, 7879 W. Kellogg, 67209  
Lt. Col. Duane Ellingson, 207 Bonnie Brae, Wichita, 67207  
Jerry L. Griffith, Box 184, Derby, KS, 67037  
Donna Inkelaar, 6510 E. 49th St. So., Derby, KS, 67037  
Bill Bloedel, Rt. 2, Derby, KS, 67037  
Larry Menges, R. R. 2, Box 261, Derby, KS, 67037  
Ann Fowler, 7035 E. 49th St. So., Derby, KS, 67037  
Jim Clark, 6510 E. 49th St. So., Derby, KS, 67037  
Glen Haight, 4312 S. Woodlawn, Derby, KS, 67037  
Ron Worley, County Zoning Administrator

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6b

March 16, 1989

STAFF REPORT

CASE NUMBER: DR 89-4

OWNER/APPLICANT/AGENT: B.S.F. Associates (owner/applicant)  
Robert W. Kaplan (agent)

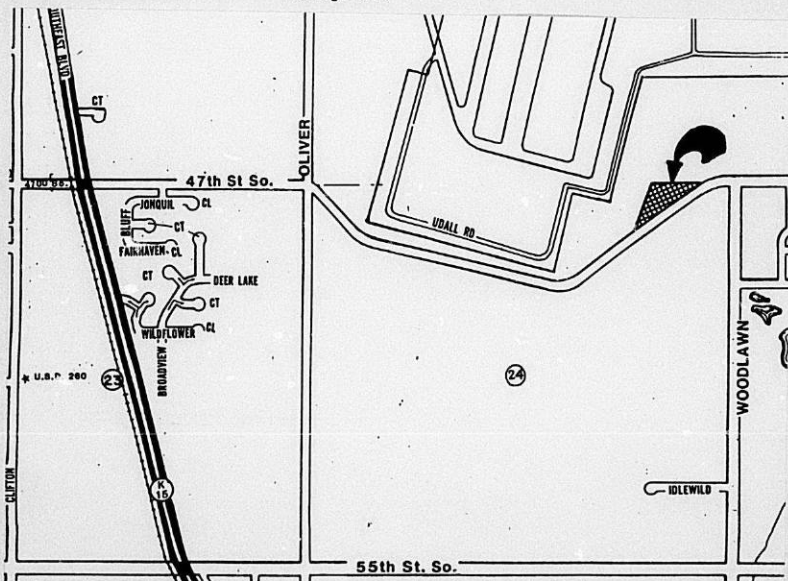
REQUEST: Special Use Permit to establish a temporary concrete mixing plant.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 5.1 acres (triangular shape)

LOCATION: On the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

PROPOSED USE: Establishment of a temporary concrete mixing plant for use on paving projects for McConnell Air Force Base and the Kansas Turnpike.



**BACKGROUND:** The applicant is requesting a special use permit for the establishment of a temporary concrete mixing plant on a 5.1-acre unplatted tract located on the north side of 47th Street South in an area west of Woodlawn. The property is currently zoned "R-1" and is undeveloped. This request has been filed by the applicant because he has been awarded two government paving contracts in the general area. One job involves overlaying a taxiway and paving a transient apron for McConnell Air Force Base and the other job involves the repaving of portions of the Turnpike from Kellogg to 47th Street South. It is anticipated that each job will be completed within six months.

The first zoning district which permits a concrete mixing plant as an outright use is the "E" District.

**CASE HISTORY:** None.

**ADJACENT ZONING AND LAND USE:**

NORTH	"R-1"	Single-family dwelling
SOUTH	"R-1"	Undeveloped
EAST	"R-1"	Undeveloped
WEST	"R-1"	Air Force Base

**PUBLIC SERVICES:** This site is not served by either municipal water or sanitary sewer. Adjacent 47th Street is a paved two-lane arterial. Only 30 feet of half-street right-of-way exists for 47th Street adjacent to this property, whereas 50 feet is required. Access control to 47th Street does not presently exist.

**CONFORMANCE TO PLANS/POLICIES:** Section 13(F)(2) of the County's Zoning Resolution provides for temporary concrete and asphalt mixing plants in any zoning district, provided they are associated with a contract with any department of the City, County, State or Federal Government. The subject case is associated with paving contracts with McConnell Air Force Base and the Kansas Turnpike Authority.

**RECOMMENDATION:** Approve the special use permit subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site upon completion of the paving projects unless a conditional use permit has been granted for a mixing plant at this location on a more permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.
- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations.



**BACKGROUND:** The applicant is requesting a special use permit for the establishment of a temporary concrete mixing plant on a 5.1-acre unplatted tract located on the north side of 47th Street South in an area west of Woodlawn. The property is currently zoned "R-1" and is undeveloped. This request has been filed by the applicant because he has been awarded two government paving contracts in the general area. One job involves overlaying a taxiway and paving a transient apron for McConnell Air Force Base and the other job involves the repaving of portions of the Turnpike from Kellogg to 47th Street South. It is anticipated that each job will be completed within six months.

The first zoning district which permits a concrete mixing plant as an outright use is the "E" District.

**CASE HISTORY:** None.

**ADJACENT ZONING AND LAND USE:**

NORTH	"R-1"	Single-family dwelling
SOUTH	"R-1"	Undeveloped
EAST	"R-1"	Undeveloped
WEST	"R-1"	Air Force Base

**PUBLIC SERVICES:** This site is not served by either municipal water or sanitary sewer. Adjacent 47th Street is a paved two-lane arterial. Only 30 feet of half-street right-of-way exists for 47th Street adjacent to this property, whereas 50 feet is required. Access control to 47th Street does not presently exist.

**CONFORMANCE TO PLANS/POLICIES:** Section 13(F)(2) of the County's Zoning Resolution provides for temporary concrete and asphalt mixing plants in any zoning district, provided they are associated with a contract with any department of the City, County, State or Federal Government. The subject case is associated with paving contracts with McConnell Air Force Base and the Kansas Turnpike Authority.

**RECOMMENDATION:** Approve the special use permit subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site upon completion of the paving projects unless a conditional use permit has been granted for a mixing plant at this location on a more permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.
- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations.

McConnell } ~~OVER TO~~ OVERLAY TAXIWAY &  
PRQE-90-0008 TRANSIENT  
APPROV. PRQE-'89-0002  
6 MONTH CONTRACT-

K.T.A. } CONTRACT NO. 1570-M.P.  
# 42.3 TO M.P. # 50.8,  
Sedwick COUNTY -  
(KE LOG TO 47<sup>th</sup> ST. SO.)  
~~6 MONTH CONTRACT~~ 60 DAYS-

PROPERTY OWNER NOTICES

CASE NO. DR 89-4

DATE OF MAILOUT: 3-3-89 AM

15	Property Owners
2	Applicant(s) and Agent <i>diff rpts mailed 3/10/89</i>
2X	<del>Ken</del> , Vicky Huang, and <del>City Council Member</del> <i>of Co. Commissioner Schroeder</i>
5	Jack, Louise, Bob, Forrest and Karen
<u>1</u>	<i>File Copy of</i>
25	
TOTAL	

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

March 2, 1989

NOTICE OF PUBLIC HEARING

CASE NO: DR 89-4.

LOCATION: On the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

ADDRESS: N/A.

REQUEST: Special Use Permit to Establish a Temporary Concrete Mixing Plant on Property Zoned "R-1" Suburban Residential District.

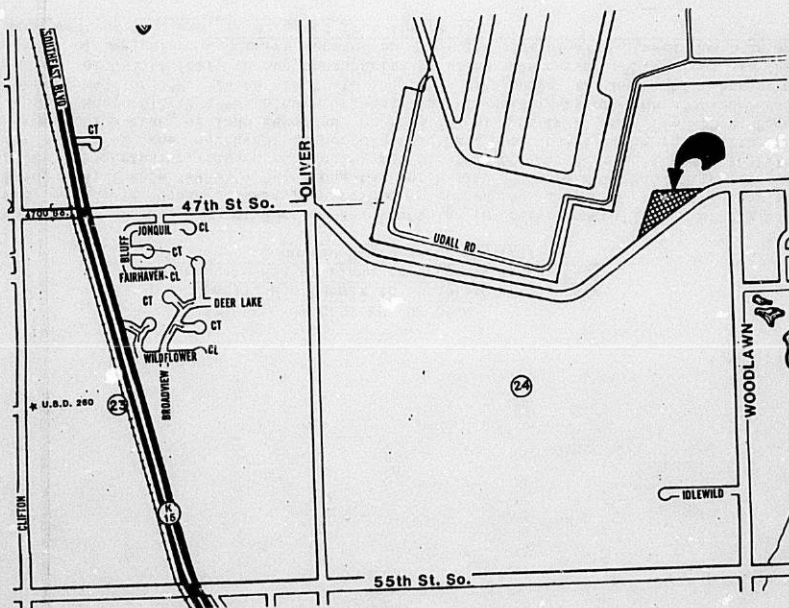
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

MARCH 16, 1989

The meeting will begin at 1:30 p.m., in the City Council Chambers, 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 about this case, please call the Planning Department office at 268-4421.



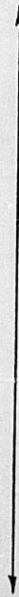
LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

Foot

**CASE NO. DR 89-4**  
**Special Use Permit to Establish a Temporary**  
**Concrete Mixing Plant on Property Zoned "R-1"**  
**Suburban Residential District**

That part of the NE¼ of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE¼; thence S88°51'47"W, along the north line of said NE¼, 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1632.75 feet east of the northwest corner of said NE¼, said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

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.

( ) Published in The Daily Reporter on February 21, 1989 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, MARCH 16, 1989, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following applications:

CASE NO. SCZ-0602

Zone Change from the "R-1" Suburban Residential District  
to the "C" General Commercial District

A tract in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 16, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Beginning at a point, marked by an iron pin, lying 50 feet east and 1455.83 feet north of the southwest corner of the SW $\frac{1}{4}$  of said Section 16; thence on a bearing of S89 $^{\circ}$ 58'31"E for a distance of 105.00 feet; thence on a bearing of N00 $^{\circ}$ 00'00"E for a distance of 118.37 feet; thence on a bearing of S89 $^{\circ}$ 58'56"E for a distance of 944.99 feet; thence on a bearing of N00 $^{\circ}$ 00'41"W for a distance of 248.68 feet to a point on the south line of the East Side Development Addition; thence on a bearing of N89 $^{\circ}$ 59'21"W along the south line of the said East Side Development Addition for a distance of 1049.94 feet to a point on the East R.O.W. line of Webb Road, which point is also the southwest corner of the said East Side Development Addition; thence on a bearing of S00 $^{\circ}$ 00'00"E along said R.O.W. line for a distance of 366.90 feet to the point of beginning, EXCEPTING the west 75.00 feet of the east 275.00 feet. Generally located on the east side of Webb Road approximately  $\frac{1}{4}$ -mile north of Central.

CASE NO. SCZ-0603

Zone Change from the "R-1" Suburban Residential District  
to the "E" Light Industrial District

That part of the NE $\frac{1}{4}$  of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northeast corner of said NE $\frac{1}{4}$ ; thence S88 $^{\circ}$ 51'47"W, along the north line of said NE $\frac{1}{4}$ , 1035.72 feet to a point 1632.75 feet East of the northwest corner of said NE $\frac{1}{4}$ , said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12 $^{\circ}$ 13'47"W along the east line of said tract of land, 1585.33 feet; thence N60 $^{\circ}$ 58'11"E, 390.20 feet; thence N42 $^{\circ}$ 15'33"E, 849.96 feet; thence N89 $^{\circ}$ 55'52"E, 459.47 feet to the east line of said NE $\frac{1}{4}$ ; thence N00 $^{\circ}$ 04'08"W, 750.93 feet to the place of beginning, except 47th Street South R.O.W. as recorded on Film 589 at Pages 552 through 557. Generally located on the north and south sides of 47th Street South in an area west of Woodlawn.

County Official Notice  
February 21, 1989

CASE NO. DR 89-4

Special Use Permit to Establish a Temporary  
Concrete Mixing Plant on Property Zoned "R-1"  
Suburban Residential District

That part of the NE $\frac{1}{4}$  of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE $\frac{1}{4}$ ; thence S88°51'47"W, along the north line of said NE $\frac{1}{4}$ , 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1632.75 feet east of the northwest corner of said NE $\frac{1}{4}$ , said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

As provided in Section 17-C of the Sedgwick County Zoning Regulations, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed applications will be considered as by law provided.

WITNESS MY HAND this 21st day of February, 1989.

Marvin S. Krout, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

of  
Foot

**CASE NO. DR 89-4**  
**Special Use Permit to Establish a Temporary**  
**Concrete Mixing Plant on Property Zoned "R-1"**  
**Suburban Residential District**

That part of the NE $\frac{1}{4}$  of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE $\frac{1}{4}$ ; thence S88°51'47"W, along the north line of said NE $\frac{1}{4}$ , 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1632.75 feet east of the northwest corner of said NE $\frac{1}{4}$ , said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

APPLICATION FOR SPECIAL PERMIT  
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Special 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, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

DR 89-4

A. APPLICANT Bill E. Mesker, d/b/a PHONE 721-5870  
B.S.F. Associates  
7979 West Kellogg  
ADDRESS Wichita, Kansas Zip Code 67209

AGENT Robert W. Kaplan PHONE 262-5175  
430 North Market  
ADDRESS Wichita, Kansas Zip Code 67202

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_

(Use separate sheet if necessary for additional applicants).

2. A. The applicant proposes to establish a temporary concrete mixing plant \_\_\_\_\_ (use)

on property zoned "R-1" and legally described as Lot(s) \_\_\_\_\_

\_\_\_\_\_, Block \_\_\_\_\_ of the

\_\_\_\_\_ Addition.

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

SEE ATTACHED SHEET.

- B. There are 5.1 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

CPO None

Map No. 5841 A Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 3-16-89

T9-212-2

Advertise 2/21/89  
Notification letters on or before 3/2/89

Revised 1/89

3. This property is located at (address) \_\_\_\_\_.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the Northwest Corner of 47th Street South and South Woodlawn, OR

*Location*

B. On the north side of 47th Street South (Ave.) (Street between \_\_\_\_\_ (Ave.) Street & \_\_\_\_\_ (Ave.) Street in an area west of Woodlawn, if extended from the South.

4. We request this special permit for the following reasons:

To establish temporary concrete mixing plant for use on United States government (McConnell Air Force Base) and Kansas Department of Revenue Kansas Turnpike paving projects.

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 FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE GOVERNING BODY SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

BILL E. MESKER, d/b/a  
B.S.F. ASSOCIATES  
APPLICANT'S SIGNATURE

BY *Robert W. Kaplan*  
AUTHORIZED AGENT (IF ANY)  
(Robert W. Kaplan)

\_\_\_\_\_  
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 12:10 (a.m., p.m.) on 2/15/89 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ \$30.00.

*FW*  
Name

*S.D.*  
Title

WILLIAM L. KORBER, L.S.  
JOHN E. LUNDBLADE, L.S.  
N. BRENT WOOTEN, P.E.



**BAUGHMAN COMPANY, P.A.**  
SURVEYING & ENGINEERING  
316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

February 15, 1989

AMENDED LEGAL DESCRIPTION FOR:

APPLICATION FOR SPECIAL PERMIT:

That part of the NE $\frac{1}{4}$  of Sec. 24, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the N.E. Corner of said NE $\frac{1}{4}$ ; thence S 88°51'47" W, along the north line of said NE $\frac{1}{4}$ , 344.66 feet for a place of beginning; thence continuing S 88°51'47" W, 691.06 feet to a point 1632.75 feet east of the N.W. Corner of said NE $\frac{1}{4}$ , said point being the N.E. Corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S 12°13'47" W, along the east line of said tract of land, 796.38 feet; thence N 42°15'33" E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence north-easterly along said curve, 455.90 feet to the place of beginning.

5.01 acres

OWNERSHIP LIST

Property Description	Property Owner
<p>The Northeast Quarter of Section 24, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, except that part described as: Beginning at the Southwest corner of said Northeast Quarter; thence N 89° 07' East along the South line of said Northeast Quarter, 1052.22 feet; thence North 12°29' East, 2713.65 ft to the North line of said Northeast Quarter; thence West along the said North line of said Northeast Quarter to the Northwest corner of said Northeast Quarter; thence South along the West line of said Northeast Quarter to the place of beginning, except the North 40 feet thereof for road, and except that part granted for road in Book Misc. 589, Page 554 and Book Misc. 589, Page 556 and Book Misc. 589, Page 552.</p>	<p>B.S.F. Associates 430 N. Market Wichita, Kansas 67202</p>
<p>Beginning at the Southwest corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, thence North 0°08' East along the West line of said Northeast Quarter, 1344.62 feet; thence South 77°31' East, 61.30 feet; thence North 12°19' East, 100 feet to the existing boundary line of McConnell Air Force Base; thence South 77°31' East along said existing boundary line, 523.94 feet; thence North 12°19' East along said existing boundary line, 1185.0 feet; thence South 77°31' East along said existing boundary line, 450.0 feet; thence North 12°29' East along said existing boundary line, 292.2 feet to the North line of said Northeast Quarter; thence North 89°07' East along said North line, 283.75 feet; thence South 12°29' West, 2713.05 feet to the South line of said Northeast Quarter; thence South 89°07' along said South line, 1052.22 feet to the point of beginning.</p>	<p>United States of America c/o McConnell Air Force Base 2801 South Rock Road Wichita, Kansas 67210</p>
<p>A tract of land lying in the Northeast Quarter of Section 24, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, beginning at the Northwest corner of the Northeast Quarter of Section 24; thence North 89°07' East, along the Section line common to Section 13 and Section 24, a distance of 1349.0 feet; thence South 12°29' West, a distance of 292.2 feet; thence North 77°31' West a distance of 550.0 feet; thence South 12°29' West, a distance of 536.7 feet; to the West line of said Northeast Quarter of Section 24; thence North 0°08' East, a distance of 1054.8 feet to the place of beginning.</p>	<p>United States of America c/o McConnell Air Force Base 2801 S. Rock Road Wichita, Kansas 67210</p>
<p>A tract of land in the Southeast Quarter of the Southeast Quarter of Section 13, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, Beginning at a point in the South line of the Southeast Quarter of the Southeast Quarter and 20.8 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 13; thence East along the South line of said Quarter a distance of 660.0 feet; thence North parallel with the West line of said Quarter a distance of 756.0 feet; thence West parallel with the South line of said Quarter a distance of 492.3 feet; thence Southwesterly a distance of 774.4 feet more or less to the point of beginning.</p>	<p>Herman Frick Alma Jean Frick Rt. 2 Box 257 Derby, Kansas 67037</p>

Property Description	Property Owner
<p>The Southeast Quarter of the Southeast Quarter of Section 13, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, except the following described tract: Beginning at the Southwest corner of said Southeast Quarter of the Southeast Quarter of said Section, thence North 0°03' West, a distance of 1324.5 feet; thence North 89°07' East, a distance of 315 feet; thence South 12°29' West, a distance of 1361.2 feet; thence South 89°07' West a distance of 20.8 feet to the place of beginning. And Except a tract beginning at a point 20.8 feet East of the Southwest corner of said Southeast Quarter of Southeast Quarter of Section 13; thence East along the South line of said Section 13, a distance of 660.0 feet; thence North parallel with the West line of said Southeast Quarter of the Southeast Quarter of said Section 13, a distance of 756.0 feet; thence West parallel with the South line of said Quarter a distance of 492.3 feet; thence Southwesterly a distance of 774.4 feet more or less to the point of beginning.</p>	<p>4 Larry B. Gerber 644 S. Governour Wichita, Kansas 67207</p>
<p>Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 13, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas, thence North 0°03' West a distance of 1324.5 feet along West line of said Quarter; thence North 89°07' East a distance of 315.0 feet along the North line of said Quarter, thence South 12°29' West 1361.2 feet, thence South 89°07' West along boundry between Section 13 and Section 24 a distance of 20.8 feet to the place of beginning.</p> <p>and</p>	<p>United States of America c/o McConnell Air Force Base 2801 S. Rock Road Wichita, Kansas 67210</p>
<p>All of the Southwest Quarter of the Southeast Quarter of Section 13, Township 28 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas.</p>	
<p>All of the Southwest Quarter of the Southwest Quarter of Section 18, Township 28 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas.</p>	<p>5 Larry B. Gerber 644 S. Governour Wichita, Kansas 67207</p>
<p>The North 205 feet of Lot 1, Block C, in Holmes Valley View Estates, an Addition to Sedgwick County, Kansas, lying East of the centerline of the Drainage Right of Way.</p>	<p>5 Charles L. Holmes Lotus Holmes 1718 E. Lewis St. Wichita, KS 67211</p>
<p>All that part of Lot 1 lying West of the centerline of the drainage right of way and the South 75 feet of that part lying East of the center of the drainage right of way in Block C, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.</p>	<p>6 Glen W. Haight 4312 S. Woodlawn Derby, KS 67037</p>
<p>Lot 2 Block C</p>	<p>Holmes Valley View Estates, an Addition to Sedgwick County, Kansas</p> <p>7 A. W. Bloedel Etna Bloedel Rt. 2 Derby, KS 67037</p>

<u>Property Description</u>			<u>Property Owner</u>
Lot 3	Block C	Holmes Valley View Estates, an Addition to Sedgwick County, Kansas	Lockwood K. Gregg Audrey L. Gregg Joe W. Wenzel Metta K. Wenzel 8 c/o Donald G. Bland 4905 S. Mission Derby, KS 67037  Notice of Equitable Interest filed 3-28-84 by Donald G. & Maryo Bland
Lot 4	Block C	"	9 Stanley W. Mitchell, Jr. Sandra K. Mitchell 4922 S. Woodlawn Derby, KS 67037
Lot 5	Block C	"	10 Kit L. McCormick Veneta J. McCormick 4940 S. Woodlawn Derby, KS 67037
Lot 9	Block C	"	11 William D. Barber C. Jeanette Barber 4921 S. Mission Derby, KS 67037
Lot 10	Block C	"	12 Carolyn D. Vague c/o Donald G. Bland Maryo G. Bland 4905 S. Mission Rd. Derby, KS 67037
Lot 11	Block C	"	13 Frank M. Alamo Jean M. Alamo 4845 S. Mission Rd. Derby, KS 67037
Lot 12	Block C	"	14 Martin E. Henderson Cynthia K. Henderson 4821 Mission Rd. Derby, KS 67037
Lot 13	Block C	"	15 Steven L. Beal Shirley K. Beal 4805 Mission Rd. Derby, KS 67037

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

That part of the following described tract described on the preliminary plat of B S F Addition, Sedgwick County, Kansas, as Lot 1, Block A:

That part of the Northeast Quarter of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Northeast corner of said Northeast Quarter; thence South 88°51'47" West, along the North line of said Northeast Quarter, 1035.72 feet to a point 1632.75 feet East of the Northwest corner of said Northeast Quarter, said point being the Northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence South 12°13'47" West along the East line of said tract of land, 1585.33 feet; thence North 60°58'11" East, 390.20 feet; thence North 42°15'33" East, 849.96 feet; thence North 89°55'52" East, 459.47 feet to the East line of said Northeast Quarter; thence North 00°04'08" West 750.93 feet to the place of beginning, except 47th Street South right of way as recorded on Film 589 at Page 552 through 557.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 14th day of February, 1989, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Glenn B. Edwards*

~~Glenn B. Edwards~~ Vice-President

Order No. 404497  
nj

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR SPECIAL USE PERMIT

DR 89-4 - SPECIAL USE PERMIT TO ESTABLISH A TEMPORARY CONCRETE MIXING PLANT, NORTH SIDE OF 47TH STREET SOUTH IN AN AREA WEST OF WOODLAWN, IF EXTENDED FROM THE SOUTH.

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

GARDNER moved, BRINEGAR seconded, and it carried unanimously.

ACTION:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the special use permit, subject to the recommended conditions; adopt a resolution authorizing the special use permit; or
2. Adopt findings and deny the application.

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DATA AND MINUTES

MAPC Hearing Date: 3/16/89

BCoC Hearing Date: 4/12/89

COMMISSION DISTRICT #5

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Single-family dwelling
SOUTH	"R-1"	Undeveloped
EAST	"R-1"	Undeveloped
WEST	"R-1"	Air Force Base

Applicants: Bill E. Mesker, d/b/a B.S.F. Associates, 7978 W. Kellogg, 67209  
Robert W. Kaplan (agent), 430 N. Market, 67214

Protestors: Jerry L. Griffith, Box 184, Derby, KS, 67037  
Donna Inkelaar, 6510 E. 49th St. So., Derby, KS, 67037  
Bill Bloedel, Rt. 2, Derby, KS, 67037  
Larry Menges, R. R. 2, Box 261, Derby, KS, 67037  
Ann Fowler, 7035 E. 49th St. So., Derby, KS, 67037  
Jim Clark, 6510 E. 49th St. So., Derby, KS, 67037  
Glen Haight, 4312 S. Woodlawn, Derby, KS, 67037

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RESOLUTION NO.

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE 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 13.F OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

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 13.F of the Zoning Regulations, for the Unincorporated Area of Sedgwick County, Kansas, a Special Use Permit to allow the temporary use of the subject property for operation of a concrete mixing plant and the storage of contractor's equipment and material, all to be associated with K.T.A. Project #1570 - milepost #42.3 to milepost #50.8, Sedgwick County, Kansas, (Kellogg to 47th Street South) and McConnell Air Force Base Contracts PRQE-90-0008 (Overlay Taxiway 8) and PRQE-89-0002 (Transient Apron) is hereby approved on the lands legally described below:

CASE NO. DR 89-4

Special Use Permit to Establish a Temporary Concrete Mixing Plant on Property Zoned "R-1" Suburban Residential District

That part of the NE1/4 of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE1/4; thence S88°51'47"W, along the north line of said NE1/4, 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1,632.75 feet east of the northwest corner of said NE1/4, said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site within six months after approval of this request by the Board of County Commissioners or upon completion of the paving projects, whichever is less, unless a conditional use permit has been granted for a mixing plant at this location on a more permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.

- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations. Adequate right-of-way already exists.

SECTION II. That upon the taking effect of this Resolution, the notation of such special use permit 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 Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 12th day of April, 1989.

\_\_\_\_\_, Chairman  
Paul W. Hancock

\_\_\_\_\_, Chairman pro tem  
Bernard A. Hentzen

\_\_\_\_\_, Commissioner  
David Bayouth

\_\_\_\_\_, Commissioner  
Billy Q. McCray

\_\_\_\_\_, Commissioner  
Mark Schroeder

ATTEST:

\_\_\_\_\_  
Don Wright, County Clerk  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Henry H. Blase, County Counselor

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

March 2, 1989

NOTICE OF PUBLIC HEARING

CASE NO: DR 89-4.

LOCATION: On the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

ADDRESS: N/A.

REQUEST: Special Use Permit to Establish a Temporary Concrete Mixing Plant on Property Zoned "R-1" Suburban Residential District.

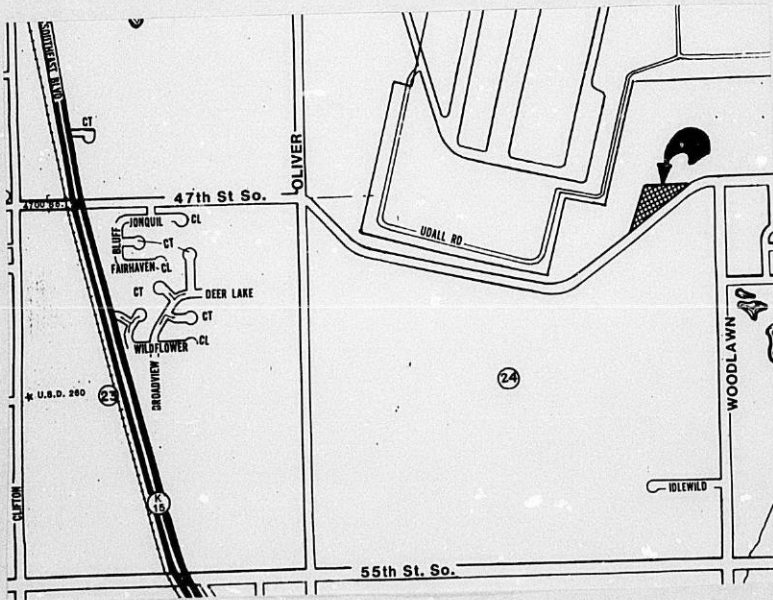
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

MARCH 16, 1989

The meeting will begin at 1:30 p.m., in the City Council Chambers, 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 about this case, please call the Planning Department office at 268-4421.



ok  
Fend

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

**CASE NO. DR 89-4**  
**Special Use Permit to Establish a Temporary**  
**Concrete Mixing Plant on Property Zoned "R-1"**  
**Suburban Residential District**

That part of the NE¼ of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE¼; thence S88°51'47"W, along the north line of said NE¼, 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1632.75 feet east of the northwest corner of said NE¼, said point being the northeast corner of a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

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.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 16, 1989

- 6b. Case No. DR 89-4 - B.S.F. Associates requests Special Use Permit to establish a temporary concrete mixing plant that part of the NE1/4 of Section 24, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said NE1/4 thence S88°51'47"W, along the north line of said NE1/4, 344.66 feet for a place of beginning; thence continuing S88°51'47"W, 691.06 feet to a point 1632.75 feet east of the northwest corner of said NE1/4, said point being the northeast corner a tract of land recorded on Film 385 at Page 1627 and Film 385 at Page 1630; thence S12°13'47"W, along the east line of said tract of land, 796.38 feet; thence N42°15'33"E, 724.46 feet to the P.C. of a curve to the right, having a radius of 985.44 feet; thence northeasterly along said curve, 455.90 feet to the place of beginning. Generally located on the north side of 47th Street South in an area west of Woodlawn, if extended from the south.

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

BACKGROUND: The applicant is requesting a special use permit for the establishment of a temporary concrete mixing plant on a 5.1-acre unplatted tract located on the north side of 47th Street South in an area west of Woodlawn. The property is currently zoned "R-1" and is undeveloped. This request has been filed by the applicant because he has been awarded two government paving contracts in the general area. One job involves overlaying a taxiway and paving a transient apron for McConnell Air Force Base and the other job involves the repaving of portions of the Turnpike from Kellogg to 47th Street South. It is anticipated that each job will be completed within six months.

The first zoning district which permits a concrete mixing plant as an outright use is the "E" District.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Single-family dwelling
SOUTH	"R-1"	Undeveloped
EAST	"R-1"	Undeveloped
WEST	"R-1"	Air Force Base

PUBLIC SERVICES: This site is not served by either municipal water or sanitary sewer. Adjacent 47th Street is a paved two-lane arterial. Only 30 feet of half-street right-of-way exists for 47th Street adjacent to this property, whereas 50 feet is required. Access control to 47th Street does not presently exist.

CONFORMANCE TO PLANS/POLICIES: Section 13(F)(2) of the County's Zoning Resolution provides for temporary concrete and asphalt mixing plants in any zoning district, provided they are associated with a contract with any department of the City, County, State or Federal Government. The subject case is associated with paving contracts with McConnell Air Force Base and the Kansas Turnpike Authority.

RECOMMENDATION: Approve the special use permit subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site upon completion of the paving projects unless a conditional use permit has been granted for a mixing plant at this location on a more

permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.

- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations.

DISCUSSION:

GALBRAITH stated that staff had been advised that there were two contracts, one for development on the Air Force Base, and the second for a contract with the Kansas Turnpike. He said that staff had not been advised as to how long it is expected that these two contracts might last. GALBRAITH said that staff has suggested two conditions, and perhaps a third condition needs to be added that really helps clarify it, and that this special use permit is to be null and void upon the publication of the resolution that establishes light industrial zoning. Once the light industrial zoning is established, then the concrete batch plant can continue to exist.

BOB KAPLAN, attorney representing the applicants, stated that they will accept the staff comments, but they are asking specifically for 6 months for the special use permit or until the termination of the contracts. KAPLAN said that the application spoke to two contracts, one for the taxiway and transitway work at McConnell, and the K-DOT contract for the overlay of the Turnpike from the Kellogg entrance to 81 south. He mentioned that the predominant reason for the application is the McConnell project. He said that if the light industrial application should not be granted by the County Commission, he would not want the denial to terminate the special use permit. He stressed that he wanted the special use for 6 months or until the termination of the contract.

PARSONS commented that it occurred to him that one of the possibilities that the County Commission might consider would be to approve the light industrial zoning for the property south of 47th Street and not north of 47th Street, but still approve the special use permit. He asked Mr. Kaplan that in that case would he be back then to try to rezone the property north of 47th Street. PARSONS wanted to know if it was the applicant's intention to have a concrete plant there on a permanent basis.

KAPLAN said no, that is not the present intention. He said that the applicants arrived at a contract for a 6-month duration or sooner. He said he did the special use because of the urgency of the timeframe of getting on the McConnell job. He said that they did want the site as a light industrial location because they felt it was appropriate.

PARSONS asked that after the 6-month's use is completed, would Mr. Kaplan be opposed to having light industrial zoning there with the asphalt plant being excepted as a use by right.

KAPLAN repeated that the special use is bona fide for a 6-month use to do McConnell and the K-DOT work. He said that if they are fortunate enough to get light industrial zoning on the lot and someone comes along and wants to use it for a proposed light industrial use, they want to be able to consider it.

BRINEGAR commented that one of his concerns on this whole matter was primarily the possibility of this concrete or asphalt plant on the location, plus the storage of rocks, etc. He said that he would certainly hope that the owner and developer would at least look upon with favor as to improving the property,

particularly after the current use, if granted, of the temporary use permit that the area be restored to its proper condition, and that this be undertaken to keep the neighborhood in as good a condition as possible, particularly if they are going to develop the area to the south.

JERRY GRIFFITH, attorney, representing a large number of residents living in the platted area to the east, stated that he would like for all of the remarks that were made previously be attributable also to this particular case. He added that it does appear that in the Commissioners' minds they are downgrading the area because of the noise, and that hurts his clients' feelings.

DONNA INKELAAR, 6510 East 49th Street South, stated that at the particular time when this triangular piece of land was being used, she called the County and asked them about the dumping of all of the work, sand and brick, and she was told that the applicants had a permit to dump and build up that land. She asked that if the applicants smashes the debris down and covers it with dirt, can this particular site be built on. She said that the County told her at that time that it could be built on except it would have to have special building permits because of the settling of all of the debris over a period of time. INKELAAR asked that if the applicants are going to put a "temporary" concrete plant there, are they going to be required to make sure the plant is set in there so that it does not fall over. She commented that heretofore the neighbors were told that this was going to be temporary, and now they are saying that if they get the zoning, they will leave it there. She said that she has a concern with setting a concrete plant on a site that was filled.

GARDNER commented that the people at the County Building Department who gave her those comments were not sufficiently informed or knowledgeable about the soils and soil compaction. He said that if the site is stabilized and they choose to place a portable plant upon the site and provide either foundations or supports that are necessary, he was sure that they would do it with a degree of safety that is monitored by the County department.

**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 for six months from the date of approval by the Board of County Commissioners or the life of the two contracts, whichever is less, subject to the following conditions:

- A. All materials and equipment associated with this special use permit shall be removed from the site upon completion of the paving projects unless a conditional use permit has been granted for a mixing plant at this location on a more permanent basis or the property is rezoned to either the "E" Light Industrial or "F" Heavy Industrial Districts.
- B. The applicant shall dedicate by separate instrument the additional half-street right-of-way needed for 47th Street South. The amount of additional right-of-way to be dedicated shall conform to Article 7-201(H) of the City/County Subdivision Regulations.

3-16-89  
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Gardner moved, Brinegar seconded and it carried  
unanimously. Brown, Miles and Moore were absent.

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Nº 00581

METROPOLITAN AREA PLANNING DEPARTMENT

Description Special permit and zone change case

Name Kaplan & McMillan

Address 430 N. Market 67202

Fund No. (circle one) ~~755-40710-003~~ (fees) ~~755-40710-004~~  
(books, xerox) 755-40710-026 (microfilm) 300210-9026 (1850.00)

Amount \$1,200.00 7028 (350.00)

Date 2/15/89 Due Date 2/15/89 By FEN

Form 00-000