

CU-260 - Donnie E. Cook, ETUX  
request Conditional Use Permit to  
establish an Operation for the  
xtraction of Raw Materials on  
property zoned "R" Rural Resi-  
dential. Generally located on the  
south side of 63rd St. South

closed

ACTION

DATE

POSTED  
4-1-83

~~8:00 pm Hayville PC Approved sub to cond. 4-14-83 -~~

~~7:00 pm Derby PC Approved sub to cond 4-21-83~~

M.A.P.C. ~~Approved sub to conditions 5-5-83~~

~~B.C.C./B. CO. C. Approved as recorded 6-1-83~~

closed

CU-260 - Donnie E. Cook, ETUX  
request Conditional Use Permit to  
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Map No. 5739D  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 260  
Filed 3-28-83

ASSOCIATED CASE: \_\_\_\_\_

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
1. Applicant: Donnie E. & Norma Jean Cook  
Address 6303 So. Clifton Derby, Ks. 67037 Phone 788-1604
  2. Agent: \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
  3. General Location: South side of 63rd St. South, between Clifton & the Arkansas River (1 mile west of Oliver) ADDRESS: 6303 So. Clifton, Derby
  4. Proposed Use: To establish an Operation for the Extraction of Raw Materials  
(On property zoned "R" Rural Residential)

- AREA DATA:
1. Acres: 48.7 36.52 ( 1320 ft. by 1320 ft.)
  2. Adjoining Zoning: E "e" S "r" W "r" N "R-1"
  3. Land Use: East Single farm + undeveloped South BIG ARKANSAS R.  
West UNDEVELOPED North Single farm + undeveloped
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: Mobile home, single farm, + sand extraction
  6. Area (is) (is not) platted.

- PROCEDURE DATA:
1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_
  2. MAPC Meeting: \_\_\_\_\_

	Date	Action
Haysvl	PC 4-14-83	<u>Approved sub to conditions</u>
Derby	PC 4-21-83	<u>Approved sub to conditions</u>
MAPC	5-5-83	<u>Approved sub to conditions</u>

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)  
Date 6-1-83 Action Approved & Resolved Resolution # 134-1983- 6/1/83

NOTES:

SHIRLEY M. HARTNER, INC.  
No. 2153C  
SHIRLEY M. HARTNER, INC.  
445 N. 10th St., Suite 100, Omaha, NE 68102  
McNEERSON, TXALOCUST GROVE, GA  
U.S.A.

Map No. 5739D  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

DATA SHEET  
 (ZONING & CONDITIONAL USE)

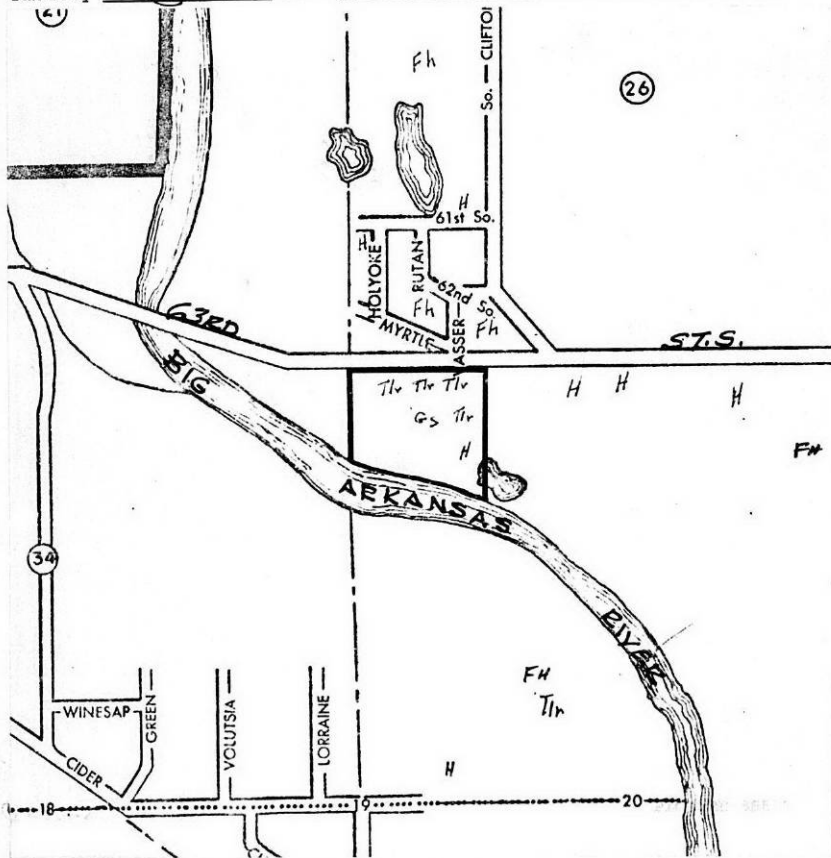
Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
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 Filed 3-28-83

ASSOCIATED CASE: \_\_\_\_\_

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
- Applicant: Donnie E. & Norma Jean Cook  
 Address 6303 So. Clifton Derby, Ks. 67037 Phone 88-1604
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 Address \_\_\_\_\_ Phone \_\_\_\_\_
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 (On property zoned "R" Rural Residential)

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 West UNDEVELOPED North single farm, + undeveloped
  - Sketch Plan Land Use is for: \_\_\_\_\_
  - Present Land Use is for: Mobile home, single farm + sand extraction
  - Area (is) (is not) platted.

PHOTO DATA:  
 Taken by (4) Date 4-11-83 Time 11:30





**SEDGWICK COUNTY, KANSAS**

DEPARTMENT OF PLANNING  
AND CODE ENFORCEMENT

**Ron R. Worley**  
DEPARTMENT DIRECTOR

1848 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

**NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION**

June 27, 1986

Donnie E. & Norma J. Cook  
6303 South Clifton  
Derby, KS 67037

Re: Conditional Use #260.

Dear Mr. & Mrs. Cook:

Please feel free to contact my office at 268-7951 if you need assistance or further information about this letter.

Per Zoning Resolution #247-1984, this is notice that CU-260, approved on June 1, 1983, for a period of three years has expired. You are therefore in violation of County Zoning Resolutions with continued sand extraction from the property identified with CU-260.

Please consider this letter as notice to immediately cease and desist from any and all activities in violation of the "R", Rural Residential, zoning on said property to include but not limited to any and all sand removal.

Per Item H of CU-260 you should proceed to remove all foreign matter, such as rubbish, construction debris, and equipment from this property. Such removal is to be completed as soon as possible but not later than December 1, 1986.

Please notify this office when this removal has been completed so we may field verify and close our file.

If you have further questions, you may contact me at my office between 8:00 a.m. and 5:00 p.m., Monday through Friday.

*Ron R. Worley*  
Ron R. Worley  
Zoning Administrator

RRW:

ZRV-045-86

**RECEIVED**

JUL 01 1986  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

*See CU-298  
filed 7-18-86*

R134-1983

(revised) Published in The Daily Reporter on June 7, 1983

RESOLUTION # R134-1983

CASE NO. CU-260

A RESOLUTION TO ESTABLISH AN OPERATION FOR THE EXTRACTION OF RAW MATERIALS IN THE "R" RURAL 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 3.A.8.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 the Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 3.A.8.f, and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow to establish an operation for the extraction of raw materials in the "R" Rural Residential District is hereby approved on the land legally described as follows:

Government Lot 2 in the Northwest Quarter of the Northwest Quarter of Section 35, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located on the south side of 63rd Street South, between Clifton and the Arkansas River (One Mile west of Oliver).

SUBJECT TO THE FOLLOWING:

- A. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission on March 30, 1978 (CU-203), and shall excavate the lake and form the banks as indicated on the approved plan.
- B. The applicant shall be responsible for maintaining the existing four strands of barbed wire fence along the east and west property lines; and the existing five strand barbed wire fence and gate along the north property line and the gate shall be kept locked except when in use.
- 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 four horizontal to one vertical.
- E. The sand plant operator shall be responsible for maintain-

ing all operational roads in a graveled condition.


- F. The restrictive covenant submitted with CU-203 and which provides that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation area is still valid.
- G. 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 County Director of Public Works and shall be according to the specifications of that authority.
- H. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris, and equipment shall be removed from the property within six months.
- 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. Any violation of conditions attached shall declare the conditional use permit null and void.
- M. This conditional use permit shall expire at the end of three years from the date of approval by the Board of County Commissioners.

SECTION II. That upon the taking effect of this Resoluiton, 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 1st day of June, 19 83.

  
Jack Spratt, Chairman

  
Donald E. Gragg, Commissioner

  
Tom Scott, Commissioner

ATTEST:



*Dorothy White*  
Dorothy White, County Clerk

Approved as to form by County Counselor

*William D. Rustin*  
William D. Rustin, County Counselor

( \_\_\_\_\_ ) Published in The Daily Reporter on \_\_\_\_\_, 1983

RESOLUTION

CASE NO. CU-260

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

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- D. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. The sand plant operator shall be responsible for maintain-

ing all operational roads in a graveled condition.

- F. The restrictive covenant submitted with CU-203 and which provides that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation area is still valid.
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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  
Jack Spratt

\_\_\_\_\_, Commissioner  
Donald E. Gragg

\_\_\_\_\_, Commissioner  
Tom Scott

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor



EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 5, 1983

5. Case No. CU-260 - R. L. Kunkle requests conditional Use Permit for Government Lot 2 in the Northwest Quarter of the Northwest Quarter of Section 35, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located on the south side of 63rd Street South, between Clifton and the Arkansas River (One Mile west of Oliver).

GALBRAITH pointed out 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:

In the early part of 1978, an application for a Conditional Use Permit for a raw material (sand) extraction operation (CU-203) on subject property for this same applicant was considered and recommended for approval by the Derby City Planning Commission, Haysville City Planning Commission and the Metropolitan Area Planning Commission subject to certain conditions. This recommendation was concurred in by the Board of County Commissioners on April 19, 1978.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:

- A. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission on March 30, 1978 (CU-203), and shall excavate the lake and form the banks as indicated on the approved plan.
- B. The applicant shall be responsible for maintaining the existing four strands of barbed wire fence along the east and west property lines; and the existing five strand barbed wire fence and gate along the north property line and the gate shall be kept locked except when in use.
- 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 four horizontal to one vertical.
- E. The sand plant operator shall be responsible for maintaining all operational roads in a graveled condition.
- F. The restrictive covenant submitted with CU-203 and which provides that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation area is still valid.
- G. 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 County Director of Public Works and shall be according to the specifications of that authority.
- H. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris, and equipment

shall be removed from the property within six months.

- 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. Any violation of conditions attached shall declare the conditional use permit null and void.
- M. This conditional use permit shall expire at the end of three years from the date of approval by the Board of County Commissioners.

GALBRAITH stated that a conditional use for this same area south of 63rd Street South, west of K-15 and adjacent to the river was considered in 1978. At that time the applicant was desirous of constructing a lake so that he could create a number of building sites around the lake. One of the conditions of approval was that the applicant was given five years to complete the operation. GALBRAITH said that the applicant has stated that the lake is almost finished, but there is still some work to be done. The time has expired and the applicant recently inquired about how he could get an extension. Staff informed him that he would have to file a new application. The applicant said that three years would be ample time in which to complete the project. GALBRAITH said that staff recommended approval of the request subject to the same conditions of approval as before. He pointed out that condition "M" of the staff report extends the time for three years. He said that the Haysville and Derby Planning Commissions have both recently considered this case and both recommended approval of the request.

DONNIE COOK, applicant, said that he was in the process of finishing the lake, and it probably could be done in 6 to 8 months if the economy was right.

BAYOUTH commented that this was the best looking sandpit that he has seen in years. He complimented Mr. Cook on how well he has kept the grounds.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the generally undeveloped character of the area; the sand excavation operation to the west; the surrounding residential zoning; the recommendation of approval by the Derby and Haysville Planning Commission, and the recommendation of approval by staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- A. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission on March 30, 1978 (CU-203), and shall excavate the lake and form the banks as indicated on the approved plan.
- B. The applicant shall be responsible for maintaining the

existing four strands of barbed wire fence along the east and west property lines; and the existing five strand barbed wire fence and gate along the north property line and the gate shall be kept locked except when in use.

- 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 four horizontal to one vertical.
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- L. Any violation of conditions attached shall declare the conditional use permit null and void.
- M. This conditional use permit shall expire at the end of three years from the date of approval by the Board of County Commissioners.

Hansen moved, Parsons seconded and it carried unanimously. Chisholm was absent. One vacancy.

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( ) Published in The Daily Reporter on \_\_\_\_\_, 1983

RESOLUTION

CASE NO. CU-260

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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  
Jack Spratt

\_\_\_\_\_, Commissioner  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald E. Gragg

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

May 12, 1983

Donnie E. & Norma J. Cook  
6303 South Clifton  
Derby, Ks. 67037

Re: CU-260 - to establish an operation  
for the extraction of raw material -  
south side of 63rd Street South,  
between Clifton & the Arkansas River

Dear Mr. & Mrs. Cook:

This is to inform you that my letter to you dated May 6, 1983, inadvertently stated that the above referenced case would be forwarded to the Board of City Commissioners on June 1, 1983. It should have read "this matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, June 1, 1983, in Room 320, Sedgwick County Court-house.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:ADC:sad

cc: Ron Worley, County Zoning Officer

May 6, 1983

Donnie E. & Norma J. Cook  
6303 South Clifton  
Derby, Ks. 67037

Re: CU-260 - to establish an  
operation for the extraction  
of raw material - south side  
of 63rd Street South, between  
Clifton & the Arkansas River

Dear Mr. & Mrs. Cook:

At its regular meeting on May 5, 1983, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that this application be approved subject to conditions "A" through "M" as listed on the enclosed staff report.

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on June 1, 1983, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

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

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sd

Encl.  
cc: Ron Worley, County Zoning Officer

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

HCPC HEARING DATE: 4-14-83  
DCPC HEARING DATE: 4-21-83  
MAPC HEARING DATE: 5-05-83

CASE NO: CU-260

REQUEST: Conditional Use to permit  
raw material extraction

LOCATION: South side of 63rd Street South between Clifton and the Arkansas  
River.

REASON: Raw material extraction.

ACRES: 33.3

SIZE: 1100' x 1320'

	<u>LAND USE</u>	<u>ZONING:</u>
Existing	Mobile Homes, single- family & sand extraction	"R"
North	Single-family & undeveloped	"R-1"
East	Single-family & undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

PLATTED: No

HISTORY: CU-203 Raw Material Extraction

DCPC	3-09-78	Approve
HCPC	3-23-78	Approve
MAPC	3-30-78	Approve
BCoC	4-19-78	Approve

COMMENTS:

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

In the early part of 1978, an application for a Conditional Use Permit for a raw material (sand) extraction operation (CU-203) on subject property for this same applicant was considered and recommended for approval by the Derby City Planning Commission, Haysville City Planning Commission and the Metropolitan Area Planning Commission subject to certain conditions. This recommendation was concurred in by the Board of County Commissioners on April 19, 1978.

One of the conditions of approval of the foregoing case was that this "conditional use permit shall expire at the end of five years from the date of approval by the Board of County Commissioners". The applicant states that it is necessary to continue excavation to reach a minimum depth of six feet below the water table as required as a condition of approval of the previous case. He further states that due to the intermittent use of the sand extracted, it will take approximately three years to extract and remove the remaining sand.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
  - A. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission on March 30, 1978 (CU-203), and shall excavate the lake and form the banks as indicated on the approved plan.
  - B. The applicant shall be responsible for maintaining the existing four strands of barbed wire fence along the east and west property lines; and the existing five strand barbed wire fence and gate along the north property line and the gate shall be kept locked except when in use.

- 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 four horizontal to one vertical.
- E. The sand plant operator shall be responsible for maintaining all operational roads in a graveled condition.
- F. The restrictive covenant submitted with CU-203 and which provides that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation area is still valid.
- G. 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 County Director of Public Works and shall be according to the specifications of that authority.
- H. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris, and equipment shall be removed from the property within six months.
- 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. Any violation of conditions attached shall declare the conditional use permit null and void.
- M. This conditional use permit shall expire at the end of three years from the date of approval by the Board of County Commissioners.

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION  
TO DERBY CITY PLANNING COMMISSION.

CASE NO. CU-260 To be heard by the M.A.P.C. on May 5, 1983

Request for Conditional Use.

Reason for Request (As Provided By Petitioner):

Raw material extraction.

Location of Property: South side of 63rd Street South, between Clifton  
and the Arkansas River.

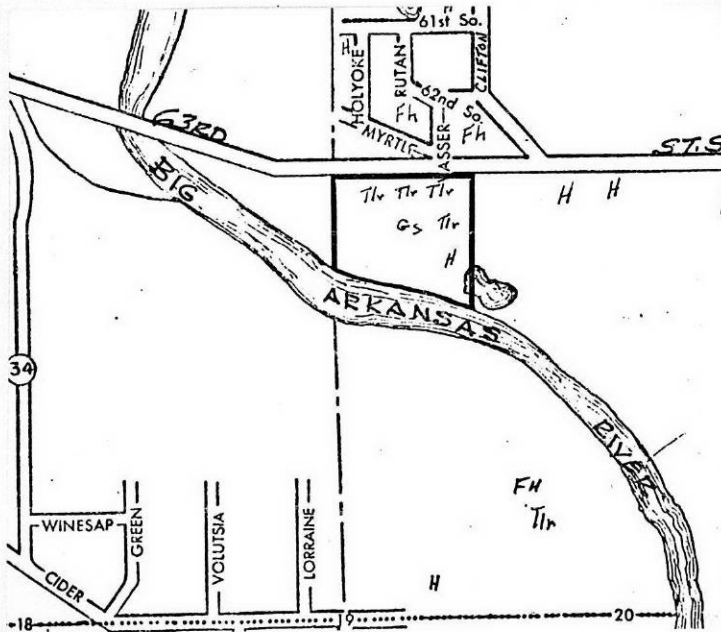
Legal Description of Property:

Government Lot 2 in the Northwest Quarter of the  
Northwest Quarter of Section 35, Township 28 South,  
Range 1 East, Sedgwick County, Kansas.

APPLICANT: Donnie E. Cook & Norma Jean Cook  
Address: 6303 S. Clifton, Derby, Ks. 67037

AGENT for Applicant: None

Surrounding Land Use: North and East, Single-family and undeveloped;  
South and West, Undeveloped and River.



-----  
Recommendation Or Comments by D.C.P.C.

REFERRAL FROM WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION  
TO HAYSVILLE CITY PLANNING COMMISSION.

CASE NO. CU-260 To be heard by the M.A.P.C. on May 5, 1983

Request For Conditional Use.

Reason For Request (As Provided By Petitioner):

Raw material extraction.

Location of Property: South side of 63rd Street South, between Clifton  
and the Arkansas River.

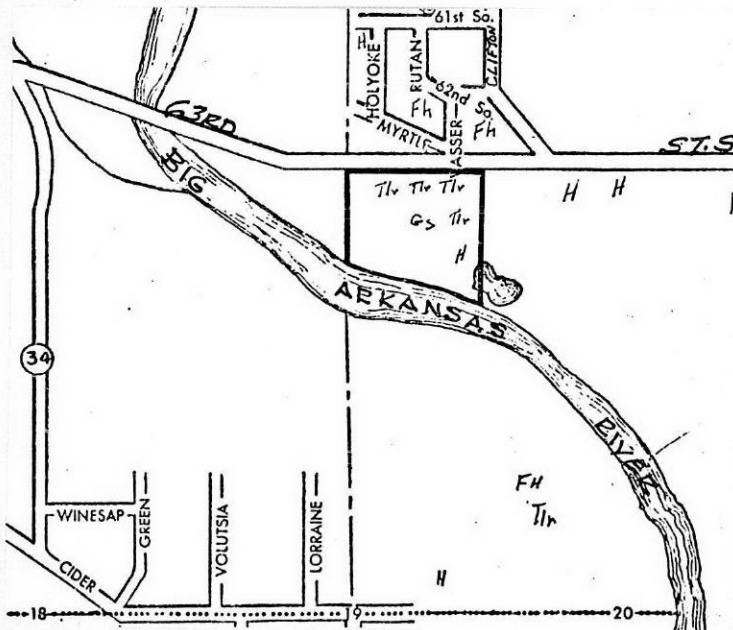
Legal Description of Property:

Government Lot 2 in the Northwest Quarter of the Northwest  
Quarter of Section 35, Township 28 South, Range 1 East,  
Sedgwick County, Kansas.

APPLICANT: Donnie E. Cook & Norma Jean Cook  
Address: 6303 S. Clifton, Derby, Ks. 67037

AGENT for Applicant: None

Surrounding Land Use: North and East, Single-family and undeveloped;  
South and West, Undeveloped and River.



RECOMMENDATION OR COMMENTS BY H.C.P.C.

CU-260 - 13 "Notice to Adjoining Property Owners" mailed 4-6-83 for the HAYSVILLE P.C. meeting for 4-14-83, the DERBY P.C. meeting for 4-21-83, and the MAPC meeting for 5-5-83.

THE FOLLOWING RECEIVED A NOTICE, STAFF REPORT & REFERRAL SHEET:

- 1 to Applicant -(both Haysville & Derby Referrals)
- 13 to Haysville P.C. (including Pauline Ozbun, Secretary)
- 14 to Derby P.C. (including Jeff Prince, Secretary and C. Bickley Foster)
- 1 to Ron Worley, County Zoning Administrator (Haysville & Derby)
- 1 to Claud Shelor, Director, County Dept. of Public Works (Haysville & Derby)
- 
- 43 TOTAL

WICHITA-SEDCWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

April 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 14, 1983 at 8:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, Haysville City Hall, Haysville, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and the Board of County Commissioners.

CASE NO. CU-260

Conditional Use Permit to Establish an Operation  
for the Extraction of Raw Materials  
on Property Zoned "R" Rural Residential

Government Lot 2 in the Northwest Quarter of the Northwest Quarter of Section 35, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located on the south side of 63rd Street South, between Clifton and the Arkansas River (One Mile west of Oliver).

This matter will also appear on the agenda for the regular meeting of the DERBY CITY PLANNING COMMISSION at 7:00 p.m., Thursday, April 21, 1983, City Hall, Derby, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings before either the Haysville City Planning Commission or the Derby City Planning Commission, then as provided in the County Zoning Resolution, Section 14-Administration sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m. Thursday, May 5, 1983, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the Conditional Use, will be considered as by law provided.

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

5739D

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

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

CU-260

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. 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 DONNIE E. COOK

ADDRESS 6303 So. Clifton - Derby PHONE 788-1604

AGENT 67037

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

B. APPLICANT NORMA JEAN COOK

ADDRESS 6303 So. Clifton - Derby, KS. PHONE 788-1604

AGENT 67037

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a ~~zone~~ operation for the  
EXTRACTION OF RAW MATERIALS (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).

GOVERNMENT LOT 2 in the Northwest Quarter of the  
Northwest Quarter of Section 35, Township 28  
South, Range 1 East, Sedgwick County, Kansas.

2. b. There are 48.7 acres (round to nearest tenth) in the above  
described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 6303 So. Clifton.  
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

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

B. ON THE South SIDE OF 6300 St. So. (AVE.) STREET BETWEEN Clifton (AVE.) STREET AND ARKANSAS RIVER (1 MILE W. OF OLIVER) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R (ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:  
OWNER HAS BEEN IN THE PROCESS OF CREATING A 5 A. LAKE FOR HIS BENEFIT, ON CU 203, OWNER SEEKS ~~AN~~ ADDITIONAL TIME OR CONDITIONAL USE FOR COMPLETION OF SUCH LAKE.

6. 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 AT 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.

Norma E. Cook

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

Norma Jean Cook

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

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

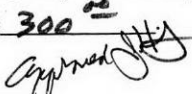
BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

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

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

7. OFFICE USE ONLY

This application was received at the Planning Department at 11:00  
(AM PM) on March 28, 1983 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 300<sup>00</sup>

Approved 

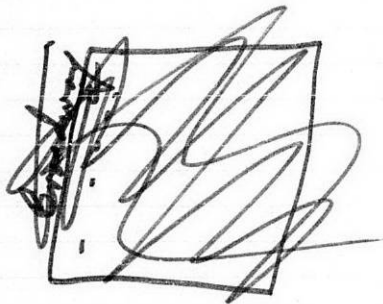
J. Lynn Shirley Name  
Jr. Planner Title

Derby - April 7<sup>th</sup> and 21<sup>st</sup>

Haysville - April 14<sup>th</sup> + 28<sup>th</sup>

MAPC - April 21<sup>st</sup> and May 5<sup>th</sup>

Advertise in The Daily Reporter in Derby  
Call 788-2835. They will pick up next day and  
Publish the day after the pick up.



OWNERSHIP LIST

Tract Description

Property Owner

Government Lot 2 in the NW $\frac{1}{4}$  NW $\frac{1}{4}$   
of Section 35, Township 28 South,  
Range 1 East of the 6th P.M.

D

Donnie E. Cook and  
Norma J. Cook  
6303 S. Clifton,  
Rt. # 2 Derby  
67037

Lot

Block

Addition

Property Owner

Lot 1

B

Woodvale  
Addition

✓

Charles W. Hawthorne  
Vinita M. Hawthorne  
Rt. 2, Derby  
67037

Lots 2,  
3, 4, 5,

B

"

✓

Barbara J. Fry, Trustee  
3946 S. Broadway  
67216

Lot 1

C

"

D

Charles W. Hawthorne  
Vinita M. Hawthorne  
Rt. # 2, Derby  
67037

Lots 2  
through  
19, inclusive

C

"

D

Barbara J. Fry, Trustee  
3946 S. Broadway  
67216

Lots 1  
through  
9, inclusive

D

"

Same as above

Lot 10

D

"

✓

Arvell Milton Dinwiddie  
Lianne Dinwiddie  
Box 440, Chugiak  
Alaska 99567

Lots 1  
through  
Lot 11  
inclusive

E

Returned - unknown

D

Marion W. Wood  
2267 S. Hydraulic  
67211  
Aff. of Interest  
filed showing Barbara  
J. Fry, as Trustee,  
3946 S. Broadway  
67216

Tract Description

Government Lot 4 in the Southeast Quarter of Section 27, Township 28 South, Range 1 East of the 6th P.M.

Government Lot 1 in the Northeast Quarter of Section 34 Township 28 South, Range 1 East of the 6th P.M.

The South half of the Northeast fractional Quarter, and the North half of the Southeast Quarter of Section 34 Township 28 South, Range 1 East of the 6th P.M.

A tract beginning 1029 feet East of the SW corner of the SW $\frac{1}{4}$  of Section 35, Township 28 South, Range 1 East of the 6th P.M., thence East to the Arkansas River, thence Northeast and Northwest along meanderings of said river to a point 1029 feet East of the West line of Lot 6, thence South to beginning.

That part of the West half of the SW $\frac{1}{4}$  of Section 35-28-1 E, described as: Beginning at the SW corner of said quarter-section, thence East 1029 feet, thence North parallel with the West line of said quarter section to the right bank of the Arkansas River, thence NWly along the right bank of said river to the West line of said quarter section, thence South to the place of beginning.

Property Owner

Marion W. Wood  
2267 South Hydraulic  
~~67211~~

Barbara J. Fry, Trustee  
of the Barbara J.  
Fry Trust  
3946 S. Broadway  
67216

Lafe Forrey  
Daisy Forrey (dec.)  
% Ruth C. Crowl  
848 Gilman  
67203

Harry D. Elgin (dec.)  
Dora I. Elgin  
3520 East 71st St. South  
67236

A. W. Poundstone  
Eloise B. Poundstone  
3410 East 71st St. South  
67236

Tract Description

That part of Gov't Lot 1 in NW $\frac{1}{4}$  of Sec. 35, Twp. 28S, 1E beginning at NE corner of Government Lot 1; thence West along the north line of said Government Lot 1, 45 feet; thence south with a deflection angle to the left of 91°53', 771 feet; thence west with a deflection angle to the right of 91°53', 897.3 feet; thence south with a deflection angle to the left of 91°53' to the north line of the Arkansas River; thence easterly along the north line of the Arkansas River to a point 942.3 feet east of the last described line as measured parallel with the north line of said Government Lot 1; thence northerly to the place of beginning.

Beginning at a point 45 feet West of the Northeast corner of said Gov't. Lot 1; thence West along the north line of said Gov't. Lot 1, a distance of 565 feet; thence with an angle to the left of 91° 53' a distance of 771 feet; thence East parallel with the north line of said Gov't Lot 1, a distance of 565 feet; thence north 771 feet to the point of beginning, being in the NW $\frac{1}{4}$  of Sec. 35, Twp 28S, Rge 1 East. That part of Gov't Lot 1 in the NW $\frac{1}{4}$  of Section 35, Township 28 South, Range 1 East, lying West of the following described line; Commencing at the NE corner of said NW $\frac{1}{4}$ ; thence West along the North line of said NW $\frac{1}{4}$ , 610 feet for a place of beginning; thence with an angle to the left of 91°35' a distance of 771 feet; thence with an angle to the right of 91°53', a distance of 332.3 feet; thence with an angle to the left of 91°53' to the north line of the Arkansas River.

Property Owner

✓ Harold L. Reece X  
Nance E. Reece  
3941 E. 63rd St. South  
Derby 67037

Same as above

✓ Thomas Earl Davidson, Jr. X  
Sharon Kay Davidson  
RFS. # 2 Derby 67037

Tract Description

A tract in the SW $\frac{1}{4}$  of Section 26 Township 28 South, Range 1 East, described as beginning at the SE corner of said SW $\frac{1}{4}$ ; thence west along the south line of said SW $\frac{1}{4}$  455 feet; thence with an angle to the right of 91°00' a distance of 415 feet; thence with an angle to the right of 39°30' a distance of 340 feet; thence with an angle to the left of 120°30' a distance of 170 feet; thence with an angle to the right of 54°00' a distance of 105 feet; thence with an angle to the right of 60°00' a distance of 80 feet; thence with an angle to the right of 51°00' a distance of 115 feet; thence with an angle to the left of 90°00' a distance of 60 feet; thence with an angle to the right of 31°30' a distance of 275 feet; thence with an angle to the right of 63°30' a distance of 171.5 feet more or less to the east line of said SW $\frac{1}{4}$ ; thence South 1179.6 feet more or less to beginning, except the south 208.71 feet of the east 208.71 feet.

A tract beginning at the SW corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 26 Township 28 South, Range 1 East; thence North along the West line of the SE $\frac{1}{4}$  of said SW $\frac{1}{4}$ , 644.2 feet; thence SEly 845.1 feet more or less to a point on the South line of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  550.74 feet East of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said SW $\frac{1}{4}$ ; thence West 550.74 feet to beginning, subject to road easement on the NEly 60 feet, thereof

The East half of the SW $\frac{1}{4}$  of Section 26 Township 28 South, Range 1 East of the 6th P.M., except the above described two tracts.

Property Owner

✓ Robert G. Hartman  
Karen L. Hartman  
3930 East 63rd St. South  
Derby 67037

✓ Richard W. Lewis  
6359 South Clifton  
Derby, Kansas 67037

Millard F. Swaney (dec.)  
Doris L. Swaney  
X 304 East Edgewood  
Morton, Illinois  
61550

*Returned - unknown*

Page 5

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

Government Lot 2, in the NW $\frac{1}{4}$   
of the NW $\frac{1}{4}$  of Section 35,  
Township 28 South, Range 1 East  
of the 6th P.M.

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 28th day of March, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Hable*  
Vice-President

Order No: 318085  
(To replace # 260782)  
ap

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

April 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 14, 1983 at 8:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, Haysville City Hall, Haysville, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and the Board of County Commissioners.

CASE NO. CU-260

Conditional Use Permit to Establish an Operation  
for the Extraction of Raw Materials  
on Property Zoned "R" Rural Residential

Government Lot 2 in the Northwest Quarter of the Northwest Quarter of Section 35, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located on the south side of 63rd Street South, between Clifton and the Arkansas River (One Mile west of Oliver).

This matter will also appear on the agenda for the regular meeting of the DERBY CITY PLANNING COMMISSION at 7:00 p.m., Thursday, April 21, 1983, City Hall, Derby, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings before either the Haysville City Planning Commission or the Derby City Planning Commission, then as provided in the County Zoning Resolution, Section 14-Administration sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m. Thursday, May 5, 1983, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the Conditional Use, will be considered as by law provided.

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

CU-260

RECEIVED

APR 11 1983

WICHITA - SEDGWICK COUNTY METROPOLITAN PLANNING DEPARTMENT  
ROUTE  *Ed* WOOD 67 250623N1 04/06/83

W S C

METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

Important! Notice of Meeting Enclosed

MARION W WOOD  
2267 S HYDRAULIC  
WICHITA KS 67211

NOT KNOWN  
REPAIR SHOP

*no other address*

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

11253



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

April 6, 1983

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Robert A. Lakin  
Secretary

CU-260

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

RECEIVED

APR 13 1983

METROPOLITAN PLANNING  
ROUTE  Educ

APR 11 1983  
DORIS L SWANEY  
304 E. EDGEWOOD  
MORTON, ILLINOIS 61550

Unknown

Important! Notice of Meeting Enclosed

FORM 29

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
	0.00

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY