

CU-228

Conditional Use Request to Permit  
Establishment of a Sand & Gravel  
Extraction Operation on property  
Zoned "R-1" Suburban Residential  
District. On the south side of  
37th St. North, in an area east of  
Hoover.

*Smead*  
No. 1516C

HASTINGS, MN - LOS ANGELES  
LOGAN, OH - MCGREGOR, TX U. S. A.

CU-228 - Ritchie Paving, Inc.  
requests Conditional Use to Permit  
Establishment of a Sand & Gravel  
Extraction Operation on Property  
Zoned "R-1" - Suburban Residential  
District

*POSTED  
11-19-79*

# ACTION

COMMITTEE	DATE
M.A.P.C.	<i>Referred to subcommittee 12-6-79</i>
M.A.P.C.	<i>Applied sub to committee 12-20-79</i>
B.C.C./B. CO. C.	<i>Approved to 1-16-80</i>
	<i>Recommnded</i>
	<i>closed</i>

Map No. 5151  
Sec. 35  
Twp. 26S  
Range 1W

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 228  
Filed 11-14-79

APPLICATION DATA: <sup>Exst. Zoning</sup> ~~R-1~~ "R-1"

1. Applicant: Ritchie Paving, Inc.  
Address Box 4048, Wichita 67204 Phone 838-9301
2. Agent: H. D. Ritchie - same address as above (ENGINEER: PEC, P.A. Gary Wiley)  
Address 440 E. English, 67211 Phone 262-2691
3. General Location: South side of 37th St. North, in an area east of Hoover. Address \_\_\_\_\_
4. Proposed Use: Sand & Gravel Extraction Operation

AREA DATA:

1. Acres: 100.6 ( 1660 ft. by 2640 ft. )
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
West AIRPORT North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
2. MAPC Meeting:

Date	Action
<u>12-6-79</u>	<u>Referred to resolution</u>
<u>12-20-79</u>	<u>Approved subject to conditions</u>

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

Date	Action	Resolution
<u>1-16-80</u>	<u>Approved &amp; Resolved</u>	<u>Pub. 1-28-80</u>

NOTES:

LOS ANGELES COUNTY  
REGISTERED PROFESSIONAL  
PLANNERS  
MEMBER, NATIONAL PLANNING  
ASSOCIATION

**S**  
No. 2153C

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

December 7, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

As a result of the Metropolitan Area Planning Commission deferring this application for two weeks, at the request of the applicant, this is to advise that the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m., on Thursday, December 20, 1979, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-228

Conditional Use Request to Permit Establishment of  
A Sand and Gravel Extraction Operation on Property  
Zoned "R-1" Suburban Residential District

The northwest quarter (NW 1/4) of Section 35, Township  
26 South, Range 1 West of the 6th P.M. in Sedgwick County,  
Kansas, except the west 60 acres thereof. Generally  
located on the south side of 37th Street North, in an area  
east of Hoover.

Robert A. Lakin  
Secretary

January 24, 1980

8-13

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Case No. CU-228 - Sand and Gravel Extraction Operation - generally located on the south side of 37th Street North, in an area east of Hoover.

Attached is a copy of a covenant which was a condition of approval on the above captioned case by the Board of County Commissioners at their meeting of January 16, 1980. This covenant should be filed of record with the Register of Deeds, with the cost being billed to the Planning Department.

Jack H. Galbraith  
Chief Planner

JHG:GLS:el

Attachment

R E S O L U T I O NCASE NO. CU-228

A RESOLUTION PERMITTING A SAND AND GRAVEL EXTRACTION OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT 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, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.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 I. 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.A.10.f and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The northwest quarter (NW 1/4) of Section 35, Township 26 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the west 60 acres thereof. Generally located on the south side of 37th Street North, in an area east of Hoover.

SUBJECT TO THE FOLLOWING:

- A. Four copies of a revised operational plan and development sketch plan shall be submitted to the Planning Department. The revised plans shall indicate the following:
  1. The operational plan shall indicate that the sand pumping plant will be located to the southeast of the property instead of at the north side; and the maximum limits of excavation shall be changed to indicate a 150 foot setback from the west and south property lines and a 50 foot setback from the east property line.
  2. The redevelopment sketch shall be changed to indicate a north and south street and a row of lots along the west property line.
- B. 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.
- C. 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.
- D. 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.

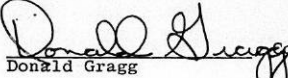
- E. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- F. The sand plan operator shall be responsible for:
1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  3. Maintaining any operational roads in a graveled condition.
- G. The applicant shall dedicate by separate instrument, 20 feet of right-of-way for the south half of 37th Street North.
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The natural drainage flow shall be 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.
- J. 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.
- K. All slopes 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- M. The applicant shall comply with Conditions A, G and H prior to the publication of the resolution effectuating the conditional use.
- N. Any violation of conditions of approval shall declare the conditional use permit null and void.

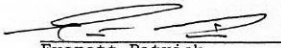
SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

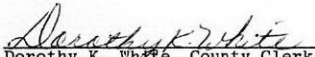
PASSED AND ADOPTED by the Board of County Commissioners  
at Wichita, Kansas, this 16 day of January, 19 80.

  
Tom Scott, Chairman

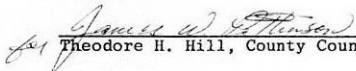
  
Donald Gragg, Commissioner

  
Everett Patrick, Commissioner

ATTEST:

  
Dorothy K. White, County Clerk  
(SEAL)

Approved as to form by County Counselor

  
Theodore H. Hill, County Counselor

January 16, 1980

Syd Werbin, County Director of Building, Planning & Codes  
Jack H. Galbraith, Chief Planner

CU-228 - Conditional Use Permit to allow a sand and gravel extraction operation - on the south side of 37th St. North, in an area east of Hoover.

The Board of County Commission on this date, considered the above captioned case. Their action was to approve the request, subject to the following conditions:

- A. Four copies of a revised operational plan and development sketch plan shall be submitted to the Planning Department. The revised plans shall indicate the following:
  1. The operational plan shall indicate that the sand pumping plant will be located to the southeast of the property instead of at the north side; and the maximum limits of excavation shall be changed to indicate a 150 foot setback from the west and south property lines and a 50 foot setback from the east property line.
  2. The redevelopment sketch shall be changed to indicate a north and south street and a row of lots along the west property line.
- B. 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.
- C. 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.
- D. 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.
- E. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

Page Two  
January 16, 1980  
Syd Werbin, County Director

- F. The sand plan operator shall be responsible for:
1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  3. Maintaining any operational roads in a graveled condition.
- G. The applicant shall dedicate by separate instrument, 20 feet of right-of-way for the south half of 37th Street North.
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The natural drainage flow shall be 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.
- J. 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.
- K. All slopes 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- M. The applicant shall comply with Conditions A, G and H prior to the publication of the resolution establishing the conditional use.

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January 16, 1980  
Syd Werbin, County Director

N. Any violation of conditions of approval shall declare the conditional use permit null and void.

Enclosed are two copies of the plans for the lake showing the limits of the excavation area and proposed redevelopment after excavation ceases. If you have any questions, please call.

Jack H. Galbraith  
Chief Planner

JHG:GLS:el  
Enclosures

DEDICATION

D-0930

(Case No. 228)

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, RITCHIE PAVING, INC.

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The north 50' of the Northwest quarter (NW1/4) of Section 35, Township 26 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the West 60 acres thereof

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 28 day of 12 19 77.

RITCHIE PAVING, INC.

*E. D. Ritchie*

SECRETARY, E. D. RITCHIE

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss

BE IT REMEMBERED, that on this 28 day of 12 / 77.

came RITCHIE PAVING, INC.

BY E. D. RITCHIE, SECRETARY

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this \_\_\_\_\_

City Clerk

*W. L. Bank*  
Notary Public

My Commission Expires: 5-25-83

RESTRICTIVE COVENANTS

RITCHIE PAVING, INC., does hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

The Northwest Quarter (NW $\frac{1}{4}$ ) of Sections 35, T26s, R1W of the 6th P.M. in Sedgwick County, Kansas, except the west 60 acres thereof.

which said Declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs;

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

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

IN WITNESS WHEREOF, this Restriction has been executed on the 28th day of December, 1979.

RITCHIE PAVING, INC.

By

*E. D. Ritchie*

SECRETARY, E. D. RITCHIE

STATE OF KANSAS )

SEDGWICK COUNTY )

The foregoing instrument was acknowledged before me this 28th day of December, 1979, by E. D. Ritchie, Secretary of Ritchie Paving, Inc.

*Adrian L. Banks*  
Notary Public

My Commission Expires:

May 25, 1983

R E S O L U T I O N

CASE NO. CU-228

A RESOLUTION PERMITTING A SAND AND GRAVEL EXTRACTION OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT 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, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.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 I. 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.A.10.f and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The northwest quarter (NW 1/4) of Section 35, Township 26 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the west 60 acres thereof. Generally located on the south side of 37th Street North, in an area east of Hoover.

SUBJECT TO THE FOLLOWING:

- A. Four copies of a revised operational plan and development sketch plan shall be submitted to the Planning Department. The revised plans shall indicate the following:
  1. The operational plan shall indicate that the sand pumping plant will be located to the southeast of the property instead of at the north side; and the maximum limits of excavation shall be changed to indicate a 150 foot setback from the west and south property lines and a 50 foot setback from the east property line.
  2. The redevelopment sketch shall be changed to indicate a north and south street and a row of lots along the west property line.
- B. 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.
- C. 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.
- D. 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.

- E. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- F. The sand plan operator shall be responsible for:
1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  3. Maintaining any operational roads in a graveled condition.
- G. The applicant shall dedicate by separate instrument, 20 feet of right-of-way for the south half of 37th Street North.
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The natural drainage flow shall be 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.
- J. 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.
- K. All slopes 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- M. The applicant shall comply with Conditions A, G and H prior to the publication of the resolution effectuating the conditional use. *Set for Closing*
- N. Any violation of conditions of approval 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 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 \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_, Chairman  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald Gragg

\_\_\_\_\_, Commissioner  
Everett Patrick

ATTEST:

\_\_\_\_\_  
Dorothy E. White, County Clerk  
(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
Theodore H. Hill, County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-228

CONSIDERED BY MAPC: 12-20-79

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To permit establishment of a sand and gravel  
extraction operation."

GENERAL LOCATION: On the south side of 37th Street North, in an  
area east of Hoover.

LEGAL DESCRIPTION:

The northwest quarter of Section 35, Township 26 South,  
Range 1 West of the 6th P.M. in Sedgwick County, Kansas,  
except the west 60 acres thereof.

*100 acres*

APPLICANT: Ritchie Paving, Inc., P. O. Box 4048.

COUNSEL FOR APPLICANT: Dave Ritchie, P. O. Box 4048.

PROTESTORS (LIST COUNSEL) IF ANY: Tom Sanders, 1724 S. Hillside.

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE: Existing, North, East and South, Undeveloped; West, Private  
Airport.

PLANNING COMMISSION RECOMMENDATION:

That this Conditional Use Permit be approved and subject to the recommended conditions as shown in the attached excerpt from minutes of the Planning Commission, December 20, 1979. Bayouth moved, Savina seconded and it carried with a vote of 5 in favor (Bayouth, Savina, Gardner, Goebel and Jones), and 1 opposed (Shook). Cole, Hennessy, Lofton and Martens were absent.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission, approve the application subject to the recommended conditions of approval and adopt a resolution establishing the conditional use; or  
2. Take such action as the County Commission deems appropriate.

*Patricia Gray 3-0  
Agree*

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 20, 1979:

12. Case No. CU-228 - Ritchie Paving, Inc. requests Conditional Use permit for the northwest quarter of Section 35, Township 26 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the west 60 acres thereof. Generally located on the south side of 37th Street North, in an area east of Hoover.

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

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is located in an area where two previous Conditional Use cases for sand extraction operations have been approved. In 1966, Case CU-91 was approved on 160 acres east of subject property and in 1968, Case CU-113 was approved on 160 acres southeast of subject property. To the west of subject property is a private airfield, Riverside Airport, and to the north and south is undeveloped agricultural property.

The applicant has submitted an operational sketch plan which indicates the maximum limits of the excavation, minimum depth of excavation, fencing requirements and possible plant location. A redevelopment plan has also been submitted indicating potential redevelopment with residential lots along the north and east sides of the lake which will be created by the sand extraction operation. An interior street system is indicated on the plan which will tie into the street systems shown on the approved redevelopment plans for the other two sand extraction areas. It should be noted that 20 feet of additional street right-of-way is needed for the south half of 37th Street North, an arterial street.

Inasmuch as sewers are not extended into this area and development is not yet projected, the sand and gravel operation appears to be an appropriate use. The staff is concerned that the plan proposes to extract sand to within 50' of the west and south property lines. Consideration should also be given to not establishing the third operation plant, but rather utilize the one proposed for the SE 1/4 section. Should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:

- A. 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.
- B. 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.
- C. 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.
- D. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

- E. The sand plant operator shall be responsible for:
1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  3. Maintaining any operational roads in a graveled condition.
- F. The applicant shall dedicate by separate instrument, 20' of right-of-way for the south half of 37th Street North.
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- I. 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.
- J. 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.
- K. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- L. The applicant shall comply with Conditions F and G prior to the publication of the resolution effectuating the conditional use.
- M. Any violation of conditions attached shall declare the conditional use permit null and void.

GALBRAITH pointed out that this case was considered at the last meeting, and the applicant asked that it be deferred for two weeks, and there was a representative from the neighborhood that asked for a deferral also, hoping that they could get together to discuss the case in this two week period.

GALBRAITH handed out a letter to the Commission from Tom Sanders, owner of the airport to the west, and he emphasized some of their concerns. GALBRAITH pointed out that the Planning Commission and County Commission have generally supported sand extraction operations throughout this northwest area, because that's basically where the sand deposits are, and there has been a number of concerns in the past about when the operations would begin, how close would they excavate to adjacent property lines, and the hours of operation. He said that there were few adjacent residents as yet. The airport owner has emphasized that they have some plans to develop some residents along the east side of their

runway, and was concerned about the operation coming so close to that property line, and that they would like a north-south street proposed along the common property lines, and as well along the south property lines that would eventually tie back into what would be the half section lines. GALBRAITH said that he was not certain whether the developer was in a position where he could flip-flop his proposal for lotting arrangements, and maintain a 150-foot setback from the west property line. GALBRAITH said that one of the other concerns mentioned was a proposed operation plant being placed next to 37th Street. He said that the applicants have advised that they do not plan to put a sand plant there, that they propose it on West Street on other sites that they have previously had approved, and plan on pumping this lake from that direction.

DAVE RITCHIE, applicant, stated that his brother had talked to Mr. Sanders, and that everything in the letter had been agreed upon. He said that the idea was to someday put in a road and a row of houses on this site. He said that they could redraw their plans showing the housing on the west and south sides rather than on the east and north.

SHOOK asked if this satisfied Mr. Sanders concern about excavation no closer than 150 feet from the west property line.

RITCHIE stated yes. He said that on the west and south, they could stay back 150 feet. Dolese owns the land to the east, and now that the row of houses would no longer be there, they would like to go ahead and extract silt close to that border, but would like a 50 foot setback to the east and north.

GALBRAITH stated that the problem the staff sees with the 50 foot setback was that it would not leave room for any type of development in the future. If they are permitted to go 50 feet from the east property line and someday have to share a half road right-of-way with Dolese, then it would put the right-of-way right on the berm or the embankment.

BAYOUTH asked how could they approve a permit for a sand extraction and not allow a sand plant to be built.

GALBRAITH said that in this instance, the applicant wants it that way because they own adjacent property where the plant is proposed to be placed.

GARDNER commented that if the Commission was going to consider allowing a Conditional Use permit, he would assume that the adjacent property owner, Mr. Sanders, has some objections to the location of the plant if it was adjacent to his ownership. GARDNER said that he would be inclined to think that it may be a bit of overextension of his influence or concern if the plant was to be located elsewhere on the site.

SHOOK stated that he was concerned about the distance of the lake from the property line, and if they were going to satisfy the concern of one adjacent property owner from the west side, he wondered about the concern from the east side.

RITCHIE said that Dolese owns the land to the east, and it was another approved sand operation. If they would have to put in a road on the 50 feet they might be getting a little close, but 50 feet would be plenty of room of protect Dolese, and if Dolese was going to develop his property, he could put the road on his side.

SHOOK said that he would assume that if staff had a concern about 50 feet on the west and south side, that they would also have a concern about 50 feet on the other side. He asked if 50 feet would jeopardize the property at all.

GALBRAITH felt that 50 feet would not jeopardize the property at all unless the lake or erosion occurs, then the future street would be in jeopardy.

SAVINA asked if Dolese had been notified of this application. GALBRAITH said that he had.

TOM SANDERS, 1724 South Hillside, said that they were concerned about the excavation because the sandpit that was approved was blowing sand across their runway at the present time, and if the soil on the 100 acres was left bare any length of time, the sand would coat their runway. SANDERS said that they also objected to the "swamp". the removing of the silt and leaving the land in an uncovered state. They did not want that type of situation next to their property. He said that he has talked with Dolese and they want a 150 foot setback also. He said that if the applicant took care of the blowing sand, then they could live with it.

MOTION: Having considered the factors as contained in Policy Statement No. 10; and the character of the area and the number of approved sand extraction cases in the area; I move that we recommend to the Governing Body that this application be approved subject to the following conditions:

- A. Four copies of a revised operational plan and development sketch plan shall be submitted to the Planning Department. The revised plans shall indicate the following:
  1. The operational plan shall indicate that the sand pumping plant will be located to the southeast of the property instead of at the north side; and the maximum limits of excavation shall be changed to indicate a 150 foot setback from the west and south property lines and a 50 foot setback from the east property line.
  2. The redevelopment sketch shall be changed to indicate a north and south street and a row of lots along the west property line.
- B. 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.
- C. 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.
- D. 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.
- E. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- F. The sand plan operator shall be responsible for:
  1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.

3. Maintaining any operational roads in a graveled condition.
- G. The applicant shall dedicate by separate instrument, 20 feet of right-of-way for the south half of 37th Street North.
- H. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- I. The natural drainage flow shall be 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.
- J. 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.
- K. All slopes 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.
- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- M. The applicant shall comply with Conditions A, G and H prior to the publication of the resolution effectuating the conditional use.
- N. Any violation of conditions of approval shall declare the conditional use permit null and void.

Bayouth moved, Savina seconded.

AMENDMENT TO THE MOTION: That the 150 foot setback be allocated adjacent to the east, south and west sides of the site. Shook moved.

The motion died for lack of a second.

GALBRAITH asked if the Commission wanted to require a contingent dedication for the street along the west.

GARDNER felt that a contingent dedication was overbearing at this time on a conditional use case.

VOTE ON THE MOTION: It carried with a vote of 5 in favor (Bayouth, Savina, Gardner, Goebel and Jones), and 1 opposed (Shook). Cole, Hennessy, Lofton and Martens were absent.

-----

December 21, 1979

Tom Sanders  
1724 S. Hillside  
Wichita, Kansas

Re: Case No. CU-228 "R-1"  
South side of 37th Street  
North, in an area east of  
Hoover

Dear Mr. Sanders:

The Planning Commission at its regular meeting of December 20, 1979, considered the above-captioned conditional use request, and their action was as indicated on the attached letter.

This is to advise you that if you and others owning property within 1000 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Monday, December 31, 1979. Enclosed is a copy of a protest petition form, and if you have need for more forms, they may be obtained at this office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad  
Encl.

December 21, 1979

Dave Ritchie  
Ritchie Paving, Inc.  
Box 4048  
Wichita, Kansas 67204

Re: Case No. CU-228 "R-1"  
South side of 37th Street  
North, in an area east of  
Hoover

Dear Mr. Ritchie:

At its regular meeting on December 20, 1979, the Metropolitan Area Planning Commission considered the above-captioned conditional use request. The action of the Planning Commission was to recommend that this application be approved subject to the recommended conditions in the staff report with the exception that the operation plan is to be resubmitted showing a 150' setback from the west and south property lines.

Prior to this case being forwarded on to the County Commissioners it is necessary that you submit four copies of the revised operation and development plan setting out the change of setback lines as well as removing the sand plant operation adjacent to 37th Street. It is also necessary that you execute the separate instrument dedication for 37th Street and covenant and return these documents to our office by January 4, 1980 so that this case can be scheduled for consideration by the County Commission at its regular meeting at 9:00 a.m., on Wednesday, January 16th, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JEG:sad

Encl.

Page 2  
12-21-79  
Case No. CU-228

CC: Syd Werbin, County Zoning Officer  
E. D. Ritchie, Ritchie Paving, Inc., Box 4048, Wichita, Ks. 67204  
Tom Sanders, 1724 S. Hillside, Wichita, Kansas  
Professional Engineering Consultants, P.A. (Gary Wiley), 1440 E.  
Lincoln, Wichita, Kansas 67211

SAMPLE

RESTRICTIVE COVENANTS

RITCHIE PAVING, INC., does hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

Beginning at a point on the North line of the Southeast Quarter of Section 3, Township 27 South, Range 1 West of the 6th P.M., said point being 900 feet west of the Northeast corner of said quarter section, thence south parallel to and 900 feet west of the East line of said quarter section 1,315.82 feet, thence west parallel to the North line of said section 540 feet, plus or minus, to the Easterly right of way line of the Missouri Pacific Railroad, thence northwesterly along the Easterly right of way line of the Missouri Pacific Railroad to the North line of said quarter section, thence east along the North line of said quarter section to the point of beginning.

which said Declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs;

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

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

IN WITNESS WHEREOF, this Restriction has been executed on this 5th day of September, 1979.

RITCHIE PAVING, INC.

By H. T. Ritchie  
President

STATE OF KANSAS )  
SEDGWICK COUNTY )

The foregoing instrument was acknowledged before me this 5th day of September, 1979, by Hale Thompson Ritchie, II, President of Ritchie Paving, Inc.

Ada L. Banks  
Notary Public

My Commission Expires:  
May 25, 1983



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, \_\_\_\_\_

\_\_\_\_\_ being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The north 50' of the Northwest quarter (NW1/4) of Section 35, Township 26 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the West 60 acres thereof

do \_\_\_\_\_ hereby dedicate the above described real estate to the public for \_\_\_\_\_ street \_\_\_\_\_ purposes.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

STATE OF KANSAS )  
SEDGWICK COUNTY )<sup>ss</sup>

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, came \_\_\_\_\_

\_\_\_\_\_ to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Metropolitan Planning Commission  
City Hall  
455 North Main  
Wichita, Kansas 67202

Attn: Mr. Jack Gailbreth

Gentlemen

Please find below a list of conditions which have to be met in order that approval from Sanders Inc. might be obtained for sand operations.

1. Conditional dedication of roadway along west and south property lines, dependent on when Sanders Inc. wants roads to be installed.
2. Housing lots laid out on south and west property lines, with none interfering with the future plan for the secondary runway for Riverside Airport.
3. Removal of silt and or top soil so as not to interfere with the operation of the airport or bother adjacent homes and farming operations due to blowing sand or dirt. Excavation shall be no closer than 150 ft. from the property lines.
4. If silt is removed first (within four years) the area affected shall be graded out and replaced in an acceptable manner. The area shall not be allowed to grow up in weeds underbrush or trees.
5. No sand plant shall be built on the 100 acre site.

Sincerely



Thomas G. Sanders  
Sanders Inc.

CU-228 - 24 - Notice to Adjoining Property Owners -/advising that  
mailed 12-7-79  
applicant requested a 2 week deferral and the case  
has been rescheduled for the MAPC meeting of 12-20-79.

1 to Grover C. McLure, Jr. County Director - Dept. Pub Works

25 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

December 7, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

As a result of the Metropolitan Area Planning Commission deferring this application for two weeks, at the request of the applicant, this is to advise that the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m., on Thursday, December 20, 1979, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-229

Conditional Use Request to Permit Establishment of  
A Sand and Gravel Extraction Operation on Property  
Zoned "R-1" Suburban Residential District

The northwest quarter (NW 1/4) of Section 35, Township  
26 South, Range 1 West of the 6th P.M. in Sedgwick County,  
Kansas, except the west 60 acres thereof. Generally  
located on the south side of 37th Street North, in an area  
east of Hoover.

Robert A. Lakin  
Secretary

December 7, 1979

H. D. Ritchie  
Ritchie Paving, Inc.  
Box 4048  
Wichita, Kansas 67204

Re: CU-228 - "R-1"  
South side of 37th Street  
North, in an area east of  
Hoover

Dear Mr. Ritchie:

The Planning Commission at its regular meeting of December 6, 1979, considered the above-captioned case at your request. The action of the Planning Commission was to defer this case to their next regular meeting of December 20, 1979. This meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

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

Sincerely yours,

*JHG by ADK*  
Jack H. Galbraith  
Chief Planner

JHG:sad

CC: Tom Sanders, 1724 S. Hillside, Wichita, Kansas  
Professional Engineering Consultants, P.A. (Gary Wiley), 1440 E. Lincoln,  
Wichita, Kansas 67211

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

HAPC HEARING DATE: 12-6-79

Case No. CU-228

Request: To permit establishment  
of a sand & gravel  
extraction operation

Location: Generally located on the south side of 37th Street North,  
in an area east of Hoover.

Acres: 100.6

Size: 1660' x 2640'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R-1"
East	Undeveloped	"R-1"
South	Undeveloped	"R-1"
West	Private airport	"R-1"

Existing R/W - 37th Street North - 30 half Platted: No  
Proposed R/W - 37th Street North - 50 half History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is located in an area where two previous Conditional Use cases for sand extraction operations have been approved. In 1966, Case CU-91 was approved on 160 acres east of subject property and in 1968, Case CU-113 was approved on 160 acres southeast of subject property. To the west of subject property is a private airfield, Riverside Airport, and to the north and south is undeveloped agricultural property.

The applicant has submitted an operational sketch plan which indicates the maximum limits of the excavation, minimum depth of excavation, fencing requirements and possible plant location. A redevelopment plan has also been submitted indicating potential redevelopment with residential lots along the north and east sides of the lake which will be created

Page 2  
Case No. CU-228  
MAPC AGENDA  
12-6-79

by the sand extraction operation. An interior street system is indicated on the plan which will tie into the street systems shown on the approved redevelopment plans for the other two sand extraction areas. It should be noted that 20 feet of additional street right-of-way is needed for the south half of 37th Street North, an arterial street.

Inasmuch as sewers are not extended into this area and development is not yet projected, the sand and gravel operation appears to be an appropriate use. The staff is concerned that the plan proposes to extract sand to within 50' of the west and south property lines. Consideration should also be given to not establishing the third operation plant, but rather utilize the one proposed for the SE 1/4 section. Should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:

- A. 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.
- B. 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.
- C. 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.
- D. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- E. The sand plant operator shall be responsible for:
  1. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
  2. Construction of any structure, such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  3. Maintaining any operational roads in a graveled condition.
- F. The applicant shall dedicate by separate instrument, 20' of right-of-way for the south half of 37th Street North.

Page 3  
Case No. CU-228  
MAPC AGENDA  
12-6-79

- G. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
- E. The natural drainage flow shall be 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.
- I. 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.
- J. All slopes 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.
- K. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- L. The applicant shall comply with Conditions F and G prior to the publication of the resolution effectuating the conditional use.
- M. Any violation of conditions attached shall declare the conditional use permit null and void.

November 20, 1979

Max Greene, Flood Control & Landfill Director  
Joe Freeman, Assistant County Engineer

Jack H. Galbraith, Chief Planner

CU-228 - Conditional Use Request for a Sand & Gravel  
Extraction Operation, on the south side of 37th St.  
North, in an area east of Hoover.

Enclosed is a map that indicates the proposed Sand Extraction  
Pit by Ritchie's Paving Company. Please note that this lies  
east of the Riverside Airport. This application is scheduled  
by the Planning Commission on December 6, 1979 and I would  
appreciate any comments that you may have by November 28, 1979,  
so that they can be incorporated in our staff comments.

Jack H. Galbraith  
Chief Planner

JHG:el

Enclosure

CU-228 - 24 - "Notice to Adjoining Property Owners" mailed 11-21-79 for  
the MAPC meeting of 12-6-79

1 to Grover C. McLure, Jr. - County Director - Dept. of Pub. Works.

—  
25 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

November 21, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on Dec. 6, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-228

Conditional Use Request to Permit Establishment of  
A Sand and Gravel Extraction Operation on Property  
Zoned "R-1" Suburban Residential District

The northwest quarter (NW 1/4) of Section 35, Township  
26 South, Range 1 West of the 6th P.M. in Sedgwick County,  
Kansas, except the west 60 acres thereof. Generally  
located on the south side of 37th Street North, in an area  
east of Hoover.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

T9-216

Summary Description of County Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District  
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 6,500 square 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 one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "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". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts  
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.

5151  
35  
365  
1w

map#5151

SEC. 35, T26S, R-1W

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

N - R-1  
E - R-1  
S - R-1  
W - R-1

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.

CU-228

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 Ritchie Paving, Inc.  
✓ ADDRESS Box 4048 67204 PHONE 838-9301  
AGENT H. D. Ritchie  
ADDRESS Same PHONE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
Engineer  
✓ AGENT Professional Engineering Consultants, P.A. (Gary Wiley)  
✓ ADDRESS 1440 E. English 67211 PHONE 262-2691

C. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

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

II. THE APPLICANT PROPOSES TO ESTABLISH A Sand and Gravel  
Extraction Operation (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).

ok for legal

The northwest quarter (NW 1/4) of Section 35, Township 26, South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas, except the west 60 acres thereof.

III. THIS PROPERTY IS LOCATED AT (ADDRESS) \_\_\_\_\_

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE \_\_\_\_\_ CORNER OF \_\_\_\_\_ AND \_\_\_\_\_, OR

B. ON THE south SIDE OF 37th (AVENUE) STREET ~~BETWEEN~~ North (AVENUE) STREET ~~AND~~ in an area East of Hoover (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 (ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:  
To expand our sand and gravel operations in this general area.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION 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.

RITCHIE PAVING, INC.

By [Signature]  
AUTHORIZED AGENT (IF ANY)

By \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

By \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

By \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

By \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

By \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at 3:00 PM (AM, PM) on Nov 14 1979 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 70.00.

[Signature] Name  
[Signature] Title

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstracter 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:

The Northwest Quarter (NW¼), except the West 60 acres of Section 35, Township 26 South, Range 1 West of 6th P.M., Sedgwick County, Kansas



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
The Northwest Quarter (NW¼), except the West 60 acres of Section 35, Township 26 South, Range 1 West of 6th P.M., Sedgwick County, Kansas	✓✓	Ritchie Paving Inc. 1900 N. Amidon Wichita, Kansas 67203
The South eleven (11) Acres of the West Twenty (20) Acres of the East One Hundred Twenty (120) Acres of the Northwest Quarter (NW¼) of Section 35, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; and also a tract described as beginning at the Northwest corner of the West Twenty (20) Acres of the East One Hundred Twenty (120) Acres of the Northwest Quarter (NW¼) of Section 35, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence East along the North line of said Northwest Quarter, 155 feet; thence South parallel with the East line of said Northwest	✓✓	Sanders Inc. 3816 E. Skinner Wichita, Kansas 67218
(SEE PAGE 2)		



LOTS AND BLOCKS

ADDITION

OWNERS

(Legal continued from Page 1)  
Quarter (NW $\frac{1}{4}$ ), 265 feet; thence West parallel with the North line of said Northwest Quarter (NW $\frac{1}{4}$ ), 155 feet; thence North parallel with the East line of said Northwest Quarter (NW $\frac{1}{4}$ ), 254 feet to the point of beginning;

The North 9 Acres of the West 20 Acres of East 120 Acres, except the West 155 feet of the North 265 feet of Section 35, Township 26, Range 1 West,

✓  
Mid American Aircraft Inc.  
Agent: Douglas Shay  
200 West Douglas  
Wichita, Kansas 67202

The West 40 Acres of Northwest Quarter of Section 35, Township 26, Range 1 West

✓  
Sanders, Inc.  
3816 East Skinner  
Wichita, Kansas 67218

The Southwest Quarter of Southwest Quarter of Section 26, Township 26, Range 1 West,

✓  
Elgin M. & Odessa M. Gupton  
2815 George Washington Boulevard  
Wichita, Kansas 67210

The Southeast Quarter of the Southeast Quarter of Section 26, Township 26, Range 1 West,

✓  
James M. & Lillian M. Miller  
3814 N. West Street  
Wichita, Kansas 67204



The Southeast Quarter lying South and West of K-96 highway, except the West 660 feet of Section 26, Township 26, Range 1 West,

✓  
Asphalt Paving Inc.  
1900 N. Amidon  
Wichita, Kansas 67203

The West 660 feet of Southeast Quarter of Section 26, Township 26, Range 1 West, lying South and West of highway K-96,

*Returned 12/12/79 - no other address found*

✓  
Redding H. & Orill Parkinson and Melvin D. Parkinson  
135 S. St. Clair  
Wichita, Kansas 67213

The South Half of the Southeast Quarter, except the North 295 feet of the East 295 feet of Section 27, Township 26, Range 1 West,

✓  
Associated Material and Supply Co., Inc.  
4401 West 53rd Street North  
Wichita, Kansas 67205

The Northeast Quarter of Section 35, Township 26, Range 1 West,

✓  
Dolese Brothers Co.  
826 East Central Ave.  
Wichita, Kansas 67202

The North 105 feet of the South 555 feet of the East 414.85 feet of the South Half of the Northeast Quarter of Section 34, Township 26, Range 1 West,

✓  
Charles E. & Clara D. Bowman  
3441 North Hoover  
Wichita, Kansas 67205


Beginning 224.4 feet South of the Northeast corner of the South Half of the Northeast Quarter, thence West 1220 feet, thence South 303.6 feet, thence East 75 feet, thence North 3.39 feet, thence East 285.31 feet, thence North 120 feet, thence East 414.84 feet, thence South 120 feet, thence East 30 feet, thence North 120 feet, thence East 414.85 feet, thence North 181.04 to point of beginning in Section 34, Township 26, Range 1 West,

✓  
Ernest L. & Thelma M. Moon  
5800 W. 34th Street North  
Wichita, Kansas 67205

Fidelity Title



COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
The North Half of the North Half of the Northeast Quarter of Section 34, Township 26, Range 1 West,	✓✓	James D. and Mary Jo McCormick 3751 North Hoover Street Wichita, Kansas 67205
Beginning 808.71 feet North of Southeast corner of Northeast Quarter, thence North 105 feet, thence West 207.425 feet, thence South 105 feet, thence East 207.425 feet to beginning in Section 34, Township 26, Range 1 West	✓✓	Marlow R. and Velda M. Biby 5606 W. 34th Street North Wichita, Kansas 67205
Beginning 345 feet North of the Southeast corner of the South Half of the Northeast Quarter of Section 34, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, thence West parallel to the Half Section line 214.85 feet, thence North 105 feet, thence East parallel to the Half Section line 214.85 feet, thence South 105 feet, to the place of beginning,	✓✓	Billy Ray and Glenda M. Fanning 901 Arapaho Street Wichita, Kansas 67212
The North 208.71 feet of the South 763.71 feet of the East 414.85 feet of the South Half of Northeast Quarter of Section 34, Township 26, Range 1 West	✓✓	Garnet and Louise Bolen 3461 N. Hoover Street Wichita, Kansas 67205
 The South Half of North Half of Northeast Quarter of Northeast Quarter and South Half of Northeast Quarter of Northeast Quarter, except beginning at Southeast corner of Northeast Quarter of Northeast Quarter, thence North 300 feet, thence West 871 feet, thence South 300 feet, thence East 871 feet to beginning in Section 34, Township 26, Range 1 West,	✓✓	Mills and Clemson Trucking 3701 North Hoover Wichita, Kansas 67205
The East 214.85 feet of the North 105 feet of the South 135 feet of South Half of Northeast Quarter in Section 34, Township 26, Range 1 West,	✓	John L. and Lois C. Schippers Address <u>Unknown</u>
The East 214.85 feet of North 210 feet of South 240 feet of South Half of Northeast Quarter in Section 34, Township 26, Range 1 West,	✓✓	Dennis Ray & Sandra R. Jones 3403 North Hoover Street Wichita, Kansas 67205
The South 105 feet of the North 315 feet of the South 555 feet of the East 414.85 feet of South Half of Northeast Quarter in Section 34, Township 26, Range 1 West, except the West 200 feet thereof,	✓✓	Charlie C. and May Ellen Peckens 3421 North Hoover Street Wichita, Kansas 67205
Beginning at Southeast corner of Northeast Quarter of Northeast Quarter, thence North 300 feet, thence West 871 feet, thence South 300 feet, thence East 871 feet to beginning in Section 34, Township 26, Range 1 West,	✓✓	Walter E. and Jarlene Clemson 3840 South Seneca Street Lot Ell Wichita, Kansas 67217

LOTS AND BLOCKS

ADDITION

OWNERS

The North 224.4 feet of East Half of South Half of Northeast Quarter, except the West 382.8 feet in Section 34, Township 26, Range 1 West,

✓✓

Margaret Baker  
3539 North 55th Street  
West  
Wichita, Kansas 67204

Beginning 1050 feet North of Southeast corner of North Half of Southeast Quarter, thence North to Northeast corner of Southeast Quarter, thence West 1145 feet, thence South to a point West of beginning, thence East 1145 feet to beginning, except the South 135 feet of the East 214.85 feet and except the West 200 feet of Southeast Quarter in Section 34, Township 26, Range 1 West,

✓✓

Kenneth R. Mills ETUX  
3402 Sunny Lane  
Wichita, Kansas 67205

The South 135 feet of North 275.14 feet of East 214.85 feet of Southeast Quarter in Section 34, Township 26, Range 1 West,

✓✓

Kenneth E. Mills ETUX  
3343 North Hoover  
Wichita, Kansas 67205

The Southwest Quarter in Section 35, Township 26, Range 1 West,

D

Sanders Inc.  
3816 East Skinner  
Wichita, Kansas 67218



The Southeast Quarter in Section 35, Township 26, Range 1 West,

D

Ritchie Construction Co.,  
Inc.  
1900 N. Amidon  
Wichita, Kansas 67203

Dated at Wichita, Kansas this 12th day of October, 1979 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

*C. E. Bud...*  
Vice President

Tracer No.49356



FORM 2-721

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION AMOUNT

*Comdr. Consideration of the...*

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*11/14/79* *Carl Hardy*

CU-228

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



RETURN TO CARRIER FOR VERIFICATION

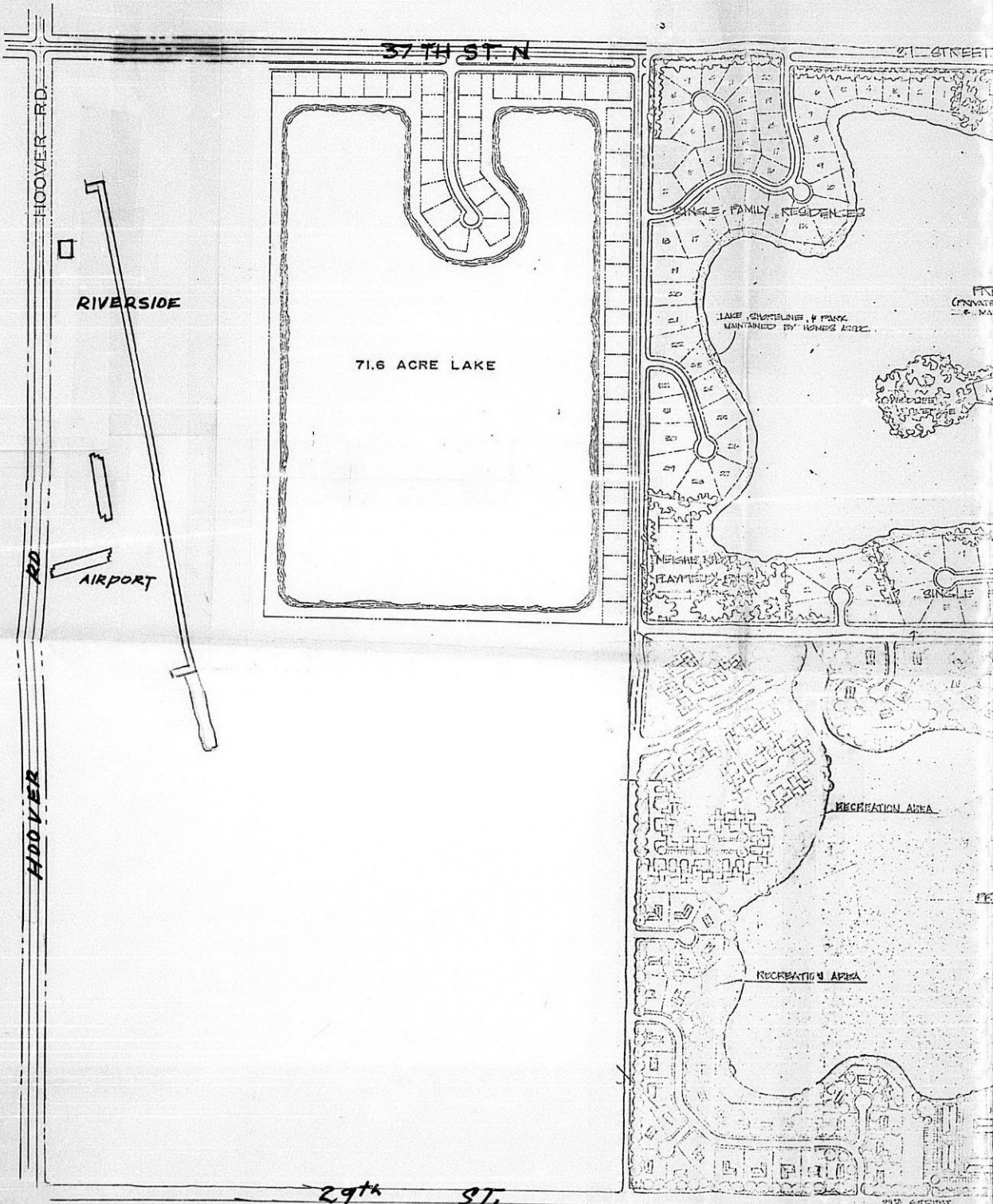
REDDING H & ORILL PARKINSON &  
MELVIN D PARKINSON  
135 S. ST. CLAIR  
WICHITA KS 67213



*Not at this address  
Return to sender*

*No other address listed*

Important! Notice of Meeting Enclosed



HOOVER RD

37TH ST N

21 STREET

RIVERSIDE

71.6 ACRE LAKE

SINGLE FAMILY RESIDENCES

LAKE CHARLENE & PARK MAINTAINED BY HOMEZ ASSOC.

RD

AIRPORT

NEIGHBORHOOD PLAY AREA

SINGLE

HOOVER

RECREATION AREA

RECREATION AREA

29th ST

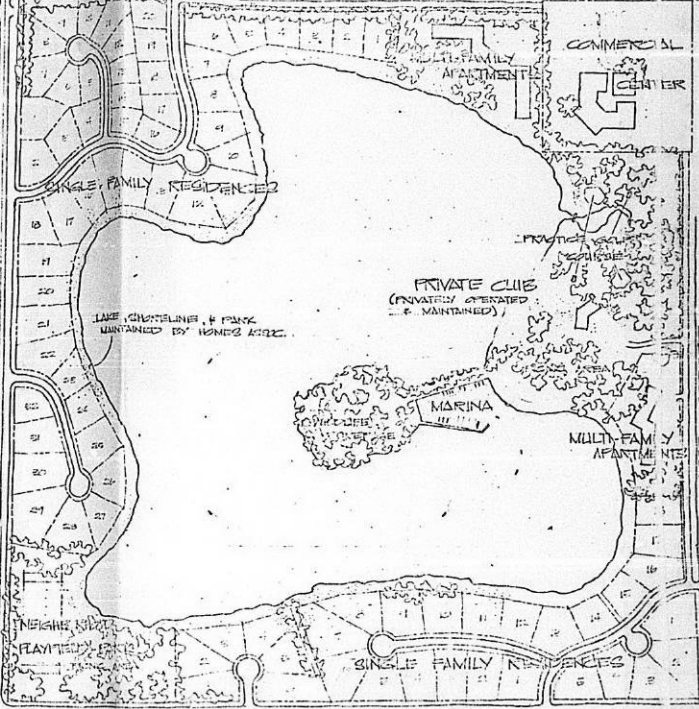
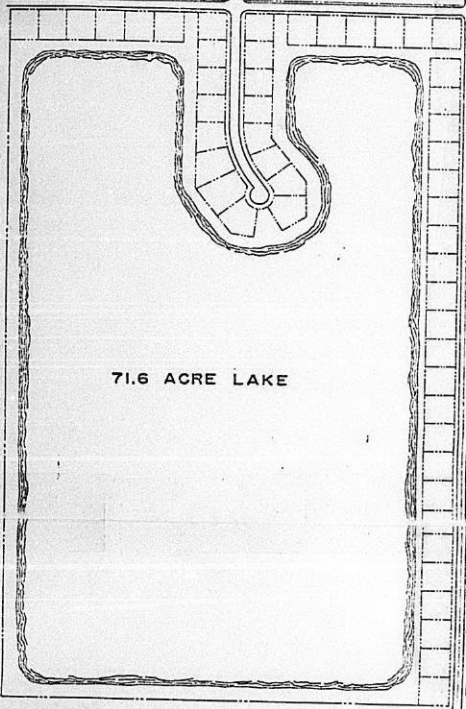
Plan

APARTMENTS

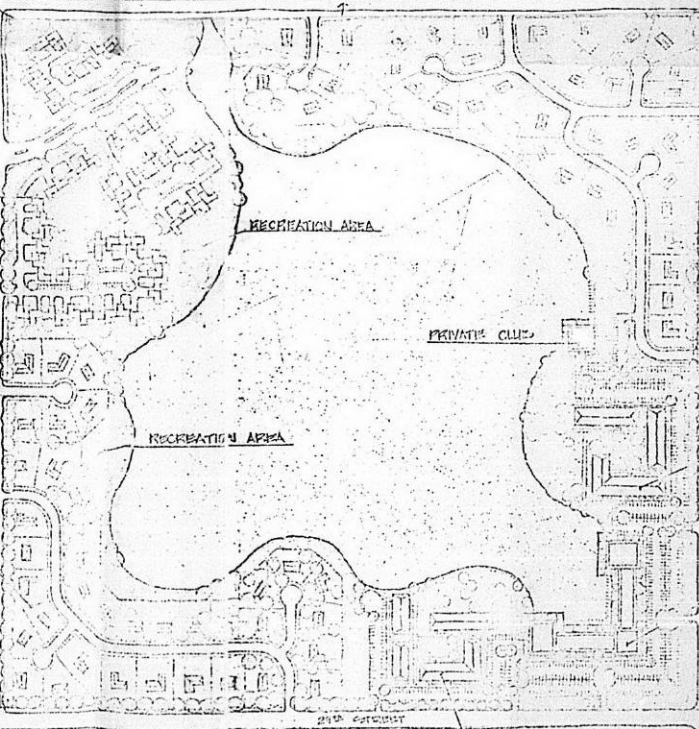
37TH ST N

21 STREET

174 600, 600, 600, 600, 600, 600



- TH
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- NE
- SK
- 22
- 24

FR

WEST

APR

71

COM

K

80

29th ST.

Plan

APARTMENTS

Map No. 5151  
 Sec. 35  
 Twp. 26S  
 Range 1W

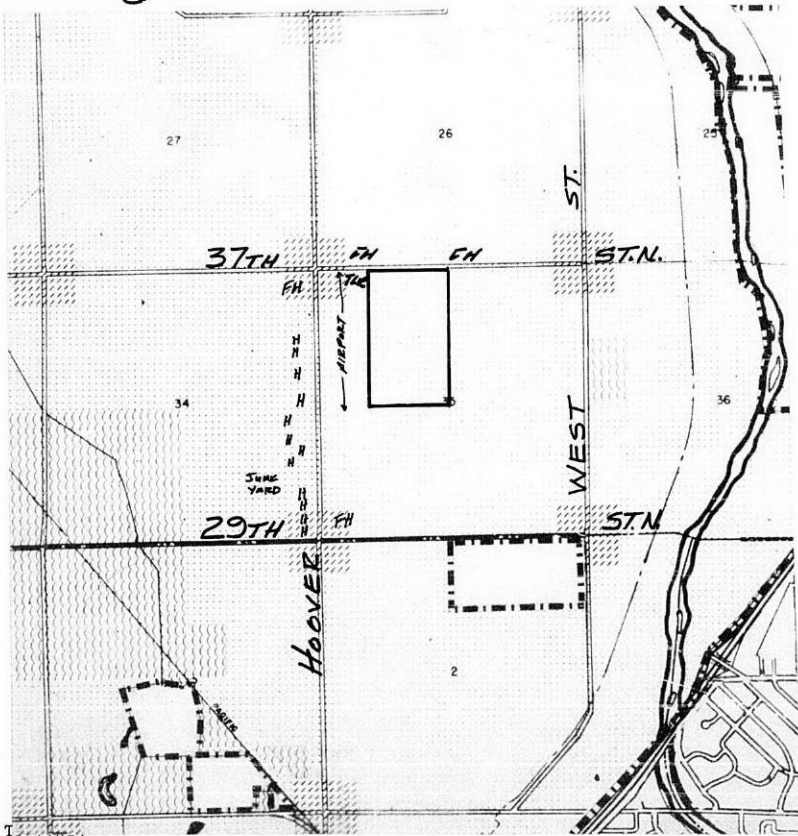
DATA SHEET  
 (ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- 228  
 Filed 11-14-79

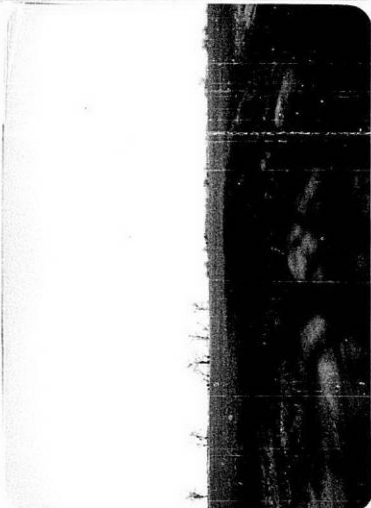
- APPLICATION DATA: From "R-1" to \_\_\_\_\_
- Applicant: Ritchie Paving, Inc.  
 Address: Box 4048, Wichita 67204 Phone: 338-9301
  - Agent: H. D. Ritchie - same address as above (ENGINEER, P.E., Gary Wiley)  
 Address: 440 E. English, 67211 Phone: 262-2691
  - General Location: South side of 37th St. North, in an area east of Hoover. Address \_\_\_\_\_
  - Proposed Use: Sand & Gravel Extraction Operation

- AREA DATA:
- Acres: 100.6 ( 1660 ft. by 2640 ft.)
  - Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
  - Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED
  - Sketch Plan Land Use is for: \_\_\_\_\_
  - Present Land Use is for: UNDEVELOPED
  - Area (is) (is not) platted: \_\_\_\_\_

PHOTO DATA: Taken by (P) Date 11-27-79 Time 2PM







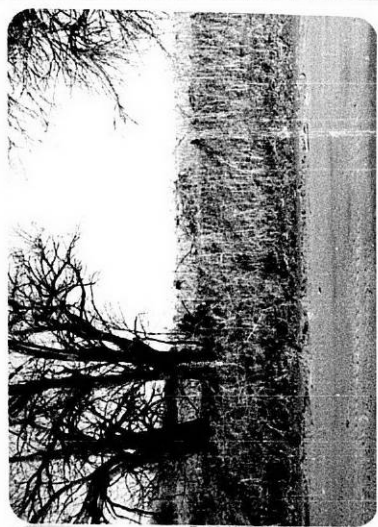
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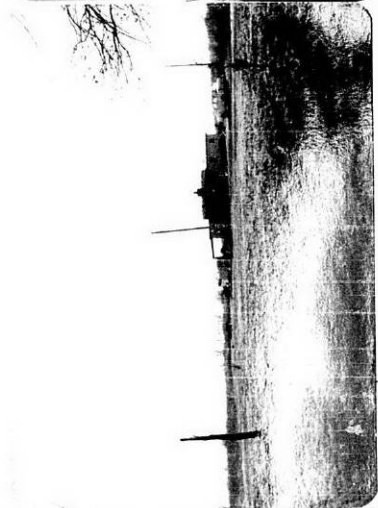
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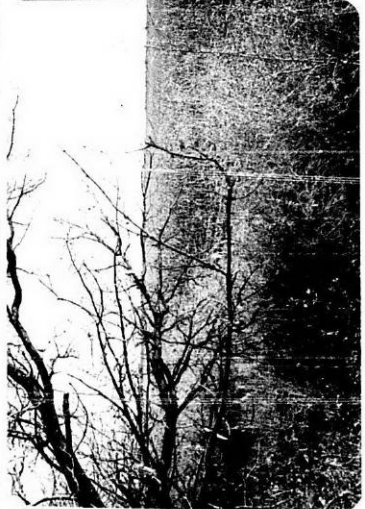
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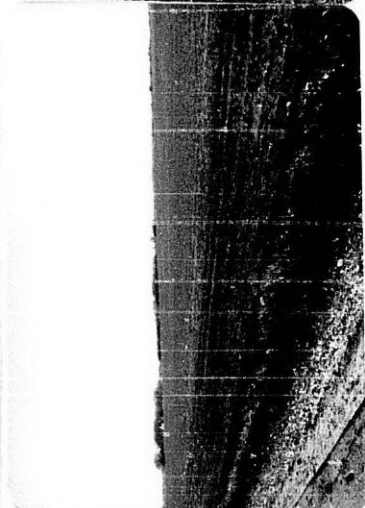
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3



2



1

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This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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