

FD-201 (2-6-64) 156

CU-274 - Foundation, Inc. & Donald P. Cain requests conditional use permit to expand a sand extraction operation on the north side of 21st St. North, 1/4-mile east of Hoover.

ACTION

DATE

COMMITTEE

*Approved subject to conditions 12/13/84*

M.A.P.C.

*P.C./B. CO. C. Approved 12-1-85 as amended*

*Closed*

*Approved CU-274*

Map No. 5150 C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 274  
Filed 11-21-84

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

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
1. Applicant: Foundation Inc., c/o Donald P. Cain, Sr. President  
Address P. O. Box 9090, Wichita, 67277 Phone 722-6071
  2. Agent: Professional Engineering Consultants, P.A. (Gary Wiley)  
Address 1440 East English, Wichita, 67211 Phone 262-2691
  3. General Location: On the north side of 21st Street North, 1/4-mile east of Hoover.
  4. Proposed Use: \_\_\_\_\_

- AREA DATA:
1. Acres: 77.5 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
  2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
  3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ North \_\_\_\_\_
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: \_\_\_\_\_
  6. Area (is) (is not) platted. \_\_\_\_\_

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

Date	Action
<u>12-13-84</u>	<u>Agreed sub to condition</u>
_____	_____
_____	_____

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

Date	Action	Ordinance Resolution
<u>1-9-85</u>	<u>Agreed to record</u>	_____
_____	_____	_____
_____	_____	_____

NOTES:

LOS ANGELES-CHICAGO-LOGAN, OH  
HASTINGS, MN  
MCKENSON, TX  
ST. GEORGE, GA  
U.S.A.

**Stewart**  
No. 2153C

Map No. 5150 C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

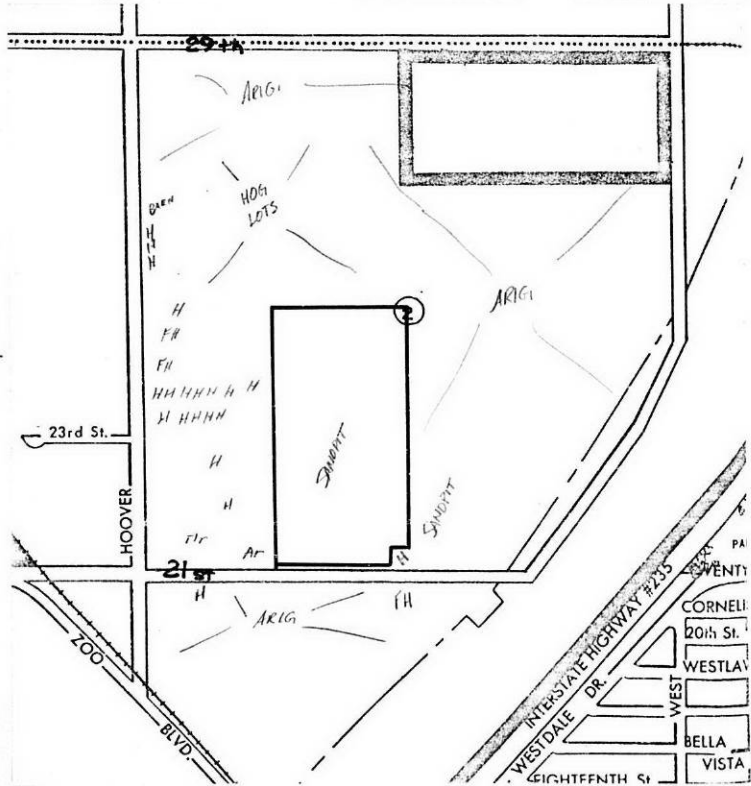
Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 274  
Filed 11-21-84

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

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
1. Applicant: Foundation Inc. c/o Donald P. Cain Sr., President  
Address P.O. Box 9090, Wichita, 67277 Phone 722-6071
  2. Agent: Professional Engineering Consultants, P.A. (Gary Wiley)  
Address 1440 East English, Wichita, 67211 Phone 262-2691
  3. General Location: On the north side of 21st St. North, 1/2-mile east of Hoover
  4. Proposed Use: \_\_\_\_\_

- AREA DATA: (IRREGULAR)
1. Acres: 77.5 ( 1320' ft. by 2640' ft.)
  2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
  3. Land Use: East SANDPIT/ARIG. South ARIG./FARM  
West SINGLE FAMILY North HOG FARM
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: \_\_\_\_\_
  6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:  
Taken by (signature) Date 12-3-84 Time 11:30



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 18, 1985

TO: Ron Worley, County Zoning Administrator

FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-274 - Approved sand pit operational plan

On December 13, 1984, the MAPC recommended approval of an expansion of the Big River Sand Company's sand extraction operation on the north side of 21st Street east of Hoover. The conditions of approval are listed in County Resolution #2-1985, passed by the County Commission on January 9, 1985.

Attached are two copies of the approved operational plans for your use and files. This plan supersedes the one for CU-258 which was approved by the County Commission on June 22, 1983.

Louise Olivarez  
Senior Planner

LO/lw  
Attachments

Published in The Daily Reporter on January 17, 1985

**RESOLUTION NO. R-42-1985**

(CASE NO. CU-274)

A RESOLUTION TO ALLOW EXPANSION OF SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. 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 17.C of the Zoning Regulations, a Conditional Use Permit to allow expansion of sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The east 1/2 of the southwest 1/4, of Section 2, T-27-S, R-1-W of the 6th P.M., except the south 50 ft., and except the south 264 feet of the east 156 feet. Generally located on the north side of 21st Street North, 1/4-mile east of Hoover.

SUBJECT TO THE FOLLOWING:

1. No stockpiling of sand or storage of equipment shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
  - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
  - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

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

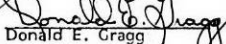
4. The earth shall be extracted to a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. All of the application area outside of the sandpit lake shall be graded so as to drain into the lake.
7. The sand plant operator shall be responsible for:
  - a. Insuring that the loop levee elevation is maintained.
  - b. That the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.
  - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
8. 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 Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
9. 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.
10. 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.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional Use approval shall be entered 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 Commission.

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 9<sup>th</sup> day of January, 1982.

  
Jack Spratt, Chairman

  
Donald E. Gragg, Commissioner

No  
Tom Scott, Commissioner



*Michael T. Sawyer*  
Michael T. Sawyer, County Clerk

Approved as to form by County Counselor

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

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-274 - CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF SAND AND GRAVEL OPERATION, GENERALLY LOCATED ON THE NORTH SIDE OF 21ST STREET NORTH, APPROXIMATELY 1/4 MILE EAST OF HOOVER.

The MAPC recommends that the application be approved.  
(see minutes for full motion)

Moore moved, Bayouth seconded and it carried unanimously. Crockett and Hansen were absent.

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission and adopt a resolution effectuating the conditional use; or
2. Deny the application.

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DATA AND MINUTES

MAPC Hearing Date: 12-13-84

BCoC Hearing Date: 1-9-85

AREA DATA:

Acres: 77.5

Size: 1320' x 2640' (irregular)

Reason: To amend CU-258 to permit the extraction of sand and gravel in a configuration different from that originally approved.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand Pit	"R-1"
North	Agriculture	"R-1"
East	Sandpit and agriculture	"R-1"
South	Agriculture	"R-1"
West	One-family Dwellings	"R-1"

History: CU-133	7-22-71	MAPC	Approved
	8-04-71	BCoC	Approved
CU-258	3-10-83	MAPC	Approved subject to conditions
	6-22-83	BCoC	Approved subject to conditions

Applicant: Foundation Inc., & Donald P. Cain, Sr., President, P. O. Box 9090,  
Wichita 67277

Protestors: None.  
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EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 13, 1984

LEGAL:

5. Case No. CU-274 - Foundation, Inc. requests Conditional Use Permit for extraction of sand and gravel for the east 1/2 of the southwest 1/4, of Section 2, T-27-S, R-1-W of the 6th P.M., except the south 50 ft., and except the south 264 feet of the east 156 feet. Generally located on the north side of 21st Street North, 1/4-mile east of Hoover.

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

COMMENTS:

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

1. The applicant is requesting a Conditional Use Permit to permit the extraction of sand and gravel in a configuration different from that originally approved by the Board of County Commissioners on August 4, 1971, (CU-133) and amended on June 6, 1983, (CU-258) for a tract of land zoned "R-1" Suburban Residential and located on the north side of 21st Street North, 1/4 mile east of Hoover.

As a condition to CU-258, the applicant has submitted (July 7, 1983) two covenants running with the land that guarantee the construction of a loop levee, if deemed necessary, and provide that no foreign matter, such as rubbish, trees, car bodies, etc., will be deposited on the application area.

An Operational Plan and a "sketch" Redevelopment Plan have been submitted with the application. Although the operational plan appears to be acceptable, the proposed sketch for residential development fails to take into account lot area requirements of the "R-1" zoning district. It should be pointed out that the area in which subject property is located is not projected for urban development due to the existing high water table and therefore any determination of actual lot size and area would have to be reserved until such time in the future the actual redevelopment and platting of the property occurs.

2. A recommendation of approval by the Planning Commission should be subject to the following recommended conditions:
  1. No stockpiling of sand or storage of equipment shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
  2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
  3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
    - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or

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

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

- 4. The earth shall be extracted to a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- 5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- 6. All of the application area outside of the sandpit lake shall be graded so as to drain into the lake.
- 7. The sand plant operator shall be responsible for:
  - a. Insuring that the loop levee elevation is maintained.
  - b. That the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.
  - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
- 8. 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 Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
- 9. 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.
- 10. 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.
- 11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- 12. Any violation of conditions attached shall declare the conditional use permit null and void.

DISCUSSION:

SMYTHE stated that the applicant has requested this Conditional Use Permit to allow a different configuration than what was originally approved in 1983. Since they have removed an oil or sludge well, they want to expand the extraction to the west. He said that staff recommends approval of the request subject to the same recommended conditions that were approved on the Conditional Use in 1983.

GARY WILEY, Professional Engineering Consultants, representing the applicant, stated that they were in agreement with all of the staff

comments. They have all been complied with in the past and there was no reason to change any of them.

There was no one present in opposition to the application.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of nearby properties; the suitability of the subject property for the uses proposed; and the recommendation of approval by staff; I move that we recommend to the governing body that this application be approved subject to:

1. No stockpiling of sand or storage of equipment shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
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The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
4. The earth shall be extracted to a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. All of the application area outside of the sandpit lake shall be graded so as to drain into the lake.
7. The sand plant operator shall be responsible for:
  - a. Insuring that the loop levee elevation is maintained.
  - b. That the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.

- c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
8. 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 Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
9. No commercial recreational activities, such as boating, fishing, sking, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
10. 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.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Any violation of conditions attached shall declare the conditional use permit null and void.

Moore moved, Bayouth seconded and it carried unanimously. Chisholm and Hansen were absent.

-----

Published in The Daily Reporter on \_\_\_\_\_, 1985

RESOLUTION NO. \_\_\_\_\_

CASE NO. CU-274

A RESOLUTION TO ALLOW EXPANSION OF SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a Conditional Use Permit to allow expansion of sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The east 1/2 of the southwest 1/4, of Section 2, T-27-S, R-1-W of the 6th P.M., except the south 50 ft., and except the south 264 feet of the east 156 feet. Generally located on the north side of 21st Street North, 1/4-mile east of Hoover.

SUBJECT TO THE FOLLOWING:

1. No stockpiling of sand or storage of equipment shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
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  - a. Insuring that the loop levee elevation is maintained.
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11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional Use approval shall be entered 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 Commission.

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:

Michael T. Sawyer, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

December 14, 1984

Gary Wiley  
Professional Engineering, P.A.  
1440 East English  
Wichita, Ks. 67211

Re: CU-274 - Conditional Use Permit  
for Sand Extraction Operation

Dear Mr. Wiley:

At its regular meeting of December 13, 1984, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to approve the request subject to the following conditions:

1. No stockpiling of sand or storage of equipment shall occur within 50 feet of any property line or within 100 feet of any public right-of-way.
2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
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  - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or

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

4. The earth shall be excavated to a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. All of the application area outside of the sandpit lake shall be graded so as to drain into the lake.
7. The sand plant operator shall be responsible for:
  - a. Insuring that the loop levee elevation is maintained.
  - b. That the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.
  - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
8. 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 Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
9. 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.
10. 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.
11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
12. Any violation of conditions attached shall declare the conditional use permit null and void.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, January 9, 1985, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Ron Worley, County Zoning Officer  
Donald P. Cain, Sr., President, Foundation, Inc., P. O. Box 9090,  
Wichita 67277

RE: AGENDA ITEM NO. 5

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

CU-274 - CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF SAND  
AND GRAVEL OPERATION

Generally located on the north side of 21st Street  
North, approximately 1/4 mile east of Hoover.

MAPC HEARING DATE: 12-13-84

Acres: 77.5

Size: 1320' x 2640' (irregular)

Reason: To amend CU-258 to permit the extraction of sand and gravel in  
a configuration different from that originally approved.

	<u>Land Use</u>	<u>Zoning</u>		
Existing	Sand Pit	"R-1"		
North	Agriculture	"R-1"		
East	Sandpit and agriculture	"R-1"		
South	Agriculture	"R-1"		
West	One-family Dwellings	"R-1"		
History:	CU-133	7-22-71	MAPC	Approved
		8-04-71	BCoC	Approved
	CU-258	3-10-83	MAPC	Approved subject to conditions
		6-22-83	BCoC	Approved subject to conditions

Applicant: Foundation Inc., § Donald P. Cain, Sr., President, P. O. Box 9090,  
Wichita 67277

COMMENTS:

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

1. The applicant is requesting a Conditional Use Permit to permit the  
extraction of sand and gravel in a configuration different from that  
originally approved by the Board of County Commissioners on August  
4, 1971, (CU-133) and amended on June 6, 1983, (CU-258) for a tract  
of land zoned "R-1" Suburban Residential and located on the north  
side of 21st Street North, 1/4 mile east of Hoover.

As a condition to CU-258, the applicant has submitted (July 7, 1983)  
two covenants running with the land that guarantee the construction  
of a loop levee, if deemed necessary, and provide that no foreign  
matter, such as rubbish, trees, car bodies, etc., not be deposited  
on the application area.

An Operational Plan and a "sketch" Redevelopment Plan has been  
submitted with the application. Although the operational plan  
appears to be acceptable, the proposed sketch for residential  
development fails to take into account lot area requirements of  
the "R-1" zoning district. It should be pointed out that the  
area in which subject property is located is not projected for  
urban development due to the existing high water table and there-  
fore any determination of actual lot size and area would have to be  
reserved until such time in the future the actual redevelopment and  
platting of the property occurs.

2. A recommendation of approval by the Planning Commission should be  
subject to the following recommended conditions:
  1. No stockpiling of sand or storage of equipment shall occur  
within 50 feet of any property line or within 100 feet of  
any public right-of-way.

2. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
  3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
    - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
    - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
    - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
  4. The earth shall be extracted to a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
  5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
  6. All of the application area outside of the sandpit lake shall be graded so as to drain into the lake.
  7. The sand plant operator shall be responsible for:
    - a. Insuring that the loop levee elevation be maintained.
    - b. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
    - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  8. 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 Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
  9. 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.
  10. 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.
  11. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
  12. Any violation of conditions attached shall declare the conditional use permit null and void.
-

CASE NO. CU-274

21	"Notices to Adjoining Property Owners" mailed on 11-29-84 for MAPC meeting on 12-15-84.
2	One each to applicant and agent.
3	One each to Karen Crook, Ron Worley, and Claud Shelor.
<hr/>	
26	TOTAL

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

NOTICE OF PUBLIC HEARING

Case No.: CU-274.  
Location: On the north side of 21st Street North, ¼-mile east of Hoover.  
Address: 4900 West 21st Street North.  
Request: Conditional Use Permit to Establish a Sand Extraction Operation on Property Zoned "R-1".

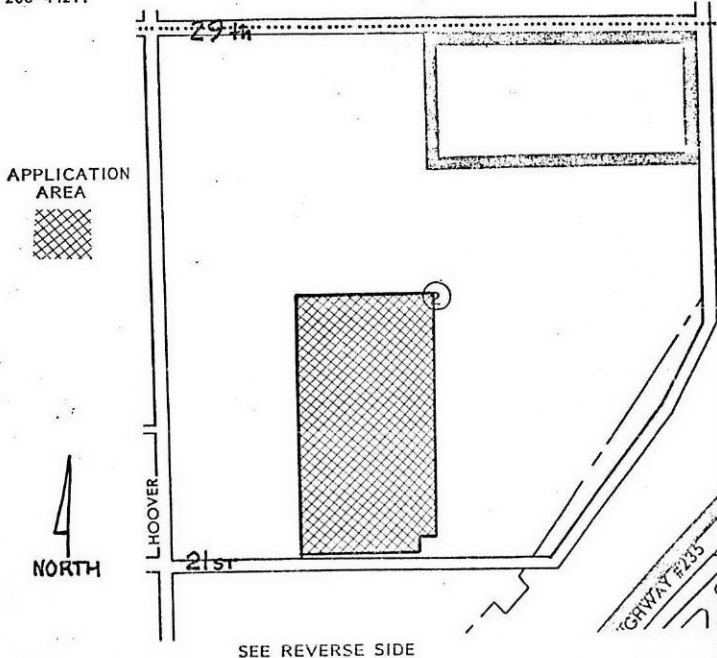
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

DECEMBER 13, 1984

The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-274

Conditional Use Permit to Establish a Sand Extraction Operation  
on Property Zoned "R-1" Suburban Residential District

The east  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$ , of Section 2, T-27-S, R-1-W of the 6th P.M., except the south 50 ft., and except the south 264 feet of the east 156 feet. Generally located on the north side of 21st Street North,  $\frac{1}{4}$ -mile east of Hoover.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use. Some as Conditional Uses***

\*\*\* Mobile home parks and trailer camps are not permitted.

CASE NO. CU-274

Conditional Use Permit to Establish a Sand Extraction Operation  
on Property Zoned "R-1" Suburban Residential District

The east  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ , of Section 2, T-27-S, R-1-W of  
the 6th P.M., except the south 50 ft., and except the south  
264 feet of the east 156 feet. Generally located on the north  
side of 21st Street North,  $\frac{1}{4}$ -mile east of Hoover.

21+27+3

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

CU-274

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 Foundation, Inc. - Donald P. Cain, Sr. President

ADDRESS P. O. Box 9090 67277 PHONE 722-6071

AGENT Professional Engineering Consultants, P. A., (Gary Wiley)

ADDRESS 1440 East English 67211 PHONE 262-2691

B. APPLICANT \_\_\_\_\_

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

AGENT \_\_\_\_\_

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 Sand Extraction Operation

(C.U.-258 Amended) (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 [ The east 1/2 of the southwest 1/4, of Section 2, T27S, R1W of the 6th P.M., except the south 50 ft., and except the south 264 feet of the east 156 feet.

2. b. There are 77.5 acres (round to nearest tenth) in the above described property.

MAPC DEC 13, 1964

T9-333-2

Revised 8/80

MAP 5150 C      N      E      S      W  
                  "R-1" "R-1" "R-1" "R-1"

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 4900 W. 21st Street North.  
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

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

OK [ B. ON THE North SIDE OF 21st St. North(AVE.) ~~STREET BETWEEN~~  
1/4 Mile West of Hoover(AVE.) ~~STREET AND~~ \_\_\_\_\_ (AVE.) ~~STREET.~~

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

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

To amend CU-258 to permit the extraction of sand and gravel in a configuration different from that originally approved.

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.

\_\_\_\_\_  
Foundation, Inc.  
BY Donald R. Plummer Sr. BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)  
President

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

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

7. OFFICE USE ONLY

This application was received at the Planning Department at 10:30  
(AM) PM on 11/21/84 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

TERRY SKRYTHE Name  
J. PLANNER Title

OWNERSHIP LIST

Tract Description	Property Owner
The South 1/2 of the NW $\frac{1}{4}$ of 2-27-1W exc. a tract beg. 1568 ft. south of the NW corner of the NW $\frac{1}{4}$ ; th. south 531.9'; th. east 245.7'; th. North 531.9'; th. west 245.7; to beg.	<del>E. C. Carp (Dec'd)</del> AND Charles N. Carp 2700 N. Hoover Rd. Wichita, KS 67205 AND Wallace F. Carp 2714 N. Hoover Wichita, KS 67205
South 1/2 of the NE $\frac{1}{4}$ of 2-27-1W	Ken-Win Farms, Inc. c/o Kenneth Ott Mazie, KS 67101
North 1/2 of the SE $\frac{1}{4}$ of 2-27-1W	Same As Above
That part of the South 1/2 of the SE $\frac{1}{4}$ of 2-27-1W lying west of the westerly r/o/w line of the Wichita-Valley Center Floodway.	Victor B. Eisenring 4700 W. 21st St. Wichita, KS 67212
That part of the NE $\frac{1}{4}$ of 11-27-1W lying north & west of the Wichita-Valley Center Floodway.	Drillers Production Co., Inc. 110 N. Market Wichita, KS 67202
That part of the North 1/2 of the NW $\frac{1}{4}$ of 11-27-1W lying north & east of the Missouri Pacific Railroad r/o/w and lying north & west of the Wichita-Valley Center Floodway, except the West 500 ft. thereof.	Victor B. Eisenring 4700 W. 21st St. Wichita, KS 67212
The West 500 ft. of the North 1/2 of the NW $\frac{1}{4}$ of 11-27-1W lying north & east of the Missouri Pacific Railroad r/o/w	Lloyd B. Stewart, Address Unknown (as trustee) AND Emily M. Stewart 2 Parkwood Dr. Wichita, KS 67208 (as trustee) AND Jack C. Stewart 2 Parkwood Dr. Wichita, KS 67208 (as trustee) AND James M. Stewart 700 Preston Trail Wichita, KS 67230 (as trustee)
East 1/2 of the SW $\frac{1}{4}$ 2-27-1W except 1 acre in the Southeast Corner thereof being 165' in width (East to West) and 264' in depth (South to North)	Foundation, Inc. 8027 W. Kellogg Wichita, KS 67209
1 acre in the Southeast corner of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ 2-27-1W being 165' in width (East to West) by 264' in depth (South to North)	o Victor B. Eisenring 4700 W. 21st St. Wichita, KS 67212

<u>Tract Description</u>	<u>Property Owner</u>
East 10 acres of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W except the north 440' and except the east 165' thereof.	John F. Petersen 5228 W. 21st St. Wichita, KS 67212
Tract in the SW $\frac{1}{4}$ of 2-27-1W beg. 880' north of the SE/c of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ ; th. North 440'; th. West 330'; th. South 440'; th. East 330' to beg.	Same As Above
West 10 acres of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Elgin M. Gupton Odessa M. Gupton 2815 George Washington Blvd. Wichita, KS 67210
West 20 acres of the East 30 acres of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Victor B. Eisenring 4700 W. 21st St. Wichita, KS 67212
Tract in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W beg. at the SE corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ ; th. north 880'; th. west 165'; th. south 880'; th. east 165' to beg.	Helen M. Peterson Address Unknown
The East 56.2' of the South 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W except the north 40' of the south 230'.	Richard D. Cook Peggy L. Cook 2152 N. Hoover Wichita, KS 67205
East 210' of the West 840' of the south 210' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W, except the north 20' thereof.	Bruce M. Shepherd Deborah K. Shepherd 5333 W. 23rd St. North Wichita, KS 67205
East 105' of the west 525' of the north 210' of the south 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W, except the south 20' thereof.	Gregory Leigh Jamis Tammy Jo Jamis 5410 W. 23rd St. North Wichita, KS 67205
East 210' of the west 420' of the south 210' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Marvin Kralicek 5539 W. 23rd St. North Wichita, KS 67205
South 225' of the north 450' of the south 870' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Laurence R. Fast Sherry E. Fast 2446 N. Hoover Wichita, KS 67205
East 210' of the west 630' of the south 210' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Steven J. Grochowsky 5335 W. 23rd St. North Wichita, KS 67205
South 210' of the west 420' of the east 476.2' of the south 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W, subject to road on the north 20'.	Kenny L. Davis Elaine F. Davis 5311 W. 23rd St. North Wichita, KS 67205
North 225' of the North 450' of the South 870' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Richard D. Cook Peggy L. Cook 2452 N. Hoover Wichita, KS 67205

<u>Tract Description</u>	<u>Property Owner</u>
North 220.5' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Teall Construction Co., Inc. 719 N. St. Francis Wichita, KS 67214
South 225' of the North 445' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Same As Above
East 210' of the west 840' of the north 210' of the South 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Ben Otis Parkhurst Dorothy L. Parkhurst 5354 W. 23rd St. North Wichita, KS 67205
East 210' of the west 420' of the north 210' of the south 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	Kelley Cast Stone Co., Inc. 7080 W. 29th St. North Wichita, KS 67205
East 105' of the West 630' of the north 210' of the south 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	D. N. Myers Lanelda Myers 5400 W. 23rd St. North Wichita, KS 67205
North 210' of the West 420' of the east 476.2' of the South 420' of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of 2-27-1W	<u>Ida Heck (Dec'd)</u>

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

The East Half of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the South 314 feet of the East 156 feet thereof.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 16th day of November, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Dable*  
Sr. Vice-President

FORM 25-021

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
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*