

M.A.P.C.

*Approved only 11-14-68
to condition*

B.C.C./B. CO. C. *Approved only 11-27-68
to condition
as recommended*

Closed 2.13.69

CU-115 - Redding H. Parkinson re-
quests permit for a sand extrac-
tion operation on property zoned
"R-1" on the northwest corner of

POSTED

10-7-68

ACTION

DATE

COMMITTEE _____

M.A.P.C.

*Approved subj 11-14-68
to condition*

B.C.C./B. CO. C.

*Approved subj 11-27-68
to conditions
as recommended*

Closed 2-13-69

CU-115 - Redding H. Parkinson re-
quests permit for a sand extrac-
tion operation on property zoned
"R-1" on the northwest corner of

Map No. A-1-B
Sec. 26
Twp. 26S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

BH 1
/Z- _____
/ACE- _____
CU- 115
Filed 10-4-68

APPLICATION DATA: From n/a to _____

1. Applicant: Redding H. Parkinson, et. al
Address 135 S. St. Clair Phone WH 25290
2. Agent: John J. Darrah
Address Brown Bldg. Phone AM 24403
3. General Location: northwest corner of 37th St. and West St.
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: 73.3815 (1725 ft. by 1473 ft.)
2. Adjoining Zoning: E R-1+AC S R-1+AC W R-1 N R-1
3. Land Use: East AGRICULTURE South AGRICULTURE
West AGRICULTURE North AGRICULTURE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: FARMING
6. Area (Y_s) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____, _____, _____
2. MAPC Meeting:

Date	Action
<u>11-14-68</u>	<u>approved, subj. to condition</u>
_____	_____
_____	_____

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

Date	Action	Resolution
<u>11-27-68</u>	_____	<u>✓</u>
_____	_____	_____
_____	_____	_____

NOTES:

See D-0410

11-14-68

Map No. 5752
A-1-B
Sec. 26
Twp. 26S
Range 1W

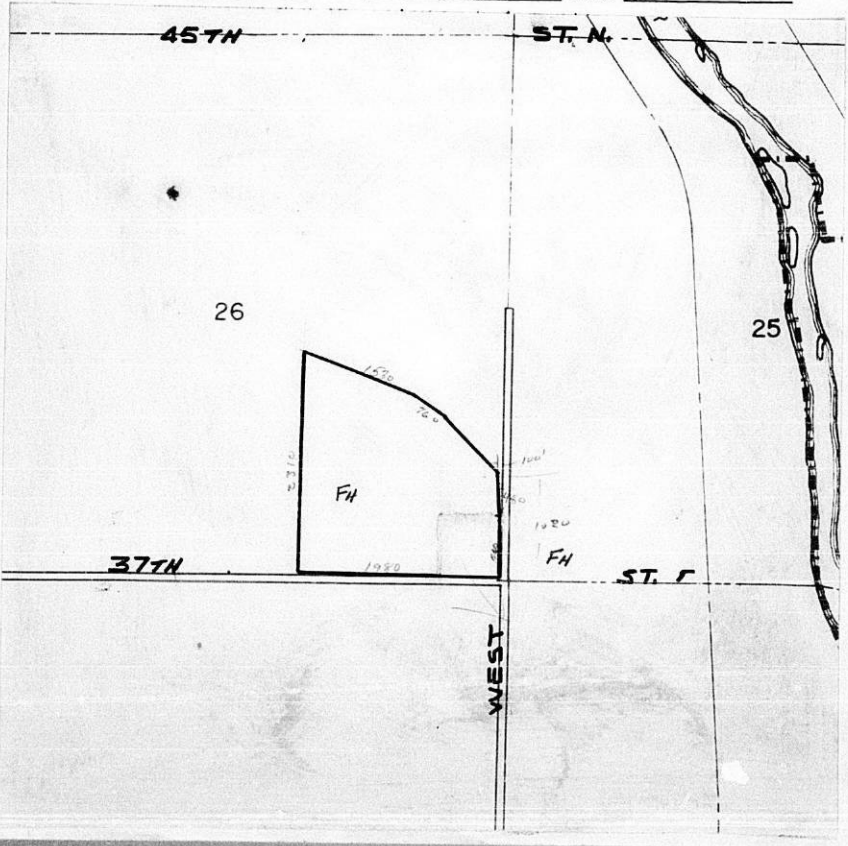
DATA SHEET
(ZONING & CONDITIONAL USE)

24
SCM
CU- 115
Filed 10-4-68

- APPLICATION DATA: From n/a to _____
- Applicant: Redding H. Parkinson, et. al
Address 135 S. St. Clair Phone WH 25290
 - Agent: John J. Darrah
Address Brown Bldg. Phone AM 24403
 - General Location: northwest corner of 37th St. and West St.
Address _____
 - Proposed Use: _____

- AREA DATA:
- Acres: 23.345 (1725 ft. by 1873 ft.)
 - Adjoining Zoning: E R-1+LC S R-1+LC W R-1 N R-1
 - Land Use: East AGRICULTURE South AGRICULTURE
West AGRICULTURE North AGRICULTURE
 - Sketch Plan Land Use is for: _____
 - Present Land Use is for: FARMING
 - Area (1/4) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



(✓) (Published in The Wichita Beacon on Feb. 13, 1969)

R E S O L U T I O N

A RESOLUTION PERMITTING A SAND AND GRAVEL EXTRACTION 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 DERBY, OR THE CITY OF MULVANE, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.10.(f) 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 THERETO.

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



SECTION 1. That after receiving a recommendation from 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 4.10.(f) and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand and gravel extraction operation is hereby approved on lands legally described as follows:

CU-115 All that part of the southeast quarter of Section 26, Township 26 South, Range 1 West lying south of K-96 Highway, except the west 660 feet thereof. Generally located on the north-west corner of 37th Street and West Street.

subject to the following conditions:

CONDITIONS

1. The applicant shall dedicate by separate instrument the 50 and 75 feet of half-street right of way necessary for all section line roads.
2. 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.
3. 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 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 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.

4. 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.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. 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.

7. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage of any construction 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.
8. 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.
9. 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.
10. The applicant shall comply with conditions 1 and 6 prior to the publication of the Resolution effectuating the conditional use.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Drainage on the tract shall be diverted into the sandpit and impounded there.
13. 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 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 27th day of November, 1968.



Edmund H. Peters Chairman

Commissioner

Tom Scott

Commissioner

WITNESSED:

Thane Worlow
By *Shelby D. White* Deputy

County Clerk

SEAL)

February 11, 1969

Ralph C. Eberly, City Clerk
Jack H. Galbraith, Senior Planner

CU-115 - Conditional Use to Permit Sand Extraction Operation

The Board of County Commissioners at its regular meeting on November 27, 1968 approved the above captioned conditional use request. One of the conditions of approval was the submission of restrictive covenants providing that no rubbish, car bodies or other foreign matter shall be deposited within the excavation area.

Please record the attached restrictive covenant and bill any recording cost to our department.

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

JHG:js

Attachment

FEB 18 1969

RESTRICTIVE COVENANT AND AGREEMENT

ASPHALT PAVING, INC., a Kansas corporation, CRILL M. PARKINSON, a widow, and MELVIN D. PARKINSON and NANCY A. PARKINSON, husband and wife, the equitable and fee owners of the following described realty, to-wit:

All of that part of the Southeast Quarter (SE/4) of Section 26, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, lying South and West of K-96 Highway right-of-way, except the West Six Hundred Sixty feet (660') thereof,


hereby make the following declaration as to restrictions, limitations and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

No rubbish, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."

Original Compared with Record

The above restriction and agreement shall be deemed covenants running with the land and shall not be amended, deleted or changed.

IN WITNESS WHEREOF, the parties hereto have executed this covenant on the 31st day of January, 1969.

ATTEST:

Secretary H. D. Ritchie

ASPHALT PAVING, INC.

By E. D. Ritchie
E. D. Ritchie President

Orill M. Parkinson
Orill M. Parkinson

Melvin D. Parkinson
Melvin D. Parkinson

Nancy A. Parkinson
Nancy A. Parkinson

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
2 25
FEB 25 1969
3689
JOHN HALE
REGISTERED CLERK
County Clerk
City Clerk

4
City Clerk
Room 104 - City Bldg

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 31st day of January, 1969, before me, a Notary Public, in and for said County and State, came E. D. RITCHIE, President of Asphalt Paving, Inc., to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

My commission expires:

November 21, 1971

P. U. B. L.

Marie B. Fisher

Notary Public Marie B. Fisher

STATE OF CALIFORNIA)
) ss
COUNTY OF Los Angeles)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 29th day of January, 1969, personally appeared ORILL M. PARKINSON, a widow, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Jessie L. Sherwood

My Commission Expires Feb. 12, 1972

Jessie L. Sherwood
Notary Public

STATE OF CALIFORNIA)
) ss
COUNTY OF Los Angeles)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 29th day of January, 1969, personally appeared MELVIN D. PARKINSON and NANCY A. PARKINSON, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

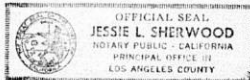
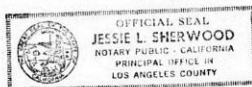
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Jessie L. Sherwood

My Commission Expires Feb. 12, 1971

Jessie L. Sherwood
Notary Public



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, ASPHALT PAVING, INC., a Kansas corporation, ORILL M. PARKINSON, a widow, and MELVIN D. PARKINSON and HANCY A. PARKINSON, husband and wife, being the equitable and legal owners of the following described real estate in Sedgwick County, Kansas, to-wit:

A tract of land beginning at the Southeast corner of the Southeast Quarter (SE/4) of Section 26, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; thence North 75 feet; thence West 350 feet; thence South 25 feet; thence West to the West line of the Southeast Quarter (SE/4) of Section 26, except the West 660 feet thereof; thence South 50 feet, thence East to the point of beginning, except existing right-of-way, and

A tract of land beginning at the Southeast corner of the Southeast Quarter (SE/4) of Section 26, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; thence West 75 feet; thence North 350 feet; thence East 75 feet; thence South 250 feet; thence East 50 feet; thence South to the point of beginning, except existing right-of-way.

do hereby dedicate the above described real estate to the public for street right-of-way purposes.

Executed this _____ day of January, 1969.



ASPHALT PAVING, INC.

By _____
President

Orill M. Parkinson

Melvin D. Parkinson

Hancy A. Parkinson

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this ____ day of January, 1969, before me, a Notary Public, in and for said County and State, came E. D. RITCHIE, President of ASPHALT PAVING INC., to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and
my official seal, the day and year last above written.



My commission expires:

Notary Public

STATE OF CALIFORNIA)
) ss
COUNTY OF)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this ____ day of January, 1969, personally appeared ORILL M. PARKINSON, a widow, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Notary Public

STATE OF CALIFORNIA)
) ss
COUNTY OF)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this ____ day of January, 1969, personally appeared MELVIN D. PARKINSON and NANCY A. PARKINSON, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Notary Public

RESTRICTIVE COVENANT AND AGREEMENT

ASPHALT PAVING, INC., a Kansas corporation, ORILL M. PARKINSON, a widow, and MELVIN D. PARKINSON and NANCY A. PARKINSON, husband and wife, the equitable and fee owners of the following described realty, to-wit:

All of that part of the Southeast Quarter (SE/4) of Section 26, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, lying South and West of K-96 Highway right-of-way, except the West Six Hundred Sixty feet (660') thereof,

hereby make the following declaration as to restrictions, limitations and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

No rubbish, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."

The above restriction and agreement shall be deemed covenants running with the land and shall not be amended, deleted or changed.

IN WITNESS WHEREOF, the parties hereto have executed this covenant on the 31st day of January, 1969.

ATTEST:

[Signature]
Secretary

ASPHALT PAVING, INC.

By [Signature]

President

[Signature]
Orill M. Parkinson

[Signature]
Melvin D. Parkinson

[Signature]
Nancy A. Parkinson

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 31st day of January, 1969, before me, a Notary Public, in and for said County and State, came E. D. RITCHIE, President of Asphalt Paving, Inc., to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

My commission expires:

November 21, 1971

Mari B Fisher
Notary Public

STATE OF CALIFORNIA)
) ss
COUNTY OF Los Angeles)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 29th day of January, 1969, personally appeared ORILL M. PARKINSON, a widow, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Jessie L. Sherwood
Notary Public

Jessie L. Sherwood
My Commission Expires Feb. 12, 1971

STATE OF CALIFORNIA)
) ss
COUNTY OF Los Angeles)



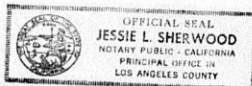
BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 29th day of January, 1969, personally appeared MELVIN D. PARKINSON and NANCY A. PARKINSON, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires:

Jessie L. Sherwood
Notary Public

Jessie L. Sherwood
My Commission Expires Feb. 12, 1971



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CASE NO. CU-115

CONSIDERED BY MAPC: 11-14-68

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"For temporary sand and gravel extraction to build a lake and in the future to rehabilitate for private recreation and a type of construction that would lend to the highest and best use of the land".

GENERAL LOCATION: Northwest corner of 37th Street and West

LEGAL DESCRIPTION:

All that part of the southeast quarter of Section 26, Township 26 South, Range 1 West lying south of K-96 Highway, except the west 660 feet thereof.

APPLICANT: Mr. & Mrs. Redding H. Parkinson, 135 S. St. Clair, and
Asphalt Paving, Inc., 1820 N. Mosley

COUNSEL FOR APPLICANT: John J. Darrah, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north and west is "R-1"; east and south is "R-1" and "LC"

LAND USE: Subject property is farm house and agricultural land; North, south, and west is undeveloped; east is farm house.

PLANNING COMMISSION RECOMMENDATION:

KRATZER moved and TROUT seconded that the Planning Commission recommend to the Board of County Commissioners that this application be approved, subject to the following conditions:
(See attached sheet for conditions.)

VOTE OF PLANNING COMMISSION: Unanimous

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission, adopt the Resolution effectuating the Conditional Use and instruct the Planning Department to withhold publication until such time as the conditions of approval have been complied with; or
2. Deny the application.

Mailed 11-21-68

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 14, 1968:

- "23. Case No. CU-115 - Mr. and Mrs. Redding H. Parkinson and Asphalt Paving, Inc. request approval of a Conditional Use Permit to establish a temporary sand and gravel extraction operation on property zoned "R-1" and "LC" and legally described as all that part of the southeast quarter of Section 26, Township 26 South, Range 1 West lying south of K-96 highway, except the west 660 feet thereof. Generally located on the northwest corner of 37th Street and West Street.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant is requesting a Conditional Use to establish a sand and gravel extraction operation on approximately 81.5 acres of land at the northwest corner of 37th and West Streets.
2. A sketch plan for redevelopment, in addition to an operational sketch plan, has been submitted to the Planning Department and reviewed by the staff. The plans as submitted provide for an adequate future street system to serve the area when redevelopment occurs.
3. Inasmuch as the Basis and Plan for the Pattern of Residential Growth does not predict any development in this area through the Year 1985, it is the opinion of the Planning Department that the sand and gravel extraction operation is a logical and proper interim use.

Recommendation

Based on the foregoing review and comments, it is the recommendation of the Planning Department that this Conditional Use request to permit a sand and gravel extraction operation be approved, subject to the following conditions:

1. The applicant shall dedicate by separate instrument the 50 and 75 feet of half-street right-of-way necessary for all section line roads.
2. 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.
3. 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 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 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.

4. The earth shall be excavated to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. 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.
7. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage of any construction 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.
8. 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.
9. All slopes, excepting those slopes used for a beach or recreational purposes, 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.
10. The applicant shall comply with conditions 1 and 6 prior to the publication of the Resolution effectuating the conditional use.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Drainage on the tract shall be diverted into the sandpit and impounded there.
13. Any violation of conditions attached shall declare the conditional use permit null and void.

No one appeared to speak either for or in opposition to this application.

NOTION: KRATZER moved, TROUT seconded and it carried unanimously that the Planning Commission recommend to the Board of County Commissioners that this application be approved, subject to:

1. The applicant shall dedicate by separate instrument the 50 and 75 feet of half-street right-of-way necessary for all section line roads.
2. 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.
3. 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 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 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.

- 4. 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.
 - 5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
 - 6. 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.
 - 7. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage of any construction 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.
 - 8. 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.
 - 9. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial growth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - 10. The applicant shall comply with conditions 1 and 6 prior to the publication of the Resolution effectuating the conditional use.
 - 11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - 12. Drainage on the tract shall be diverted into the sandpit and impounded there.
 - 13. Any violation of conditions attached shall declare the conditional use permit null and void."
-

November 18, 1968

Mr. John J. Darrah
Brown Building
Wichita, Kansas 67202

Subject: CU-115 - Conditional Use Permit
for sand and gravel extraction operation
at northwest corner of 37th and West St.

Dear Mr. Darrah:

At its regular meeting on November 14, 1968, the Metropolitan Area Planning Commission considered the above captioned request. The action of the Planning Commission was to recommend that the conditional use request be approved subject to the thirteen conditions listed in the Planning Department report.

This matter will be forwarded to the Board of County Commissioners for their consideration at their regular meeting on November 27, 1968, at 9:00 a.m., in the Sedgwick County Courthouse.

If you have any questions concerning this case, please call our office.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

cc: Redding H. Parkinson
135 S. St. Clair
Wichita, Kansas 67213

Don Bottenberg
623 1st Nat'l Bank Bldg.
Wichita, Kansas 67202

Asphalt Paving, Inc.
1820 N. Mosley
Wichita, Kansas 67214

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: November 14, 1968

Case No. CU-115

Request: Conditional use permit for sand
and gravel extraction operation

Location: Northwest corner of 37th and West Street

Acres: 81.5

Size: 1725 ft. by 1873 ft.

	Land Use	Zoning
Existing North	Farm house & agricultural land Undeveloped	"R-1" & "IC" "R-1"
Existing East	Farm house Undeveloped	"R-1" & "IC"
Existing South	Undeveloped	"R-1" & "IC"
Existing West	Undeveloped	"R-1"

Unplatted History: None
Existing R/W - 37th St. (half) 30 ft.
Proposed R/W - 37th St. (half) 50 ft. & 75 ft.
Existing R/W - West St. (half) 30 ft.
Proposed R/W - West St. (half) 50 ft. & 75 ft.

Comments

1. The applicant is requesting a Conditional Use to establish a sand and gravel extraction operation on approximately 81.5 acres of land at the northwest corner of 37th and West Streets.
2. A sketch plan for redevelopment, in addition to an operational sketch plan, has been submitted to the Planning Department and reviewed by the staff. The plans as submitted provide for an adequate future street system to serve the area when redevelopment occurs.
3. Inasmuch as the Basis and Plan for the Pattern of Residential Growth does not predict any development in this area through the year 1985, it is the opinion of the Planning Department that the sand and gravel extraction operation is a logical and proper interim use.

Recommendation

Based on the foregoing review and comments, it is the recommendation of the Planning Department that this Conditional Use request to permit a sand and gravel extraction operation be approved, subject to the following conditions:

1. The applicant shall dedicate by separate instrument the 50 and 75 feet of half-street right-of-way necessary for all section line roads.
 2. 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.
 3. 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 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - 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.
4. The earth shall be excavated to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
 5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
 6. 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.
 7. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage of any construction 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.

Page 3 - Case No. CU-115
November 14, 1968

8. 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.
9. All slopes, excepting those slopes used for a beach or recreational purposes, 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.
10. The applicant shall comply with conditions 1 and 6 prior to the publication of the Resolution effectuating the conditional use.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Drainage on the tract shall be diverted into the sandpit and impounded there.
13. Any violation of conditions attached shall declare the conditional use permit null and void.

CU-115 - 6 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 10-31-68 for MAPC 11-14-68.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

OCT 31 1968

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:45 p.m. on NOV 14 1968 at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-115
Conditional Use Request
for Sand Extraction Operation

All that part of the southeast quarter of Section 26, Township 26, South, Range 1 West lying south of K-96 Highway except the west 660 feet thereof. Generally located on the northwest corner of 37th Street and West Street.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, C. Bickley Foster, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

T9-216

C. Bickley Foster, Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of 2 acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by permit rather than as a use by right.

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

THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT. THE FORM MUST BE COMPLETED AND FILED AT THE PLANNING DEPARTMENT, ROOM 402, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS. IN ACCORDANCE WITH DIRECTIONS ON THE ACCOMPANYING INSTRUCTION SHEET. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

- I. NAME OF APPLICANT OR APPLICANTS AND/OR THEIR AGENT OR AGENTS. ALL OWNERS OF ALL PROPERTY REQUESTED TO BE CONSIDERED IN THIS APPLICATION MUST BE LISTED IN THIS ITEM.

A. APPLICANT Mr. & Mrs. Redding H. Parkinson

ADDRESS 135 S. St. Clair 12 PHONE WH 25290

AGENT Don Bottenberg, Realtor

ADDRESS 623 1st Nat'l Bank Bldg 02 PHONE AM 45031

B. APPLICANT Asphalt Paving, Inc.

ADDRESS 1820 N. Mosley 14 PHONE AM 77264

AGENT John J. Darrah, Attorney 4 E. S. Bottenberg, Partner

ADDRESS Brown Bldg 02 PHONE AM 21403

C. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

(USE SEPARATE SHEET IF NECESSARY FOR NAMES OF ADDITIONAL APPLICANTS).

- II. THE APPLICANT PROPOSES TO ESTABLISH A Temporary sand and gravel extraction (USE)

ON PROPERTY LEGALLY DESCRIBED AS LOT(S) _____

_____, Block(s) _____ OF THE

_____ ADDITION.

(IF APPROPRIATE, METES AND BOUNDS DESCRIPTION MAY BE PROVIDED IN THE SPACE BELOW OR ON AN ATTACHED SHEET).

That portion of the SE $\frac{1}{4}$ of Section 26, Township 26 South, Range 1 West of the 6th P. M. lying South & West of the new 96 Highway right-of-way except the West 660 feet thereof, and located at the Northwest corner of 37th & West St.

Use ownership list for legal

III. THIS PROPERTY IS LOCATED AT (ADDRESS) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Northwest CORNER OF 37th St. North AND
West Street, OR

B. ON THE West SIDE OF West Street (AVENUE)
STREET ~~BETWEEN~~ & North side of 37th North (AVENUE) STREET AND
_____ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED Suburban R-1
except the 600' by 600' at the corner which is zoned L.C.
(ZONING DISTRICT CLASSIFICATION).

We

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

For temporary sand and gravel extraction to build a lake and in the future
to rehabilitate for private recreation and a type of construction that
would lend to the highest and best use of the land.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRU-
TION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION.

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

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

Redding H. & Orell M. Parkinson

By Sam Butterhey
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

Ritchie Bros. Construction Co.,

By Sam Butterhey
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All property owners within 1000 feet of the following tract:

All that part of the SE $\frac{1}{4}$ of Section 26, Township 26, South Range 1 West lying South of K-96 Highway EXCEPT the West 660 feet thereof.

see for legal

③
Vickrey,
Title
Company,
inc.

And from such examination find that the owners there- of are as set opposite the description of the property below, viz:

All that Part of the SE $\frac{1}{4}$ of 26-26-1W lying South of K-96 Highway.

Redding H. Parkinson
Orill M. Parkinson
Melvin D. Parkinson
135 S. W. CHASE

All of the NE $\frac{1}{4}$ and All that Part of the SE $\frac{1}{4}$ 26-26-1W lying North & West of K-96 Highway

Board of Park
Commissioners City of Wichita, Kansas.

W $\frac{1}{2}$ of SW $\frac{1}{4}$ & Lots 7 & 8 all in 25-26-1W

Lillian Marie Miller
1409 Park Place 03

N $\frac{1}{2}$ of SW $\frac{1}{4}$ 26-26-1W

X Laura M. Bunyan
X Arlene L. Johnson
no address found

S $\frac{1}{2}$ of S $\frac{1}{4}$ 26-26-1W.

X John E. Woodman
address unknown

S $\frac{1}{2}$ NW $\frac{1}{4}$ 26-26-1W.

Donna Evans and Southwest National Bank of Wichita as Testamentary Trustees of the John L. Evans Trust
400 E. Douglas St.
Dolese Bros. Co.
215 W. Second St. D2

NE $\frac{1}{4}$ 35-26-1W

Richard B. Petrie
Ann Valerus Petrie
6014 E. 8th. 08

E 100 Ac NW $\frac{1}{4}$ 35-26-1W.



All NW $\frac{1}{4}$ of 36-26-1W lying
North of the Flood Control

James O. Smith
Ruby J. Smith
address unknown

1968.

Dated at Wichita, Kansas this 16th day of Sept.

No. 90951

FIDELITY TITLE COMPANY INC.

By *Bud L. L...* VP

Form 22-1

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan	Pbhc. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		\$70.00

DESCRIPTION	AMOUNT
Conditional Use 999	

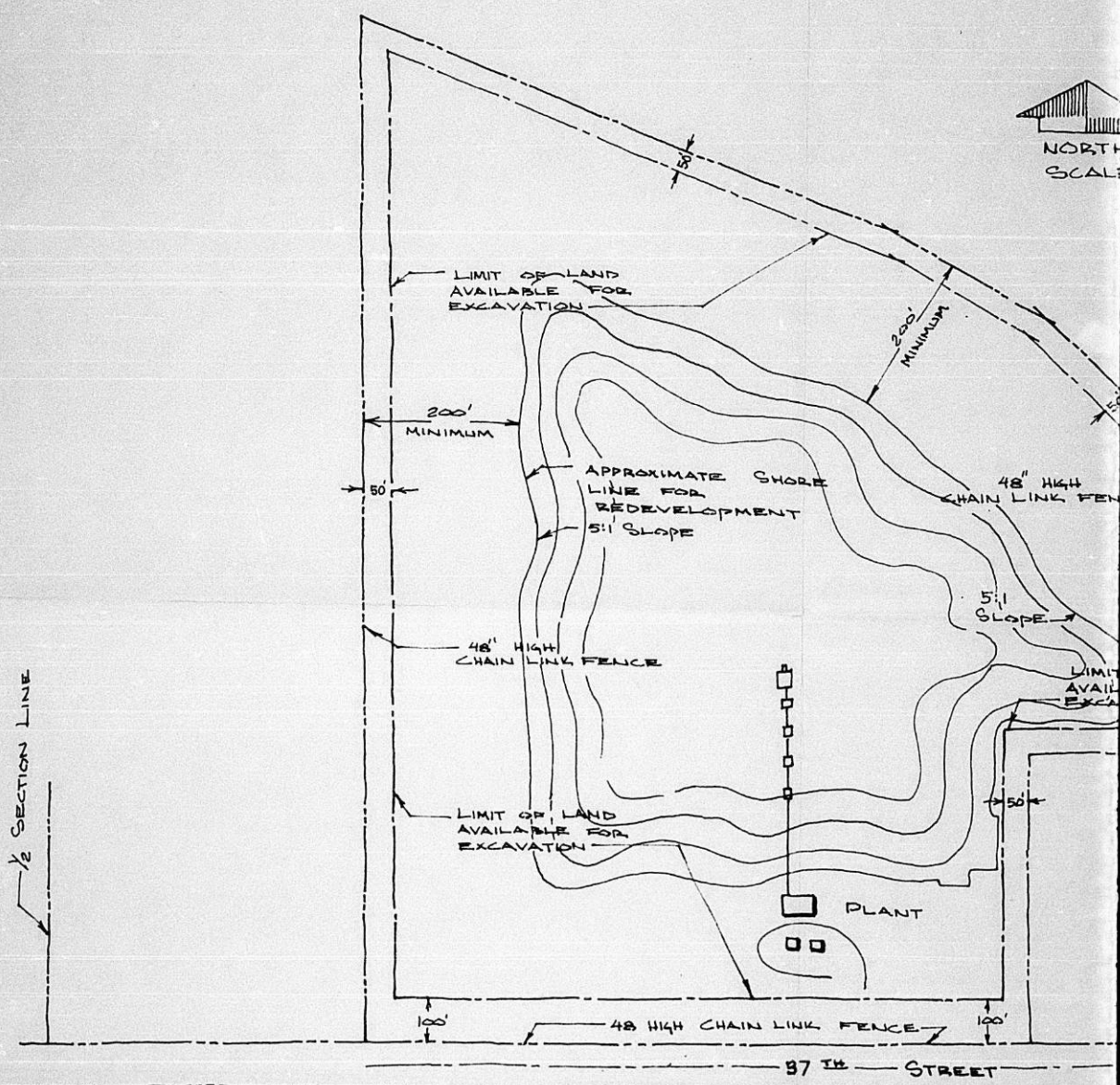
Name Ritchie Base Const.

Address 1820 N. Moley

Type P21C Due Date

Comments:

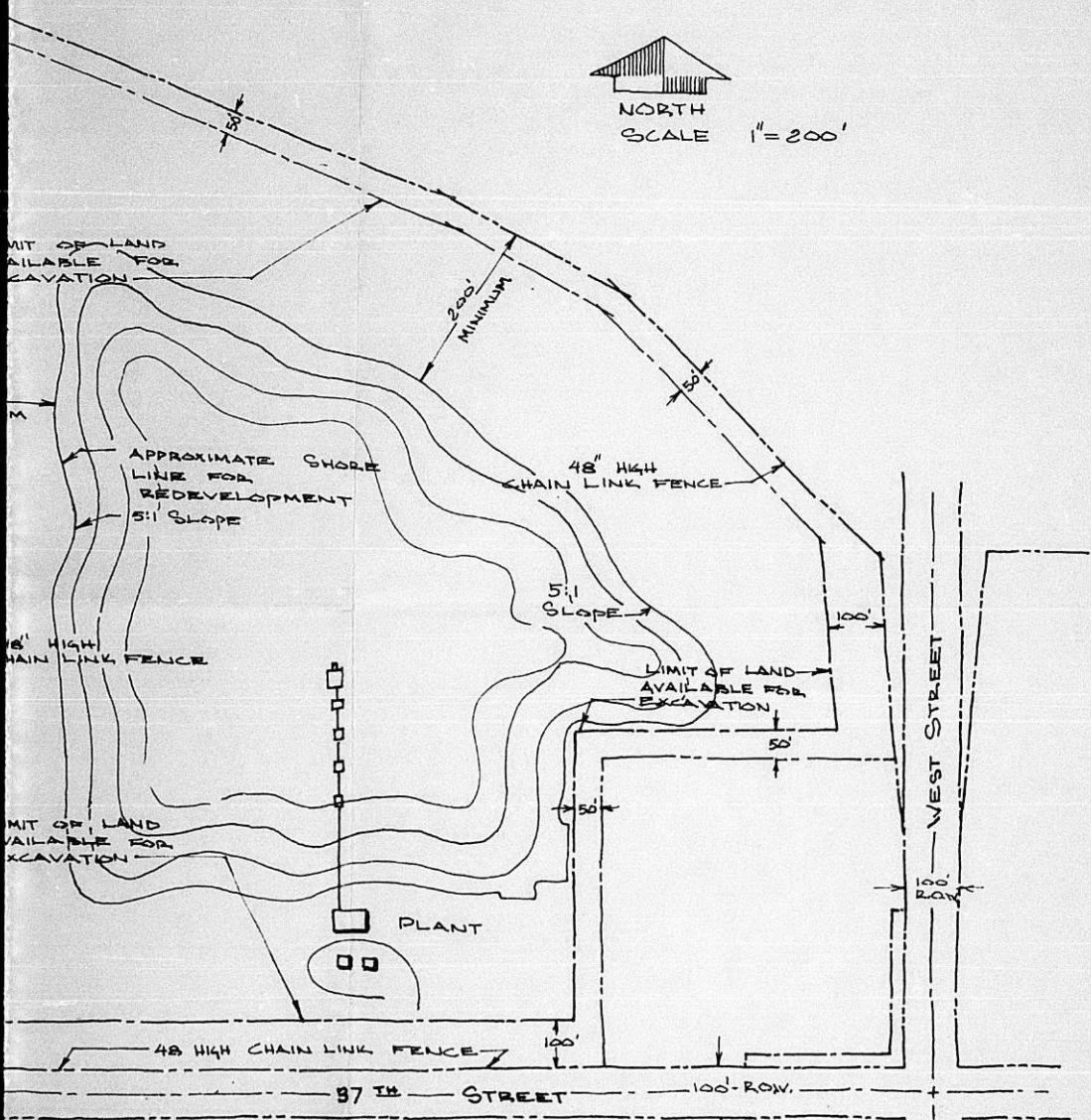
Date 10-4-68 By Gay a. Smith



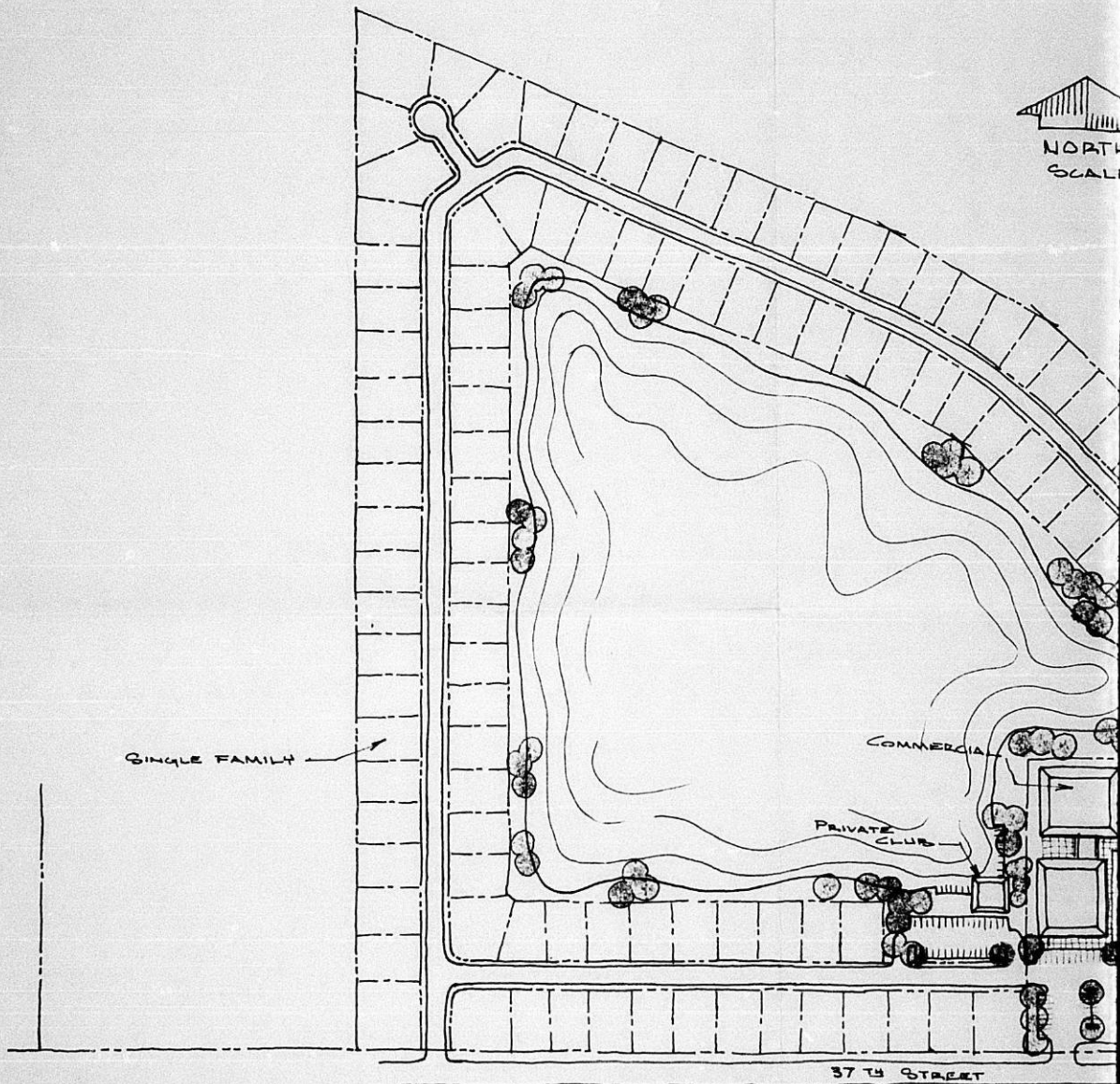
OPERATIONAL SKETCH PLAN FOR:
ASPHALT PAVING INC.
 DEVELOPER: ASPHALT PAVING INC.
 LAND PLANNER: OBUNGER-SMITH



NORTH
SCALE 1" = 200'

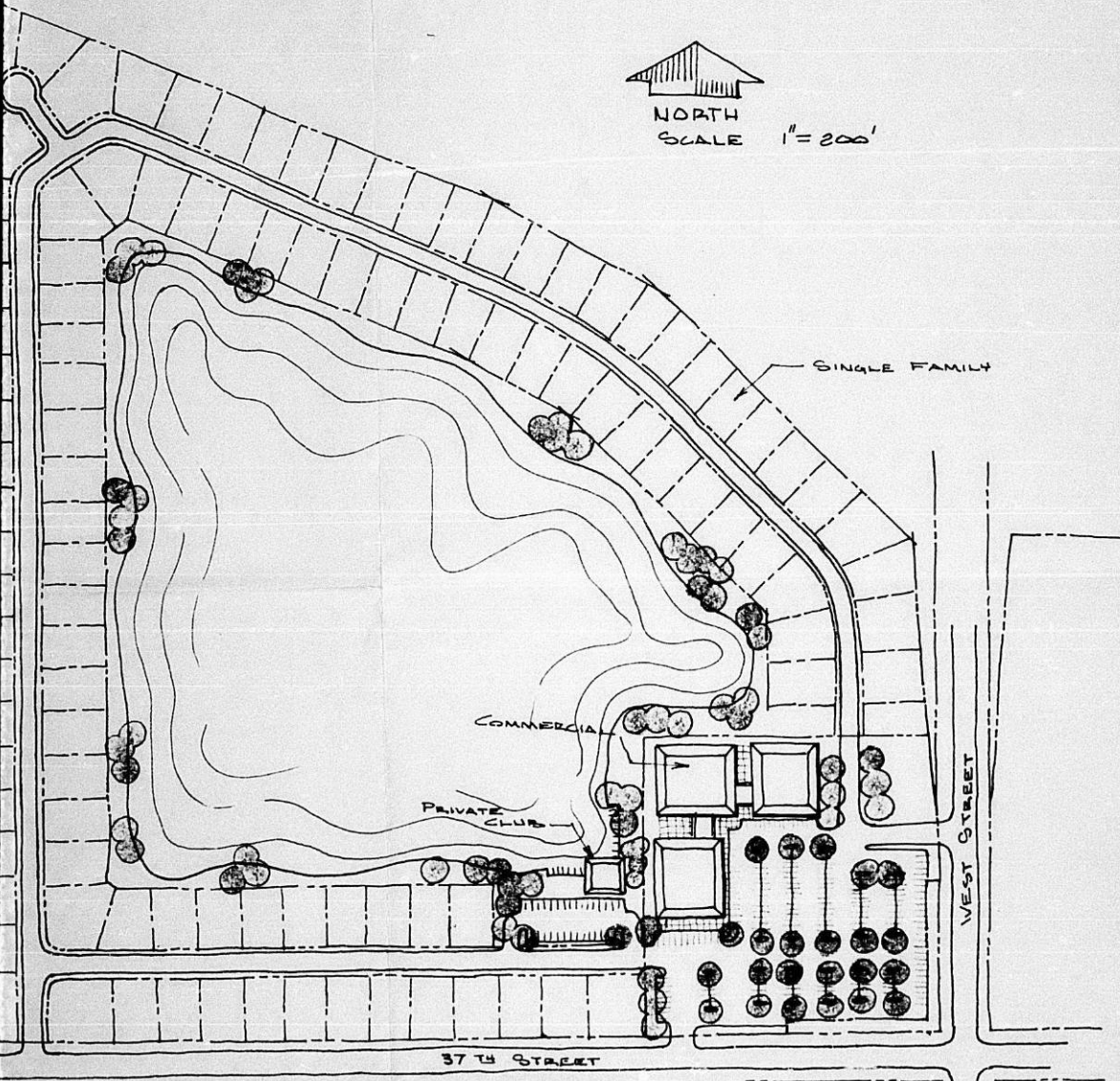


PAVING INC.



REDEVELOPMENT SKETCH FOR:
ASPHALT PAVING INC.
DEVELOPER: ASPHALT PAVING INC.
LAND PLANNER: OBLINGER & SMITH

NORTH
SCALE 1" = 200'



FOR:
PAVING INC.

INC.
TH