

RESOLUTION NO. 140-1988

A RESOLUTION TO ESTABLISH A SAND AND GRAVEL EXTRACTION OPERATION IN THE "R" RURAL 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 establish a sand and gravel extraction operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

CASE NO. CU-313

The N½ of the NE¼ of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; except the East 640 feet and except the railroad right-of-way. Generally located on the south side of 63rd Street South in an area west of Hydraulic.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way for 63rd Street and for Hydraulic adjacent to his entire ownership in order to meet the FAS and major street intersection standards. The Operational Plan shall be revised to show this additional right-of-way, as well as the existing right-of-way which was previously obtained at the northwest corner of this intersection with case CU-217.
- B. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- C. A minimum 58-inch high fence shall be constructed prior to the beginning of any extraction operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the extraction area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for a reasonable access gate installed at the same height and of the same construction as the fence, which gate shall be kept locked, except when in use. Such fence and gate 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 gate at an angle not to exceed 160 degrees facing away from the extraction.

- D. 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.
- E. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- F. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion. Vegetative covering shall be kept mowed and grounds around the operation shall be kept presentable at all times.
- G. 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 drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- H. All of the application area outside of the sand pit lake shall be graded so as to drain into the lake or to an approved drainage system.
- I. No storage of equipment or stockpiling of sand and gravel shall be permitted outside of the fenced area as designated on the plan or within 100 feet of 63rd Street or within 50 feet of the east line of the application area. The note on the Operational Plan shall be revised to read as this condition reads.
- J. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition and treated with a dust suppressant so as to minimize blowing silt.
- K. 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- M. The conditional use permit for the sand extraction operation shall expire eight 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 extraction operation shall be removed from the site within 60 days after termination of the conditional use permit.
- O. 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.
- P. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any excavation.
- Q. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office, and as to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Section 1 through 4, inclusive, and maintenance specifications Sections 1 and 2 of Construction and Maintenance Specifications, as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors or assigns.

- R. The applicant shall submit a covenant satisfactory in form to the County Counselor and the County Bureau of Public Services, which authorize the use of the excavation area as a detention storage facility for public drainage purposes.
- S. The applicant shall grant an appropriate drainage easement from 63rd Street to the proposed lake at a location to be determined by the applicant and the County Bureau of Public Services.
- T. Prior to scheduling this request for County Commission review, conditions A, B, Q, R and S shall be satisfactorily completed.
- U. 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 8th day of June, 1988.

_____, Chairman
Mark F. Schroeder

Billy Q. McCray, Chairman pro tem
Billy Q. McCray

David Bayouth, Commissioner
David Bayouth

Tom Scott, Commissioner
Tom Scott

Bernard A. Hentzen, Commissioner
Bernard A. Hentzen

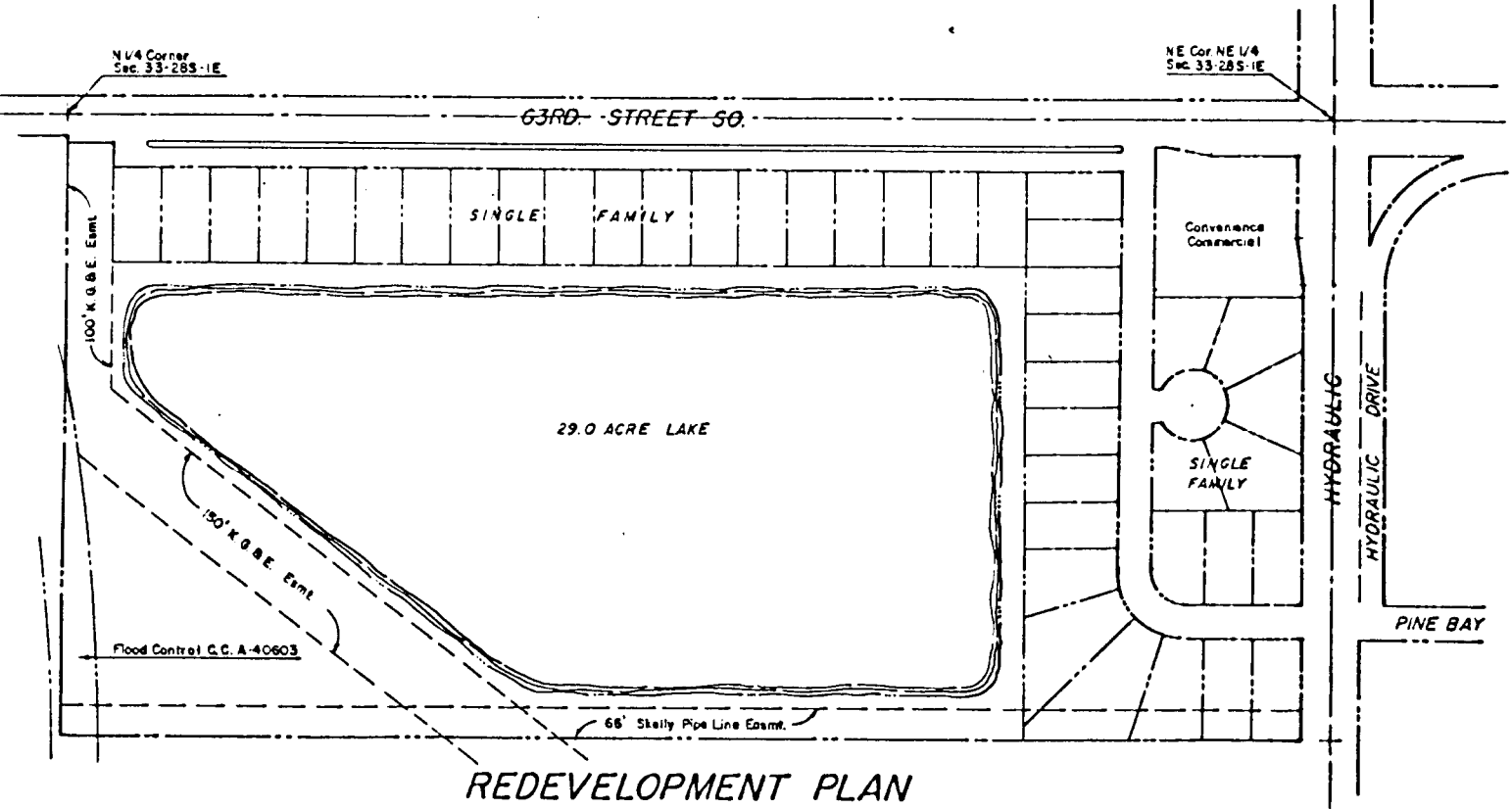
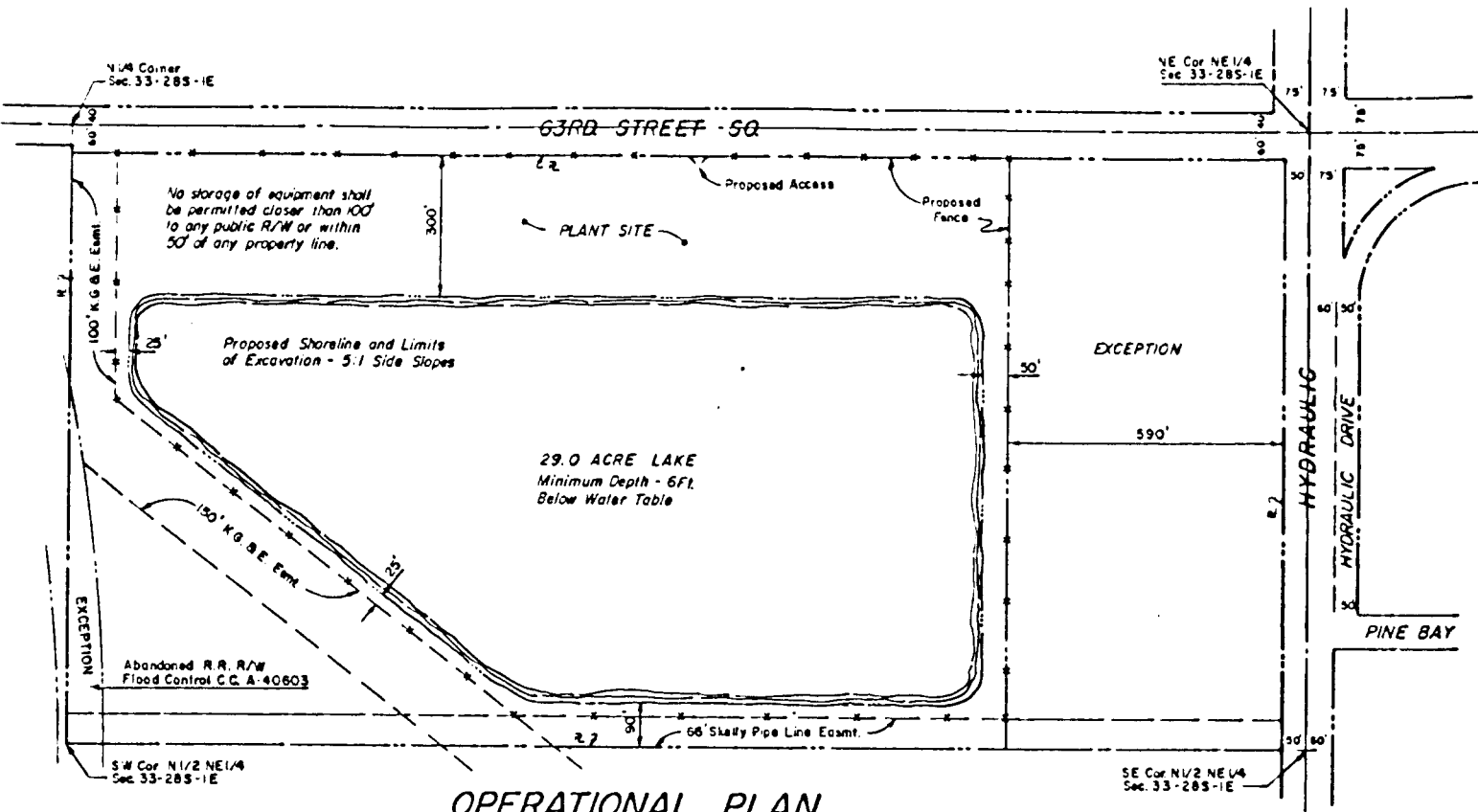
ATTEST

Don Wright, County Clerk
Don Wright, County Clerk

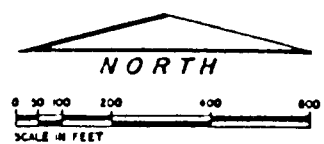
(SEAL)

Approved as to form by County Counselor

Robert R. Arnold, County Counselor
Robert R. Arnold, County Counselor



CONDITIONAL USE
ASSOCIATED MATERIAL and SUPPLY CO., INC.



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING
COMMISSION

AGENDA ITEM # 2
HCPC April 28, 1988
MAPC May 12, 1988

REVISED
STAFF REPORT

CASE NUMBER: CU-313

OWNER/APPLICANT/AGENT: Associated Material & Supply Co. (owner/applicant)
Professional Engineering Consultants

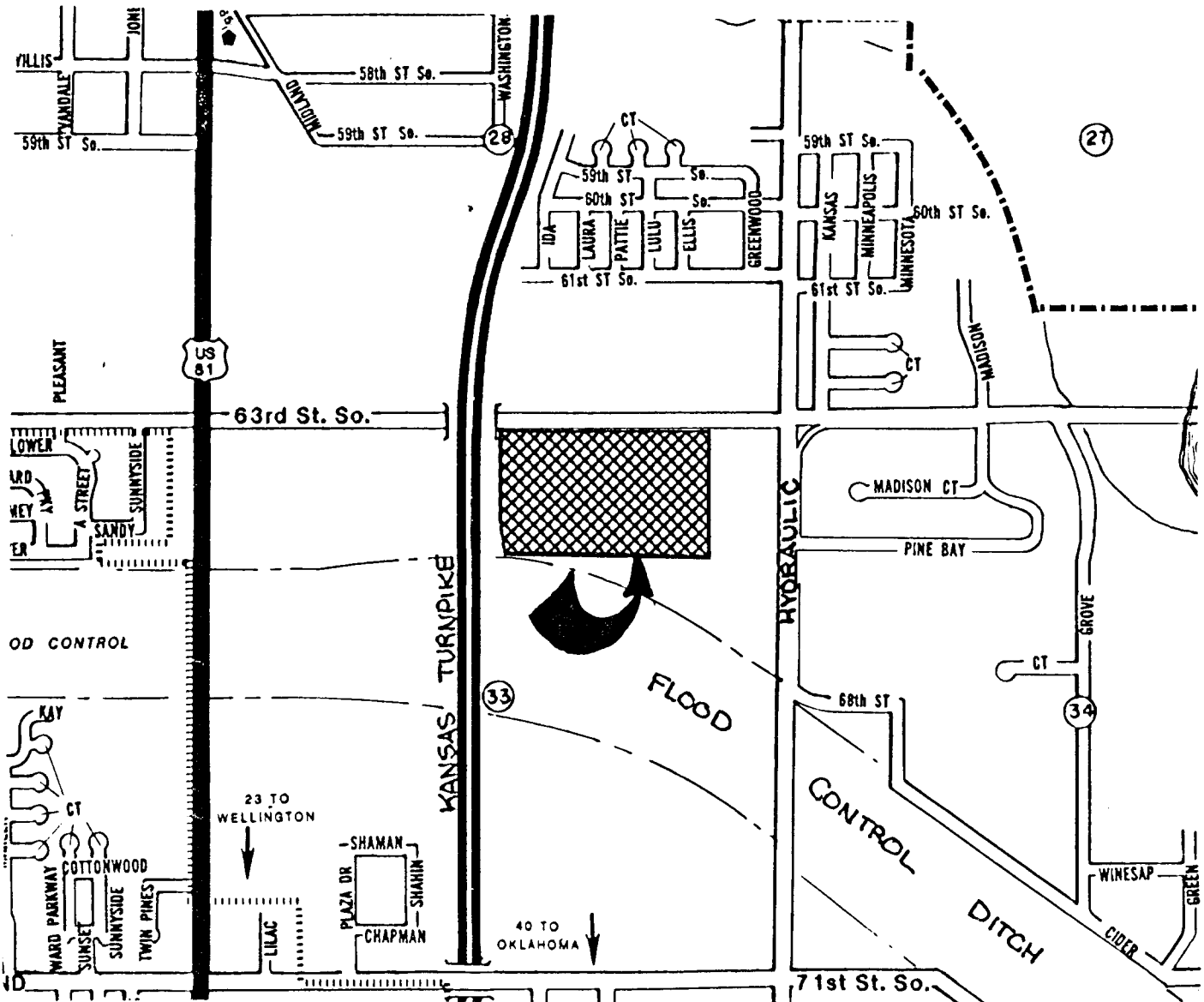
REQUEST: Conditional Use Permit for sand and gravel extraction

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 59.7 acres

LOCATION: On the south side of 63rd Street South in an area west of Hydraulic

PROPOSED USE: Sand and gravel extraction operation



BACKGROUND: The applicant is requesting a conditional use permit for a sand and gravel extraction operation on 59.7 acres of unplatted land zoned "R" and located south of 63rd Street South in an area west of Hydraulic. The land's current use is agricultural. This is within Haysville's zoning area of influence. Their 1984 land use plan identifies the site as a proposed residential area. A redevelopment plan submitted with the application shows 20,000 square-foot residential lots backing into the north and east sides of the proposed sand pit lake.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R" w/CU-217	Sand & gravel extraction operation
SOUTH	"R"	Agriculture and flood control r.o.w.
EAST	"R"	Agriculture
WEST		Kansas turnpike

PUBLIC SERVICES: Neither municipal sewer nor water presently serve the site, but are located approximately one-half mile to the west. Sixty-third Street South is a two-lane asphalt road with less right-of-way than required for an FAS road.

CONFORMANCE TO PLANS/POLICIES: Since sand extraction will be a temporary use of this site and proposed future development is for single-family lots around a lake, the long-range use appears to be in accordance with Haysville's land use plan.

RECOMMENDATION: Since there are no residential developments within at least 750 feet of this application area, staff is in support of the conditional use request, subject to the following conditions:

- A. The applicant shall dedicate by separate instrument sufficient half-street right-of-way for 63rd Street and for Hydraulic adjacent to his entire ownership in order to meet the FAS and major street intersection standards. The Operational Plan shall be revised to show this additional right-of-way, as well as the existing right-of-way which was previously obtained at the northwest corner of this intersection with case CU-217.
- B. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- C. A minimum 58-inch high fence shall be constructed prior to the beginning of any extraction operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the extraction area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for a reasonable access gate installed at the same height and of the same construction as the fence, which gate shall be kept locked, except when in use. Such fence and gate 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 gate at an angle not to exceed 160 degrees facing away from the extraction.

- D. 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.
- E. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- F. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion. Vegetative covering shall be kept mowed and grounds around the operation shall be kept presentable at all times.
- G. 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 drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- H. All of the application area outside of the sand pit lake shall be graded so as to drain into the lake or to an approved drainage system.
- I. No storage of equipment or stockpiling of sand and gravel shall be permitted outside of the fenced area as designated on the plan or within 100 feet of 63rd Street or within 50 feet of the east line of the application area. The note on the Operational Plan shall be revised to read as this condition reads.
- J. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition and treated with a dust suppressant so as to minimize blowing silt.
- K. 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.

- M. The conditional use permit for the sand extraction operation shall expire eight 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 extraction operation shall be removed from the site within 60 days after termination of the conditional use permit.
- O. 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.
- P. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any excavation.
- Q. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office, and as to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Section 1 through 4, inclusive, and maintenance specifications Sections 1 and 2 of Construction and Maintenance Specifications, as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors or assigns.
- R. The applicant shall submit a covenant satisfactory in form to the County Counselor and the County Bureau of Public Services, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes.
- S. The applicant shall grant an appropriate drainage easement from 63rd Street to the proposed lake at a location to be determined by the applicant and the County Bureau of Public Services.
- T. Prior to scheduling this request for County Commission review, conditions A, B, Q, R and S shall be satisfactorily completed.
- U. Any violation of conditions attached shall declare the conditional use permit null and void.