



**Wichita-Sedgwick County Metropolitan Area Planning Department**

R&M Real Estate, LLC  
Attn: Jay Russell  
P.O. Box 75337  
Wichita, KS 67275

May 8, 2017

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

**RE: CON2017-00004** – City conditional use to allow a rock crusher in association with an existing sand extraction operation; generally located north of 45th Street North and west of Hoover Road.

Dear Applicant:

At its regular meeting on **March 9, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David M. Clements, AICP  
Principal Planner  
Current Plans Division

DC:al  
Attachment

Copies to: MABCD  
Janet Miller, Council Member District VI  
Brandon Findley, CSR District VI

## CONDITIONAL USE RESOLUTION NO. CON2017-00004

**WHEREAS**, R & M Real Estate, LLC (owner) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a “Rock Crusher,” on approximately 27-acres of a 160 acre sand extraction site, zoned SF-5 Single-Family Residential, described as:

The East 900 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas, generally located north of W. 45<sup>th</sup> Street North and N. Hoover Road.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of March 9, 2017, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

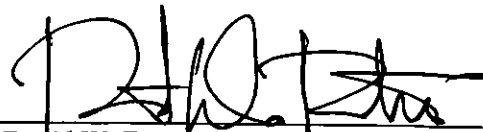
**NOW, THEREFORE, BE IT RESOLVED** by the MAPC that this application be approved to allow a “Rock Crusher,” described as:

The East 900 feet of the North Half of the Southeast Quarter of Section 22, Township 26 South, Range 1 West of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas, generally located north of W. 45<sup>th</sup> Street North and N. Hoover Road.

Approved subject to the following conditions:

1. The rock crusher may operate within the normal business hours of the sand extraction facility, 7:00 a.m. to 5:00 p.m.
2. The location of the rock crusher shall be limited to the area on the site plan designated as rock crushing and recycling area.
3. The applicant shall obtain all air quality permits and applicable operational permits from the Kansas Department of Health and Environment.
4. A dust suppression/watering system shall be used during all rock crushing operations.
5. A watering truck shall be kept on-site to water all access roads and driveways for truck traffic related to the sand extraction operation and gravel crushing.
6. Material to be crushed/recycled shall be limited to clean concrete and asphalt debris.
7. The applicant shall contact the property owner to the north one week prior to any operation of the rock crusher.
8. The rock crusher shall operate no more than 90 days per year.
9. The rock crusher Conditional Use shall be authorized for a period of 14 years from the approval date of the Conditional Use. This time period aligns with the approval period for the sand extraction operation. In no circumstance shall the use of rock crushing facility exceed the operation of the sand extraction Conditional Use.
10. If the Zoning Administrator finds that there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 9th day of March 2017.



David W. Foster, Chair MAPC

ATTEST:



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Dale Miller, Secretary

**STAFF REPORT**  
MAPC March 9, 2017  
DAB VI March 6, 2017

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**CASE NUMBER:** CON2017-00004

**OWNER/AGENT:** R & M Real Estate, LLC, c/o Jay Russell (owner) Baughman Company, PA, c/o Russ Ewy (agent)

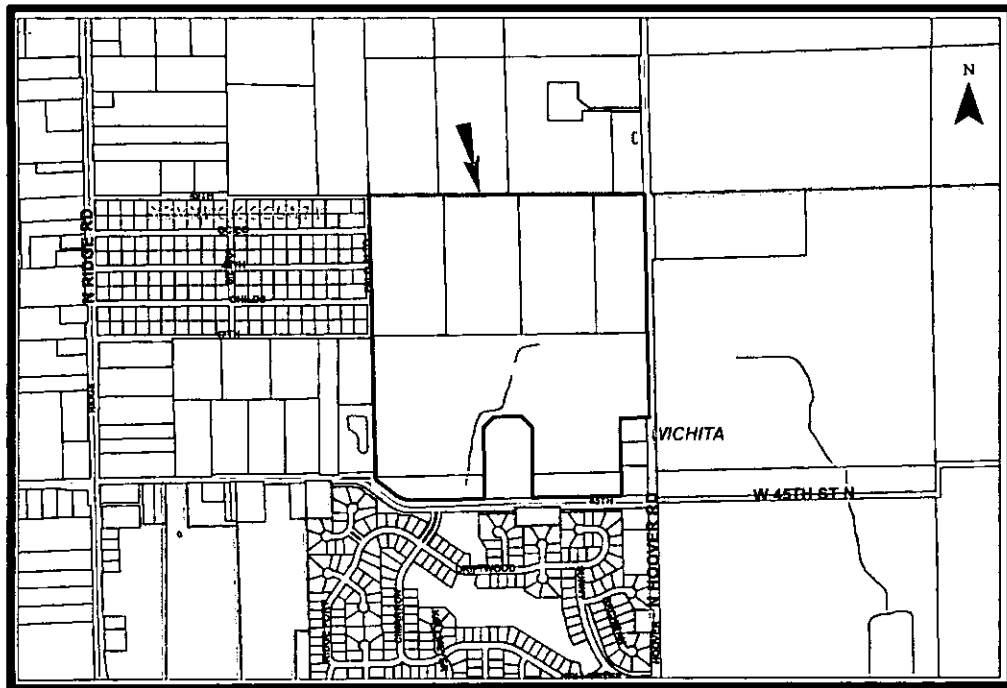
**REQUEST:** Conditional Use to permit “Rock Crushing”

**CURRENT ZONING:** SF-5 Single-Family Residential

**SITE SIZE:** Approximately 27-acres of a 160-acre sand extraction site

**LOCATION:** Generally located north of West 45th Street North and west of North Hoover Road

**PROPOSED USE:** Rock Crushing



**BACKGROUND:** The applicant is requesting a Conditional Use to allow “Rock Crushing,” on a portion of a 160-acre site, zoned SF-5 Single-Family Residential (SF-5). The Unified Zoning Code (UZC), allows consideration of rock crushing as a Conditional Use in the SF-5 zoning district; UZC, Sec.III-D.6.gg.

It should be noted that the rock crusher operation is proposed to be added to an existing sand extraction operation authorized by a Conditional Use for mining and quarrying, CON2014-00012. This Conditional Use for sand extraction included a phasing plan, conditions on operations, facility hours and a site plan that included an area for recycling. Upon conclusion of the sand extraction operation, the area will be partially redeveloped with single-family subdivision.

The rock crusher operation is proposed to be added to the designated 27-acre recycling area shown on the attached site plan. The applicant has provided the attached supplemental information with additional details about the proposed operation.

The following is a brief summary of the rock crusher operation:

- The rock crusher is anticipated to operate during the normal hours of the sand extraction facility, 7:00 a.m. to 5:00 p.m.
- Material to be crushed/recycled is clean concrete and asphalt debris from local construction and demolition projects. The material is nearly 100% recyclable and will be crushed for gravel aggregate to be used in local construction and road projects. The recycling area, as shown on the site plan, will be for stockpiling clean fill material to be used as needed.
- The gravel crushing/recycling operation will operate at times when there is sufficient material stockpiled for recycling. The crusher can process 150 tons of material per hour, so there must be sufficient material available for the crusher to operate at an efficient level.
- The operator of the rock crusher indicates that the facility could operate for a maximum of 90 days per year.
- The facility complies with permit requirements of the Kansas Department of Health and Environment.
- The rock crusher is equipped with a hydraulic water system as a method to reduce dust from the crusher operation.

The subject property is located approximately one-mile west of the Arkansas River in a City-County area that is a mix of agricultural land, single-family residences, with active sand extraction and quarry operations. There is single-family residential development around other inactive sand pit operations in the vicinity of the site. North and northwest of the site are single-family residences and a residential area developed around a sand pit lake. Approximately a ½-mile north of the site, across 53<sup>rd</sup> Street North, between the Arkansas River and Ridge Road, there are four large sand pit lakes. Three are active extraction operations, with the one retired operation developed with single-family residences. South of the subject site is a single family subdivision. East of the site, across Hoover Road, are three sand pit lakes, and scattered single family development. Land surrounding the application area is zoned SF-20 Single-Family Residential (SF-20), and LC Limited Commercial (LC).

**Adjoining Property Owner Considerations:** Mr. Michael Nigg is the property owner to the north of the site, at 5101 North Hoover Road. Mr. Nigg has submitted the attached letter indicating his support of the request, based on certain conditions. These items have been included in the conditions listed below.

**CASE HISTORY:** The property is zoned SF-5 Single-Family Residential. The site is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH: SF-20 Farmhouse, agricultural land, single-family residence built around a sand pit lake  
SOUTH: LC, SF-20 Single-family residences built around a sand pit lake, agricultural land, undeveloped land, single-family residences  
EAST: LC, SF-20, SF-5 Undeveloped land Single-family residences built around a sand pit lake, sand pit lake, sand extraction, agricultural land, landfill  
WEST: SF-20 Single-family residences, single-family residence built around a sand pit lake, agricultural land.

**PUBLIC SERVICES:** All utilities are available to this site. Access to the site is proposed to be from Hoover Road, a two-lane arterial road, with 60 feet of right-of-way.

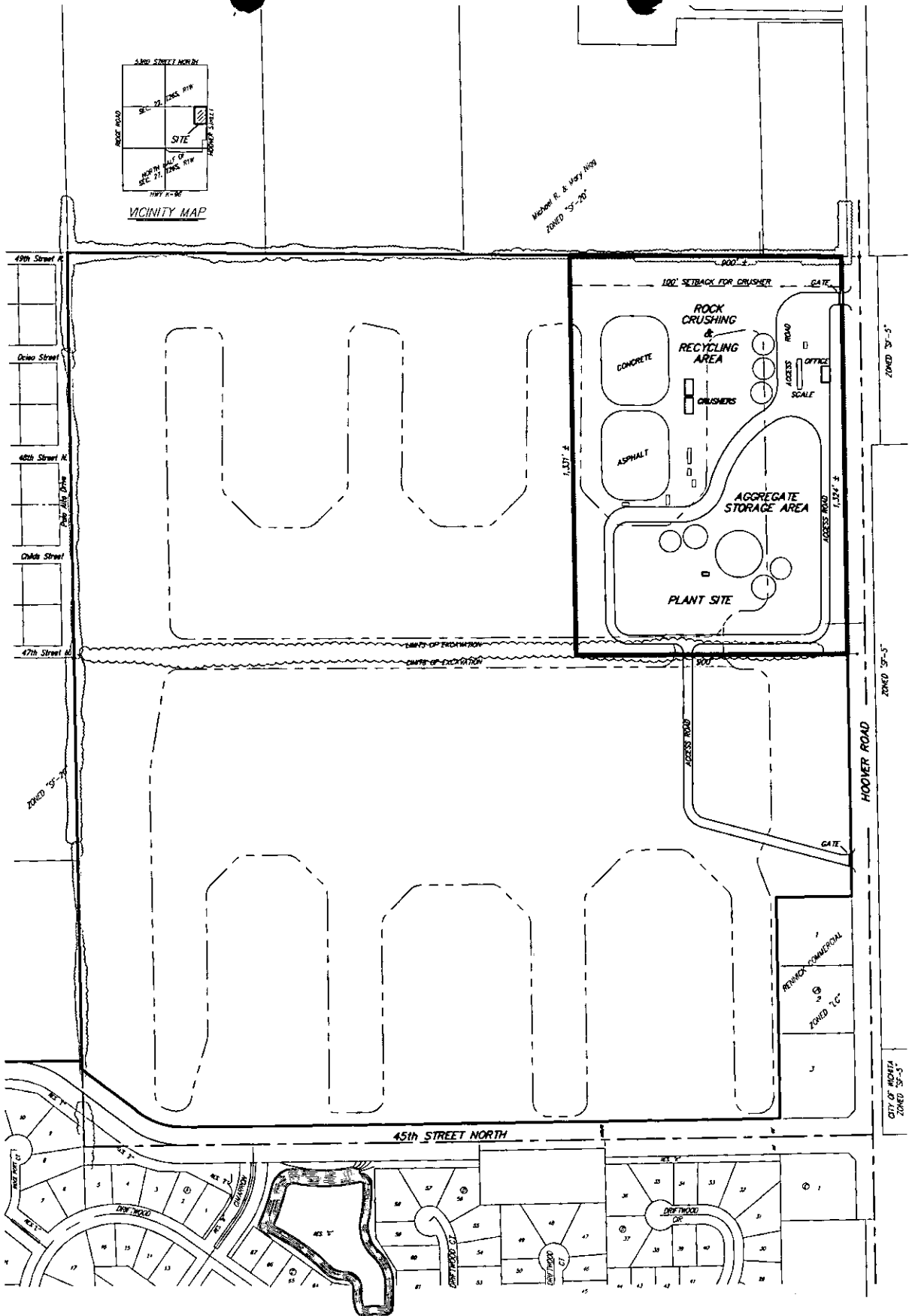
**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* and the Future Growth Concept Map indicates the site is located in an area designated as “new residential”. The reclamation plan for the area after the related sand extraction operation concludes indicates future single-family development. The area is characterized by single-family homes on former quarry and extraction sites, similar to the future plan for the subject property.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The rock crusher may operate within the normal business hours of the sand extraction facility, 7:00 a.m. to 5:00 p.m.
2. The location of the rock crusher shall be limited to the area on the site plan designated as rock crushing and recycling area.
3. The applicant shall obtain all air quality permits and applicable operational permits from the Kansas Department of Health and Environment.
4. A dust suppression/watering system shall be used during all rock crushing operations.
5. A watering truck shall be kept on-site to water all access roads and driveways for truck traffic related to the sand extraction operation and gravel crushing.
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10. If the Zoning Administrator finds that there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.


The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of SF-5, SF-20 and LC zoned agricultural land, single-family residences, active sand extraction operations, and single-family residential development.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5, which is meant to accommodate low to moderate density single-family residential development. The existing sand excavation and the proposed gravel crushing operation are mining and quarrying operations that will be completed at some time in the future. A reclamation plan for the area indicates future development with single family homes.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The gravel crushing operation will be operated in conjunction with the Conditional Use for sand extraction. All conditions for the sand extraction operation will remain in place. With additional conditions on the gravel crusher, major concerns such as dust mitigation can be addressed. The gravel crushing operation should have no more impact on surrounding property than the existing sand extraction use.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* and the Future Growth Concept Map indicates the site is located in an area designated as “new residential”. The reclamation plan for the area after the related sand extraction operation concludes indicates future single-family development. The area is characterized by single-family homes on former quarry and extraction sites, similar to the future plan for the subject property.
5. **Impact of the proposed development on community facilities:** The addition of the rock crushing operation to the sand extraction use should have no additional negative impact on community facilities.



**CONDITIONAL USE CON2017-04  
OPERATIONAL PLAN**

**NORTHWEST CORNER - 45TH STREET N AND HOOVER**

  
 SCALE: 1" = 300'

  
**BAUGHMAN**