

RESOLUTION

C0110

A RESOLUTION PERMITTING Establishment of a Sand Pumping Operation

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERE, OR THE CITY OF HOLVAER, ALL IN SEDGWICK COUNTY,

KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.10f AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THEREOF.

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

SECTION 1: 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 4.10f and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit in accordance with the Establishment of a Sand Pumping Operation

is hereby approved on the lands legally described, subject to the following conditions:

CASE NO. CU-110
Conditional Use Permit for Establishment
of a Sand Pumping Operation
in the "R-1" Classification

All that part of the northwest quarter of Section 15, Township 27,
Range 1 West lying east of Country Acres 4th "B" Addition to
Wichita, Sedgwick County, Kansas, except .84 acres for Floodway
and except the north 660 feet of the east 300 feet. Generally
located on the south side of 13th Street approximately 1/4 mile
east of Ridge Road.

CONDITIONS

1. The applicant dedicating, by separate instrument, 50 feet of half-street right-of-way for 13th Street.
2. The applicant either dedicating by separate instrument, right-of-way for a north-south collector street adjacent to the east property line as indicated on the sketch plan for redevelopment; or increasing the excavation limit line from 75 feet to 100 feet on the operational sketch plan adjacent to the east line of the plan, said line to follow the alignment of the street as shown on the redevelopment plan, and shall be designated as "possible future collector street". In the event the applicant chooses to increase the excavation line, it will be necessary that 6 copies of the revised operational plan be submitted to the Planning Department prior to the matter being heard by the Board of County Commissioners.
3. The applicant granting, by separate instrument, an easement for floodway and drainage purposes, for that area west of the west line of the K.G.&E. easement, satisfactory to the Wichita-Sedgwick County Flood Control office. The Floodway shall be the responsibility of the owners of the property included in the Conditional Use application until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage, provided further that no building shall be constructed on or within said Floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Wichita-Sedgwick County Flood Control Office or their successors of office.
4. 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 development plan.
5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 1 foot apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or

- c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

6. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
7. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no more steep than five horizontal to one vertical.
8. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
9. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
10. No commercial recreational activities such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the county zoning resolution and amendments thereto.
11. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
12. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Department and to form by the County Counselor, providing for the construction of a loop levee in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; and in such location as the Maintenance Division of the Department of Public Works may direct. Said covenant shall run with the land and be binding on all owners, successors or assignees.

13. The applicant shall comply with conditions 1, 2, 3, 8 and 12 prior to the publication of the Resolution effectuating the conditional use.
14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
15. Any violation of conditions attached shall declare the conditional use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

PASSED AND ADOPTED at Sedgwick County, Kansas, this 25th day of September, 1968.



Elmer P. Piers Chairman

Earl G. Rush Commissioner

Tom Scott Commissioner

Theresa Goodlow
By Shelby M. Meeke Deputy
County Clerk

(SEAL)

CLUSTER SINGLE
FAMILY HOUSING

Flood Control Channel
to connect to existing
channel

LOCAL STREET

Parking

EXCAVATED LAKE

APPROXIMATE
MULTI-FAMILY
HOUSING SITES

APPROXIMATE
EXCAVATION

APPROXIMATE SHORE
LINE OF LAKE

150' K.G. & E. Easement

Wichita - Valley Center
Flood Control

COLLECTOR STREET

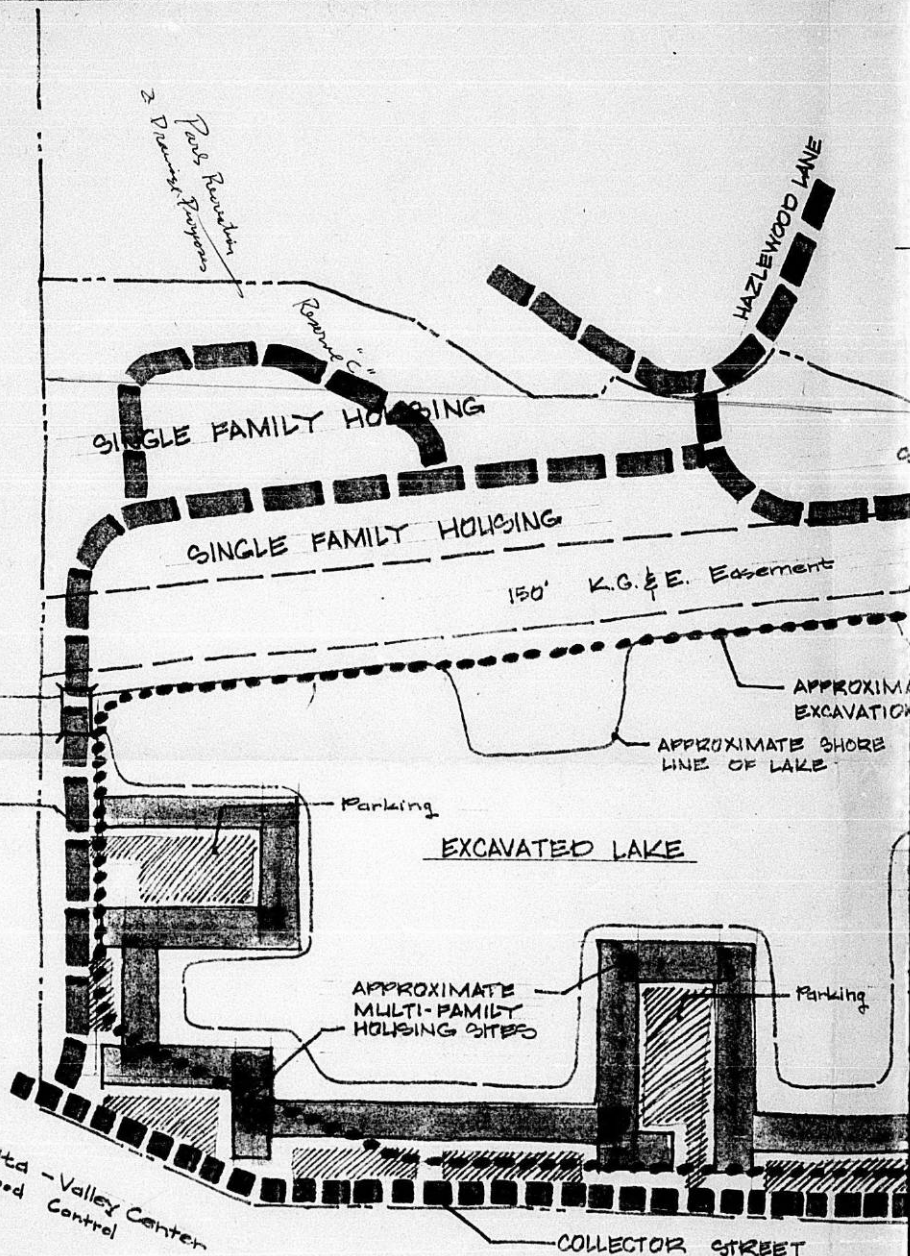
AGRICULTURAL

CONDITIONAL USE for

RITCHIE BROTHERS

Developer - RITCHIE BROTHERS CONST. CO.

Land Planner - ORINGER & SMITH



CLEWOOD LANE

RESIDENTIAL AREA

Prop. Rerouting
2 Driveways
Ramp

SINGLE FAMILY HOUSING

ement

Flood Control Channel
to connect to existing
channel

APPROXIMATE LIMIT OF
EXCAVATION

ATE SHORE
LAKE

APPROXIMATE
MULTI-FAMILY
HOUSING
SITES

Wichita - Sedgwick County
Zoo & Park

15th STREET

Parking

Parking

Exception

OFFICE COPY
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NORTH
SCALE 1"=200'

SUPERSEDED

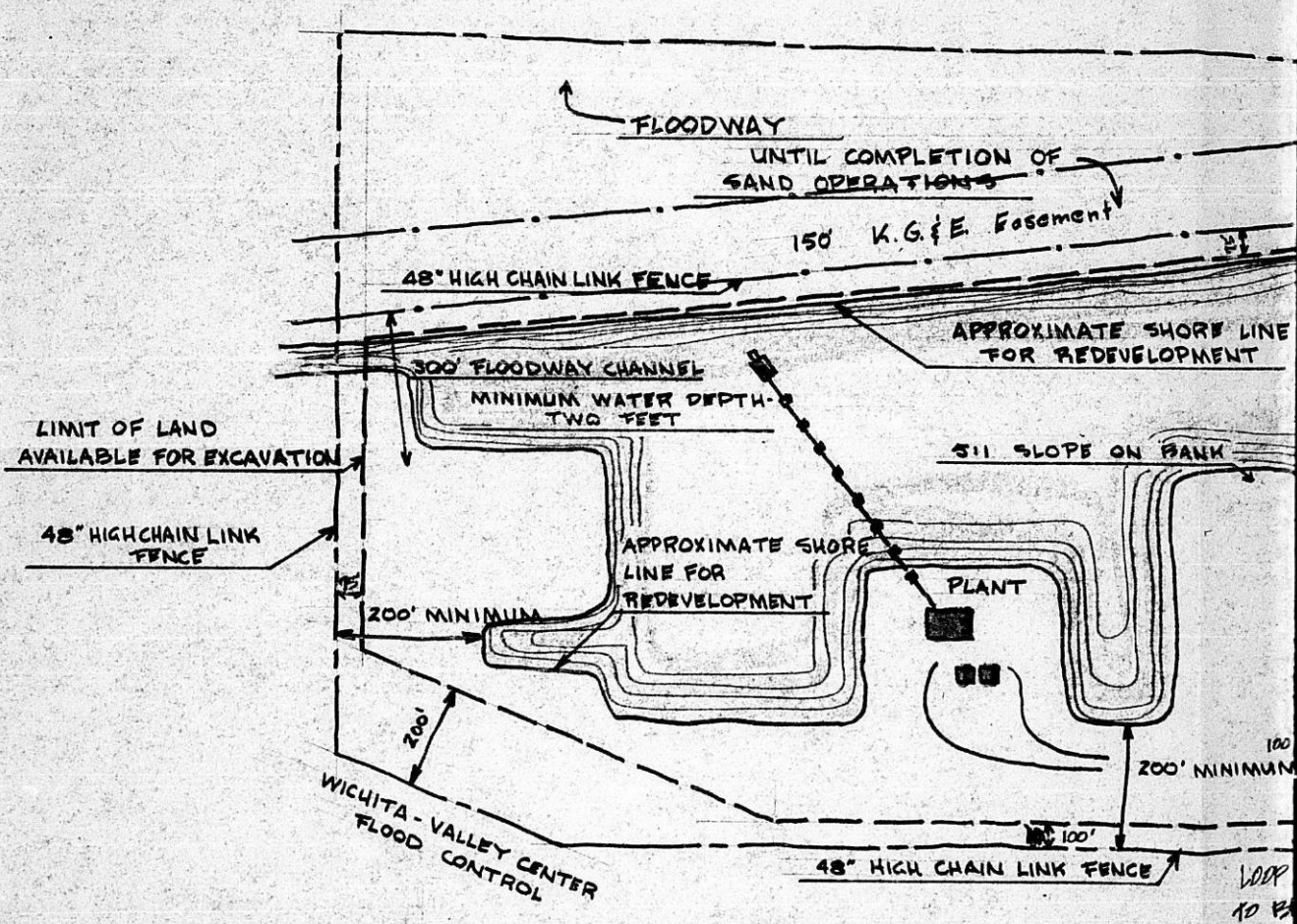
REET

GRICULTURAL LAND

N.E. Corner of
N.W. 1/4 Sec. 15
TWP. 27 R-1-W

HERS CONST. CO.

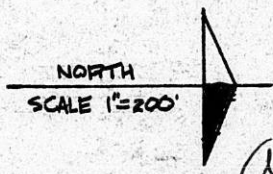
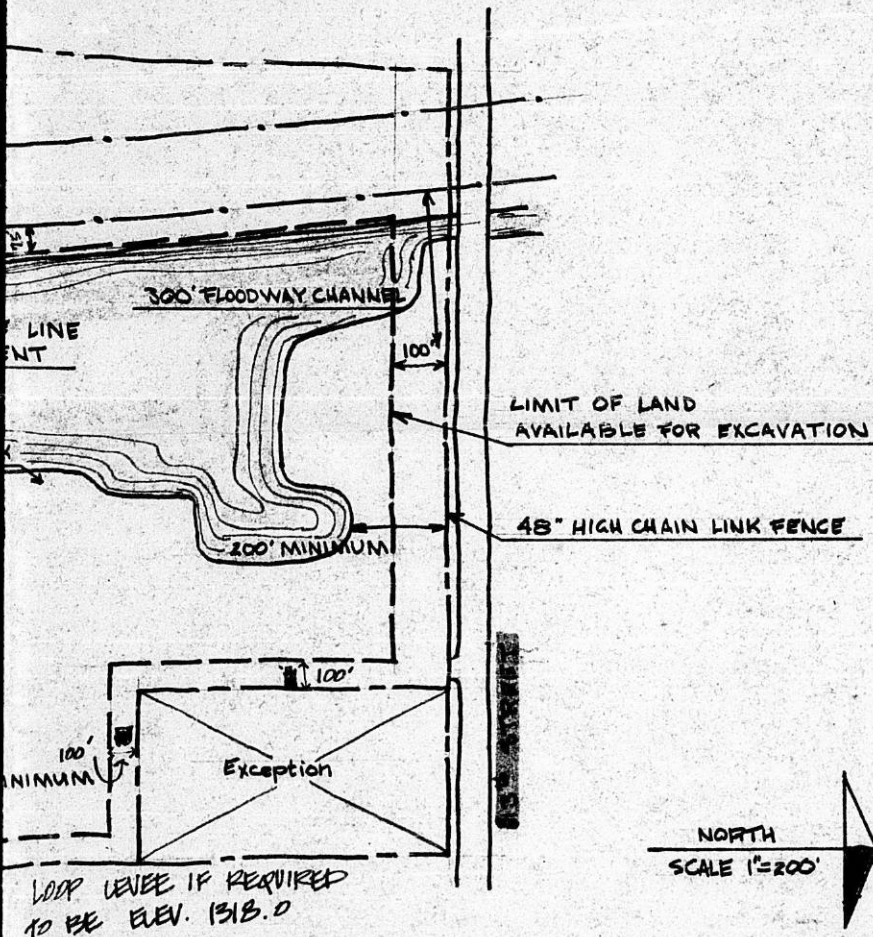
7/17/68



OPERATIONAL SKETCH PLAN for

RITCHIE BROTHERS

Developer - RITCHIE BROTHERS CONST. CO.
 Land Planner - OBLINGER & SMITH



Approved Operation
 S. L. Smith
 Bd of Co
 9/25/
 65

RS CONST. CO.

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7/17/68

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