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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-275 - Conditional Use Permit for Sand and Gravel Operation
Generally located on the east side of Meridian in an
area south of 51st Street North.

02

MAPC HEARING DATE: 2-07-85

Acres: 230

Size: 2640' x 3960' (irregular)

Reason: Expansion of sand and gravel extraction operation.

14

	Land Use	Zoning
Existing	<u>Sand extraction operation,</u> <u>undeveloped/agriculture</u>	"R-1" & "LC"
North	<u>One-family Dwellings</u>	"R-1"
East	<u>Little Arkansas River,</u> <u>Salvation Army Camp Hiawatha,</u> <u>and undeveloped</u>	"R-1"
South	<u>Sand extraction operation</u>	"AA"
West	<u>Undeveloped & single-family</u>	"R-1" & "AA"

History: CU-129	1-14-71	MAPC	Approve
	2-03-71	BCoC	Approve
	9-14-73		Case closed due to failure to complete conditions of approval.
CU-157	1-10-74	MAPC	Deny
CU-249	1-24-74	BCoC	Approve
	10-22-81	MAPC	Approve
	11-18-81	BCoC	Approve

Applicants: Miles Sand Company, Inc., 4857 North Meridian, Wichita
Michael & Neva J. & Daniel Dreese, 3959 N. Clarence, Wichita
Joseph & Ruth Montgomery Short, 1019 W. 50th St. North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita

COMMENTS:

- The applicant is requesting a conditional use permit to expand an established sand and gravel operation into approximately 70 additional acres of land zoned "R-1" Suburban Residential located on the east side of Meridian and south of 51st Street North.
- In 1974, the Board of County Commissioners approved a sand and gravel operation on the south two-thirds of subject property (SW 1/4 Section 19, CU-157). In 1981, this conditional use permit was amended, mainly to delete the requirement that the operation cease after 15 years (CU-249).
and to add 29,400'
- In 1977, the 160 acres south of the above-referenced site, being located within the Wichita city limits, was approved by the Board of Zoning Appeals for extraction of raw materials (BZA 24-77). Connection between this sand pit and the one to the north was proposed. In 1981, this BZA exception was slightly revised and re-approved (BZA 59-81).
- The applicant has submitted a proposed operational plan which shows expansion of the lake into the north 70 acres and revises the limits of the south end of the lake adjacent to old 45th Street North. Connection of the lakes across old 45th Street is shown approximately 250 feet wide. The sanitary sewer force main serving The Moorings is located within this old street right-of-way. The applicant was advised, when the street was vacated, that he would be required to relocate or lower this force main prior to connecting the lakes.

We are advised that the sand plant operation, including the storage of sand and gravel, trucks and equipment, will not change from its present location on Meridian north of vacated 45th Street.

3. The applicant has also submitted a proposed redevelopment plan indicating lotting arrangements around the lake. The street labeled as "Amidon Avenue" between vacated 45th Street and the center of Section 19 was dedicated when 45th Street was vacated. This street would more appropriately be labeled "Delaware". The east half of Delaware exists in Ormiston 2nd Addition from the center of Section 19 up to 51st Street. The west half should be dedicated with this conditional use request.
4. The area directly north of 51st Street is developed with residences. The concern with most sand extraction operations is the closeness to developed areas, hours of operation, truck access, blowing sand, affect on water table, etc. Attached to the staff report to the Planning Commission is a memorandum from the City-County Health Department responding to several of these concerns. As excavation is proposed to within 180 feet of the north property line (centerline of 51st Street), consideration should be given to protecting the developed residential area from the effects of blowing sand and soil.
- CU-249
Conditions
↓- 5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
 - a. (similar) The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - k. (same) b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
 - a. (similar - less restrictive) c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
 - new d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
 - new e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
 - e. (similar) f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:

- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
- (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- (3) 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.

(new) * If a chainlink fence is utilized, ~~that portion of the fence located within the NW $\frac{1}{4}$ of Section 19 shall include metal or wooden slats woven through the chainlink to minimize the effect of blowing sand.~~ ^{** along the north then either*} shall be provided ^{*of the application area.*} along the north line

- new* g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- j. (similar)* h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- f. (same)* i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. (same)* j. 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.
- new* 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.
- h. (same)* l. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- c. (similar)* m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- new* n. There shall be no ^{*sand plant*} vehicular access ^{*to or from*} from this conditional use site ~~to either 51st Street North or Delaware, as long as this site is used for sand plant operations.~~ *
- i. (same)* o. * The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled ^{*condition to minimize blowing dust.*} & sandbed
- l. (same)* p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.

- o. (similar)* q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- d. (same)* r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- m. (similar)* s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. (similar)* t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- p. (similar)* u. Any violation of conditions attached shall declare the conditional use permit null and void.
-

21 conditions:

8 the same as for CU-249
8 similar to CU-249
5 new

R# 233-1921

(None given) Published in The Wichita Eagle-Beacon on Dec. 29, 1981

RESOLUTION

CASE NO. CU-249

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LAND 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 establishment of a sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338. Generally located at the northeast corner of Meridian and 45th Street North.

CU-275
conditions

SUBJECT TO THE FOLLOWING:

a. (Similar)

a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.

b. (Similar)

b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

c. (Similar)

c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.

v. (same) d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.

f. (similar) e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, 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.

i. (same) f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.

j. (same) g. 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.

l. (same) h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

o. (same) i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.

vi. (similar) j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.

b. (same) k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.

p. (same) l. Concrete and asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

s. (same) m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.

t. (similar) n. The applicant shall comply with conditions a, b and k prior to the publication of the resolution establishing the conditional use.

q. (similar) o. At such time that it is intended to either excavate the lake under 45th Street right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.

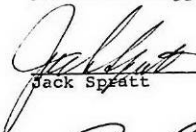
u. (similar) p. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.


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.

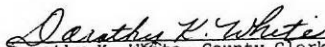
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 18 day of November, 1981.


Donald E. Gragg, Chairman


Jack Spatt, Commissioner

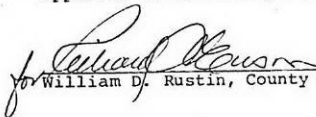

Tom Scott, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor


William D. Rustin, County Counselor



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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-275 - Conditional Use Permit for Sand and Gravel Operation
Generally located on the east side of Meridian in an
area south of 51st Street North.

02

MAPC HEARING DATE: 2-07-85

Acres: 230

Size: 2640' x 3960' (irregular)

Reason: Expansion of sand and gravel extraction operation.

14

	<u>Land Use</u>	<u>Zoning</u>
Existing	<u>Sand extraction operation, undeveloped/agriculture</u>	"R-1" & "LC"
North	<u>One-family Dwellings</u>	"R-1"
East	<u>Little Arkansas River, Salvation Army Camp Hiawatha, and undeveloped</u>	"R-1"
South	<u>Sand extraction operation</u>	"AA"
West	<u>Undeveloped & single-family</u>	"R-1" & "AA"

History: CU-129	1-14-71	MAPC	Approve
	2-03-71	BCoC	Approve
	9-14-73	Case closed due to failure to complete conditions of approval.	
CU-157	1-10-74	MAPC	Deny
	1-24-74	BCoC	Approve
CU-249	10-22-81	MAPC	Approve
	11-18-81	BCoC	Approve

Applicants: Miles Sand Company, Inc., 4857 North Meridian, Wichita
Michael & Neva J. & Daniel Dreese, 3959 N. Clarence, Wichita
Joseph & Ruth Montgomery Short, 1019 W. 50th St. North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita

COMMENTS:

1. The applicant is requesting a conditional use permit to expand an established sand and gravel operation into approximately 70 additional acres of land zoned "R-1" Suburban Residential located on the east side of Meridian and south of 51st Street North.

In 1974, the Board of County Commissioners approved a sand and gravel operation on the south two-thirds of subject property (SW 1/4 Section 19, CU-157). In 1981, this conditional use permit was amended, mainly to delete the requirement that the operation cease after 15 years (CU-249).
Back to acre 5,400'

In 1977, the 160 acres south of the above-referenced site, being located within the Wichita city limits, was approved by the Board of Zoning Appeals for extraction of raw materials (BZA 24-77). Connection between this sand pit and the one to the north was proposed. In 1981, this BZA exception was slightly revised and re-approved (BZA 59-81).

2. The applicant has submitted a proposed operational plan which shows expansion of the lake into the north 70 acres and revises the limits of the south end of the lake adjacent to old 45th Street North. Connection of the lakes across old 45th Street is shown approximately 250 feet wide. The sanitary sewer force main serving The Moorings is located within this old street right-of-way. The applicant was advised, when the street was vacated, that he would be required to relocate or lower this force main prior to connecting the lakes.

We are advised that the sand plant operation, including the storage of sand and gravel, trucks and equipment, will not change from its present location on Meridian north of vacated 45th Street.

3. The applicant has also submitted a proposed redevelopment plan indicating lotting arrangements around the lake. The street labeled as "Amidon Avenue" between vacated 45th Street and the center of Section 19 was dedicated when 45th Street was vacated. This street would more appropriately be labeled "Delaware". The east half of Delaware exists in Ormiston 2nd Addition from the center of Section 19 up to 51st Street. The west half should be dedicated with this conditional use request.
4. The area directly north of 51st Street is developed with residences. The concern with most sand extraction operations is the closeness to developed areas, hours of operation, truck access, blowing sand, affect on water table, etc. Attached to the staff report to the Planning Commission is a memorandum from the City-County Health Department responding to several of these concerns. As excavation is proposed to within 180 feet of the north property line (centerline of 51st Street), consideration should be given to protecting the developed residential area from the effects of blowing sand and soil.

CU-249
Conditions

a. (similar)

5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:

a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.

k. (same)

b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).

b. (similar - less restrictive)

c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.

new

d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.

new

e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.

e. (similar)

f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:

- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
- (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- (3) 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.

(new) * If a chainlink fence is utilized, ^{** along the north*} that portion of the fence ^{*then either*} located ~~within~~ the NW $\frac{1}{4}$ of Section 19 shall include metal or wooden slats woven through the chainlink to minimize the effect of blowing sand. ~~shall be provided along the north line of the application area.~~

new

(new) * g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.

j. (similar)

h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.

f. (same)

i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.

g. (same)

j. 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.

new

(new) * 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.

h. (same)

l. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

e. (similar)

m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.

new

(new) * n. There shall be ^{*sand plant*} no vehicular access ^{*to or from*} from this conditional-use site ~~to either~~ 51st Street North or Delaware, ~~as long as this site is used for sand plant operations.~~ *

i. (same)

(i. same) * o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled ^{*or sandbed*} condition ~~to minimize blowing dust.~~

l. (same)

(l. same) p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.

- o. (similar) q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- d. (same) r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- m. (same) s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. (similar) t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- p. (similar) u. Any violation of conditions attached shall declare the conditional use permit null and void.
-

21 conditions:

- 8 the same as for CU-249
- 8 similar to CU-249
- 5 new

R# 233-1921

(George) Published in The Wichita Eagle-Beacon on Dec. 29, 1981

RESOLUTION

CASE NO. CU-249

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LAND 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 establishment of a sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338. Generally located at the northeast corner of Meridian and 45th Street North.

CU-275

conditions

SUBJECT TO THE FOLLOWING:

- ↓
- a. (similar) a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- c. (similar) b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
- m. (similar) c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.

v. (same) d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.

f. (similar) e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, 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.

i. (same) f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.

j. (same) g. 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.

l. (same) h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.

o. (same) i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.

h. (similar) j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.

b. (same) k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.

p. (same) l. Concrete and asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

s. (same) m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.

t. (similar) n. The applicant shall comply with conditions a, b and k prior to the publication of the resolution establishing the conditional use.

o.g. (similar) o. At such time that it is intended to either excavate the lake under 45th Street right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.

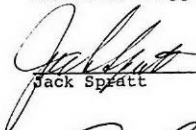
u. (similar) p. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.


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.

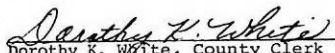
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 18 day of November, 1981.


Donald E. Gragg, Chairman


Jack Spratt, Commissioner

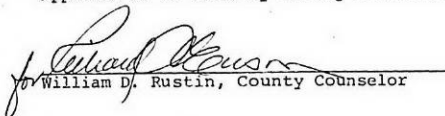

Tom Scott, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor


William D. Rustin, County Counselor

Robert A. Lakin
Director of Planning

County Commissioners
Meeting 3-13-85

3-20-85

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CU-275 - CONDITIONAL USE PERMIT FOR EXPANSION OF SAND AND GRAVEL
EXTRACTION OPERATION, GENERALLY LOCATED ON THE EAST SIDE OF
MERIDIAN IN AN AREA SOUTH OF 51ST STREET NORTH.

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

Gardner moved, Moore seconded and it carried with a vote of 5 in favor
(Gardner, Moore, Bayouth, Goebel and Wilson) and 2 opposed (Chisholm
and Peters). Banzer, Crockett and Hansen were absent.

a-u

NOTE: The percentage of protest petitions submitted will be announced
at the meeting of the County Commission on March 13, 1985.

ACTION:

1. Approve the recommendation of the Metro-
politan Area Planning Commission and adopt
a resolution establishing the conditional
use; or
2. Take such action as the County Commission
deems appropriate.

DATA AND MINUTES

MAPC Hearing Date: 2-07-85

BCoC Hearing Date: 3-13-85

AREA DATA:

Acres: 230

Size: 2640' x 3960' (irregular)

Reason: Expansion of sand and gravel extraction operation.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction operation, undeveloped/agriculture	"R-1" & "LC"
North	One-family Dwellings	"R-1"
East	Little Arkansas River, Salvation Army Camp Hiawatha, and undeveloped	"R-1"
South	Sand extraction operation	"AA"
West	Undeveloped & single-family	"R-1" & "AA"

History: CU-129	1-14-71	MAPC	Approve
	2-03-71	BCoC	Approve
	9-14-73		Case closed due to failure to complete conditions of approval.
CU-157	1-10-74	MAPC	Deny
CU-249	1-24-74	BCoC	Approve
	10-22-81	MAPC	Approve
	11-18-81	BCoC	Approve

Applicants: Miles Sand Company, Inc., 4857 North Meridian, Wichita
Michael & Neva J. & Daniel Dreese, 3959 N. Clarence, Wichita
Joseph & Ruth Montgomery Short, 1019 W. 50th St. North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita

Protestors: Judy & Jim Eller, 5201 N. St. Clair; Hobart Wyant, 5303 Delaware;
Richard Foster, attorney for Moyle Alexander, et al, 300 W. Douglas; Stan
Davis, 5213 N. Athenian; James Holcomb, 5301 N. Charles; Lulalia Langford,
1736 W. 53rd St. No.; Bob Hale, 5238 N. Charles; Valeria Verboom, 1825 W.
53rd St. No.; James L. Turner, 5326 N. Charles.

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 7, 1985

LEGAL:

NEW CASES:

4. Case No. CU-275 - Miles Sand Company, Inc., et al request a Conditional Use Permit to expand a Sand and Gravel Extraction Operation on the SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338; AND the S $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 19, except the north 550 feet of the west 330 feet thereof. Generally located on the east side of Meridian in an area south of 51st Street North.

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

COMMENTS:

1. The applicant is requesting a conditional use permit to expand an established sand and gravel operation into approximately 70 additional acres of land zoned "R-1" Suburban Residential located on the east side of Meridian and south of 51st Street North.

In 1974, the Board of County Commissioners approved a sand and gravel operation on the south two-thirds of subject property (SW $\frac{1}{4}$ Section 19, CU-157). In 1981, this conditional use permit was amended, mainly to delete the requirement that the operation cease after 15 years (CU-249).

In 1977, the 160 acres south of the above-referenced site, being located within the Wichita city limits, was approved by the Board of Zoning Appeals for extraction of raw materials (BZA 24-77). Connection between this sand pit and the one to the north was proposed. In 1981, this BZA exception was slightly revised and re-approved (BZA 59-81).

2. The applicant has submitted a proposed operational plan which shows expansion of the lake into the north 70 acres and revises the limits of the south end of the lake adjacent to old 45th Street North. Connection of the lakes across old 45th Street is shown approximately 250 feet wide. The sanitary sewer force main serving The Moorings is located within this old street right-of-way. The applicant was advised, when the street was vacated, that he would be required to relocate or lower this force main prior to connecting the lakes. We are advised that the sand plant operation, including the storage of sand and gravel, trucks and equipment, will not change from its present location on Meridian north of vacated 45th Street.
3. The applicant has also submitted a proposed redevelopment plan indicating lotting arrangements around the lake. The street labeled as "Amidon Avenue" between vacated 45th Street and the center of Section 19 was dedicated when 45th Street was vacated. This street would more appropriately be labeled "Delaware". The east half of Delaware exists in Ormiston 2nd Addition from the center of Section 19 up to 51st Street. The west half should be dedicated with this conditional use request.
4. The area directly north of 51st Street is developed with residences. The concern with most sand extraction operations is the closeness to developed areas, hours of operation, truck access, blowing sand, affect on water table, etc. Attached to the staff report to the Planning Commission is a memorandum from the City-County Health Department responding to several of these concerns. As excavation is proposed to within 180 feet of the north property line (centerline of 51st Street), consideration should be given to protecting the developed residential area from the effects of blowing sand and soil.

5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
 - c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
 - d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
 - i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
 - j. 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.
 - 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. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - n. There shall be no vehicular access from this conditional use site to either 51st Street North or Delaware as long as this site is used for sand plant operations.
 - o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled condition.
 - p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be

permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.

- q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

DISCUSSION:

GALBRAITH pointed out that for the most part, this land was utilized as sand extraction or agriculture. He reviewed the history of the case. GALBRAITH stated that when this applicant first approached staff, he advised that he was sending a letter out to abutting property owners in the area advising them of his desire to expand his operation and suggesting that they call him for any questions that they might have. He said the applicant did this prior to staff's notices being sent out which prompted some early phone calls. There was concern about closeness of the operation to their existing homes, hours of operation, and whether the applicant intended to have access to Delaware or 51st Street. The applicant has said all along that he had no plans for any of his vehicular access from the sand plant operations to enter into the two residential streets. GALBRAITH said that there were calls and inquiries about what this might do to the water table. He said that staff inquired from the Health Department, and received a letter from Jack Brown responding to the concern about the water table. Their experience has been that sand plant operations have no adverse effects on water tables. GALBRAITH said that the most concern expressed this time was about the effect of blowing sand and whether or not the perimeter of the site would be maintained in some type of vegetative covering.

GALBRAITH felt that the issue of blowing sand was always hard to address. Jack Brown mentioned something in the memorandum to staff about having talked to the Soil Conservation people. GALBRAITH said that obviously solid masonry walls of some nature help address that issue and probably block blowing sand. Heavy evergreen vegetation may also help. He mentioned that on the previous case the Planning Commission required a mixture of plant materials. He said that when he observed the site in the field, he had seen little blowing sand accumulating in the fence row. He felt that a lot of time there was confusion about blowing sand from the sand plant versus blowing silt from the farming operation. He mentioned that there were a number of conditions that staff had written in the recommendation to the Planning Commission that address those issues. GALBRAITH pointed out that a condition in the staff comments speaks to some type of utilization of metal or wood slats in the chainlink fence that staff felt would help minimize blowing sand. He said that in his discussions with the applicant's agent, the agent emphasized a concern that slats in the fence had not been required of others. The agent also had asked for a clarification of item "n" of the staff comments. GALBRAITH said that item "n" was about the vehicular access to the residential streets, and they asked if that included access of farm

equipment. GALBRAITH said that was not staff's intent, only access to and from the sand plant itself.

GALBRAITH added that staff was in support of the application and recommends approval subject to the conditions in the staff report.

GARDNER commented on item "n" of the staff report. He asked if it was staff's intention to not allow commercial vehicular access from the sand operation onto 51st Street and Delaware.

GALBRAITH said that was correct. He suggested changing the wording to "there shall be no sand plant vehicular access" from this conditional use site to either 51st Street North or Delaware".

MARTIN UPDEGRAFF, attorney representing the applicant, pointed out that the applicant was not asking for some new sand extraction area that has not been presently in place. All the applicant was asking for was an extension of the present sand extraction area which would allow future and further developments along the lines that he has proposed in the past, and that he has done in the past. They feel that most everything that has been recommended by the staff was reasonable. They do not feel that the provision in the chainlink fence along the northwest quarter including metal or wooden slats was particularly necessary because it seemed to them that if they put in a buffer zone of trees and vegetation along the north line of the new site as they have already done along the north side of the present property, that that in itself would serve the purpose of protecting as best can be done of any type of blowing sand or dirt. He felt that the problem that the residents have at this time and what they are objecting to, was the problem that now exists. This is farmland in this area at the present, and will remain so until, if this use is granted, there is future development of sand extraction. He pointed out that anytime there was a southwest wind coming through on a piece of farm property, there would be blowing dirt and dust from that type of operation. He said that they did not propose to change that in any way except to develop this in the means of sand extraction that has been going on in the past, and probably they would enhance the property from that standpoint and cause less dust and blowing upon the neighbors because of the method which they were going to use. They have no intention of changing the present location of the sand plant itself. There would be no storage, to his knowledge, of sand in the area where it is being expanded, it would still be brought back to the main plant. The truck traffic and the area that is now being used for that purpose would continue to be used for that purpose. The only thing that would go into the 80 acres that is involved would be the extraction of the sand itself.

UPDEGRAFF mentioned their concern on the vehicular access. He stated that they presently provided access to the Alexander property directly to the east, and there must be access to that area for farm implements. They want to make sure that the access was still granted in there. As long as it is specified that the restriction was just to the sand plant operation and its vehicular traffic there was no problem.

UPDEGRAFF showed slides of the present sand operation.

MOTION: That Mr. Updegraff be allowed an additional two minutes to finish his presentation. Gardner moved, Moore seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

UPDEGRAFF continued showing slides. He discussed some of the development in The Moorings to show the Commissioners what has been done in that area, and to give them an idea of what the applicant has in mind for the development of the area on which they were asking for the expansion of the sand extraction. He said that they were only asking for an extension of the best and most reasonable use of the property in the area. They did not feel that it would cause any further discomfort

to the residents of the area, and that they would be protected by the suggestions and conditions which had been recommended by staff.

GARDNER mentioned that Mr. Updegraff was present on the previous discussions on the conditional use permit on the portion south of 45th Street when they dealt with the expansion of the removal of land in there and the creation of a waterway through there. At that time the proposal was to retain the sand plant where it is presently and allow the operation of the bridge in the lake area. It was the Commission's understanding that only the dredge would be operating in that area. There would be some removal of overburden initially prior to the dredge moving in. That would occur typically during daylight hours and in the course of normal work days. But the dredge itself was the only element of the sand plant operation that physically intruded into that peripheral area. He asked if that was still what the applicant was proposing.

UPDEGRAFF said that was correct. The only intrusion into that area would be the dredge itself in order to extract the sand except for the removal of the overburden which was for a very limited period of time. There would be no other intrusion that they anticipate in that area until the project goes forward with the anticipated development later on.

GARDNER said that it appeared on the development plan that the intent was to limit the extraction on the northerly end to a point that would allow sufficient land buffer for subsequent residential redevelopment. He asked if that was correct.

UPDEGRAFF said yes, the anticipated use was for the development of residential areas on the northernmost point which would then be compatible with the surrounding neighborhood.

JUDY ELLER, 5201 North St. Clair, presented a petition of 108 names in opposition to the extension. She said this represents 77 percent of all of the households within the 1000 feet. She related that most people indicated when signing this that they did so because they were concerned with noise. She pointed out that the operation does run more than 7 a.m. to 5 p.m. They were also concerned about the blowing dust. What concerns them most was the dust that was going to blow while they were taking off the top soil. Mr. Miles had told them that there would be from 1 to 18 inches of top soil that would be taken off. They were also concerned about the possibility of harm to the water, the possibility of truck traffic, safety for the children, including the 100 or more children that attend the Salvation Army summer camp a day, and which also included retarded children and adults. Mostly the uncertainty about this project, especially the length of time that was involved. ELLER pointed out that most of them knew that The Moorings did not just spring up overnight, and a lot of people were concerned about the length of time that this was going to take. Their concern was also about the general intrusion into their neighborhood of this type of industry.

HOBART WYANT, 5303 Delaware, stated that they built a new house at 5303 in 1975. The basement was finished and carpeted. They received a letter postmarked January 5 from Mr. Miles telling them that they would receive a letter from the Planning Commission in the near future. They received another letter from Mr. Miles, dated January 16, 1985 and postmarked January 15, 1985. He read from the letter from Mr. Miles, stating, "when we get through producing sand in this area, we expect to develop this property in the same manner that I have developed in The Moorings. I have not tried to downgrade the area with the operation of Miles Sand Company. I don't believe building The Moorings was downgrading of the area". WYANT said that he was sure The Moorings was not downgrading the area, but digging sand out in that area downgraded the area when it comes so close to people living there. WYANT continued reading, "also the question has been raised that I will raise the water level in the area through my lake. The water level at your house is the same level as it is in my sandpit". WYANT speculated that when he goes to his basement after Miles starts to dig

sand and sees a foot of water in his basement, he could call Miles and Miles could say that it is the same level as in the sandpit.

WYANT insisted that the residents of the area wanted definite answers. He said that he wrote a letter to Mr. Miles, stating "your letter dated January 16, 1985, doesn't tell us anything we wanted to hear. We want a notarized statement from you that will guarantee us that moving the dredge 150 feet south of 51st Street North, that the noise level will be no more than it is at the present time, and also that it would not raise the water level under our house so that it will not flood our basement. Also, if any of the above happen, to our property, you will buy our property at twice the present January 1985 market value. You send us this notarized statement, then you will hear no more from us". WYANT said that Mr. Miles called him on the phone and said that he would assure Wyant that the water level would be no more than it was at his sandpit. Miles said that he could guarantee him almost all of this except buying his house at twice the normal value. WYANT told him if he was so sure it would not bother him, he would never have to buy his house.

RICHARD FOSTER, attorney appeared on behalf of Moyle Alexander and other members of his family who own land east of this sandpit. When the matter of vacating 45th Street came up about 3 or 4 months ago, it was pointed out that the Alexander family owns about 20 acres that are cut off by the dike at the Little Arkansas River on the east, and therefore are landlocked except for some sort of street access across the Miles property. It was decided at that time by the Commission that 45th Street should be vacated but that other access to that land would be allowed. At that time they were shown pictures of the land with a road going around the perimeter. FOSTER said that it was his understanding that what was dedicated to the public was an extension of Delaware Street that ran through Miles' property from north to south. FOSTER asked if there was going to be an extension or a piece of Delaware in the site today to connect up what has previously been given to the public to give them access. He said there was a gap there.

GALBRAITH pointed out the access on the map. He said that one of the comments staff made was that street right-of-way for Delaware be dedicated at this time. He felt that Mr. Foster was asking if there was land from his client's side that was yet undedicated, and that was correct. He said that Mr. Foster's client would someday have an obligation to dedicate his half of the street.

FOSTER said that he could see where that would be required, but he had not seen the recommendations. He asked if it was part of the recommendations that the west side of Delaware be dedicated.

GALBRAITH said that was correct.

THAD DAVIS, 5213 North Athenian, in opposition, read from a prepared statement.

"My home is next to the area being proposed for a sandpit. I am here to protest this proposal. I won't bore you with the reasons why I don't want this sandpit. I think they are obvious. They are obvious to all of us. Noise, dust, unsightly appearance, etc. All of the reasons are obvious because they are the reasons for property zoning in the first place. This property is zoned "R-1" Rural Residential. Many of us before we buy property in an area where there are large open fields will check out the zoning before we buy in that area. What does it mean when you check out an area and it's zoned residential? It certainly does not lead you to believe that there will be a sandpit in that area. Heavy industry simply does not belong in a residential zone."

DAVIS said that he had three aerial photographs to show. He pointed out that the first photograph showed the existing sandpit south of this area. He asked that the people from the neighborhood who were opposed to this request to raise their hands. About 40 people raised

their hands in opposition. DAVIS continued that photograph two showed the existing sandpit operation. He said that it looks like heavy industry and not residentially zoned property. Photograph three showed some of the homes built in the last ten years just north of his neighborhood. He said that much of the surrounding area had already been developed in homes, and felt it was fair to say that the area where the existing sandpit was located would probably be covered with homes already if the sandpit was not there. It would probably already be developed as the outlying area has been developed. DAVIS said that he had received two letters from Mr. Miles. In both letters he explained:

"The only thing different that you will know as far as we are concerned is that we will have a dredge sitting up there. We will be no closer than 150 feet from the roadway."

DAVIS said that he asked Miles what was a dredge. He explained that it was a floating platform with a 500 horsepower motor on it, and it has a pump on it. It has a large tube that goes down and pumps the sand and water out of the ground. DAVIS felt that was noisy, and felt if it was brought up 150 feet from them there would be a change in the noise level. He did not feel that Mr. Miles' neighbors or Mr. Miles would allow it across the street from them. He asked if there was anyone present that would like to volunteer their residence or their neighborhood for a dredge 150 feet away from them. DAVIS said that there were other areas of concern. Would this affect their water? He said that probably not from what they hear. But has a qualified source checked this out? What will it do? He said that they were all on shallow wells in this area and they drink the water. He felt some knowledgeable person or committee who studies environmental impact surely could do a study on this and let them know where they are.

MOTION: That Mr. Davis be allowed an additional two minutes to finish his presentation. Gardner moved, Chisholm seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

DAVIS asked if this digging was allowed this close to their homes, will the sand under their homes eventually flow out from under them? He reminded the Commission that they were talking about digging about 35 feet deep within 150 feet from their homes. The water current was from northwest to southeast which was from under this residential area towards the sandpit. He asked if anyone had answered that question? He wondered what their property values would be in the next five years. He pointed out that the sandpit had been there since 1974 and he did not see any development on it. All he could hear was "more". Could they take "more" out. He asked what if the top soil was removed and nothing more was done? That was what had been done on the south end of the existing pit. Would that be left next to their homes? DAVIS said that they ask questions and voice their concerns. They are worried and they are angry. DAVIS said that Mr. Miles' attorney had given them a very vague idea of what they intend to do as far as erecting a tree row or a fence without slats. He said that he would like to see it pinned down. If they are going to work with vague answers, they would not get anywhere. He said that they have worked with vague answers in this project for the last 11 years and they see what it got them. He asked if they could define it, put it in writing, and if there was anyone that could hold people to an agreement like this?

BAYOUTH explained to Mr. Davis that the property was not being rezoned, that all they were doing was requesting a permit to extract sand, so it is not anything permanent. He said that sand was where you find it, like gold, you have to mine it at that particular point. He pointed out that from looking at the half-million dollar homes in The Moorings, the extraction of sand did not stop the sale of those houses and Mr. Miles was there then. He felt that all in all when this operation

is completed it would appreciate the homes. A fine example of that was across the street in The Moorings.

DAVIS countered that Mr. Miles has not proposed another Moorings in this area, at least not to them. When they had the neighborhood meeting, Mr. Miles proposed apartments in that area. He said that he understood that they were talking about a conditional use permit and that it was not permanent, but it has been pretty permanent to them since 1974.

MOORE asked Mr. Davis if the existing use that was out there now is giving him trouble in his home.

DAVIS said that the use was about one-quarter mile away from his home and it was not giving him trouble.

MOORE said that evidently the neighborhood had not had the benefit of the report from Mr. Jack Brown, Chief Environmental Quality Officer, who was the leading authority on what this operation was going to do to their ground. He read from the memorandum:

"A review of the operational plan for the above subject activity has been completed. This type of sand extraction operation should have no negative effects on groundwater quality or quantity. This determination is based on past experience with subdivisions adjacent to or part of existing or abandoned sand pits using private wells for water supply. No part of the proposed activity introduces contaminants into the groundwater and water table draw-down is not expected. In brief, nothing associated with this operation is any different than other sand mining operations and the Department has had no past groundwater quality problems associated with this type of process."

MOORE pointed out that the memo goes on to say that they required the applicant to dig at least six feet down so that there would not be any vegetation in the water. MOORE said that he felt any concern about what this could do to the groundwater, etc., was not a concern any longer. He said that the only thing that bothers him about this whole thing with the people in the audience was that the Commissioners sit there so often and get requests for changes of zoning, and this was not a change in zoning, to put an industrial or commercial or something that could depreciate property values, and here they have a concept that would do nothing, in his opinion, but enhance the property values, albeit it was going to be a few years in the future, and they show up in mass protest. They could have a lot worse out there than they have now. He said that he could understand them wanting answers to questions as far as restrictions go, but staff has got almost a whole alphabet from A to U with nothing but restrictions about what was going to have to be done in order to pull the sand out, and he sees every one of those as helping the property owners in the area, from trees to all sorts of items that they would have to comply with in order to pull the rest of the sand out of the property, and again, it was still staying residential. MOORE related that he sits on the Subdivision Committee and when they came in to ask that 45th Street be vacated, KG&E opposed that because they had a substation there and they wanted to be able to store things and drive their big trucks in and continue to haul in telephone poles, boxes, etc. He said that they told KG&E they might as well forget it because it was being expanded, that it was too nice of an area to worry about them making a big storage yard out of it and driving their trucks through, and this was mainly to benefit the property owners. He said that he thought that this use would be compatible and that was why he was so surprised that everyone was present complaining about it. He said that he would much rather have the lake there than a shopping center or a lot of things that could be put in there, such as an industrial area. It is far enough out of the City that he was not so sure that that could be something that comes up down the line. If they get the lake in, all he could see going in would be residential homes like they have in The Moorings or a park, and that would do nothing but increase their property values.

DAVIS asked when would this happen? What if they tried to sell their homes in the next five years? He said that they were promised 11 years ago when they were granted a 15-year conditional use permit, the same story that they have heard today. He said that he did not see any guarantees that this area would develop. There is a lake there now, start building on it if they are going to develop it. Why extend it and put the neighborhood through another ten years of listening to backup whistles and trucks. DAVIS said that they were partly negative from an emotional standpoint. They have been through this for a long time now. They never expected any of this when they bought their homes.

GARDNER commented that Mr. Davis' question about subsidence or settling of property any movement of sand was something that probably had more of an emotional basis based on a lack of knowledge of how the soils do function than anything else. He felt that there were a couple of very close examples in terms of the Big River, the construction of the levees there, the creation of Crystal Lake in The Moorings area and the extraction of sand there. The fact that the entire levee area has not subsided, moved or otherwise, and that has a great deal more proximity to the water, the subterranean water flow, etc. If he said that if they examine The Moorings area and some of the reports from there in that vicinity based on the constructions proposed in that area, he did not feel that they would find any better base to build upon unless they go down about 47 feet to where they begin to hit bedrock and lime.

JAMES HOLCOMB, 5301 North Charles, in opposition, stated that he was going to try to eliminate personal feelings in this and tell the Commission exactly what he has done. He pointed out that the memorandum before the Commission from Mr. Brown was initiated at his request. He said that he questioned Mr. Cromer of the Health Department after he saw this letter. He asked him how did he know or did he normally check around sandpits for water level. His answer was no. He asked Cromer how did he know it does not lower the water table. Cromer said that all that they know was they had not received complaints of people having to drill new wells, so they assume it has not lowered the water table. He felt that there was a lack of credibility in that particular area. He asked Mr. Cromer if it doesn't lower the water table, has anyone ever taken the water level at The Moorings. Cromer's response was no. He asked Cromer if he was aware there was a water problem there. Cromer said no.

HOLCOMB stated that during the process of checking and going through all of this, they did visit Mr. Miles and Mr. Miles told him that during the hot summer days it was not unusual to lower the water table at The Moorings one-quarter inch a day. Throughout the years that The Moorings has been in existence, the water table has continually lowered. He said that it would come back up in the spring, but it has never come up to the same level as it did the previous year. Also the quality of the water in The Moorings was so bad, they can water grass if they are careful, however if they water trees, the trees will die, the water is so salty in The Moorings. HOLCOMB said that this was what Mr. Miles told him. He dug the pit, he developed the area, he should know. HOLCOMB said that therefore he refutes the credibility of the first paragraph of Mr. Brown's memo, but does agree with the rest of it.

HOLCOMB said that they do have continuous noise problem where they live. If it is not the pumping, it is the trucks with beepers on them all day long. The dust is extremely bad. He said that last year he checked with Kechi Township, and they had spent over \$2,000 moving the dust on 51st Street North because the dust and sand had blown into their ditches, partially closed part of 51st Street North. Also it piled sand up to two feet high on some of the residents property. He said that if you go by Mr. Miles' sand operation on a windy day, the stock piles look like the Sahara desert with sand blowing across it.

HOLCOMB said that they talked in great detail with Mr. Miles about his plan, and he was not sure, because of age, whether he will see it completed or not. He did admit that it would probably be over ten years before there would be any development in the north area. The

first operation that he intended to do was to remove the top soil immediately from that area and then go in with the dredge and remove the sand. After he exhausts that area, he intends to go to the extreme south in the area all the way down to 41st Street and start development in that area and proceed north. He said that they were looking at 12 to 15 years before they would see completion of that area being developed.

HOLCOMB said another question that he had was who was going to retain ownership of the lake. Would it be Mr. Miles? Would it go to the County? Who would pay taxes on it? Who was responsible for any environmental work?

MOTION: That Mr. Holcomb be allowed an additional two minutes to finish his presentation. Bayouth moved, Moore seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

HOLCOMB continued that they have to look to the future, and their future lies right there. He said that one of his first questions when he started questioning this was what government agency inspects and follows through to make sure conditional use permits are complied with. His answer was nobody. He said that he has not found any individual or any agency he has talked to that says that they check with these people. HOLCOMB pointed out that there were several violations of the present use permit that Mr. Miles has. One was the erosion of the banks. He believed that there was a condition there that calls for him to have a certain grade on the banks. The water depth in some areas is less than three feet. The County says that it should be at least six feet deep. HOLCOMB asked when was this conditional use permit going to be complied with? Ten years from now when the whole development is gone? He felt that these were areas that should be very closely monitored. He pointed out that 51st Street was a one-lane street. Some of it was paved a block and then sanded a block. No heavy traffic could be allowed on that street. He asked that the conditional use permit be denied because it would adversely affect the environmental quality of water, living conditions of himself and his neighbors, and probably decrease the property values of the surrounding area for at least ten years or until the area is developed. He mentioned that there were many elderly people in the area and they would be unable to relocate.

LULALIA LANGFORD, 1736 West 53rd Street North, in opposition, stated that the first time she was before the Commission, she was one-half mile from the sandpit. The second time she came down, she was one and one-half miles, now she was blocks from the sandpit. She said that she had lived in the area for 28 years so she was there before any sandpit ever started except the one started over by the River which is The Moorings now, and the one Miles started on north Ridge Road that he abandoned. LANGFORD said that when the applicant started the one on 45th Street, he stockpiled dirt there, it was covered with weeds and the majority of the property was left in weeds all summer, especially the roadway. He has dedicated road right-of-way. She pointed out that anything having to do with the operation was supposed to be so far back from the center of the road. He has not complied with this in any manner. He was asked to remove a couple of the bins for his gravel and then he put them back again. He was suppose to maintain his roads in a gravel condition. She said that there were times when there was so much mud on Meridian it was hazardous to travel on the road. LANGFORD said that the applicant belonged to the Kansas Aggregate Producers Association, and at the time he wrote the article in the newspaper, he stated that it was a problem that all big sand companies were beginning to face. She mentioned that he was on the west side and he transported tons and tons of sand to the El Dorado Lake. LANGFORD said that there was very little building going on in her part of town. It has not developed. The applicant says that it was going to be very expensive to have an operation so far away from the building sites, and the only sites were on the east side of Wichita. He finds it hard to understand why the neighborhood does not agree with the fact that the sandpit should be there because it would increase in value perhaps 20 times more than when he bought it. LANGFORD agreed that it would

increase in value, but it was going to decrease everything for the rest of the neighborhood because they have to spend a lot of money keeping their property in condition. They spend a lot of money getting their furniture cleaned and repainting their houses because of the silt that attaches. She said that you could sift out the silt in the insulation in her roof. She mentioned that three of the Commissioners stated that digging would not cause the shifting in the sand. LANGFORD said that she talked to a geologist and he informed her that if they were pumping the sand from the south or from the east, it would not affect the homes to the north, but since this pumping operation would be directly from adjacent to these homes, it would eventually cause shifting of the sand, because of the makeup of the sand and it depends on how well they will adhere to each other before they start the shifting situation.

GARDNER asked Mrs. Langford if she farmed.

LANGFORD said that she had lived in the area for almost 30 years, and it was farmland, and she did not have the dirt that she has now.

GARDNER asked again had Mrs. Langford ever farmed.

LANGFORD said yes.

GARDNER stated that he had a farm himself and he wished that it would make a profit one of these days, but it has not yet. He pointed out that what Mrs. Langford had passed around in the bottle was a very fine sediment and not what you find around sand extractions.

LANGFORD disagreed. She said that she had a report at the other meeting on how much of it was made up of sand and how much was made up of silt.

GARDNER said that the point he wanted to make was in a farming operation, depending upon the field cultivation practices and what crop they happen to have in and the drought factors, there could be an awful lot of blowing in a farming operation, and he suspected that was the cause of more of the neighborhood's difficulty than the sand was in particular. He said that between the blowing from a farming operation and what it runs into during the year, and Mrs. Langford's comment that somebody left weeds on a field, it was difficult for him to tell whether she preferred to have the blowing dust or some kind of vegetative ground cover.

GARDNER responded to the comment from the geologist. He said that he recognized, as everybody does, that given a certain set of circumstances, you could get anybody to say most anything. But the idea that they could have sand from several hundred feet away and it starts to slough off and move into a lake of 25 to 30 foot, it was preposterous in circles among geologists.

LANGFORD commented that she did not say the houses would fall into 30 feet of water. She said that there would be a shifting of the land. Over at 13th and Hillside, houses are built over there and there is a sand base there too, and those houses have shifted, and shifted years ago. She said that she hoped that the houses at The Moorings have pilings under them when they are so close to the River or they will fall off into the River.

GARDNER said that it was kind of like sailing off to the edge of the world. There were people who believed that for years and strangely enough other people with a little more scientific background are showing it to be different.

JIM ELLER, 5201 North St. Clair, in opposition, said that he would like to quote some minutes of the Board of Sedgwick County Commissioners when they were discussing a sandpit in their November 10, 1976 meeting. Mr. Scott said that it was his understanding that this would be the last sandpit to go into that area. He was referring to the 1974 sandpit. Scott said that he was not in favor of having another sandpit

in there at the present time because the Commission did promise the neighbors at that time that they would not approve any additional sandpits.

JIM ELLER quoted Galbraith as saying that "perhaps if the Board had an application north of Mr. Miles, he would think that this would have adverse affects on that neighborhood to the north". ELLER felt that Galbraith's opinion on this should be followed.

BOB HALE, 5258 North Charles, stated that Mr. Miles was a friend of his. He said that he was talking to Miles the other day and asked him about the shifting of sand, and did not think it would bother anything. HALE said that he was concerned about it because at Twin Lakes all of the big buildings have cracked and they are shifting. He mentioned that across the river there was salt that goes into Hutchinson. They did not have it on this side of the river for sometime. They have got it now. He asked what would it do to their wells? The salt is coming in and once it comes in, the wells are gone. They would not be able to drink the water. He said that he had horses and could not water the horses with it.

VALERIA VERBOOM, 1825 West 53rd Street North, in opposition, stated that she lived at this address since 1946, a long time before any sandpits were ever in the area. She said that what she would like to ask today was the worth of a man's word. When Mr. Miles went over to the east side of Meridian to dig sand, he came to her house and said, "Valeria and John, you are friends, please tell your neighbors how good a man I am, what a fine reputation I have, and that I would not do anything dishonorable". She said that Miles was a friend of hers, and she was very naive and she believed that. He said, "tell the neighbors that it would be no longer than seven years." VERBOOM said that today was her first indication that he had even asked for an amendment. She asked again, "what is the worth of a man's word."

GARDNER stated that he appreciated Mrs. Verboom's remarks, and would like to respond very directly to what the worth of a man's word was. He said that the Commission has had the privilege in the last several years of reviewing conditional use permits on a variety of sand extraction operations around the city, and they range from Ritchie's on West Street to their present location; Dolese; several sand plants on the south end of town along the Turnpike, and he could tell her, bar none, that this was the best sand operation in the vicinity in terms of the way it is arranged. Its separation from the neighborhood, the manner in which it is maintained, fenced and operated. He said that while Mrs. Verboom did not have the privilege of reviewing that and the detail that the staff brings in these reports to the Commission, he could tell her that this operation was by and large far beyond reproach and considerably better than the bulk of those that they, in a normal course, see. GARDNER said that anybody that disagrees was welcome to say so. He said the point he really wanted to make was that, given the Commission's perspective in that regard, what was being proposed here in the way of an extension of an operation by retaining the plant where it presently is, is probably one of the best proposals they have had the opportunity to look at in several years. The ability to anticipate how long an operation would go on was very difficult, and he was not sure it was a fair question to hold someone to an answer of a specific time frame given economics of the locale. He said that he was not sure that anybody was under an obligation to pull out and fold up an operation prior to the completion of a fair round of business.

JIM TURNER, 5326 North Charles, in opposition, stated that a lot of times it has been stated that Miles has made certain statements that he would end operation and it has been extended. Agreements have been made that they set the stockpiles and equipment back from the highway at certain areas where they put their dirt, etc., and it has not really been productive. The tree row was one thing they had growing and constantly to get it put back in operation was to put more trees there when they died out. TURNER said that it was the little things that keep eating at the people in the area. Most of the people are middle class. They don't have a lot of money, and they don't have a very little money, but they are middle class. TURNER mentioned that as

far as the houses in The Moorings, they are worth a lot of money, but as one in the area, he would not care at all about one of them being built next to his property because he just was not interested in that class of neighborhood. He said that they were in a class of their own, the middle class, and they do not need a big sand operation, big trucks, big high-rise apartments, big beautiful houses, they are a class in their own and want it left that way. He asked that they don't come in and destroy a nice neighborhood with the intent of building something that they don't really want.

BAYOUTH stated that he was a very optimistic businessman. He tries to plan long range, but sometimes the bottom falls out of the marketplace and he loses money, because things did not move as fast as he intended. He said that he would not question Mr. Miles' word. From past experience of him coming before the Commission, BAYOUTH felt that he had done a fairly decent job.

HALE, speaking again, said that when Mr. Miles started his sand operation across the road, he made a statement then that he would never come any further north than where he was now. He said that he understands what Miles was under, he has contracts to fill and he wants to get just as much as he can. He said that Miles did not pump at night. HALE wanted to point out that Miles was coming north again.

DR. GEORGE GSELL, 8404 Limerick, felt that somebody should say something nice about this project. He said that the land across the road has been in his family for 65 years. Miles' father started his sand project on their farm many years ago. So they watched the development in that region all those years. GSELL said that they looked with interest at the entrepreneurship of Miles as he developed the sandpit south of their land and innovated the idea of fingers in his lake, and has since turned into The Moorings, which is a unique development. He said that they watched with interest as he bought the land across the road developing the same idea. As far as he could see, this was simply an extension of the same idea that Miles has carried on in such a worthwhile fashion, and it would seem to him that Miles should be encouraged in an idea which has improved the neighborhood, improved the value, and has added to the tax base of the County.

JOEL POLLACK, agent for the applicant, stated that the Commission has heard a lot of things today, but felt it was a matter of focusing on what the key elements are and what the important issues are particularly as it affects the neighborhood. He said that they have heard a report on the environment, a recommendation from staff that was favorable. The application has 21 stiff requirements. There will be a hedgerow going up that is not there now strictly for the primary and specific purpose of blocking any sand, dust or other objects from going into the neighborhood, and that would be an improvement over what is going on now. He said that in all respects, he felt that this development would certainly do nothing but enhance the neighborhood both in the short and long run. POLLACK mentioned that he had the privilege of working with the builder who built the homes in The Moorings area, and was somewhat familiar with the entire area. He has looked at the value of houses that many of these people are in consistently over the past 10 to 15 years, the values have done nothing but go up, and he would stake his reputation of 25 years in the field of real estate that those houses would continue to rise in value over the next succeeding years, not withstanding the approval of this application. That he could speak specifically to, and that he speaks as an expert in that area which he was familiar with, and hopefully that can alleviate some of the concerns of the people in that regard.

POLLACK stated that the applicant did not have to send any letters to these people, pay them personal visits, or anything else. He could have hid and waited for the normal notice to go out from the City. But he did not, he stood up tall, whether it was adverse or positive. He wanted the people to know, and he wanted them to know from him, and he wanted them to know first hand. POLLACK said that it took a man of integrity to do that. He respectfully requested approval of the application.

DAVIS wondered if Mr. Pollack lived north of this sandpit. He said that they live in that area and they are talking about the next 5 to 10 years. He wished the proponents would ask themselves if they lived directly north of a sandpit 150 feet, would they like to live there. He said that the neighborhood has shown up in mass on a workday, and had gone to a lot of trouble getting to the meeting. He said that they oppose it, they live there.

BAYOUTH commented that close-in sand was vital to the growth of the City. Finding new sand close in was quite difficult. The applicant would be out of business if he did not expand his present location. He said that this was not any different than anyone else that they have zoned for that wanted to expand their present location. He pointed out that it was pretty tough for a sand operation to go find new sand, and what was in close was tied up pretty tight. He said that he would like to see Mr. Miles get with the neighborhood to work out the problems of the hedgerows and planting, and he was sure that Miles would see that it was done.

CHISHOLM stated that the applicant created the neighbors there, and he created this situation. He said that in his opinion he would have to go along with the people who live in the area, which was very unusual for him because he was normally not swayed by this type of discussion. He was a proponent of business and was for them to grow and expand, but felt, in this instance, with the situation, he personally would have to vote against the request.

PETERS commented that he happened to be on the County Commission in 1974 and was very familiar with the neighborhood residents, including the applicant. He said that if his memory served him right, the reason they approved the application in 1974 was because there was a buffer of 80 acres to the north, and felt that it was some protection for the people in that area. It was also his understanding that that was about as far north as Mr. Miles planned on going with his sandpit operation. PETERS said that for the reasons stated, and remembering those circumstances, he would have to vote against the application.

GARDNER stated that the application to extend a dredging operation and a soil removal situation into the adjacent 80 acres to the north was a great deal different than what has been categorized as moving a full-fledged sand plant into the 80 acres and placing it immediately south of the residences. With the retention of the sand plant in its present location, he did not believe that they were either damaged or subject to anything of a different nature than what they presently have there short of the movement of the dredge and its operation in the 80 acres, and that is being back to the south of the 51st Street area in accordance with the redevelopment plan. He said that the issue on the surface appears to be one of moving the sand plant in as a next door neighbor. Realistically it exists as a next door neighbor. It is a good example of a proper operation, one of the best in the locale. He said that he did not believe that the dredging or the removal of the overburden prior to the dredging in that area north was going to be detrimental. The proximity of a residential area to a sand operation was one of a well-established nature both in terms of the values that the people have on their houses there presently, and the values in the development at The Moorings. He said that to his knowledge there has not been any discernible loss in value because of the proximity to the operation. GARDNER said that he did not find the objections to be with basis.

WILSON commented that he did not believe that the public had been aware of the extent of staff's requirements, and he wondered if Galbraith could assure them of how these requirements are enforced, if they have not been enforced in the past. He asked who was the enforcing body for the fencing, screening, overburden removal and planting of grass in there and the keeping of the depth of the lake. He said that it was quite extensive and he was afraid the public really had not been aware of the requirements that were being put on Mr. Miles.

GALBRAITH stated that the County Zoning Administrator's office is charged with inspection and seeing that compliances are found for these

types of conditions that the Planning Commission recommends to the Board of County Commissioners. Ron Worley is the County Zoning Administrator.

RON WORLEY, stated that he has been the County Zoning Administrator for the past three and one-half years. During that time several sand plant operators have had occasions to become acquainted with him and not always to their liking. Mr. Miles has not been one of those people he has had to deal with in terms of violation. WORLEY said that to his knowledge, Miles' operation was currently in compliance with the current conditions. If it is not, he has not had any complaints to that effect. He said that if there were complaints, his office would certainly investigate them and try to correct them if they exist as they have done with many other sand plant operations and any other zoning violations. Some of the people who previously spoke have contacted him about violations, and to his knowledge, they have been satisfactorily able to resolve their particular complaints about zoning violations that were not necessarily sand plants in nature. WORLEY said that he has reviewed the conditions and they were fairly extensive, at least more extensive than would be the normal ones for previous sand plant approvals. He felt confident that his office could enforce them and would assure them that it would be his intention to enforce them if the Planning Commission and County Commission desire to approve it.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the existing sandpit operation to the south and the former sandpit operation to the west which is now redeveloping for residential purposes; the suitability of subject property for expansion of an existing use; 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:

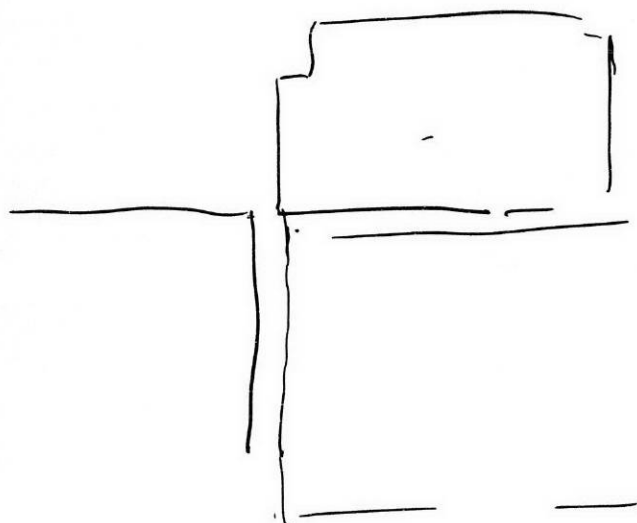
- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
- c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
- d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.

- e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
- f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

If a chainlink fence is utilized, then either metal or wooden slats, woven through the chainlink, shall be provided along the north line of the application area to minimize the effects of blowing silt.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. 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.
- k. 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.
- l. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no sand plant vehicular access to or from 51st Street North or Delaware.



Charlie Fowler -
Kimball Wolfe

- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
- q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

Gardner moved, Moore seconded and it carried with a vote of 5 in favor (Gardner, Moore, Bayouth, Goebel, and Wilson) and 2 opposed (Chisholm and Peters). Banzer, Crockett and Hansen were absent.

Thad Davis +
Concern with removal of Top Soil
Mabel Mager - Attorney, represents protesters
- Raised issue about others not being
5-1 slope.
- Trees have not been maintained
- Gardner & Goshel were two P.C.
who supported applicant in BCC case.

Judy Eller - Not in favor of another Soil Operation
Promis as promised.

Carol? 5304 N. St. Clair

Bob Hale 5252 N. Charles.

James Holcom 5301 N. Charles.

Really concerned with water quality
Problems is not good source for "Trees"
Salt Content

Minutes of 1976 Nov 10 - Page 21

- Co. Com. - Brass report copy of minutes

~~Mr. B. B. B.~~ -

Mr. Verboom -

Thad Davis

Rich Eason - Concerns question on protest petition

Harley Smith -

9 months to plant something on the area after
top soil is removed.

Jim Schaefer.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE January 23, 1985

TO Louise Olivarez, Senior Planner, Metropolitan Area Planning Department
FROM Jack A. Brown, Chief, Environmental Quality

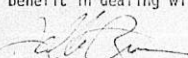
SUBJECT CU-275: Request for expansion of
sand extraction operation generally
located east of Meridian, south of
51st Street, North

A review of the operational plan for the above subject activity has been completed. This type of sand extraction operation should have no negative effects on groundwater quality or quantity. This determination is based on past experience with subdivisions adjacent to or part of existing or abandoned sand pits using private wells for water supply. No part of the proposed activity introduces contaminants into the groundwater and water table draw-down is not expected. In brief, nothing associated with this operation is any different than other sand mining operations and the Department has had no past groundwater quality problems associated with this type of process.

The Department will require that the earth is to be extracted to a minimum depth of six feet below the water table to prevent the growth of vegetation. The estimated depth of the groundwater in the general area of this expansion is between 8 and 14 feet below current ground level.

Although some of the other issues regarding this matter (traffic, blowing sand, noise and hours of operation) are not precisely areas of jurisdiction for the Department, it is not uncommon for us to receive complaints of nuisances created by construction, extraction, excavation or other commercial activity, particularly when it is adjacent to a residential area. We would therefore support any further requirements for the approval of this operation that would minimize these other areas of concern.

The nuisance of blowing dust and sand is one which we frequently receive. Control techniques to minimize this problem such as tree planting are expensive and require considerable maintenance and time for mature growth. Tree planting can be effective, as in item j; however, coniferous trees 8 - 10 feet in height are needed to be of any value. I discussed this with Larry Henry of the Soil Conservation Service and feel that his expertise on control techniques could be of benefit in dealing with the issue of blowing sand and dirt if needed.


Jack A. Brown, Chief
Environmental Quality

JAB/jk

cc: Michael J. Everhart
Larry Henry

Schaper - 6' beam along the north property line
with chain link fence

1,000' Public Way -

Ownership just reflects that
ownership is such except that which was
condemned -

Acknowledge - Mayor did sign the document -

Essex Owner - signed with their contract for
sale attached -

Spelling - in front

Deary Beigel - 32 Division Post/beam.

Al Hall 2300 W 51st north.

Would like a beam rather than a fence -

Jerry May 1724 W 51st St -

Al Hanna 5032 Legon.

~~Richard~~ ^{Alma} Bond 2832 -

Richard Brindeman -

Joel Pollack -

Floyd Smith - Sullivan St.

Harley Smith CU -

Conditional Use request to expand an existing
Soil Excavation operation to the north
approximately 70 acres -

From 45th N to 51st
1971 to 1973 Case closed
1974 Approved
1981 Amended

1977 BZA approved 160 acres to the S
1984 45th was vacated -

Prior to our notice being mailed out - Applicant
mailed a letter to neighbors - Offer, to meet
and answer questions.

Calls - concerned with closeness of operation to
existing homes.

- hours of operation
- access to residential streets
- Effect on water table
- Noise
- Blowing Sand
- Will perimeter of the site be fenced - ^{vegetative} screen.

Enclosed to you a letter from ^{John} Joe Brown
Chief of Environmental Quality - answering some
of these expressed concerns.

Blowing Sand or Silt is the most difficult
to try and write conditions for, and
even if conditions are agreed to, effect
could be minimal -

- 8-10' high coniferous trees. (Plant materials)
- Solid fences

We are in support of the report and
reasoned that it be applied sub
to the conditions a thru e in the
agreement report.

n. As to condition n - asked for clarification
that this does not apply to farm
equipment. That was not our intent -

FF above item g - slots in chain link
fence -

That FF plus g and h are
conditions attempting to minimize
blowz sand.

+ Jim Welton and Patti Worley are present
if you have questions.

The applicant had submitted additional slides

Martin Updegraff -

Martin Updegraff - objects to slots -
wants it clarified to not prohibit
farmer access -

Opposits-

Judith Eller 5201 N. St Clair.

Petitions in opposition

108 names

77 % of all signatures in
1008

Wyant
Hobart ~~Wyant~~? 5303 Delaware

Richard Foster - Attorney - Ryerston,
~~Ryerston~~. Ryerston Maple Alexander -

Stan Davis 5213 - N. 5th
Athenian

About 30-35 people raised their hands -
in opposition -

James Holcomb 5301 N. Charles
Score of buyers of trucks -
Dust removal on 51st.
Ketchikan township had to remove
silt and sand from ditches and front
yard.

Mills said it would be at least
10 years before any development begins.

Eulalia M.
Mrs. Jorgensen 1736 W 53rd ST N

Sabbath questions -

Height of degraded Sand Pits -
Condition on the accumulation of concrete
and asphalt accumulations on the premises.

Jim Eller -

Bob Hale 5238 N. Charles.

~~Valeria~~ Valeria Verboom 1825 W 53rd St North

James L. Turner 5326 N. Charles

Bob Hale - Harla agreed to never come
further north.

Proponent Dr. George ~~Geist~~ Osell
8404 Simons Lane -

Joel Pollack agent for the applicant

Stan Davis - spoke previously. is in
opposition
Chairman called for discussion from the
bench at 3:30

Baysouth in favor.

Christen - in opposition

Peters - On the Co Con in 1974.
Familiar with the case in 74 with a buffer
of 80 acres -

Gardner - In favor.

Wilson asked Worley to respond to whether
or not he can enforce the conditions.

Gardner - agreed as submitted.
except
a back Snow -
5-2 Christen & Peters

IMPORTANT MESSAGE

FOR Jack
DATE 3-12 TIME 2:10 PM

WHILE YOU WERE AWAY

Ken

OF _____

PHONE No. 7951

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE _____

SIGNED [Signature]

Sand Pits

156' from north property
line

- 180' is from the top of the
bank -

Trees will never be replanted

Very acceptable fence.

ACTION

DATE

COMMITTEE

M.A.P.C. Approved such to 2/9/85
construction

~~R.C.C. B. Co. C. Preferred Land~~ 3-13-85

B. Co. C. Preferred Land 3-20-85

B. Co. C. Request to 3-27-85
withdraw by self applicant - accepted 5-0

CU-275 - Miles Sand Co., Inc., et. al.
request conditional use permit to expand
a sand & gravel extraction operation on
the east side of Meridian in an area
south of 51st St. North

POSTED 1-21-85
KX

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approved sub to conditions</i>	<i>2/4/85</i>
B.C.C./B. CO. C. <i>Deferred 1 mile</i>	<i>3-13-85</i>
B. Co. C. <i>Deferred 1 mile</i>	<i>3-20-85</i>
B. Co. C. <i>Request to</i>	<i>3-27-85</i>
<i>withdraw by the applicant - accepted 3-0</i>	

CU-275 - Miles Sand Co., Inc., et. al.
request conditional use permit to expand
a sand & gravel extraction operation on
the east side of Meridian in an area
south of 51st St North

Map No. 5353 C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 275
Filed 1-10-85

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Miles Sand Company, Inc. et. al.
Address 4857 N. Meridian, Wichita, KS. 67204 Phone 838-3362
 2. Agent: Joel Pollack / also: Paul & Assoc. attn: Renny Hill
Address 331 N. Waco, Wichita, KS. 67202 Phone 263 7009
 3. General Location: On the east side of Meridian in an area south of 51st Street North
 4. Proposed Use: To expand a sand and gravel extraction operation

- AREA DATA:
1. Acres: 70.3 (_____ 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>2-7-85</u>	<u>Approved sub to condition</u>

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

Date	Action	Ordinance Resolution
<u>3-6-85</u>	<u>Referred 1 week</u>	
<u>3-20-85</u>	<u>Referred 1 week</u>	
<u>3-27-85</u>	<u>Referent to withdrawal - accepted 3-0</u>	

NOTES:

LOS ANGELES COUNTY
REGISTERED PROFESSIONAL
PLANNERS
No. 2153C
Smythe
WASHINGTON, D.C.
U.S.A.

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-275
Location: On the east side of Meridian in an area south of
51st Street North.
Address: N/A
Request: Conditional Use Permit to Expand a Sand and Gravel
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

FEBRUARY 7, 1985

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

APPLICATION
AREA



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-275

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

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M.,
Sedgwick County, Kansas, except that part condemned in
Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section
19, except the north 550 feet of the west 330 feet
thereof. Generally located on the east side of Meridian
in an area south of 51st Street North.

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.

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

NOTICE OF PUBLIC HEARING

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Location: On the east side of Meridian in an area south of 51st Street North.
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Request: Conditional Use Permit to Expand a Sand and Gravel Extraction Operation on Property Zoned "R-1".

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APPLICATION
AREA



Map No. 5353 C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
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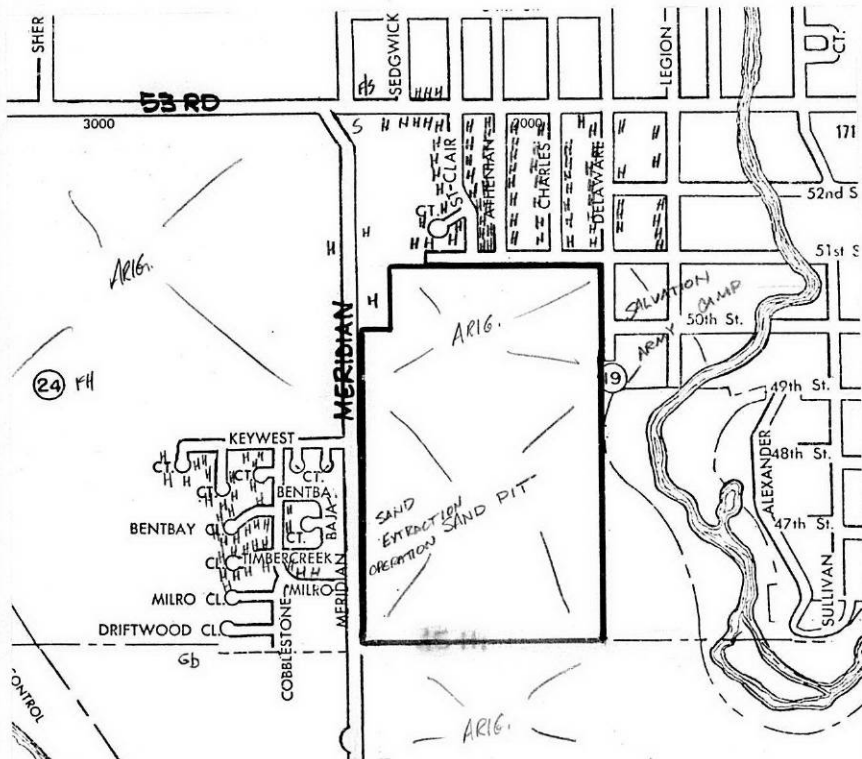
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2. Agent: Joel Pollack Meridian
Address 331 North Waco, Wichita, KS. 67202 Phone 263-7209
3. General Location: On the east side of Meridian in an area south of 51st St. N.
4. Proposed Use: To expand an sand & gravel extraction operation

- AREA DATA: TOTAL 270
1. Acres: 70.3 (1320' (IRREGULAR) ft. by 660' 2160' ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
 3. Land Use: East SUMMER CAMP / RIVER South UNDEVELOPED
West UNDEVELOPED / SINGLE FAMILY North SINGLE FAMILY
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



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

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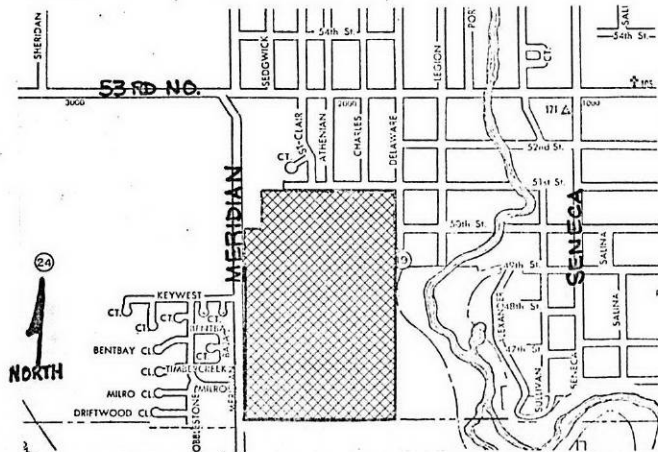
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APPLICATION
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CASE NO. CU-275

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

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 19, except the north 550 feet of the west 330 feet thereof. Generally located on the east side of Meridian in an area south of 51st Street North.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
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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.

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

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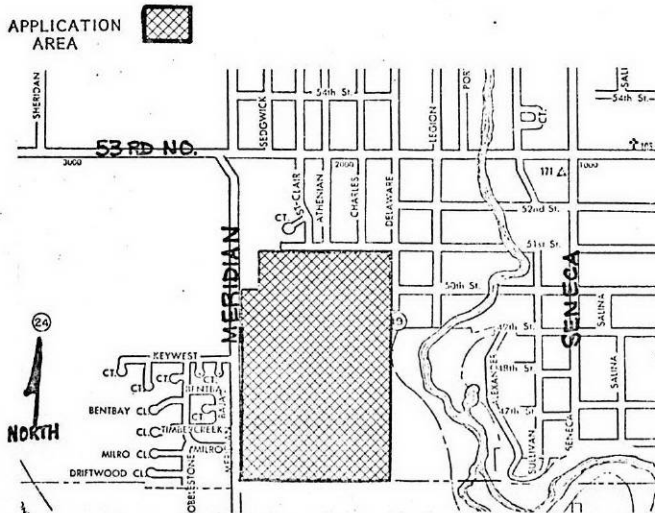
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APPLICATION
AREA



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METROPOLITAN AREA PLANNING COMMISSION
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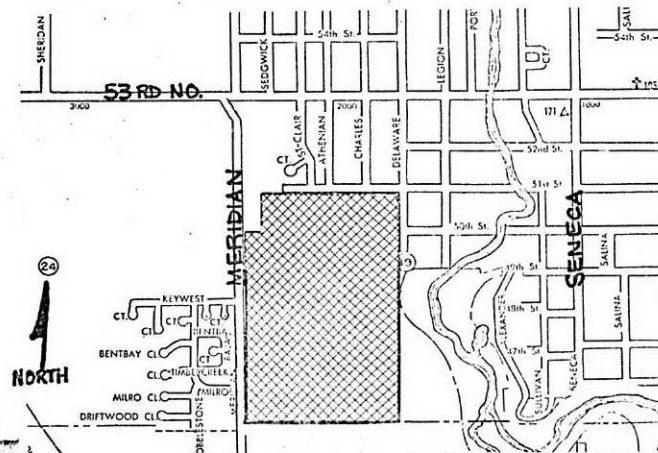
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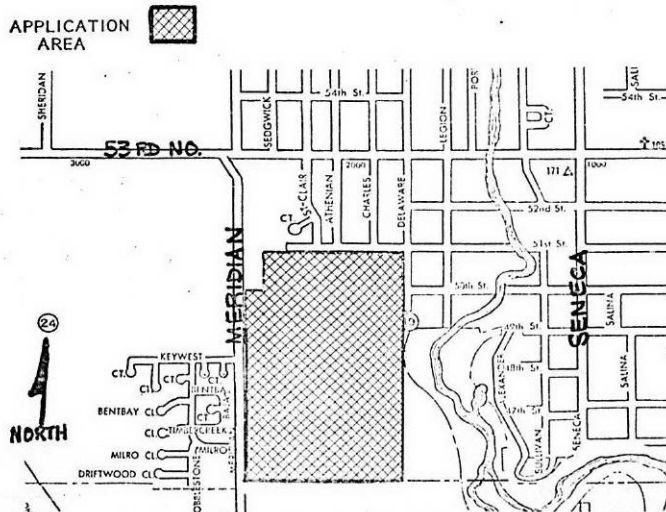
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CU-275

Shirley:

There are now 3
agents on this case —

- 1) Joel Pollack
- 2) Kenny Hill
- 3) Martin Updegraff

Also 4 applicants —

- 1) Miller Land Company, Inc.
- 2) Dreece
- 3) Short
- 4) Merrill

James Helcomb
1-15-85

CU-275

Concerns:

- ① blending sand of area
is stripped
- ② hours of operation
(noise, etc.)
- ③ truck traffic from
sand operations
should not travel
residential streets

is 50% sac. area of Delaware?

is the removal & sale of
topsoil legal for this
"sand & gravel" operation?

IMPORTANT MESSAGE

FOR Lawrence
DATE 1-14-85 TIME 4:15 A.M. P.M.

WHILE YOU WERE AWAY

Jim Helcomb

OF _____

PHONE No. 832-1697

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RETURNED YOUR CALL	

MESSAGE

SIGNED A

FORM 000-017

FORM 29-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hae 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

33. *
 297.28 =
 9,810.24 *
Breading 9,810.240 +
 33,151.000 +
 35,775.000 +
 84,735.240 *

 18,879,751.160 +
 18,879,751.160 *

 0. *

 1,887,975.160 +
 84,735.240 -
 1,803,239.920 *

 1,803,239.920 ÷
 9,076,098.56 =
 0.199 *

135. *
 298. =
 33,150. *

 135. *
 265. =
 35,775. *

 220. *
 95. =
 20,901. *

 20,901. ÷
 2. =
Mathematically 10,450.000 *

 10,450.000 +
 35,775.000 +
 33,150.000 +
 85,875.000 *

 1,817,975.160 +
 85,875.000 -
 1,732,100.160 *

 1,732,100.160 ÷
 9,076,098.56 =
 0.192 *

FROM _____ DATE _____

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	ENGINEERING	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input checked="" type="checkbox"/> Galbraith	<input type="checkbox"/> Lindebak	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Cain	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Dudark	<input type="checkbox"/> Young	<input type="checkbox"/> Ruiz	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Ahrens	<input type="checkbox"/> Bonanni	<input type="checkbox"/> Henry	<input type="checkbox"/> Jones
<input type="checkbox"/> Harris	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Lahey	<input type="checkbox"/> Schneider	<input type="checkbox"/> Whitney
<input type="checkbox"/> Henderson	<input type="checkbox"/> Hart	<input type="checkbox"/> Nagley		
<input type="checkbox"/> Wasko	<input type="checkbox"/> Kelley	<input type="checkbox"/> Olivarez		
<input type="checkbox"/> Wimbley	<input type="checkbox"/> Losew	<input type="checkbox"/> Smythe		
	<input type="checkbox"/> Mitchell			
	<input type="checkbox"/> Peele			
	<input type="checkbox"/> Shen			

Handwritten note:
 If withdrawn
 go = 17.3 ±
 20.8

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type

REMARKS *Shaffer has given*
even a copy. compute effect
if withdrawn

TS-105

WITHDRAWAL OF PROTEST PETITION
SEDGWICK COUNTY, KANSAS

The undersigned, property owner in Sedgwick County, Kansas does hereby withdraw her protest petition previously signed and dated the 16th day of February, 1985, in the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, for establishment of a Sand & Gravel Pit in R-1 zoning.

The property owned is:

NE1/4 of the NE1/4 of Sec. 24, TWP. 26, R1W exc. a tract described as: Beg. at a point 1506' N of the SE/c of the NE1/4; th. W 1475'; th. N parallel to the E line of the NE1/4 485'; th. W parallel to the S line 709.3'; th. N parallel to the E line of the NE1/4 a distance of 649' more or less to the N line of the NE1/4; th. E along the N line 856.8' more or less to the NE/c of the NE1/4; th. S along the E line of the NE1/4 1134' to p.o.b.

Dated March 18, 1985.

Grace I. Bishop
Grace I. Bishop

ACKNOWLEDGMENT

State of Kansas)
)
County of Sedgwick)

Be it remembered that on this 18th day of March, 1985, before me, a notary public in and for said County and State, came Grace I. Bishop to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Shirley
Notary Public

My Commission expires:

10-23-88



WICHITA-SEDGWICK COUNTY

March 18, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Don Gragg, Chairman, Board of County Commissioners

FROM: Robert A. Lakin, Director of Planning

SUBJECT: CU-275 - "Findings of Fact" - Harley Miles Case

Attached is a suggested motion that carries out the intent of the Planning Commission to approve the above-captioned case. The "findings of fact" are stated in the preamble of the motion. Conditions of approval "a" through "u" follow.

On the last page you will find alternate conditions that would accomplish the change that Jim Schaefer requested. He asked that instead of requiring slats in the north fence and landscaping, that his client be permitted to construct a 6-foot high earth berm, planted with grass, along the south side of the fence adjacent to 51st. If the Commission concurs in that substitution, then the alternate conditions on the last page should be approved.

Robert A. Lakin
Director of Planning

RAL:JHG:rme
Attachment

cc: Bernard A. Hentzen, County Commissioner
Tom Scott, County Commissioner
Tim Witsman, County Administrator
William D. Rustin, County Counselor

MOTION:

Having concurred with the facts taken into consideration by the Planning Commission; the temporary use of the land and the availability of the sand and gravel resource; and considering that the applicant is proposing to expand the extraction operation from his previously approved operation from the south, that it is intended to only extend the dredging operation into subject area, leaving the sand plant facilities where they are presently located maintaining the same distance from the residential area to the north; and after consideration of the favorable recommendation of the Planning Commission and the conditions of approval;

I move that we approve this application subject to the following conditions:

- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
- c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
- d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
- e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
- f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or

- (3) 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.

If a chainlink fence is utilized, then either metal or wooden slats, woven through the chainlink, shall be provided along the north line of the application area to minimize the effects of blowing silt.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- k. 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.
- l. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no sand plant vehicular access to or from 51st Street North or Delaware.
- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
- q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the

banks to the approximate size as indicated on the approved plan.

- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

ALTERNATE CONDITIONS:

Should it be determined that the applicant's proposal to construct a six-foot high earth berm in conjunction with the fence along the north property line is satisfactory instead of the fence with wooden or metal slats, then the last paragraph under condition "f" should be changed to read as follows:

A six-foot high earth berm planted with grass, shall be constructed along the north property line before the removal of overburden begins (top soil may be used in the construction of this berm.)

if the Commission agrees that the applicant should not have to plant and maintain trees along the north property line, then condition "h" should be eliminated.



SEDGWICK COUNTY, KANSAS
LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: BOARD OF COUNTY COMMISSIONERS
FROM: RICHARD A. EUSON, Assistant County Counselor
RE: CU-275: CONDITIONAL USE PERMIT for expansion of sand and gravel extraction operation. Agenda of 3-20-85
DATE: MARCH 13, 1985

The above case was referred to the Planning Department for preparation of findings of fact based on the hearing held 3-13-85. In the formulation of a decision in this case, the Board of County Commissioners acts as a quasi-judicial body and should adopt findings and place the same of record. As a quasi-judicial tribunal, the Board is by statute (KSA 75-4318(a)) permitted to recess into executive session for the purpose of "deliberating matters relating to a decision involving such quasi-judicial functions." Should you wish to use an executive session for such purpose, we will prepare the necessary motion.

cc: William D. Rustin
County Counselor
Robert Lakin
Planning Department

RECEIVED

MAR 14 1985

METROPOLITAN PLANNING

ROUTE _____

Total Area 13,782,228.6 **SQ. FT.**
Application Area 3,080,200 "
Street R/W 4,706,134.24 "
Net Area 9,076,094.36 "
20% of Net Area 1,815,218.8 "
Net Protest Area 1,887,975.16 "
Total % Protesting 20.8 %

LAKIN NEEDSTILE %
IF THE BISHOP PROPERTY
IS NOT USED
(PROPERTY WEST OF MILWAUKEE)

Bishops Area: 314,224.96
NPA = 1,573,750.2

17.3%

CU-275

THE CITY OF WICHITA
OFFICE OF Street Services Division

DATE March 12, 1985

TO Chris Breitenstein, Civil Engineer III
FROM Gene Rath, Street Services Director

SUBJECT Miles Sand Company Redevelopment

Attached are two sets of plans relative to Miles Sand Company's proposal to extend an existing lake area north of 45th Street North between the Big and Little Arkansas Rivers.

The plans were submitted to the Corps of Engineers for their recommendations relative to distance between the proposed lake area and the flood control levees.

The Corps has unconditionally approved the distance between the proposed lake area and the Big Arkansas River levee to the west; and approved the distance between the project and the Little Arkansas River levee to the east provided there is no deviation from the submitted plan, on other words, the 180' shown on the plan is acceptable in this particular instance.

Gene Rath
Gene Rath
Street Services Director

Attachments (2)
cc: David Stowe, Director of O & M

*MAD received
3-14-85
8:15am*

RECEIVED
MAR 13 1985
DESIGN DIVISION

BOARD OF SEDGWICK COUNTY COMMISSIONERS
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The motion carried with all Commissioners voting "aye."

CU-190

Mr. Jack Galbraith, Metropolitan Area Planning Commission, appeared before the Board regarding MAPC Case CU-190 on the east side of Meridian in an area between I-235 and 45th Street North. He stated that this conditional use permit was for the purpose of extracting sand and gravel, soil and what-have-you on an approximate 155 acres of land. He stated that this lied just to the north of I-235 By-Pass and south of 45th Street and on the east side of Meridian. He presented a map of the 155 acres to the Board pointing out the surrounding zoning. He pointed out on the map where the I-235 By-Pass was as well as 37th Street and the interchange on Meridian connected. He further presented an aerial photograph of the area to the Board that was taken in 1974. He pointed out on the maps the areas that had recently been annexed into the City of Wichita. He stated that this particular applicant owned the existing sand extraction operation to the north, 160 acres that the County Commission approved several years ago. He stated that they formally had a sand extraction operation on two sites, which he showed to the Board, and he stated that they had since ceased operation but had recently submitted a residential and commercial community unit plan and that had been approved. He stated that the aerial photograph reflected the lake activity that had resulted from the extraction operation. He stated that the aerial photographs were from 1974 photographs and simply did not reflect the sand pit occurring to the north and the lake that existed today. He stated that the aerial photograph simply indicates where soil was removed and the beginning of the sand conveyor operation and since the photograph had been taken, a sizeable lake had developed. He stated that this had been advertised for public hearing to those within a distance of 1,000 feet. He stated that the Planning Commission had carefully reviewed this sand special permit request to see what type of conditions they would recommend to the County Commission that would be consistent with the traffic controls they had placed on these types of operations in the past. He stated that they had suggested to the Board seventeen conditions. He stated that the platting of the property would surely not be required now. He further stated that the plans that the applicant had submitted, had indicated where the operation was located, or would be located, and the distance from the property line that the lake would not encroach into and he had suggested how this might be redeveloped in the future. He stated that this was similar somewhat to the residential community that had been approved to the west where he simply went back and showed the land around the lake that would remain and how that might be developed someday into a street system and showed a considerable amount of culvasac's and backing lots into the lake indicating an extension of commercial zoning with perhaps a small neighborhood center at the intersection. He stated that the land use to the south, there was a recent construction of ball diamonds there, this was by the Pleasant Valley Lions Club. He stated that the Planning Commission in reviewing this did discuss also landscaping and screening or additional materials that would be planted to the south. He stated that one of the Planning Commissioners felt particularly strong about additional plant material being added to that fence row to help somewhat screen the lake activity that the sand extraction operation from the residential area south of the interstate. He stated that the applicant had no objection to that and did agreed with that condition. He further stated that he thought that it should be pointed out that this applicant had emphasized in the discussion that he did not intend to go in there and begin the sand extraction operation perhaps within the next 12 to 15 years as he had recently purchased the land and wanted this approval so that when he did complete his sand extraction operation on the quarter section to the north, that he could then move into this area and begin extracting sand. He stated that he did emphasize however, that he would be desirous of removing topsoil for any contract that might occur relative to the

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construction of the interchange. He stated that this would be close to that project and he might want to remove soil from the area. He stated that it would probably occur pretty much like the aerial photograph which he had presented to the Board earlier. He stated that the applicant had emphasized that should he go in to take the top soil, he would not go below the water table. He stated that he was sure that the Board was familiar with the standards conditions saying that extraction below the water table occurred, it had to be a minimum of six feet so that there was not there was not the potential algae problems and all that would occur with a shallow operation. He stated that they had been required to submit additional covenants and that there would not be the deposit of trash and car bodies and this sort of thing. He stated that he had looked at the 17 conditions recommended to the Board by the Planning Commission and these were the types of standard conditions that had been laid out over the years. He stated that one of the conditions was the fencing requirement. He stated that he would point out again that the Planning Commission was unanimous in their recommendation to approve this operation subject to these conditions. He stated that they had probably noted in the minutes that the Citizens Participation Organization in the City of Wichita had considered this case. He stated that they apparently were beginning to receive concern about this. He stated that one evening he had attended a meeting of the neighborhood council and Mr. Aiken, the Director of Environmental Health and attended the meeting and those in opposition that were present today. He stated that as he remembered, the meeting lasted some hour and a half to two hours that evening and had recommended that this be approved and this was by a six to one margin. He stated that the applicant was present today and considerable opposition was also present. He stated that if the Board had questions, he would be glad to answer them.

Mr. Scott asked if the City of Wichita had annexed that area. He asked why this had been done.

Mr. Galbraith stated that recently upon the request of the applicant who was desirous of going back in and creating lots back into the water, he was desirous of creating a residential community plan and wanted to see if sewer could be extended to the site. He stated that this was really the drawback to the development there now, that there was no sewer available. He stated that there was a Park City Interceptor Sewer Study underway that would address itself to this hopefully to get a sewer north on Arkansas to accommodate this area. He stated that hopefully this study would be done in the next year.

Mr. Scott asked if the area in white that Mr. Galbraith had pointed out to the Board was all City limits.

Mr. Galbraith stated that this was correct.

Mr. Scott asked if this included those coming up the river.

Mr. Galbraith stated that the city limit line reflected by the map that he was presenting....

Mr. Scott asked if he was correct in seeing that this was coming up the river, and that they had gone up the river to get it.

Mr. Galbraith stated that this was incorrect. He stated that this land had all been annexed for a number of years but there were several pieces of property that the applicant did not own and were not yet incorporated into the City limits.

Mr. Hale asked if this was a river.

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Mr. Galbraith stated that this was the Arkansas River.

Mr. Hale asked if he was correct seeing that they had annexed the Arkansas River.

Mr. Galbraith stated that a number of years ago, this had been annexed. He tried to show the Board exactly what had been annexed.

Mr. Rush stated that he thought that this had been annexed pertaining to Flood Control.

Mr. Bob Lakin, Metropolitan Area Planning Commission, appeared before the Board. He stated that this area was annexed, as Mr. Galbraith had indicated several years ago and the city started annexing north of the Brooks landfill. He stated that they had extended the finger up to the river.

Mr. Rush asked if this went as far north as the landfill.

Mr. Lakin stated that this had started to go that far north, but did not go all the way.

Mr. Scott stated that they were not west of the river there, they just went up so far and stopped.

Mr. Lakin stated that the annexation had been recommended by his department on this development because it was being proposed as urban density requiring city-type sewers and there was no County sewers in that area planned so it was recommended that this be annexed so that they could be on the city water. He stated that he thought that this was a fairly constant recommendation for the MAPC to the City Commission, that when their was land adjacent to the city sewer, that annexation occur.

Mr. Hale asked Mr. Lakin if he was correct when he heard him state that there was no County sewer and no proposed county sewer in that area and there was no city sewer in that area, was there a proposed city sewer at that time.

Mr. Lakin stated that there was no proposal but there was an arrangement worked out on this particular project to the west to bring sewer across 37th and Arkansas. He stated that there was sufficient capacity in that sewer for the development. He stated that there would need to be other arrangements made before any additions of development were made in that area.

Mr. Hale asked if the sewer went across I-235.

Mr. Lakin stated that it did not at this moment. He stated that it came across I-235 and then went west. He stated that this was being handled by the City Engineer and Reiss and Goodness on behalf of the applicant.

Mr. Hale asked if there were any other questions.

Mr. Rush asked if the city limits were at 37th and Meridan.

Mr. Lakin asked Mr. Rush if he was referring to the existing sewer.

Mr. Rush stated that he was not.

Mr. Lakin pointed out the City limits to the Board.

Mr. Lakin and Mr. Galbraith pointed out the annexation and the sewer as well as the city limits to the Board.

Mr. Rush asked if this was 1/4 mile of 53rd Street.

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Mr. Lakin stated that it was a half mile.

Mr. Galbraith stated that he had one other comment. He stated that he had perhaps misled the Board by stating that this was a residential development. He stated that a great portion of that area was proposed for single family however, Mr. Miles did desire and it had been granted on a residential piece considerable townhouses and garden apartments south of the lake. He stated that he had a quite desirable mixture of land use, residential and commercial in the plan for that entire area.

Mr. Hale asked if there was anyone else wishing to speak in favor of this.

Mr. Larry Ziesenis, 2829 West 45th North, appeared before the Board. He stated that he had no objection to the sandpit, because it will eventually it will be developed into housing. He stated that they would develop and submit plat plans and submit along with this. He stated that perhaps his wife would like to say something because she was also an owner of the land.

Mr. Hale asked if there was anyone else wishing to speak in favor of.

Mrs. Larry Ziesenis appeared before the Board. She stated that they lived on the west side of the sandpit. She further stated that when they heard about this they did have some reservations. She stated that she thought that this would cause blowing sand and different things that were undesirable. She stated that she thought that they lived in seventh heaven out there because there was nice clear blue water and in the summer time it was cooler because the wind blew across the water and cooled it down. She stated that she thought that a lot of the residents objected to this because they thought that they would have blowing sand from this. She stated that they lived right there beside this and had no problem.

Mr. Hale asked if there were any questions.

Mr. Bill Bachman, owner of a piece of ground in the area, appeared before the Board. He stated that frankly, he was interested in Mr. Miles and his development but the thing that he failed to understand about the opposition was the fact that with all of the options that they had of ground use, the fact that they could do so many different things that could be derogatory to the land and the neighborhood, and certainly lake development had done more to create value and it was creating more of the type of development that they needed developed. He gave the example of Twin Lakes and other lake developments that had gone up. He stated that this was an opportunity to ensure good development because this water was creating high ground value and high ground value created good development. He stated that he would certainly like to see this development.

Mr. Hale asked if there were any questions. He further asked if there was anyone else in favor of this project that wished to speak.

A man appeared before the Board and stated that he could not see why anybody was against this. He stated that the Twin Lakes area was a good development and had done a great deal for the community out there. He stated that if the Board was to drive by some of the other sand operations that there were in Wichita and drive by this operation and they would not see any junk machines at this operation or junk piled everywhere—it was a clean operation. He stated that the good Lord put that sand there and somebody had to take it out and he was taking it out in a clean and attractive way. He stated that when he was done, he was going to build a fine operation.

Mr. Hale asked if there were any questions.

Mr. Harley Miles, applicant, appeared before the Board. He stated that

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he would be glad to answer any questions that the Board might have. He further stated that he knew that he had opposition and he would like for them to be heard. He stated that he had no body to represent him but himself and he thought that he knew as much about his business as anybody else so if the Board had any questions, he would be glad to answer them.

Mr. Rush stated that he had a question for Mr. Miles. He stated that it was indicated on his application that Mr. Miles did not intend to use this for 15 years, however, he might take the top soil.

Mr. Miles stated that he might take the topsoil if he was fortunate enough to be the low bidder on the project.

Mr. Rush stated that his next question was if they moved the topsoil, how was he going to keep it from blowing.

Mr. Miles stated that he had removed the topsoil from the property that they had now and they had vegetation growing. He stated that they had one piece that they might have to transplant some trees off of. He stated that after you removed the topsoil, in about six to eight months it started picking up vegetation. He stated that he thought that there was two reasons there was a lot of seed lying around and it was close to the water. He stated that they were only about four foot from water there and for some reason these trees grew real good in this area. He stated that they were going to transplant some. He stated that there were cottonwoods and some elms and some of the trees were getting to be a real menace. He stated that most of the trees were cottonwoods. He stated that they would not let it blow. He stated that the material that they were talking about was much finer and would come more apt to blowing than the materials that they would uncover. He stated that this ground had a real fine silt on top of it.

Mr. Rush asked if this was the same type of material that was used on the property on Zoo Boulevard. He stated that their experience there was that after the grass was taken off, the stuff was constantly blowing and if there was cover on this, then it would not blow. He stated that his concern was that it had to be seeded with something.

Mr. Miles stated that he felt that Commissioner Rush was basically right. He stated that he did not think that the ground that they were on down there they had a sandy ground and a finer ground right underneath the dirt. He stated that this for some reason or another, they had drilled a few holes on this property and down about five feet, they hit a pretty coarse material. He further stated that in some of the locations where he had worked in years past, they went through about four foot of dirt and then they hit a real fine type which was about two-and-a half to three foot thick and it did have a tendency to blow. He further stated that there was a market for the fine materials that there wasn't in the past.

Mr. Rush asked if he was concerned about the silt.

Mr. Miles stated that this was correct.

Mr. Hale asked Mr. Rush if there were any other questions.

Mr. Rush stated that he did not have any other questions.

Mr. Hale asked Mr. Scott if he had any other questions.

Mr. Scott asked Mr. Miles how soon he would begin developing that ground that the City of Wichita had annexed.

Mr. Miles stated that he would like to say that he could start tomorrow. He stated that as soon as they could get through the red tape and the problems

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that they always had in developing a piece of property they would get started. He stated that he was trying to get it started.

Mr. Scott asked Mr. Miles if it was the sewer and the water that was holding this up.

Mr. Miles stated that it was not. He stated that they had been told that they can get sewer and water. He stated that they were doing their own engineering to speed this project up. He stated that the City Engineer had told them that it would take from four to six months to get the engineering done if they did it, as they were this far behind. He stated that they had hired their own engineer, Reiss and Goodness, and they were engineering the sewer and the water and the drainage and everything to get this project expedited. He stated that he had told people that they were going to build houses on it this spring. He stated that he knew he was an optimist and he worked pretty hard, but he did want to start out in the spring. He stated that they owned and he had purchased the massage parlor.

Mr. Rush referred to the massage parlor as the "shimmy shack".

Mr. Miles used Mr. Rush's term the "shimmy shack", but it was the old massage parlor and they had purchased the old trailer house. He stated that April the first, they were going to clear that land. He stated that this was when they were to get control of that property. He stated that they were going to try to move along with this development. He stated that they were going to try to get started quickly. He stated that they were planning on building nice homes which would be next to the lake. He stated they had talked to several people who wanted to purchase lots out there next to this lake and invest money and they could not see the sandpit as much of a deterrent. He stated that those people were willing to invest a lot of money out there. He stated that he wished he had a plan with him to show the Commissioners the types of houses and development that they were planning. He stated that they were going to build some canals back in off of this lake about 800 feet, and raise the property for the drainage and they were going to build he thought that there was 87 homes that would back up to the lake and they would have direct access to the lake. He stated that they would have apartments on the peninsula. He pointed out where the City water main would be. He stated that they were going to try to build a fine development there. He stated that as soon as they get pumped out at the other location, they would do the same thing.

Mr. Hale asked if there were any questions.

Mr. Hale asked if there was anyone else wishing to speak in favor of this project.

No one appeared before the Board.

Mr. Hale asked for those who were in opposition to appear before the Board.

Mr. Robert Wentworth, 5310 North Meridan, appeared in opposition to the case. He stated that he was representing a few people who were opposed to this Conditional Use permit for many reasons. He stated that he had some statements written by different members of his community who had planned on being at the last Commission Meeting, but at the request of the applicant a month's delay was requested. He stated that the reason given at the meeting when he had asked why the delay, as people had planned vacations and so on, wasn't a very satisfactory answer but the people who had planned on being at this meeting today were not, just simply could not take vacation time off and so forth to attend. He stated that he had a letter to read to the Commissioners from a man who had come in contact with many of the men and people within

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Sherwood Addition and it was addressed to the Commissioners. He further stated the letter to-wit; stating that this was for the public record:

"Commissioner John Hale
"Commissioner Tom Scott
"Commissioner Earl Rush

" Dear Commissioners:

I would like to take this method of briefing you on my sentiments regarding the proposal, designated as Conditional Use Permit 190, to create a sand pit across the highway from Sherwood Glenn Addition.

"I come in contact with many residents of that area who have expressed their concern and disapproval. It is the general feeling in the neighborhood that the sand pit will devalue their land and homes, as well as affect the quality of their lives. To support this feeling, I am attaching a list of names of those who have so expressed themselves."

Mr. Wentworth stated that there were some 300 names on this petition that he was presenting to the Board.

"Please place this letter and the attached list on record with the County Commission and ask for a vote NO on Conditional Use Permit 190 on behalf of myself and the people who have signed the attached list."

"Thank you.
"Calvin Tuders
"First Ward Supervisor"

Mr. Wentworth stated that Mr. Tuders was probably one of the most respected men he had come in contact with. He further stated that the attachment stated: "P.S. Sorry I can't attend the meeting personally, but my job prevents that."

Mr. Wentworth presented the letter from Mr. Tuders and the petition to the Board for their review. He further presented the Board with a letter from a man who was a supervisor for a sand pit. He presented each of the Commissioners with a copy of this letter and proceeded to read it into the record, to-wit:

"Dear John Hale and Members of the Commission:

"We are unable to attend the meeting today, and we have asked Mr. Wentworth to brief you on our feelings concerning another sand pit just south of 45th and I-235 By-Pass.

"I have worked for a sand company for 16 years and I am a foreman, and I'm still working for the sand company, therefore I know what damage blowing fill and silt and sand and I know what they can do to your homes and property and therefore I am definitely against another sand pit in this area and also we were promised two years ago that there would be no more sand pits in this area by the County Commission.

"So we wish to state again that we are definitely against another sand pit in the area."

Mr. Wentworth stated that for the record, it was signed by Vernon V. Weber, 5700 North Meridan. He stated that eventually he would get to something that he had to say, but he had to go through these because of the members that could not be present. He stated that he had an interesting comment regarding the water problem. He stated that a brother of one of the men that had spoken today had written this letter, Mr. Chester L. Ziesenis

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had signed this statement. He further stated that Mr. Chester L. Ziesenis had not retracted this statement. He further stated Mr. Chester Ziesenis' statement for the record:

"To Who It May Concern:

"The analysis of the crater south of Miles Sand Pit at 45th and North Meridan was made by Eldon Means Laboratory and showed that the salt and the hardness in the water was much higher in the north well as compared to the water in the south well 16 rods farther to the south.

"We have observed that the water is not of the same quality as compared before the pit was pumped."

He stated that this was signed by Mr. Chester L. Ziesenis, 2831 West 45th North. He stated that he was imaging that the reason that Chester was not present was because he was at work at Lear today and could not be here. He stated that he had another statement from a man made in March, 1974—they went through this problem every two years just like a religious clan meeting of the people in their community because of the risk and the problems out there. He stated that one of the largest supporters of their cause to help save the community was a man whose name was Al Hennessy. He stated that on March 8, 1974 he stated to the press: "Al Hennessy, member of the Metropolitan Area Planning Commission, said families who move into an area and build homes there should be entitled to some protection when a sand pit later decides to locate near them."

He stated that Mr. Hennessy went on to support them and help to defeat one sand pit that was to be proposed on 53rd Street. He stated that this was almost like the famous Domino Theory that took place in Viet Nam, once it starts, it never seems to stop. He stated that he would add that none of these people who he had mentioned today had nothing to gain money-wise in any way, shape or form. He stated that before the Conditional Use Permit was given, the State Statutes, the Zoning Resolution stated: "where such uses are deemed essential or desirable to the public convenience or welfare."

He stated that this was a matter of determination whether or not this would be a public convenience and welfare. He stated that this was on page 66 of the Zoning Resolution. He stated that 12 years to go, and then a pit—that would be 1988 and on page 12 of the minutes, the large volume of minutes of the Metropolitan Area Planning Commission it states, Mr. Galbraith stated that the applicant did not anticipate the extraction of sand for 12 years. He further stated that this was because 15 years still existing on this pit. He stated that the thing that worried him was why commit government of the future, and the County Commission of the future and the people who lived there in the future something that took place now. He stated that he understood that the people across the street were going to build homes and so forth. He stated that they would have no comment and no input as to whether or not they need a sand pit because the homes would be built and the people would be in them and then ten years from now, they'll look across the street out of the kitchen window and see a bulldozer and they'll wonder what was going on but it would be too late. He stated that they should wait until they were finished with the one sand pit and wait until some of the promises were made and then allow for another sand pit. He stated that the houses, they should not commit the future to a pit when changes may occur and they simply did not need it. He stated that to strip away the top soil for ten years and leave it dormant was just simply awful, as far as he was concerned. He stated that if they went back and developed some new homes, these new homeowners should, they would have no control. He stated that they went through this several years ago. He stated that they covered all of these things, such as blowing sand and silt and all of these things several years ago. He stated that they were told that the area to the north of the sand pit would be affected 40 to 50% and to the south it would be 15 to 20% of the time. He stated that he had friends that were on the committee that were set up by this board to set up new guidelines and one of the proposals for that committee which never did materialize—the end results were never

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established, but one of the attitudes of the committee was that there should not be, essentially within a half mile of the platted area, but by doing a little research he found that the Metropolitan Area Planning Commission themselves, and he would add that one of the biggest problems and one of the things that came up at the Metropolitan Area Planning Commission was that sand did not blow-this was one of the things that he learned at the Metropolitan Area Planning Commission. He stated that he often wondered why the people in Morocco wore covers over their faces and so on to keep the sand out-but he had learned that sand did not blow at the Metropolitan Area Planning Commission. He stated that in doing research, he had learned that sand and gravel reserves in Sedgwick County were considered inexhaustible. He further stated that present and possible future demands were insignificant compared to the quantities available. He stated that large sand and gravel deposits were found along the valleys of the Arkansas and the Little Arkansas and the Big Arkansas River. He stated that the sand deposits owe their origin to river overflow into floodplains and subsequent deposition of sands. He further stated that sand may also originate from wind-blown deposits. He further stated that much of Sedgwick County was underlain with sand and gravel at greater depths. He stated that with this being the case, they should go a little farther out and away from the platted areas. He stated that sand and gravel workings create problems which ideally should be answered before Minera extraction is undertaken. He stated that these problems include: possible blighting influence on the surrounding land uses; unsightly appearances; hazard to children; possibility of soil erosion and rehabilitation of abandoned workings. He further stated that when the white man settled in this region, he ignored many basic natural laws, misused the land, and thus created problems that increase in magnitude each year. He further stated that he built in floodplains of rivers and obstructed their natural flow, he failed to protect the water supply or to install effective drainage and sewerage systems, and created sources of water and air pollution. He further stated that the white man removed fertile topsoil, abandoned gravel pits and failed to preserve areas of natural beauty or to set aside adequate open space within urban areas. He further stated that the lack of foresight may be excused during the first years of a community's existence; with maturity comes the realization of mistakes committed and attempts can be made by the community to correct these errors. He stated that the publication that he was reading from was made by the Planning Department, the Metropolitan Area Planning Department; and they showed their appreciation to the Kansas State Board of Agriculture; the Kansas State Geological Survey; the Soil Conservation Service; the United States Weather Bureau and the University of Kansas. He further stated that this concluded his presentation.

Mr. Hale asked if there were any questions for Mr. Wentworth.

Mr. Rush stated that he did not have any questions.

Mr. Scott stated that he did not have any questions.

Mr. Hale asked if there was anyone else wishing to speak in opposition.

Mrs. Eulalia Langford, 1736 West 53rd Street North, appeared before the Board. She stated that she was present in opposition to the sand pit. She further stated that the majority of people that she had petitioned were in opposition and considered the present sand pit and the other sand pit and anything new as a public nuisance. She further stated that they had had too many accidents on Meridan. She stated that just last week a school bus was hit by a sand truck. She stated that she had almost been hit many times. She stated that the sand trucks did not stop at the highway. She further stated that the sand trucks were a private enterprise and they should go by the same rules as the other

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drivers in the area. She stated that she had almost been hit many times and that the worst times were between twenty minutes to eight and eight fifteen every morning because the sand trucks did not stop at the highway. She stated that there was no stop sign there, but she could not drive out of her driveway if there was oncoming cars and the sand trucks should live by the same rules as the rest of them. She further stated that second thing was the blowing sand and dust. She stated that she had contacted the air pollution control department and they had told her that any blowing dust that rose to above ten feet was considered a pollutant. She stated that he was supposed to keep the roads graveled. She stated that she did not know if they were graveled or not. She further stated that there was so much dust blowing across the roads coming from the sand pit that the dust was constant all day long. She stated that by five o'clock at night there was a cloud of something like smog from all of the dust from the sand pit. She stated that she would like to talk to the Board about the floodplain area. She stated that in the area west of the river, these flood lands performed a function as they provided an area for storage from weather and floodwaters and it was a fine natural recharge area. She stated that further alteration of wetlands might constitute a minor change. She stated that she realized that if there was a lake there, it might absorb some of it. She further explained her position regarding this matter. She stated that she would like to discuss the runoff from the area to the northwest into the sandpit. She stated the types of runoff that there would be such as grease and oil and this sort of thing. She further stated that they did not know what this runoff would do to the human bodies. She stated that clean water was one of the best commodities but once it was polluted, there was no way to clean it up usually. She further discussed this matter with the Board, using several studies from Wichita State University as her source. She stated that Meridan also needed to be widened at this time.

Mr. Hale asked Mrs. Langford if she knew that Meridan was a State road, not a County road.

Mrs. Langford stated that the State had told her that it had already been widened, or they had an additional 50 foot.

Mr. Hale stated that this was possible, but he did not know.

Mrs. Langford further discussed the necessity of Meridan being widened. She stated that with all of the truck traffic, she did not feel safe and she did not really know what the residents were going to do.

Mr. Hale asked Mr. Galbraith if he could reply regarding the relation to the highway.

Mr. Galbraith stated that he would comment about the right-of-way. He stated that Mr. Miles had already dedicated 50 foot of right-of-way associated with the conditional use application. He stated that one of the requirements was condition A which was the one where the Planning Commission required 50 feet of right-of-way. He stated that the land to the west, which he had referred to under the community unit plan, was unplatted. He stated that this sandpit existing before zoning was established in Sedgwick County. He stated that when this land was platted, he would have to dedicate 50 feet of right-of-way on that site and he thought perhaps in some places 60 feet of right-of-way for street right-of-way. He stated that all of the right-of-way would be acquired from this persons property.

Mr. Hale asked Mrs. Langford if this answered her question.

Mrs. Langford stated that she just wanted to clarify a statement. She

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further stated that she understood that any time there was a lake over five acres in size involved, there was a need of some sort of permit from the Corp of Engineers. She stated that she had received a letter from the Corp of Engineers and it stated that these things should be taken care of.

Mr. Hale asked if there were any questions. He asked Mrs. Langford to show the Board where she lived in relationship to the operation.

Mrs. Langford showed the Board on the map where she lived and stated that she lived four blocks north.

Mr. Hale asked if there was anyone else wishing to speak.

Reverend J. Washington appeared before the Board. He stated that he lived at 5441 North Gow. He stated that he represented that area strongly. He stated that they did oppose the sand pit. He stated that this was the second time that they had been before the Commission regarding a sandpit. He stated that the residents loved their area. He further stated that they appreciated their area and they would appreciate it if they would not be stranded out there. He stated that these people wanted to live there. He stated that he would like to take this privilege to come before the Board and thank them for what had been done there to this community by the Commission. He further stated that he really loved people and he worked with people of all kinds and he just did not love one kind of people-he loved people as a whole. He stated that he would like to thank the Commissioners for this opportunity to appear and let them know he was in opposition to this sandpit by the community. He stated that on Gow Street, they now got their mail delivered to their door and there were school buses that came around and got their children. He stated that they were hoping to get a curb so that the water would not come down off of the field and keep them from drowning them out because the water came down over the hill from Valley Center. He stated that they would like to get a curb so that this would be helped. He stated that he thought that the Board could understand. He stated that this was a pretty good problem over there. He stated that he would like to ask the members of the Commission to come out there and see this problem. He thanked the Board for allowing him to speak.

Mr. Hale thanked the Reverend. He asked the Board if they had any questions.

Mr. Rush stated that he had a question. He asked the Reverend if he was in opposition to this sandpit.

Rev. Washington stated that this was correct.

Mr. Rush asked Rev. Washington how far he lived from this location.

Rev. Washington stated that he lived at 5441 North Gow.

Mr. Rush stated that this would make the Reverend possibly three-quarters of a mile from this site.

Rev. Washington stated that he did not know exactly how far he was from the site. He stated that they would like a little bit of advancement if they were going to come in there where he was-if they were going to go in there. He stated that he hoped that they found somewhere else to find sand.

Mr. Hale thanked Reverend Washington. He asked the members of the Commission if they had any questions. He further asked if there was anyone else wishing to speak in opposition.

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Ms. Margaret Perry appeared before the Board in opposition. She stated that she owned property in the county but she did live in the City. She stated that she had three acres north of west 53rd Street and she had one acre of Sheridan and two on Piatt Street. She stated that she was in opposition to this proposed operation and it was proposed for 12 to 15 years from now and she was opposed to that. She further stated that there was congestion already on the road and there were trucks driving up and down and they did not even stop when they came out on Meridan. She stated that there had been accidents because of this and it was dangerous. She stated that if this was approved, it would cause problems on an already well traveled road and it was going to cause more wear-and-tear on Meridan. She stated that presently, you could hardly get on or off of Meridan. She stated that no matter what anybody said, she had lived north in the township for 18 years and this did effect the water and particularly when they were doing the heavy drilling and pumping. She stated that this did have an effect. She stated that at a later date, she planned to build a home out there. She further stated that she loved the country and she loved this area and she would do anything to go back. She stated that she did not want the area blighted any more, she wanted to see it beautified and she wanted to see it improved. She stated that she would say that if this operation was approved for 10 to 15 years from now, that it also be stated in the contract of these apartment complexes or the housing development or whatever that in ten to fifteen years, these people would look out of their kitchen window, or any of their windows and they would see a sandpit. She stated that there was nothing pretty about a sandpit. She stated that the present operation did look good and fair right now. She stated that the reason for this was that this matter was coming up on the agenda and it was going to be cleaned up so that it would look good because everyone would look carefully at it. She stated that in this case, of course they would clean it up. She stated that if the Commissioners would go on the other side of Meridan on the west and look at the old operation, where they moved out of, they would find nothing but weeds and trash. She stated that this was all that she had to say.

Mr. Hale asked if there were any questions.

Mr. Hale asked if there was anyone else wishing to speak in opposition. He further asked if there was a legal protest petition.

Mr. Galbraith stated that there had been no protest petitions filed.

Mr. Scott so moved for a five minute recess.

Mr. Hale stated that he had a motion to move for a five minute recess.

Mr. Rush seconded the motion.

Mr. Hale stated that he had a motion and a second.

The motion carried with all Commissioners voting "aye."

Mr. Hale called the meeting back to order after a five minute recess. He asked if there was any other discussion or questions regarding this matter.

Mr. Lynn Woodward, Professor at Wichita State University, appeared before the Board. He stated that he was speaking for the development. He stated that he had looked over Mr. Miles plan as far as land use. He stated that he thought that there was no real change in the situation from the present site in the south area. He stated that Mr. Miles was environmentally

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conscience of the water quality and the land. He stated that the use of the land and the end result, which he had consulted him on, would in the long run, there would be no change in the situation and there would be improvement in the land use plan as an end result. He stated that if the Commissioners had any other questions for him, he would be glad to answer them.

Mr. Hale asked if there were any questions.

Mr. Bill Bachman appeared before the Board. He stated that it seemed that the people in opposition had indicated that the present tract was very unattractive and he felt that this was wrong as this had been planted in wheat. He stated that the only thing that really concerned him, frankly was that some of the sandpits in the general area were not very attractive and some of the people who had spoken in opposition to this had some very unattractive property in there that he really felt was a detraction to development, but he certainly felt that they had been unfairly appraised in the fact that some of this property was being attractive and taken care of.

Mr. Hale asked if there was anybody else to speak.

Mr. Hale asked what the pleasure of the Board was.

Mr. Scott stated that the last time that this came in for a conditional use permit on the east side of Meridan there, it was his understanding that this would be the last sandpit that would go in the area there. He further stated that here they were back here, two years later asking for another request for another sandpit for 15 years from now. He stated that he thought that the County Commission should look at the site that was there now as he did not know how many more years pumping there that Mr. Miles would have, but he was not in favor of moving another sandpit in there at the present time on these people there because the Commission did promise them at that time that they would not approve any additional sandpits, so therefore, he would move that the Commission deny the Conditional Use Permit.

Mr. Hale stated that he had a motion to deny. He asked for a second.

Mr. Rush seconded the motion for discussion. He stated that the question that arose in his mind-could they check back in the record to that time as to what the proposal was and what was agreed to at that time.

Mr. Galbraith stated that he would try to help the Commissioners. He stated that he could remember the statements made by the County Commission at that time and he thought that they were associated with the application 80 acres in size to the north side of 53rd. He stated that this was approximately this was about three years ago.

Mr. Scott stated that it was somewhere in the neighborhood of three years ago.

Mr. Galbraith stated that someplace about that time, they had two applications. He stated that one was filed by Stannard Construction Company for an 80 acre sandpit.

Mr. Scott added that this application was at 53rd and Meridan.

Mr. Galbraith stated that this was on the north side of 53rd. He stated that they had the application about the same time for this 160 acres of Mr. Miles. He further stated that at that time, Reverend Washington spoke as representative at that time, as well as Mr. Wentworth and Mrs. Langford and the community was very much represented. He stated that he thought

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that all of those people in the developing single family area were quite concerned about that site on the north side of 53rd. He stated that he remembered distinctly a lady that operated a peony farm up there and was concerned with silt blowing in and covering the peonies and lessen their living ability the following year. He stated that all of these were major interests that were expressed at that time and he had read the comments of the County Commission and he understood that they would not look with favor on another sandpit in that area of 53rd, not in this area. He stated that there would certainly be disagreement as to what was meant but he thought that the County Commission was trying to emphasize to this neighborhood that the Board would not look on favor on a sandpit in that area. He stated that he thought that this was substantially south. He stated that perhaps if the Board had an application north of Mr. Miles (and he pointed out the area to the Board), he would think that this would have adverse effects on that neighborhood to the north. He stated that this one down here, was buffered by his own sandpit and he thought before they saw the beginning of some type of operation on this, they would see the beginning of some type of residential development around this site. He stated that he thought that there was a distinct separation in this application and the opposition of the neighborhood at 53rd and Meridan.

Mr. Rush stated that he had a question for Mr. Galbraith. He asked if that statement made, or policy made at the time that they were discussing the one on the northwest corner of 53rd and Meridan.

Mr. Galbraith stated that this was when he thought that the statement was made.

Mr. Rush asked if this was made when they approved the operation for Mr. Miles.

Mr. Galbraith stated that he would have to go back and check both applications to make sure. He stated that he was under the impression that the Board made those statements for the benefit of the neighborhood on the case of the north side of 53rd Street.

Mr. Hale stated that he thought it seemed like the primary intent here was to remove the topsoil at the present time and maybe have a sandpit perhaps 15 years from now. He stated that in removing the topsoil, he wanted to know if this would take a conditional use permit.

Mr. Galbraith stated that it would.

Mr. Hale asked what kind of a permit was gotten at 61st and I-35 there at that truck stop where they are removing all of that dirt.

Mr. Galbraith stated that he did not think that a permit was obtained for that site.

Mr. Hale asked Mr. Galbraith why there did not have to be a permit obtained there and there would have to be here.

Mr. Galbraith stated that he did not think that there was any question that a permit had to be obtained at that site.

Mr. Hale asked Mr. Galbraith if he was referring to 61st Street.

Mr. Galbraith stated that this was correct. He stated that the Board should recall that they did approve this for light industrial zoning.

Mr. Hale stated that he was not talking about the zoning, he was just talking about the removing the dirt which was what he was talking about.

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Mr. Galbraith stated that this was correct-but he thought that there was a difference here in that this was a residential or a rural residential district that required a conditional use permit for the extraction of sand operation. He stated that in this instance, they had had the question raised if they had to have a permit to remove the topsoil. He stated that if someone was going out and just changing some grade of land to make it more developal, then probably a permit was not required but when you went out and substantially removed the topsoil, as Mr. Miles had done on the site to the north, he thought that this was about six feet lower, six to eight feet.....

Mr. Hale asked Mr. Galbraith if he was aware of how much dirt had been moved up at 61st Street.

Mr. Galbraith stated that he was.

Mr. Hale stated that about 30 foot had been removed, in some areas.

Mr. Galbraith stated that they were trying to make that land-he asked the Commissioners if they would remember that this was building drainage and the County Commission approved it for industrial development and he thought that they had been attempting to level that land.

Mr. Hale asked if there were any other questions.

Mr. Hale asked Mr. Miles if he would like to speak.

Mr. Miles appeared before the Board. He stated that they were not going to remove all of the topsoil from this property. He stated that they would remove about 250 thousand yards of topsoil off of the property if their bid was successful. He stated that they would slope the sides. He further stated that they were not going to have two sandpits in this area. He stated that he had six months after he completed the operation which he was in to move his operation to another location or abandon it. He stated that they would abandon one and move to the other one. He stated that it would be one or the other. He stated that they were not going to have two sand operations. He stated that if they took the topsoil off, they would take about eight acres of topsoil. He stated that if they took eight acres of topsoil, if they really got down to it, they could do like they were doing at 61st Street. He stated that this was not the way that he wanted to do it. He stated that he was an individual businessman and he planned on staying in the business and he intended to run a good operation and this would be a future operation. He stated that as the Board knew, he was building across the road and he thought that this would be an asset to the community. He stated that as far as water drainage, and the drainage going into that lake, the flood control was the one that was asking them for permission to do that and to drain that area, he was not asking for it, they were asking for it. He stated that they had problems in the water up there behind 53rd and Meridan. He stated that they had agreed that if they wanted to, they could let this drain onto his land. He stated that as far as the road was concerned, he thought that if they got this development across the road, they could improve the road situation.

Mr. Hale stated that his only question for Mr. Galbraith was-would there not have been a better, if really all he was wanting to do was to remove topsoil, would there not be a better, ask for a different conditional use permit than what was being asked for here today. He stated that really if the Board approved what was here today, they were allowing a sandpit-that was what they were allowing.

Mr. Galbraith stated that this was correct. He stated that eventually the board was approving an eventual sandpit to take place here. He

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stated that certainly if the Board desired to approve a request for the removal of topsoil, he could submit a plan figure and show exactly where that excavation would occur and the Board could approve that type of action-just for the removal of topsoil. He stated that he thought that they would have to rewrite the conditions and they would certainly not grant that it be lower than the water table to create any type of shallow lake there. He stated that he thought that perhaps this would give him the opportunity to remove the topsoil and then someday in the future he could come back and ask for another application for the extraction of sand from the property.

Mr. Hale stated that he thought that the opposition was concerned that as to what might occur 15 years from now and he could certainly did not know and he was sure that no one else would know what the conditions might be then.

Mr. Galbraith stated that he thought certainly, although this was not a condition as recommended by the Planning Commission, he did not think that they even thought that this would be the operation of a second sandpit, he thought that it was understood that one would cease and that equipment would move south to this location. He stated that if this was the concern of the Commission, they could certainly add this as a condition, no operating of sand excavation would occur here until the north 160 acre site had ceased operation so that there was not the two. He further stated that he did not think that there was this concern where there was the same owner involved.

Mr. Hale thanked Mr. Galbraith.

Mr. Miles stated that they were willing to agreed to that-that they would not have a sand operation at the south location until they were through at the other location.

An unidentified gentleman appeared before the Board. He stated that in answer to the Board's question as to what would happen in 15 years, this was his area of study. He stated that in a development of this size around a lake and property that would require about seventeen hundred square feet a home would be highly priced homes on good size lots with lake frontage. He further stated that it requires that the economics of the sand operation now, and the continuation of it. He stated that this would have to be buffered and the road situation corrected to maintain the value. He stated that the sand operation continuing would not hurt the area, but in fact if they made sure that the operation was confined enough that it would not hurt it's own development and this land value, this development should aid in increasing the land value in the area. He stated that in 15 years, he felt that the overall operation would improve the situation.

Mr. Hale asked if there were any other questions.

Mr. Rush stated that his only concern was as to what they agreed to at whatever time it was, whether it was two years or three years ago and from memory he could not recall the time when they had the operation in the area before.

Mr. Galbraith stated that he would have to look at both cases to make that determination.

Mr. Hale stated that he had a motion and a second to deny the permit. He asked if there was any further discussion.

The motion carried with all Commissioners voting "aye."

9-16-76

Map No. 5352
Sec. 30
Twp. 27
Range 1E

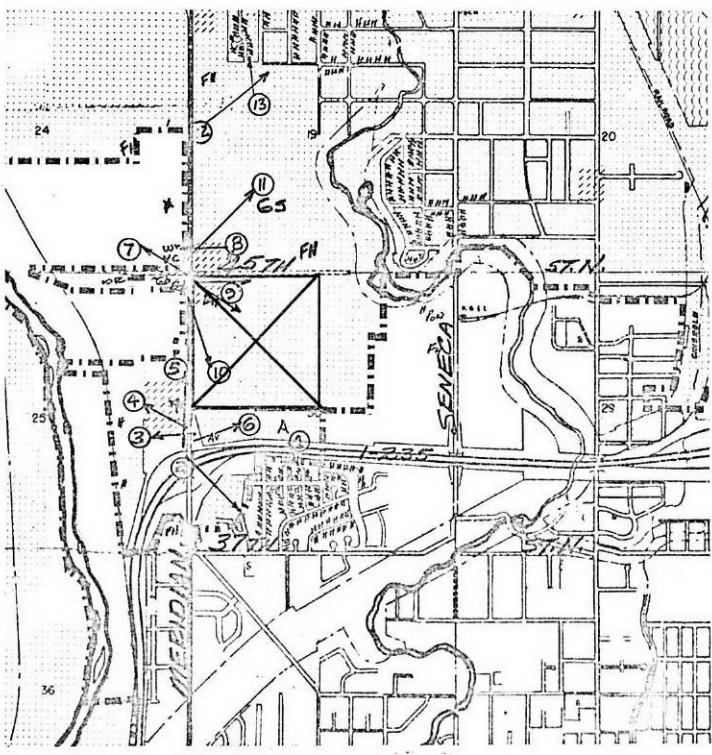
DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 190
Filed 8-25-76

APPLICATION DATA: From "R-1" & "LC" to _____
1. Applicant: Miles Sand, Inc. (Contract Purchaser)
Address 4852 N. Meridian, Wichita, Ks 67204 Phone 838-3362
2. Agent: Oblinger-Smith Corporation
Address 625 First National Bank Bldg. 67202 Phone 262-0451
3. General Location: East side of Meridian in an area between I-235
and 45th St. North Address _____
4. Proposed Use: Raw Materials Extraction Operation

AREA DATA:
1. Acres: 154.4 (2500 ft. by 2690 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" & "LC" W "R-1" & "TC" N "R-1" & "TC"
3. Land Use: East ~~UNIT 10-10110~~ South I-235
West ~~Equi-House & Farm Dept. 101~~ North ~~Seneca Farm~~
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: FARM HOUSE
6. Area (is) (is not) platted.

PHOTO DATA:
Taken by T Date 9-10-76 Time 10:50





SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

OPINION NO. 2-1985

TO: Jack Galbraith, MAPD
FROM: Richard A. Euson, Assistant County Counselor
DATE: March 8, 1985
RE: Conditional Use Permit for Expansion of Sand and
Gravel Extraction, Case #CU-275, Agenda of 3/13/85

In regard to the above-referenced case, you inquired whether the protest area should include or exclude a portion of the Wichita-Valley Center Flood Control Project. It is our opinion that such portion constitutes a "way" and should be excluded from the protest area.

It is provided in enabling legislation (K.S.A. 19-2920) and in the County Zoning Regulations (§17(c)17) that the Board of County Commissioners must unanimously approve a zoning case where a protest petition has been signed by "... the owners of 20% of the total area, except public streets and ways, located within 1,000 feet of the property proposed to be rezoned...." The term "way" is neither defined in the statutes nor in the Zoning Resolutions; however, the Regulations provide in Section 2 that, "Any word defined in the building code of Sedgwick County and not specifically defined herein, shall be construed as defined in the building code." The 1982 Uniform Building Code was adopted by the Board of County Commissioners on December 28, 1983. Section 3301(b) thereof defines a way as follows:

"PUBLIC WAY is any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet."

We do not find that the Kansas Appellate Courts have ever had occasion to construe the term "way." The term is defined in 94 CJS at p. 465 as follows:

"The word 'way,' which is derived from the Saxon, is a broad and generic term, and in one sense it means a right; a right of use for passengers which may be private or public; a right of passing over another man's ground; a right of one person, or of the community at large, to pass over the land of another; a privilege of going over another's land; a right of way."

The term is defined in Black's Law Dictionary (Revised Fourth Edition) as, "A passage, path, road or street. In a technical sense, a right of passage over land." (p. 1764). And in Ballentine's Law Dictionary (Third Edition), a "way" is defined as:

"A means of passage for a vessel in leaving the wharf and proceeding to sea. The course which workmen will under ordinary circumstances take in order to go from one part of the employer's premises to another as their duties require. A road, sidewalk, or path. In a more technical sense, a right of way, that is, the right of one person, or several persons, or of the community at large to pass over the land of another.

"The words 'way' and 'road' are frequently used interchangeably, but properly, 'way' is more generic, and includes many things besides roads (citations omitted)." (p.1363)

The land condemned for the Wichita-Valley Center Flood Control Project was condemned,

"... for the purpose of construction and maintenance (through, over and upon the same) of works for the prevention, control or mitigation of flood or flood hazards upon or along the Arkansas River or the tributaries thereof, including (without limitation of the generality of the foregoing language) the digging and construction of channels for the passage or control of water, the construction of levees and control structures, and the right of subjacent support, ..."

In the Matter of the Acquisition by the City of Wichita, Kansas, of Certain Public and Private Property, etc., Case #A-39338, In the District Court of Sedgwick County, Kansas.

The purpose for which the lands were condemned is, in our opinion, consistent with the definition of "public way" as found in the Sedgwick County Zoning Resolution. We believe the statute and the resolution, in making provision for exclusion of "public streets and ways," intended that a "way" encompass a variety of easements and servitudes dedicated to the public. The building

code definition clearly applies to parcels of land other than streets; and the other definitions cited herein illustrate that a way is something more than a mere road or street.

In construing the term "public streets and ways" we also would rely on the general rules relating to statutory construction. The cardinal rule is to determine legislative intent from an examination of the entire act and to avoid treating words as meaningless. To this end, courts will look to the purpose to be accomplished, necessity and effect of the legislation. Tilley v. Keller Truck and Implement Corp., 200 Kan. 641; Clark v. Murray, 141 Kan. 533. The purpose of the zoning regulations is clearly stated in the resolution's Preamble. The purpose in allowing a given number of protesting adjacent landowners to require unanimous commission action is clear: to give weight to the desires of those landowners most affected by the zone-change decision. For what reason would a city or county, as owner of a street, road, ditch, sidewalk, alley, bridge, flood control project or other easement, wish to contest a zone change? The zone change will not affect the right of the public to enjoy the easement, and there is therefore no reason to include such in a computation of the protest area.

For the foregoing reasons, it is our opinion that "public streets and ways" as used in K.S.A. 19-2920 and in §17(c)17 of the Sedgwick County Zoning Regulations encompasses and includes the area in Sedgwick County designated as the Wichita-Valley Center Flood Control Project.

This opinion is given solely for the use and benefit of Sedgwick County, Kansas.

RAE/mp

cc: William D. Rustin
Robert Lakin
Donald E. Gragg
Tom Scott
Bud Hentzen

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a To Expand Food & Travel Act. in R-1 zoning).

*not
affiliated
with
school?*
*no other
in school
by R.*



SECTION II - Protestor(s)

	Name	Lot(s)	Block(s)	Property Owned	Addition
a)	<u>Kenneth R. Richey</u> Signature	<u>South 1/2</u> <u>lot 32</u>			<u>1st Addition To</u> <u>GARDNER ACRES</u>
	<u>Kenneth R Richey</u> Typed or Printed Name				
b)	<u>Catherine C. Richey</u> Signature				
	<u>CATHERINE C. RICHEY</u> Typed or Printed Name				

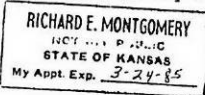
*with no knowledge
of this
signed and returned to Richey
* only on contract for deed
to Richey*
SECRET Report missing

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11 day of FEB., 1985, before me, a notary public in and for said County and State, came Kenneth R. Richey and Catherine C. Richey to me personally, known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Richard E. Montgomery
Notary Public

My Commission expires 3-24-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-215, zone change from _____ to _____ (for establishment of a to expand sand & gravel pit in R-1 zoning).



SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Rockne T. Welborn</u> Signature	The east 145 feet of Lot 21 except the North 10 feet.		Ormiston Second Addition
	<u>Rockne T. Welborn</u> Typed or Printed Name			
b)	<u>Joan E. Welborn</u> Signature	The east 145 feet of Lot 21 except the North 10 feet.		Ormiston Second Addition
	<u>Joan E. Welborn</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7th day of February, 1985, before me, a notary public in and for said County and State, came ROCKNE T. WELBORN and JOAN E. WELBORN to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

MILDRED J. MYERS
NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
MY APPT. EXPIRES 2-16-85

Mildred J. Myers
Notary Public

My Commission expires 2-16-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

CONTRACT FOR DEED

THIS AGREEMENT Made and entered into this 22nd day of July, 1983 by and between SMITH & COMPANY, INC. hereinafter called first party, and Rockne T. and Joan E. Welborn, husband and wife hereinafter called second parties;

WITNESSETH, that in consideration of the sum of Ten Thousand and no/100 dollars x x x x x x x x (\$10,000.00), this date paid to first party by second parties, the receipt of which is hereby acknowledged by first party, said first party hereby agrees that if second parties shall hereinafter pay to first party an additional sum of Seventy Four Thousand Four Hundred and no/100 x x (\$74,400.00), plus an amount equal to interest computed at the rate of 12 percent per annum on deferred balance (said additional amount being a part of the quoted price of the real estate hereinafter described) in monthly installments of Seven Hundred Forty-four dollars and 73/100 x x x x x x x x x x (\$744.73), beginning on the 1st day of August, 1983 and continuing thereafter on the 1st day of each succeeding month, until said amount has been paid, and shall also repay to first party the amount they may hereafter pay in satisfaction of the taxes levied against the real estate hereinafter described for the year and subsequent years as hereinafter described, and for premiums on insurance policies covering said property as hereinafter described, said first party will convey to second parties, by deed of general warranty the following described real estate situated in Sedgwick County, State of Kansas to-wit:

The East 145 feet of Lot Twenty-one (21), in Ormiston Second Addition, Sedgwick County, Kansas; except the North 10 feet thereof deeded to Sedgwick County, Kansas for street purposes in Deed recorded in Book 459, Page 252.

The first party at signing of said contract has delivered to second parties a Title Insurance Policy insuring title to said real estate invested in first party.

The current total payment including tax, insurance, interest, and principal is

\$744.73	Principal & Interest	Buyer agrees to pay an additional \$2,000.00 on the principal balance on or before October 31 1983.
29.75	Insurance	
49.37	Taxes	
\$826.01		

29.75 Ins
49.37 Taxes
61.66

PAID TO SMC. RE. 11/11/85



Second parties may have the privilege of paying in full,
the balance on said purchase price at anytime, and/or assume the existing
first mortgage subject to approval by Wichita Federal Savings & Loan Association.

That, until parties of the second part have complied with
the conditions set forth herein, parties of the second part shall
keep the premises in as good condition and repair as they are now;
shall not sell, ~~with~~ sever or remove any of the fixtures or
appliances on, in or about the building without written consent of
the party of the first part; shall not procure or permit the removal,
demolition or material alteration of any buildings now on the land
without the advance written consent of the first party; shall ~~not~~
commit or permit any waste on the premises; the second party agrees
to paint the exterior of said building every 4 years; and shall permit
party of the first part or its agent at all reasonable times to enter
and pass through or over the premises for the purposes of inspecting
same, to ascertain whether or not the conditions or provisions hereof
~~are being complied with.~~

Parties of the second part, together with and in addition
to the other periodic payments required under this contract, shall
deposit with the party of the first part monthly installments of a
sum sufficient to place funds in the hands of the party of the first
part with which to pay taxes, assessments and charges levied
or to be levied against the premises as the same shall become due
and to pay renewal premiums on insurance policies, said installments
to be based on prior year's taxes. If, at any time, the funds so
held by the party of the first part are insufficient to pay any such
taxes, assessments, charges or insurance premiums when the same shall
become due and payable, the parties of the second part shall immediately,
upon notice, deposit with the party of the first part the amount of
such deficiency. If, at any time, a default exists in any of the
provisions of this contract, the party of the first part may, at
its option, apply any money held by it for the payment of taxes,
assessments, charges or insurance premiums on any of the obligations
herein in such order and manner as it may elect. That if parties
of the second part shall fail to pay any insurance premium, tax,
assessment or charge aforesaid, or fail to keep the premises in
good condition and repair as herein provided, the party of the
first part, at its discretion, may pay any such insurance premium
and may pay any tax, assessment or charge before delinquency thereof.

Any sum advanced by party of the first part for any such purpose with interest thereon from the date of such advance at the rate of 12 percent per annum shall be due from the parties of the second part on demand.

First party has placed a first mortgage to Wichita Federal Savings & Loan Association on said property giving a lien superior to second parties right hereunder and without second parties prior consent, provided however the principal amount of such mortgage shall never exceed the principal amount owing by second parties hereunder and provided further, first party promises to keep said mortgage current and to cause it to be released of record prior to last payment made hereunder by second parties.

It is understood by second parties that this Agreement with first party is executory only and the first party will be required to perform the same only after second parties have complied with the conditions imposed by the first party as above set forth and that until second parties have paid in full the stipulated purchase price of said real estate, the title thereto shall remain in first party, subject only to the right of second parties to demand and receive a conveyance thereof to them if and when they shall have complied with the conditions set forth herein.

Assignment by second parties of their interest hereunder without the written consent of first party shall constitute a default.

~~THE PARTIES HERETO HAVE AGREED THAT THE FIRST PARTY SHALL HAVE THE FIRST MORTGAGE LIEN ON THE PROPERTY DESCRIBED IN THIS INSTRUMENT AND THAT THE SECOND PARTIES SHALL NOT ASSIGN OR CONVEY THE PROPERTY DESCRIBED IN THIS INSTRUMENT WITHOUT THE WRITTEN CONSENT OF THE FIRST PARTY.~~
Any violation of the recorded restrictions during the lifetime of this contract shall constitute a default.

It is agreed that time is of the essence of this Agreement. If second parties default on any obligation hereunder and/or in making any of the payments due under this Contract for Deed, the second parties shall have from the date of default Sixty (60) days grace in which to bring said contract current. If the second parties fail to make the payments necessary to bring said contract current, or if at any time during the term of this contract, the second parties default in the performance of any other provisions of this agreement as set out herein, the first party may at it's election immediately and without notice to the Buyer, terminate and cancel this agreement and take possession of said premises and remove all persons therefrom and in

such event all payments made by the second parties, together with any and all improvements made by the second parties upon the premises shall inure to the benefit of the first party as and for rent and liquidated damages, and not as a penalty, and the second parties shall have no right in and to said premises.

It is further agreed between the parties hereto that neither the failure of the first party to insist upon the forfeiture of this agreement immediately upon default as provided herein, nor the acceptance of payments for the purpose of keeping said contract in force after it is entitled to take possession shall be considered a waiver of said forfeiture or right to take possession, except as to the specific payment accepted and said first party may, at any time, during the continuance of any default in any payment declare a forfeiture and take possession as provided for herein. The acceptance of payments after having declared a forfeiture or having demanded, or taken possession shall be construed only as a waiver of the forfeiture declared and not as a waiver of the right thereafter to declare a forfeiture or to again take possession of said premises for default then existing or that may thereafter occur.

~~If second parties default and/or breaches this contract and such default and/or breach if not remedied within the aforementioned grace period, then in such event second parties shall be considered as tenants from month to month from the day following the monthly anniversary date of the month in which such default or breach occurs and at a monthly rent in an amount equal to two (2) times the total monthly obligations hereunder of second parties.~~

If, in the event, first party elects to escrow this contract, second parties agree to pay escrow origination fee and monthly escrow fee.

IN WITNESS THEREOF, the said parties have hereto subscribed their names, the day and year first above written.

SMITH & COMPANY, INC.

BY: 

R. L. Smith, President

Party of the first part


Rockne T. Welborn


Joan E. Welborn

Parties of the second part

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a to expand sand and gravel pit in R1 zoning).



SECTION II - Protestor(s) [OK]

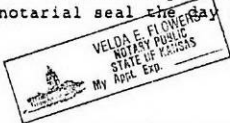
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Michael T. Owens</u> Signature	<u>Lot 26 except the East 145 Ormiston feet except the West 10 feet and the South 10 feet for street.</u>		
<u>MICHAEL T. OWENS</u> Typed of Printed Name			
b) <u>Barbara A. Owens</u> Signature	<u>Lot 26 except the East Ormiston 145 feet except the West 10 feet and the South 16 feet for street.</u>		
<u>BARBARA A. OWENS</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 10 day of Feb, 1985, before me, a notary public in and for said County and State, came Michael T. Owens and Barbara A. Owens to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal ~~the~~ day and year above written.



Velda E. Flowers
Notary Public

My Commission expires 27 Aug, Oct, 1988

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

Buyers
STATEMENT

BUYER: Michael T. & Barbara A. Owens SELLER: Smith & Company, Inc.
ADDRESS: 1630 West 51st Street North BROKER: SMITH & COMPANY

SALE PRICE (or EQUITY)	\$	<u>81,250.00</u>	\$
Earnest Money Deposit			<u>500.00</u>
Sales Commission			
Assume existing mortgage to <u>Contract for Deed</u>			<u>55,500.00</u>
Balance as of <u>August 22, 1983</u>			
Abstract Fee			
Attorney Fee			
Appraisal Fee			
Credit Report			
Recording Deed			
Recording Mortgage			
Revenue Stamps			
Registration Tax			
Survey			
Title Policy Total <u>\$468.00 (one-half Buyer)</u>		<u>234.00</u>	
<u>Reserves of Contract for Deed</u>		<u>382.80</u>	
Trade-in Property			
Assume existing mortgage to			
Balance as of			
Transfer Fee <u>2.46% of Contract for Deed</u>		<u>1,366.00</u>	
Taxes <u>1982 paid \$574.31 - 7 months 22 days 1983</u>			<u>382.80</u>
Insurance <u>Buyer to provide own insurance</u>			
Interest <u>paid to August 22, 1983</u>			
Amount to close <u>(Due from Buyer)</u>			<u>26,850.00</u>
TOTAL	\$	<u>83,232.80</u>	\$ <u>83,232.80</u>

The above is a complete, true and correct account of funds received and disbursed by us in connection with the closing of the sale described at the head of this statement.

SMITH & COMPANY, INC.

By: [Signature]

I/we have examined the above statement and find it correct. This acknowledges our approval and acceptance on closing the (sale) (purchase) of the above property.

Dated August 22, 1983

Michael T. Owens
Michael T. Owens
Barbara A. Owens
Barbara A. Owens

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to R-1 (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

	<u>Property Owned</u>		
<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>William R. Sanders</u> Signature			
<u>William R. Sanders</u> Typed or Printed Name	Lot 7 exc. N 60' and the N 61' lot 9		First Addition to Gardiner Acres
b) <u>Bernadette M. Sanders</u> Signature			
<u>Bernadette M. Sanders</u> Typed or Printed Name	Lot 7 exc. N 60' and the N 61' Lot 9		First Addition to Gardiner Acres

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came William R and Bernadette M. Sanders to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Ronald W. Johnson
Notary Public

My Commission expires December 19, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>David A Wolfe</u> Signature	N 85.5' Lot 5	First Addition to Gardiner Acres
David A. Wolfe Typed or Printed Name		
b) <u>Michelle R Wolfe</u> Signature	N 85.5' Lot 5	First Addition to Gardiner Acres
Michelle R. Wolfe Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came David A Wolfe and Michelle R Wolfe to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Louise M. Thomason
Notary Public

My Commission expires 3-12-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

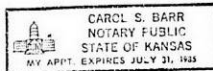
	<u>Property Owned</u>		
	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Donald R. McCray</u> Signature			
<u>Donald R. McCray</u> Typed or Printed Name	S $\frac{1}{2}$ Lot 6		First Addition to Gardiner Acres
b) <u>Norma L. McCray</u> Signature			
<u>Norma L. McCray</u> Typed or Printed Name	S $\frac{1}{2}$ Lot 6		First Addition to Gardiner Acres

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came Donald R. McCray & Norma L. McCray, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carcl S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

<u>Name</u>	<u>Property Owned</u>		
	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Ronald E. Collins</u> Signature			
<u>Ronald E. Collins</u> Typed or Printed Name	Lot 9 exc. N 65'		First Addition to Gardiner Acres
b) <u>Dorothy R. Collins</u> Signature			
<u>Dorothy R. Collins</u> Typed or Printed Name	Lot 9 exc. N 65'		First Addition to Gardiner Acres

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Ronald E. Collins and Dorothy R. Collins, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.



Rosemary N. Thorason
Notary Public

My Commission expires 3-12-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

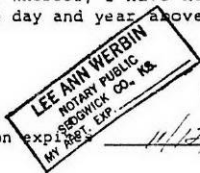
	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Steven J. Echer</u> Signature <u>Steven</u> <u>Steven J. Echer</u> Typed or Printed Name	<u>Lot 10</u> <u>Except north</u> <u>65 feet</u>		<u>1st addition</u> <u>Gravel Pit Access</u>
b)	<u>Martha A. Echer</u> Signature <u>Martha A. Echer</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20 day of February, 1985, before me, a notary public in and for said County and State, came Steven J. Echer and Martha A. Echer to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission 11/12/85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-279, zone change from _____ to _____ (for establishment of a SAND & GRAVEL PITS in R1 zoning).



SECTION II - Protestor(s)

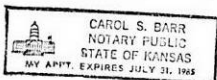
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Fred W. Kelly Jr.</u> Signature	S. 111 FT.	LOT 12	FIRST ADDITION OF GARDEN ACRES. GARDINER
<u>FRED W. Kelly JR.</u> Typed or Printed Name			
b) <u>Deborah A. Kelly</u> Signature	S. 111 FT.	LOT 12	FIRST ADDITION OF GARDEN ACRES. GARDINER
<u>Deborah A. Kelly</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 18th day of February, 1985, before me, a notary public in and for said County and State, came Fred W. Kelly Jr. & Deborah A. Kelly to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C11-275, zone change from _____ to _____ (for establishment of a Sand & Gravel Extraction Operation in P1 zoning). EAST of Meridian in an Area South of 51st Street North



SECTION II - Protestor(s)

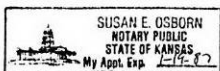
Name	Property Owned
Lot(s)	Block(s) Addition
a) <u>James M. Holcomb</u> Signature <u>James M. Holcomb</u> Typed or Printed Name	<u>13</u> First Addition to Gardner Acres
b) <u>Jo Ann M. Holcomb</u> Signature <u>Jo Ann M. Holcomb</u> Typed or Printed Name	<u>13</u> First Addition to Gardner Acres

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 15th day of February, 1985, before me, a notary public in and for said County and State, came James N. Holcomb - Jo Ann M. Holcomb to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Susan E. Osborn
Notary Public

My Commission expires 1-19-87

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a EXPAND SAND & GRAVEL EXTRACTION OPERATION in R1 zoning).



SECTION II - Protestor(s)

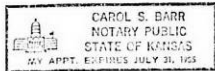
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Yogana C. Guffey</u> Signature			
<u>Korann C. Guffey</u> Typed or Printed Name	3		First Addition to Gardner Acres
b) <u>Wilma F. Guffey</u> Signature			
<u>Wilma F. Guffey</u> Typed or Printed Name	3		First Addition to Gardner Acres

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985 before me, a notary public in and for said County and State, came Yogana C. Guffey & Wilma F. Guffey to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand & Gravel Extraction Operation on the east side of Meridian in an area south of 51st Street North in R1 zoning).



SECTION II - Protestor(s)

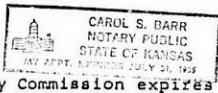
Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>John Verboom Jr.</u> Signature	W 50' Lot 2 & all Lots 3 & 4	Gardiner Acres Addition
John Verboom Jr. Typed or Printed Name	W 50' Lot 2 & all Lots 3 & 4	Gardiner Acres Addition
b) <u>Valeria I. Verboom</u> Signature	W 50' Lot 2 & all Lots 3 & 4	Gardiner Acres Addition
Valeria I. Verboom Typed or Printed Name	W 50' Lot 2 & all Lots 3 & 4	Gardiner Acres Addition

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 16th day of February, 1985, before me, a notary public in and for said County and State, came John Verboom Jr. & Valeria I. Verboom to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public
7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a sand and gravel pit in R 1 zoning).



SECTION II - Protestor(s)

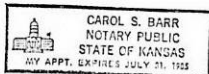
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Margaret E. Noller</u> Signature			
<u>Margaret E. Noller</u> Typed or Printed Name	<u>3</u>	<u>1</u>	<u>H. L. Warner</u> 3rd Addition
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 18th day of February, 1985 before me, a notary public in and for said County and State, came Margaret E. Noller to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

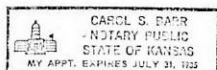
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>James C. Eller</u> Signature	10	2	H. L. Warner 2nd Addition
<u>James C. Eller</u> Typed or Printed Name			
b) <u>Judith L. Eller</u> Signature	10	2	H. L. Warner 2nd Addition
<u>Judith L. Eller</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of Feb, 1985, before me, a notary public in and for said County and State, came James C. Eller & Judith L. Eller to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CLERK'S)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, protest the proposed change of zoning (Conditional Use Application property described as Case No. C4-275, zone change from _____ to _____ (for establishment of a 4 1/2 acre horse and dog park in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Gerald R. Flowers</u> Signature	<u>6</u>	<u>Spur 2</u>	<u>South 21 feet</u>
<u>Gerald R. Flowers</u> Typed or Printed Name			<u>GARDEN ACRES ADDITION</u>
b) <u>Velda Flowers</u> Signature			
<u>Velda Flowers</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February before me, a notary public in and for said County and State, came Gerald R. Flowers and Velda Flowers, husband and wife, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed notarial seal the day and year above written.



Mark L. Dennett
Notary Public Mark L. De

My Commission expires January 11, 1986

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a To afford sand and gravel pit in R-1 zoning).



SECTION II - Protestor(s)

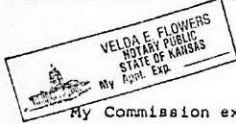
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Helen D. Warrant</u> Signature	<u>1 1/2 lots</u>		<u>first addition to back yard</u>
<u>Helen D. Warrant</u> Typed or Printed Name	<u>S. apt 106</u>		<u>second floor addition</u>
b) <u>Lois Ann May Warrant</u> Signature			
<u>Lois Ann May Warrant</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of Feb, 1985, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Velda E Flowers
Notary Public

My Commission expires 27 day Oct, 1988

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand Pit in R 1 zoning).



SECTION II - Protestor(s)

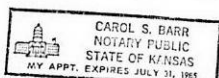
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Larry Allan Yates</u> Signature	24		Ormiston 2nd
Larry Allan Yates Typed or Printed Name	✓ S 171' Lot 19		First Addition to Gardiner Acres
b) <u>Jeanette Louise Yates</u> Signature	24		Ormiston 2nd
Jeanette Louise Yates Typed or Printed Name	✓ S 171' Lot 19		First Addition to Gardiner Acres

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 18th day of February, 1985, before me, a notary public in and for said County and State, came Larry Allan Yates and Jeanette Louise Yates to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a To expand sand and gravel pit.) in R 1 zoning).



SECTION II - Protestor(s)

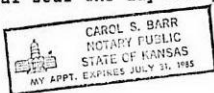
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Chauncey E. Searcy</u> Signature			
<u>Chauncey E. Searcy</u> Typed or Printed Name	N 200' Lot 22 exc. the W 100' & exc. the N 10'		Ormiston 2nd Addition
b) <u>Fern R. Searcy</u> Signature			
<u>Fern R. Searcy</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 18th day of February, 1985, before me, a notary public in and for said County and State, came Chauncey E. Searcy and Fern R. Searcy, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a EXPOSE SAND & GRAVEL PIT in R-1 zoning).



SECTION II - Protestor(s)

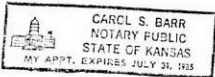
	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>[Signature]</u> Signature			
	<u>W. R. DRY</u> Typed or Printed Name	<u>10</u>		<u>ORMISTON 2ND ADDITION</u>
b)	<u>[Signature]</u> Signature			
	<u>FRANCES P. DRY</u> Typed or Printed Name	<u>10</u>		<u>ORMISTON 2ND ADDITION</u>

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came W. R. Dry & Frances P. Dry to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

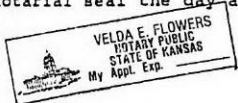
Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>[Signature]</u> Signature Michael J. Fisher Typed or Printed Name	East 145 feet of Lot 26, except the South 10 feet for street	ORMISTON SECOND ADDITION
b) <u>Ferris M. Fisher</u> Signature Ferris M. Fisher Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20 day of Feb, 1985, before me, a notary public in and for said County and State, came Michael J. Fisher and Ferris M. Fisher to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Velda E. Flowers
Notary Public

My Commission expires Oct 27, 1988

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C.U. 7-5, zone change from R-1 to R-1 (for establishment of a to expand sand bank gravel pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Lot(s)	Block(s)	Property Owned	Addition
a) <u>Chester Robinson</u> Signature <u>CHESTER Robinson</u> Typed or Printed Name	11		Ormiston 2nd	Addition
b) <u>Vivian I Robinson</u> Signature <u>Vivian I Robinson</u> Typed or Printed Name	11		Ormiston 2nd	Addition

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 5th day of Feb, 1985, before me, a notary public in and for said County and State, came Chester Robinson and Vivian I. Robinson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Velda E Flowers
Notary Public

My Commission expires 27 day of Oct, 1988

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

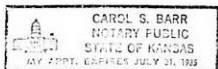
	<u>Property Owned</u>		
<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Francis W. Morrill</u> Signature			
<u>Francis W. Morrill</u> Typed or Printed Name	2	1	H. L. Warner Addition
b) <u>Jonnie O. Treadwell</u> Signature			
<u>Jonnie O. Treadwell</u> Typed or Printed Name	2	1	H. L. Warner Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985 before me, a notary public in and for said County and State, came Francis W. Morrill & Jonnie O. Treadwell to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Harold A. Zimpfer</u> Signature			
<u>Harold A. Zimpfer</u> Typed or Printed Name	3	1	H. L. Warner Addition
b) <u>Norma I. Zimpfer</u> Signature			
<u>Norma I. Zimpfer</u> Typed or Printed Name	3	1	H. L. Warner Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Harold A. Zimpfer & Norma I. Zimpfer, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Rosemary H. Thomasson
Notary Public

Commission expires 3-12-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a sand and gravel pit in R-1 zoning).



SECTION II - Protestor(s)

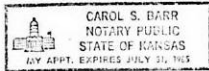
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Stephen S. Barcus</u> Signature Stephen S. Barcus Typed or Printed Name	2	1	H. L. Warner 2nd Addition
b) <u>Thelma Barcus</u> Signature Thelma Barcus Typed or Printed Name	2	1	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of Feb, 1985, before me, a notary public in and for said County and State, came Stephen S. Barcus & Thelma Barcus to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand & Gravel Pit in _____ zoning).



SECTION II - Protestor(s)

a) Tharryl J. Davis
Signature
Tharryl J. Davis
Typed or Printed Name

Property Owned		
Lot(s)	Block(s)	Addition
3	1	H. L. Warner 2nd Addition

b) _____
Signature

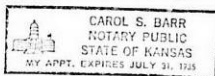
Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 10th day of February, 1985, before me, a notary public in and for said County and State, came Tharryl J. Davis to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to R-1 (for establishment of a sand & gravel pit in _____ zoning).



SECTION II - Protestor(s)

	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Barbara Wilson Waddell</u> Signature	5	1	H. L. Warner 2nd Addition
<u>Barbara Wilson Waddell</u> Typed or Printed Name			
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 1st day of February, 1985, before me, a notary public in and for said County and State, came Barbara W. Waddell to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

KAREN L. ARMSTRONG
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2-10-87

Karen L. Armstrong
Notary Public

My Commission expires February 10, 1987

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and gravel pit in R-1 zoning).



SECTION II - Protestor(s)

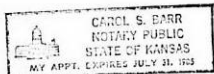
	<u>Property Owned</u>		
<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Gerald W. Jackson</u> Signature			
<u>Gerald W. Jackson</u> Typed or Printed Name	6	1	H. L. Warner 2nd. Addition
b) <u>Sheryl Diane Jackson</u> Signature			
<u>Sheryl Diane Jackson</u> Typed or Printed Name	6	1	H. L. Warner 2nd. Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came Gerald W. Jackson & Sheryl Diane Jackson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



My Commission expires 7-31-85

Carol S. Barr
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from R-1 (for establishment of a to expand front lot in zoning).



SECTION II - Protestor(s)

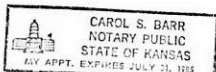
	<u>7</u>	<u>1</u>	Property Owned <u>H.L. Warner</u>
Name	Lot(s)	Block(s)	Addition <u>2nd Addition</u>
a) <u>Charles A. Fowler</u> Signature			
<u>CHARLES A FOWLER</u> Typed or Printed Name			
b) <u>Beate U. Fowler</u> Signature	7	1	H. L. Warner 2nd Addition
<u>Beate U. Fowler</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of Feb, 1985, before me, a notary public in and for said County and State, came Charles A. Fowler & Beate U. Fowler to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

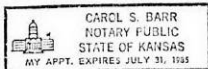
	Property Owned		
	Name	Lot(s)	Block(s) Addition
a) <u>Trinidad R. Cortest</u> Signature			
<u>Trinidad R. Cortest</u> Typed or Printed Name	8	1	H. L. Warner 2nd Addition
b) <u>Rosa L. Cortest</u> Signature			
<u>Rosa L. Cortest</u> Typed or Printed Name	8	1	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 18th day of February, 1985, before me, a notary public in and for said County and State, came Trinidad R. Cortest & Rosa L. Cortest to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a _____ Sand and gravel pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Elmer J. Barr</i></u> Signature <u>Elmer J. Barr</u> Typed or Printed Name	9	1	H. L. Warner 2nd Addition
b) <u><i>Carol S. Barr</i></u> Signature <u>Carol S. Barr</u> Typed or Printed Name	9	1	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of February, 1985, before me, a notary public in and for said County and State, came Elmer J. Barr and Carol S. Barr, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Shirley Scherdtfeger
Notary Public
Shirley Scherdtfeger, Notary Public

My Commission expires _____
SHERLEY SCHERDTFEGGER
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXP. 2-1-89 **ALL SIGNATURES MUST BE ACKNOWLEDGED**

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to R-1 (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

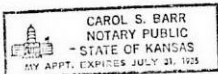
	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Jerry H. Regehr</u> Signature			
	<u>Jerry H. Regehr</u> Typed or Printed Name	1	2	H. L. Warner 2nd Addition
b)	<u>Sandra K. Regehr</u> Signature			
	<u>Sandra K. Regehr</u> Typed or Printed Name	1	2	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 10th day of February, 1985, before me, a notary public in and for said County and State, came Jerry H. Regehr & Sandra K. Regehr, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand & Gravel Pit in R 1 zoning).



SECTION II - Protestor(s)

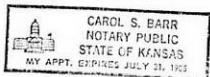
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Russell D. Brown</u> Signature			
Russell D. Brown Typed or Printed Name	3	2	H. L. Warner 2nd Addition
b) <u>Dorothy M. Brown</u> Signature			
Dorothy M. Brown Typed or Printed Name	3	2	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985 before me, a notary public in and for said County and State, came Russell D. Brown & Dorothy M. Brown to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to R-1 (for establishment of a Sand Pit in R-1 zoning).



SECTION II - Protestor(s)

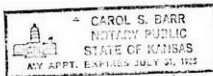
	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Allen L. Rust</u> Signature	4	2	H. L. Warner 2nd Addition
	Allen L. Rust Typed or Printed Name			
b)	<u>Lorna A. Rust</u> Signature	4	2	H. L. Warner 2nd Addition
	Lorna A. Rust Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 13th day of February, 1985, before me, a notary public in and for said County and State, came Allen L. Rust & Lorna A. Rust to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.


My Commission expires 7-31-85

Carol S. Barr
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand and gravel pit in R-1 zoning).



SECTION II - Protestor(s)

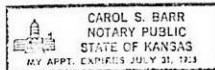
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Kenneth L. Conwell</u> Signature			
<u>Kenneth L. Conwell</u> Typed or Printed Name	7	2	H. L. Warner 2nd Addition
b) <u>Wilma L. Conwell</u> Signature			
<u>Wilma L. Conwell</u> Typed or Printed Name	7	2	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of Feb, 1985 before me, a notary public in and for said County and State, came Kenneth L. Conwell & Wilma L. Conwell to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

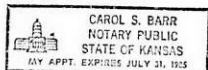
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Terry L. Burnett</u> Signature	6	2	H. L. Warner 2nd Addition
<u>Terry L. Burnett</u> Typed or Printed Name	6	2	H. L. Warner 2nd Addition
b) <u>June K. Burnett</u> Signature	6	2	H. L. Warner 2nd Addition
<u>June K. Burnett</u> Typed or Printed Name	6	2	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came Terry L. Burnett & June K. Burnett to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).

in joint tenancy

OK



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Ralph B. Potts, Jr.</i></u> Signature	<u>4</u>	<u>1</u>	<u>H. L. Warner 2nd Addition</u>
<u>Ralph B. Potts, Jr.</u> Typed or Printed Name			
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5th day of February, 1985, before me, a notary public in and for said County and State, came

Ralph B. Potts, Jr.
to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Raymond M. Monasson
Notary Public

My Commission expires 3-12-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

The Twenty-Third Psalm

The Lord is my shepherd; I shall not want
He maketh me to lie down in green pastures
He leadeth me beside the still waters
He restoreth my soul: He leadeth me in the
paths of righteousness for His name's sake.
Yea though I walk through the valley of the
shadow of death, I will fear no evil:
For thou art with me: thy rod and
thy staff they comfort me.
Thou preparest a table before me in the
presence of mine enemies
thou anointest my head with oil,
my cup runneth over.
Surely goodness and mercy shall follow
me all the days of my life:
and I will dwell in the house of the Lord for ever.

IN MEMORY OF
Laura M. Potts
July 18, 1923
June 6, 1980

SERVICES
St. Mark's Episcopal Church
Monday, June 9, 1980
3:00 P. M.

OFFICIATING
Father Sam Criss

ORGANIST
Nancy Barton

CREMATION

MEMORIAL
Wesley Medical Research
Foundation

Swainson & Luby Mortuaries
WICHITA KANSAS

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to R-1 (for establishment of a sand pit in R-1 zoning).

in joint tenancy



OK

SECTION II - Protestor(s)

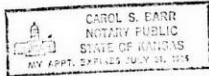
Name	Property Owned		Addition
	Lot(s)	Block(s)	
a) <u>Lulu Idell Griffith</u> Signature	10	1	<u>W. Warner</u> <u>2nd Addition</u>
<u>Lulu Idell Griffith</u> Typed or Printed Name			
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 12th day of February, 1985 before me, a notary public in and for said County and State, came Lulu Idell Griffith to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. GU 275, zone change from _____ to _____ (for establishment of a Sand Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Robert J. Wentworth</u> Signature Robert J. Wentworth Typed or Printed Name	BEG 331.6 FT S NW COR NW 4 E 656.1 FT to PT 332.31 FT S of N LI NW 4 S 332.31 FT W 656.1 ft N 331.6 FT to BEG SEC 19-26+1E (5310 N. Meridian)
b) <u>Ruby K. Wentworth</u> Signature Ruby K. Wentworth Typed or Printed Name	

ACKNOWLEDGMENT

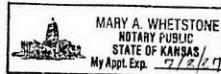
State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of February, 1985, before me, a notary public in and for said County and State, came Robert J. Wentworth and Ruby K. Wentworth, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Mary A. Whetstone
Notary Public

My Commission expires July 8, 1987



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Everett L. Bradburn</u> Signature			
<u>Everett L. Bradburn</u> Typed or Printed Name	Beg. 663.2' S of the NW/c of Sec. 19, Twp. 26, R1E; th. E 656.1' to a point 664.62' S of the N line of sd. Sec.; th. S 332.31'; th. W 656.1'; th. N 331.6' to p.o.b., exc. the N 133' thereof and the S 75' of the W 290.4' thereof.		
b) <u>Charlotte A. Bradburn</u> Signature			
<u>Charlotte A. Bradburn</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came Everett L. Bradburn & Charlotte A. Bradburn, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

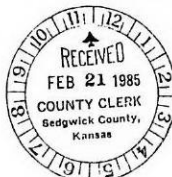
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a SEMI-INDUSTRIAL EXTRACTIVE OPERATION in R1 zoning). EAST OF MERIDIAN IN AREA SOUTH OF
513 STREET NORTH



SECTION II - Protestor(s)

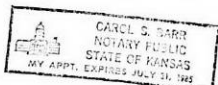
Name	Property Owned		Addition
	Lot(s)	Block(s)	
a) <u>Jimmy D. Brockman</u> Signature	Lot 17	Exc. N. 17'	First Addition to GARDENING DECKS
<u>Jimmy D. Brockman</u> Typed or Printed Name			
b) <u>Carol J. Brockman</u> Signature	Lot 17	Exc. N. 17'	First Addition to Gardener Deck
<u>Carol J. Brockman</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came Jimmy D. Brockman & Carol J. Brockman, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a sand & gravel pit in R-1 zoning).



SECTION II - Protestor(s)

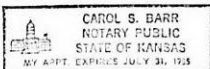
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Logan C Guffey</u> Signature	<u>N 17th lot 17</u> <u>5 1/2 lot 16</u>	<u>5200</u>	<u>First Addition to</u> <u>Gardiner's Acres</u>
<u>LOGAN C GUFFEY</u> Typed or Printed Name			
b) <u>Wilma I Guffey</u> Signature	<u>N 17th lot 17</u> <u>5 1/2 lot 16</u>	<u>5200</u>	<u>First Addition to</u> <u>Gardiner Acres</u>
<u>Wilma I. Guffey</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 10th day of February, 1985, before me, a notary public in and for said County and State, came Logan C. Guffey & Wilma I. Guffey to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a EXPANSION SAND & GRAVEL in R-1 zoning). EXTRACTION OPERATIONS



SECTION II - Protestor(s)

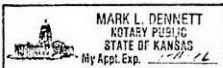
	<u>Property Owned</u>		
	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>[Signature]</u> Signature	N 1/2 Lot 16		FIRST Addition to GARDNER ACRES
<u>Bob R. HALE</u> Typed or Printed Name			
b) <u>[Signature]</u> Signature	N 1/2 Lot 16		FIRST Addition to GARDNER ACRES
<u>Mable V. Hale</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Bob R. Hale and Mable V. Hale, husband and wife, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public--Mark L. Dennett

My Commission expires January 11, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

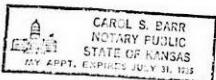
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Wilbur L. Koehn</u> Signature	<u>N 1/2 18</u>		
<u>WILBUR L. KOEHN</u> Typed or Printed Name			First Addition to Gardiner Acres
b) <u>Virginia A. Koehn</u> Signature			
<u>Virginia A. Koehn</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 20th day of February, 1985 before me, a notary public in and for said County and State, came Wilbur L. Koehn & Virginia A. Koehn to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a road and gravel pit in R-1 zoning).

OK
LE 1825-1A
9/3/85



SECTION II - Protestor(s)

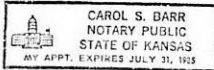
Name	Property Owned		Addition
	Lot(s)	Block(s)	
a) <u>Ernest D. Skiles</u> Signature	S 151.5'	Lot 4	First Addition to Gardiner Acres
Ernest D. Skiles Typed or Printed Name	S151.5'	Lot 4	First Addition to Gardiner Acres
b) <u>Juanita P. Skiles</u> Signature			
Juanita P. Skiles Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of Feb, 1985, before me, a notary public in and for said County and State, came Ernest D. Skiles & Juanita P. Skiles, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Small and Grand Pt in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Wayne Maxfield</u> Signature <u>WAYNE MAXFIELD</u> Typed or Printed Name	<u>So. 85.75 FT LOTS</u> 1-2		<u>FIRST ADD. TO GARDINER ACRES</u>
b) <u>Lela E Maxfield</u> Signature <u>LELA E MAXFIELD</u> Typed or Printed Name	<u>So. 85.75 FT</u> LOTS 1-2		<u>FIRST ADD. TO GARDINER ACRES</u>

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 9th day of Feb, 1985, before me, a notary public in and for said County and State, came Wayne Maxfield & Lela E Maxfield to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

2004

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand & Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Grace I. Bishop</u> Signature	NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 21, TWP. 26, RLW exc. a tract described as: Beg. at a point 1506' N of the SE/c of the NE $\frac{1}{4}$; th. W 1175'; th. N parallel to the E line of the NE $\frac{1}{4}$ 485'; th. W parallel to the S line 709.3'; th. N parallel to the E line of the NE $\frac{1}{4}$ a distance of 649' more or less to the N line of the NE $\frac{1}{4}$; th. E along the N line 856.8' more or less to the NE/c of the NE $\frac{1}{4}$; th. S along the E line of the NE $\frac{1}{4}$; th. S along the E line of the NE $\frac{1}{4}$ 1134' to p.o.b.
Grace I. Bishop Typed or Printed Name	
b) _____ Signature	
_____ Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 16TH day of FEBRUARY, 1985, before me, a notary public in and for said County and State, came GRACE I. BISHOP to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



D. L. JACKSON
Notary Public

My Commission expires DECEMBER 19, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



OK

SECTION II - Protestor(s)

	<u>Name</u>	<u>Property Owned</u>		<u>Addition</u>
		<u>Lot(s)</u>	<u>Block(s)</u>	
a)	<u>James L Turner</u>	<u>5</u>	<u>Sec. 5.15'</u>	<u>Goodine Acres</u>
	<u>Signature</u>			
	<u>James L Turner</u>			
	<u>Typed or Printed Name</u>			
b)	<u>Betty Joe Turner</u>			
	<u>Signature</u>			
	<u>Betty Joe Turner</u>			
	<u>Typed or Printed Name</u>			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came James L and Betty Joe Turner to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Gerald W Jackson
Notary Public

My Commission expires December 19, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Mark A. Stratton</u> Signature			
<u>Mark A. Stratton</u> Typed or Printed Name	9	2	H. L. Warner 2nd Addition
b) <u>Cheryl K. Stratton</u> Signature			
<u>Cheryl K. Stratton</u> Typed or Printed Name	9	2	H. L. Warner 2nd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Mark A. and Cheryl K. Stratton, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Gerald W. Jacobson
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. P1975, zone change from _____ to _____ (for establishment of a two expansion based travel park in R-1 zoning).

not a minority 2/21



SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Lorene M' Ewen</u> Signature	<u>9</u>	<u>9</u>	<u>CRANSTON 2nd Add-</u>
	<u>Lorene M' Ewen</u> Typed or Printed Name			
b)	_____ Signature			
	_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 18 day of Feb, 1985, before me, a notary public in and for said County and State, came Lorene McEwen to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

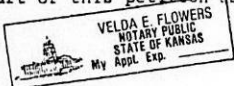
In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Velda E. Flowers
Notary Public

My Commission expires Oct 27, 1988

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.



PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).

Case No. 2/21/84



NO

SECTION II - Protestor(s)

Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>Norman D Eveland</u> Signature	<u>19 & 171</u> <i>19 & 171</i>	<u>Trist addition</u> <u>Gardiner acres</u>
<u>NORMAN D. EVELAND</u> Typed or Printed Name		
b) <u>Alice F Eveland</u> Signature		<u>GARDNER ACRES</u>
<u>ALICE F EVELAND</u> Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Norman D and Alice F Eveland to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Donald W. Jackson
Notary Public

My Commission expires December 19, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).

*on contract
no log*



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Norman D Eurland</u> Signature	<u>19 & 171</u>		<u>Final addition Hudsonian acen</u>
<u>NORMAN D. EURLAND</u> Typed or Printed Name			
b) <u>Alice F Eurland</u> Signature			
<u>ALICE F EURLAND</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Norman D and Alice F Eurland to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Donald Jackson
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).

DAVID A. HALE ETOR
LINDA DALE OWNER 5/17/87



Cole no more equitable owners
2/22/85

NO

SECTION I - Protestor(s)

PUBLIC Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Michael L. Cole</u> Signature <u>MICHAEL L. COLE</u> Typed or Printed Name	<u>LOT 14</u>	<u>1ST ADDITION</u>	<u>GARDINER ACRES</u> <u>5313 N. CHARLES</u> <u>GARDINER KS 67204</u>
b) <u>Betty Mauler</u> Signature <u>Betty Mauler</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11 day of February, 1985, before me, a notary public in and for said County and State, came Michael L. Cole and Assembly Betty Mauler to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Betty Mauler
Notary Public

My Commission expires 30-March-1986

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

5) Neither parent shall remove the minor child from the State of Kansas without authority to do so; however, vacations and similar short term activities shall be excepted from this proscription.

6) Each party shall keep the other informed of the whereabouts of the minor child, and if either party has knowledge of any illness or accident or other circumstances seriously affecting the health or welfare of the child, he or she shall promptly notify the other of such a circumstance.

7) The parties shall exert every reasonable effort to maintain unhampered communication between the minor child and the other party, and to foster a feeling of affection between the child and the other party.

7. The home of the parties at 2007 West 53rd St. North and legally described as:

Lot 1, except South 85.75 feet, 1st Addition to Gardner Acres, and East 42.34 feet of Lot 2, except South 85.75 feet, 1st Addition to Gardner Acres, in City of Wichita, Sedgewick County, Kansas:

shall be the sole and separate property of the respondent, as against petitioner. Respondent shall be responsible for any debt or mortgage on said real property, including but not limited to property taxes, special assessments, escrow fees and casualty insurance.

8. Beginning on the date of this decree, the petitioner shall pay the sum of \$250.00 per month as and for maintenance for respondent. Said sum shall be payable in equal weekly installments as long as the total paid at the conclusion of each month is equal to \$250.00. Said maintenance payments shall continue for a period of three (3) months or until respondent finds reasonable employment, whichever event occurs first.

Respondent is to make diligent efforts to locate employment and when successful to notify petitioner within one week.

9. Should respondent be unable to procure reasonable employment within the above three (3) month period, said payments shall continue. However, all matters relating to the terms of said maintenance during the post three (3) month period shall be reviewable by the court upon proper application by petitioner. Until such review, all terms remain as previously constituted.

The Court shall have jurisdiction to decrease, modify or eliminate, but not to increase any maintenance payments.

ELLIOTT 187

JUDGE

DOMESTIC DEPARTMENT

APPROVED:

3/ Ronald Dean Nelson
RONALD DEAN NELSON, Petitioner

BLASE, BLASE & ORTEGA

By Charles D. Dedmon
Charles D. Dedmon
Attorneys for Petitioner

X Marilyn Margaret Nelson
MARTILYN MARGARET NELSON, Respondent

SMITH, SHAY, FASOLE & WITPA

By Dennis E. Shay
Dennis E. Shay
Attorneys for Respondent



Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed on the 16 day of June, 1984.
I, Jean, Clerk of the District Court, do hereby certify that the above is a true and correct copy of the original instrument filed on the 16 day of June, 1984.
John W. Wadsworth

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand & Gravel Pit in R 1 zoning).



SECTION II - Protestor(s)

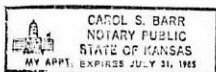
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Forrest D. Barnes</u> Signature			
Forrest D. Barnes	2	1	H. L. Warner 3rd Addition
Typed or Printed Name			
b) <u>Laura E. Barnes</u> Signature			
Laura E. Barnes	2	1	H. L. Warner 3rd Addition
Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 19th day of February, 1985, before me, a notary public in and for said County and State, came Forrest D. Barnes and Laura E. Barnes to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Dwanc L. Nelson</u> Signature			
<u>Dwanc L. Nelson</u> Typed or Printed Name	5	1	H. L. Warner 3rd Addition
b) <u>Wanda M. Nelson</u> Signature			
<u>Wanda M. Nelson</u> Typed or Printed Name	5	1	H. L. Warner 3rd Addition

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985 before me, a notary public in and for said County and State, came Dwanc L. Nelson & Wanda M. Nelson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Luey W. Pratt</u> Signature			
<u>Luey W. PRATT</u> Typed or Printed Name	4	1	H.L. WARNER 3RD ADDITION
b) <u>Lela Pratt</u> Signature			
<u>LELA PRATT</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 19 85 before me, a notary public in and for said County and State, came Luey W. Pratt & Lela Pratt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol E. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a Sand and Gravel Pit in R-1 zoning).



SECTION II - Protestor(s)

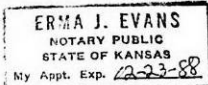
Name	Lot(s)	Block(s)	Addition
a) <u>Thomas L. Langford</u> Signature	E. 108.9 Ft.	W. 128.9 Ft.	Van View Addition
Thomas. L. Langford Typed or Printed Name	84-0-KE-	-01480-0001	1202
b) <u>Eulalia M. Langford</u> Signature	E. 108.9 Ft.	W. 128.9 Ft.	Van View Addition
Eulalia M. Langford Typed or Printed Name	84-0-KE	-01480-0001	1202

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11th day of February, 1985, before me, a notary public in and for said County and State, came Thomas L. Langford and Eulalia M. Langford to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Erma J. Evans
Notary Public

My Commission expires 12-23-88

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-275, zone change from _____ to _____ (for establishment of a EXPAND SAND & GRAVEL PIT in R-1 zoning).

NO SPOKE SIGNATURE



ND

SECTION II - Protestor(s)

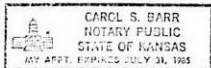
Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>William E Buck</u> Signature			
<u>William E. BUCK</u> Typed or Printed Name	2	2	H-L. WARNER 2ND ADDITION
b) <u>Illness</u> Signature			
<u>Donna R. Buck</u> Typed or Printed Name	2	2	H-L. WARNER 2ND ADDITION

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 20th day of February, 1985, before me, a notary public in and for said County and State, came William E. Buck to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CV 275, zone change from _____ to _____ (for establishment of a sand & gravel pit in R-1 zoning).

*divided
not grant of sole ownership*



*divided 1179
6/5/70*

NO

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Violet P. Wilson</u> Signature	SOUTH 75 FEET of LOT 5 GARDINERS ACRES		
<u>VIOLET P. WILSON</u> Typed or Printed Name			
b) _____ Signature			

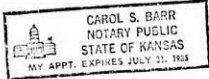
Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 24 day of Feb., 1985, before me, a notary public in and for said County and State, came Violet P. Wilson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Carol S. Barr
Notary Public

My Commission expires 7-31-85

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

RESOLUTION NO. _____

CASE NO. CU-275

A RESOLUTION PERMITTING EXPANSION OF A SAND AND GRAVEL EXTRACTION OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL AND THE "LC" LIGHT COMMERCIAL DISTRICTS 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 for expansion of a sand and gravel operation in the "R-1" Suburban Residential and the "LC" Light Commercial Districts is hereby approved on the lands legally described as follows:

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338; AND the S $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 19, except the north 550 feet of the west 330 feet thereof. Generally located on the east side of Meridian in an area south of 51st Street North.

SUBJECT TO THE FOLLOWING:

- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
- c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
- d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The

Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.

- e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
- f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

If a chainlink fence is utilized, then either metal or wooden slats, woven through the chainlink, shall be provided along the north line of the application area to minimize the effects of blowing silt.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. 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.

- 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. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no sand plant vehicular access to or from 51st Street North or Delaware.
- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
- q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. 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
Donald E. Gragg

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CU-275 - CONDITIONAL USE PERMIT FOR EXPANSION OF SAND AND GRAVEL
EXTRACTION OPERATION, GENERALLY LOCATED ON THE EAST SIDE OF
MERIDIAN IN AN AREA SOUTH OF 51ST STREET NORTH.

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

Gardner moved, Moore seconded and it carried with a vote of 5 in favor
(Gardner, Moore, Bayouth, Goebel and Wilson) and 2 opposed (Chisholm
and Peters). Banzer, Crockett and Hansen were absent.

NOTE: The percentage of protest petitions submitted will be announced
at the meeting of the County Commission on March 13, 1985.

- ACTION:
1. Approve the recommendation of the Metro-
politan Area Planning Commission and adopt
a resolution establishing the conditional
use; or
 2. Take such action as the County Commission
deems appropriate.

DATA AND MINUTES

MAPC Hearing Date: 2-07-85

BCoC Hearing Date: 3-13-85

AREA DATA:

Acres: 230

Size: 2640' x 3960' (irregular)

Reason: Expansion of sand and gravel extraction operation.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction operation, undeveloped/agriculture	"R-1" & "LC"
North	One-family Dwellings	"R-1"
East	Little Arkansas River, Salvation Army Camp Hiawatha, and undeveloped	"R-1"
South	Sand extraction operation	"AA"
West	Undeveloped & single-family	"R-1" & "AA"
History: CU-129	1-14-71	MAPC Approve
	2-03-71	BCoC Approve
	9-14-73	Case closed due to failure to complete conditions of approval.
CU-157	1-10-74	MAPC Deny
	1-24-74	BCoC Approve
CU-249	10-22-81	MAPC Approve
	11-18-81	BCoC Approve

Applicants: Miles Sand Company, Inc., 4857 North Meridian, Wichita
Michael & Neva J. & Daniel Dreese, 3959 N. Clarence, Wichita
Joseph & Ruth Montgomery Short, 1019 W. 50th St. North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita

Protestors: Judy & Jim Eller, 5201 N. St. Clair; Hobart Wyant, 5303 Delaware;
Richard Foster, attorney for Moyle Alexander, et al, 300 W. Douglas; Stan
Davis, 5213 N. Athenian; James Holcomb, 5301 N. Charles; Lulalia Langford,
1736 W. 53rd St. No.; Bob Hale, 5238 N. Charles; Valeria Verboom, 1825 W.
53rd St. No.; James L. Turner, 5326 N. Charles.

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 7, 1985

LEGAL:

NEW CASES:

4. Case No. CU-275 - Miles Sand Company, Inc., et al request a Conditional Use Permit to expand a Sand and Gravel Extraction Operation on the SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 19, except the north 550 feet of the west 330 feet thereof. Generally located on the east side of Meridian in an area south of 51st Street North.

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

COMMENTS:

1. The applicant is requesting a conditional use permit to expand an established sand and gravel operation into approximately 70 additional acres of land zoned "R-1" Suburban Residential located on the east side of Meridian and south of 51st Street North.

In 1974, the Board of County Commissioners approved a sand and gravel operation on the south two-thirds of subject property (SW $\frac{1}{4}$ Section 19, CU-157). In 1981, this conditional use permit was amended, mainly to delete the requirement that the operation cease after 15 years (CU-249).

In 1977, the 160 acres south of the above-referenced site, being located within the Wichita city limits, was approved by the Board of Zoning Appeals for extraction of raw materials (BZA 24-77). Connection between this sand pit and the one to the north was proposed. In 1981, this BZA exception was slightly revised and re-approved (BZA 59-81).

2. The applicant has submitted a proposed operational plan which shows expansion of the lake into the north 70 acres and revises the limits of the south end of the lake adjacent to old 45th Street North. Connection of the lakes across old 45th Street is shown approximately 250 feet wide. The sanitary sewer force main serving The Moorings is located within this old street right-of-way. The applicant was advised, when the street was vacated, that he would be required to relocate or lower this force main prior to connecting the lakes. We are advised that the sand plant operation, including the storage of sand and gravel, trucks and equipment, will not change from its present location on Meridian north of vacated 45th Street.
3. The applicant has also submitted a proposed redevelopment plan indicating lotting arrangements around the lake. The street labeled as "Amidon Avenue" between vacated 45th Street and the center of Section 19 was dedicated when 45th Street was vacated. This street would more appropriately be labeled "Delaware". The east half of Delaware exists in Ormiston 2nd Addition from the center of Section 19 up to 51st Street. The west half should be dedicated with this conditional use request.
4. The area directly north of 51st Street is developed with residences. The concern with most sand extraction operations is the closeness to developed areas, hours of operation, truck access, blowing sand, affect on water table, etc. Attached to the staff report to the Planning Commission is a memorandum from the City-County Health Department responding to several of these concerns. As excavation is proposed to within 180 feet of the north property line (centerline of 51st Street), consideration should be given to protecting the developed residential area from the effects of blowing sand and soil.

5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
 - c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
 - d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
 - i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
 - j. 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.
 - 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. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - n. There shall be no vehicular access from this conditional use site to either 51st Street North or Delaware as long as this site is used for sand plant operations.
 - o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled condition.
 - p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be

permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.

- q. Prior to connecting this lake with the one in the NW¼ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

DISCUSSION:

GALBRAITH pointed out that for the most part, this land was utilized as sand extraction or agriculture. He reviewed the history of the case. GALBRAITH stated that when this applicant first approached staff, he advised that he was sending a letter out to abutting property owners in the area advising them of his desire to expand his operation and suggesting that they call him for any questions that they might have. He said the applicant did this prior to staff's notices being sent out which prompted some early phone calls. There was concern about closeness of the operation to their existing homes, hours of operation, and whether the applicant intended to have access to Delaware or 51st Street. The applicant has said all along that he had no plans for any of his vehicular access from the sand plant operations to enter into the two residential streets. GALBRAITH said that there were calls and inquiries about what this might do to the water table. He said that staff inquired from the Health Department, and received a letter from Jack Brown responding to the concern about the water table. Their experience has been that sand plant operations have no adverse effects on water tables. GALBRAITH said that the most concern expressed this time was about the effect of blowing sand and whether or not the perimeter of the site would be maintained in some type of vegetative covering.

GALBRAITH felt that the issue of blowing sand was always hard to address. Jack Brown mentioned something in the memorandum to staff about having talked to the Soil Conservation people. GALBRAITH said that obviously solid masonry walls of some nature help address that issue and probably block blowing sand. Heavy evergreen vegetation may also help. He mentioned that on the previous case the Planning Commission required a mixture of plant materials. He said that when he observed the site in the field, he had seen little blowing sand accumulating in the fence row. He felt that a lot of time there was confusion about blowing sand from the sand plant versus blowing silt from the farming operation. He mentioned that there were a number of conditions that staff had written in the recommendation to the Planning Commission that address those issues. GALBRAITH pointed out that a condition in the staff comments speaks to some type of utilization of metal or wood slats in the chainlink fence that staff felt would help minimize blowing sand. He said that in his discussions with the applicant's agent, the agent emphasized a concern that slats in the fence had not been required of others. The agent also had asked for a clarification of item "n" of the staff comments. GALBRAITH said that item "n" was about the vehicular access to the residential streets, and they asked if that included access of farm

equipment. GALBRAITH said that was not staff's intent, only access to and from the sand plant itself.

GALBRAITH added that staff was in support of the application and recommends approval subject to the conditions in the staff report.

GARDNER commented on item "n" of the staff report. He asked if it was staff's intention to not allow commercial vehicular access from the sand operation onto 51st Street and Delaware.

GALBRAITH said that was correct. He suggested changing the wording to "there shall be no sand plant vehicular access from this conditional use site to either 51st Street North or Delaware".

MARTIN UPDEGRAFF, attorney representing the applicant, pointed out that the applicant was not asking for some new sand extraction area that has not been presently in place. All the applicant was asking for was an extension of the present sand extraction area which would allow future and further developments along the lines that he has proposed in the past, and that he has done in the past. They feel that most everything that has been recommended by the staff was reasonable. They do not feel that the provision in the chainlink fence along the northwest quarter including metal or wooden slats was particularly necessary because it seemed to them that if they put in a buffer zone of trees and vegetation along the north line of the new site as they have already done along the north side of the present property, that that in itself would serve the purpose of protecting as best can be done of any type of blowing sand or dirt. He felt that the problem that the residents have at this time and what they are objecting to, was the problem that now exists. This is farmland in this area at the present, and will remain so until, if this use is granted, there is future development of sand extraction. He pointed out that anytime there was a southwest wind coming through on a piece of farm property, there would be blowing dirt and dust from that type of operation. He said that they did not propose to change that in any way except to develop this in the means of sand extraction that has been going on in the past, and probably they would enhance the property from that standpoint and cause less dust and blowing upon the neighbors because of the method which they were going to use. They have no intention of changing the present location of the sand plant itself. There would be no storage, to his knowledge, of sand in the area where it is being expanded, it would still be brought back to the main plant. The truck traffic and the area that is now being used for that purpose would continue to be used for that purpose. The only thing that would go into the 80 acres that is involved would be the extraction of the sand itself.

UPDEGRAFF mentioned their concern on the vehicular access. He stated that they presently provided access to the Alexander property directly to the east, and there must be access to that area for farm implements. They want to make sure that the access was still granted in there. As long as it is specified that the restriction was just to the sand plant operation and its vehicular traffic there was no problem.

UPDEGRAFF showed slides of the present sand operation.

MOTION: That Mr. Updegraff be allowed an additional two minutes to finish his presentation. Gardner moved, Moore seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

UPDEGRAFF continued showing slides. He discussed some of the development in The Moorings to show the Commissioners what has been done in that area, and to give them an idea of what the applicant has in mind for the development of the area on which they were asking for the expansion of the sand extraction. He said that they were only asking for an extension of the best and most reasonable use of the property in the area. They did not feel that it would cause any further discomfort

sand and sees a foot of water in his basement, he could call Miles and Miles could say that it is the same level as in the sandpit.

WYANT insisted that the residents of the area wanted definite answers. He said that he wrote a letter to Mr. Miles, stating "your letter dated January 16, 1985, doesn't tell us anything we wanted to hear. We want a notarized statement from you that will guarantee us that moving the dredge 150 feet south of 51st Street North, that the noise level will be no more than it is at the present time, and also that it would not raise the water level under our house so that it will not flood our basement. Also, if any of the above happen, to our property, you will buy our property at twice the present January 1985 market value. You send us this notarized statement, then you will hear no more from us". WYANT said that Mr. Miles called him on the phone and said that he would assure Wyant that the water level would be no more than it was at his sandpit. Miles said that he could guarantee him almost all of this except buying his house at twice the normal value. WYANT told him if he was so sure it would not bother him, he would never have to buy his house.

RICHARD FOSTER, attorney appeared on behalf of Moyle Alexander and other members of his family who own land east of this sandpit. When the matter of vacating 45th Street came up about 3 or 4 months ago, it was pointed out that the Alexander family owns about 20 acres that are cut off by the dike at the Little Arkansas River on the east, and therefore are landlocked except for some sort of street access across the Miles property. It was decided at that time by the Commission that 45th Street should be vacated but that other access to that land would be allowed. At that time they were shown pictures of the land with a road going around the perimeter. FOSTER said that it was his understanding that what was dedicated to the public was an extension of Delaware Street that ran through Miles' property from north to south. FOSTER asked if there was going to be an extension or a piece of Delaware in the site today to connect up what has previously been given to the public to give them access. He said there was a gap there.

GALBRAITH pointed out the access on the map. He said that one of the comments staff made was that street right-of-way for Delaware be dedicated at this time. He felt that Mr. Foster was asking if there was land from his client's side that was yet undedicated, and that was correct. He said that Mr. Foster's client would someday have an obligation to dedicate his half of the street.

FOSTER said that he could see where that would be required, but he had not seen the recommendations. He asked if it was part of the recommendations that the west side of Delaware be dedicated.

GALBRAITH said that was correct.

THAD DAVIS, 5213 North Athenian, in opposition, read from a prepared statement.

"My home is next to the area being proposed for a sandpit. I am here to protest this proposal. I won't bore you with the reasons why I don't want this sandpit. I think they are obvious. They are obvious to all of us. Noise, dust, unsightly appearance, etc. All of the reasons are obvious because they are the reasons for property zoning in the first place. This property is zoned "R-1" Rural Residential. Many of us before we buy property in an area where there are large open fields will check out the zoning before we buy in that area. What does it mean when you check out an area and it's zoned residential? It certainly does not lead you to believe that there will be a sandpit in that area. Heavy industry simply does not belong in a residential zone."

DAVIS said that he had three aerial photographs to show. He pointed out that the first photograph showed the existing sandpit south of this area. He asked that the people from the neighborhood who were opposed to this request to raise their hands. About 40 people raised

their hands in opposition. DAVIS continued that photograph two showed the existing sandpit operation. He said that it looks like heavy industry and not residentially zoned property. Photograph three showed some of the homes built in the last ten years just north of his neighborhood. He said that much of the surrounding area had already been developed in homes, and felt it was fair to say that the area where the existing sandpit was located would probably be covered with homes already if the sandpit was not there. It would probably already be developed as the outlying area has been developed. DAVIS said that he had received two letters from Mr. Miles. In both letters he explained:

"The only thing different that you will know as far as we are concerned is that we will have a dredge sitting up there. We will be no closer than 150 feet from the roadway."

DAVIS said that he asked Miles what was a dredge. He explained that it was a floating platform with a 500 horsepower motor on it, and it has a pump on it. It has a large tube that goes down and pumps the sand and water out of the ground. DAVIS felt that was noisy, and felt if it was brought up 150 feet from them there would be a change in the noise level. He did not feel that Mr. Miles' neighbors or Mr. Miles would allow it across the street from them. He asked if there was anyone present that would like to volunteer their residence or their neighborhood for a dredge 150 feet away from them. DAVIS said that there were other areas of concern. Would this affect their water? He said that probably not from what they hear. But has a qualified source checked this out? What will it do? He said that they were all on shallow wells in this area and they drink the water. He felt some knowledgeable person or committee who studies environmental impact surely could do a study on this and let them know where they are.

MOTION: That Mr. Davis be allowed an additional two minutes to finish his presentation. Gardner moved, Chisholm seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

DAVIS asked if this digging was allowed this close to their homes, will the sand under their homes eventually flow out from under them? He reminded the Commission that they were talking about digging about 35 feet deep within 150 feet from their homes. The water current was from northwest to southeast which was from under this residential area towards the sandpit. He asked if anyone had answered that question? He wondered what their property values would be in the next five years. He pointed out that the sandpit had been there since 1974 and he did not see any development on it. All he could hear was "more". Could they take "more" out. He asked what if the top soil was removed and nothing more was done? That was what had been done on the south end of the existing pit. Would that be left next to their homes? DAVIS said that they ask questions and voice their concerns. They are worried and they are angry. DAVIS said that Mr. Miles' attorney had given them a very vague idea of what they intend to do as far as erecting a tree row or a fence without slats. He said that he would like to see it pinned down. If they are going to work with vague answers, they would not get anywhere. He said that they have worked with vague answers in this project for the last 11 years and they see what it got them. He asked if they could define it, put it in writing, and if there was anyone that could hold people to an agreement like this?

BAYOUTH explained to Mr. Davis that the property was not being rezoned, that all they were doing was requesting a permit to extract sand, so it is not anything permanent. He said that sand was where you find it, like gold, you have to mine it at that particular point. He pointed out that from looking at the half-million dollar homes in The Moorings, the extraction of sand did not stop the sale of those houses and Mr. Miles was there then. He felt that all in all when this operation

to the residents of the area, and that they would be protected by the suggestions and conditions which had been recommended by staff:

GARDNER mentioned that Mr. Updegraff was present on the previous discussions on the conditional use permit on the portion south of 45th Street when they dealt with the expansion of the removal of land in there and the creation of a waterway through there. At that time the proposal was to retain the sand plant where it is presently and allow the operation of the bridge in the lake area. It was the Commission's understanding that only the dredge would be operating in that area. There would be some removal of overburden initially prior to the dredge moving in. That would occur typically during daylight hours and in the course of normal work days. But the dredge itself was the only element of the sand plant operation that physically intruded into that peripheral area. He asked if that was still what the applicant was proposing.

UPDEGRAFF said that was correct. The only intrusion into that area would be the dredge itself in order to extract the sand except for the removal of the overburden which was for a very limited period of time. There would be no other intrusion that they anticipate in that area until the project goes forward with the anticipated development later on.

GARDNER said that it appeared on the development plan that the intent was to limit the extraction on the northerly end to a point that would allow sufficient land buffer for subsequent residential redevelopment. He asked if that was correct.

UPDEGRAFF said yes, the anticipated use was for the development of residential areas on the northernmost point which would then be compatible with the surrounding neighborhood.

JUDY ELLER, 5201 North St. Clair, presented a petition of 108 names in opposition to the extension. She said this represents 77 percent of all of the households within the 1000 feet. She related that most people indicated when signing this that they did so because they were concerned with noise. She pointed out that the operation does run more than 7 a.m. to 5 p.m. They were also concerned about the blowing dust. What concerns them most was the dust that was going to blow while they were taking off the top soil. Mr. Miles had told them that there would be from 1 to 18 inches of top soil that would be taken off. They were also concerned about the possibility of harm to the water, the possibility of truck traffic, safety for the children, including the 100 or more children that attend the Salvation Army summer camp a day, and which also included retarded children and adults. Mostly the uncertainty about this project, especially the length of time that was involved. ELLER pointed out that most of them knew that The Moorings did not just spring up overnight, and a lot of people were concerned about the length of time that this was going to take. Their concern was also about the general intrusion into their neighborhood of this type of industry.

HOBART WYANT, 5303 Delaware, stated that they built a new house at 5303 in 1975. The basement was finished and carpeted. They received a letter postmarked January 5 from Mr. Miles telling them that they would receive a letter from the Planning Commission in the near future. They received another letter from Mr. Miles, dated January 16, 1985 and postmarked January 15, 1985. He read from the letter from Mr. Miles, stating, "when we get through producing sand in this area, we expect to develop this property in the same manner that I have developed in The Moorings. I have not tried to downgrade the area with the operation of Miles Sand Company. I don't believe building The Moorings was downgrading of the area". WYANT said that he was sure The Moorings was not downgrading the area, but digging sand out in that area downgraded the area when it comes so close to people living there. WYANT continued reading, "also the question has been raised that I will raise the water level in the area through my lake. The water level at your house is the same level as it is in my sandpit". WYANT speculated that when he goes to his basement after Miles starts to dig

is completed it would appreciate the homes. A fine example of that was across the street in The Moorings.

DAVIS countered that Mr. Miles has not proposed another Moorings in this area, at least not to them. When they had the neighborhood meeting, Mr. Miles proposed apartments in that area. He said that he understood that they were talking about a conditional use permit and that it was not permanent, but it has been pretty permanent to them since 1974.

MOORE asked Mr. Davis if the existing use that was out there now is giving him trouble in his home.

DAVIS said that the use was about one-quarter mile away from his home and it was not giving him trouble.

MOORE said that evidently the neighborhood had not had the benefit of the report from Mr. Jack Brown, Chief Environmental Quality Officer, who was the leading authority on what this operation was going to do to their ground. He read from the memorandum:

"A review of the operational plan for the above subject activity has been completed. This type of sand extraction operation should have no negative effects on groundwater quality or quantity. This determination is based on past experience with subdivisions adjacent to or part of existing or abandoned sand pits using private wells for water supply. No part of the proposed activity introduces contaminants into the groundwater and water table draw-down is not expected. In brief, nothing associated with this operation is any different than other sand mining operations and the Department has had no past groundwater quality problems associated with this type of process."

MOORE pointed out that the memo goes on to say that they required the applicant to dig at least six feet down so that there would not be any vegetation in the water. MOORE said that he felt any concern about what this could do to the groundwater, etc., was not a concern any longer. He said that the only thing that bothers him about this whole thing with the people in the audience was that the Commissioners sit there so often and get requests for changes of zoning, and this was not a change in zoning, to put an industrial or commercial or something that could depreciate property values, and here they have a concept that would do nothing, in his opinion, but enhance the property values, albeit it was going to be a few years in the future, and they show up in mass protest. They could have a lot worse out there than they have now. He said that he could understand them wanting answers to questions as far as restrictions go, but staff has got almost a whole alphabet from A to U with nothing but restrictions about what was going to have to be done in order to pull the sand out, and he sees every one of those as helping the property owners in the area, from trees to all sorts of items that they would have to comply with in order to pull the rest of the sand out of the property, and again, it was still staying residential. MOORE related that he sits on the Subdivision Committee and when they came in to ask that 45th Street be vacated, KC&E opposed that because they had a substation there and they wanted to be able to store things and drive their big trucks in and continue to haul in telephone poles, boxes, etc. He said that they told KC&E they might as well forget it because it was being expanded, that it was too nice of an area to worry about them making a big storage yard out of it and driving their trucks through, and this was mainly to benefit the property owners. He said that he thought that this use would be compatible and that was why he was so surprised that everyone was present complaining about it. He said that he would much rather have the lake there than a shopping center or a lot of things that could be put in there, such as an industrial area. It is far enough out of the City that he was not so sure that that could be something that comes up down the line. If they get the lake in, all he could see going in would be residential homes like they have in The Moorings or a park, and that would do nothing but increase their property values.

DAVIS asked when would this happen? What if they tried to sell their homes in the next five years? He said that they were promised 11 years ago when they were granted a 15-year conditional use permit, the same story that they have heard today. He said that he did not see any guarantees that this area would develop. There is a lake there now, start building on it if they are going to develop it. Why extend it and put the neighborhood through another ten years of listening to backup whistles and trucks. DAVIS said that they were partly negative from an emotional standpoint. They have been through this for a long time now. They never expected any of this when they bought their homes.

GARDNER commented that Mr. Davis' question about subsidence or settling of property any movement of sand was something that probably had more of an emotional basis based on a lack of knowledge of how the soils do function than anything else. He felt that there were a couple of very close examples in terms of the Big River, the construction of the levees there, the creation of Crystal Lake in The Moorings area and the extraction of sand there. The fact that the entire levee area has not subsided, moved or otherwise, and that has a great deal more proximity to the water, the subterranean water flow, etc. If he said that if they examine The Moorings area and some of the reports from there in that vicinity based on the constructions proposed in that area, he did not feel that they would find any better base to build upon unless they go down about 47 feet to where they begin to hit bedrock and lime.

JAMES HOLCOMB, 5301 North Charles, in opposition, stated that he was going to try to eliminate personal feelings in this and tell the Commission exactly what he has done. He pointed out that the memorandum before the Commission from Mr. Brown was initiated at his request. He said that he questioned Mr. Cromer of the Health Department after he saw this letter. He asked him how did he know or did he normally check around sandpits for water level. His answer was no. He asked Cromer how did he know it does not lower the water table. Cromer said that all that they know was they had not received complaints of people having to drill new wells, so they assume it has not lowered the water table. He felt that there was a lack of credibility in that particular area. He asked Mr. Cromer if it doesn't lower the water table, has anyone ever taken the water level at The Moorings. Cromer's response was no. He asked Cromer if he was aware there was a water problem there. Cromer said no.

HOLCOMB stated that during the process of checking and going through all of this, they did visit Mr. Miles and Mr. Miles told him that during the hot summer days it was not unusual to lower the water table at The Moorings one-quarter inch a day. Throughout the years that The Moorings has been in existence, the water table has continually lowered. He said that it would come back up in the spring, but it has never come up to the same level as it did the previous year. Also the quality of the water in The Moorings was so bad, they can water grass if they are careful, however if they water trees, the trees will die, the water is so salty in The Moorings. HOLCOMB said that this was what Mr. Miles told him. He dug the pit, he developed the area, he should know. HOLCOMB said that therefore he refutes the credibility of the first paragraph of Mr. Brown's memo, but does agree with the rest of it.

HOLCOMB said that they do have continuous noise problem where they live. If it is not the pumping, it is the trucks with beepers on them all day long. The dust is extremely bad. He said that last year he checked with Kechi Township, and they had spent over \$2,000 moving the dust on 51st Street North because the dust and sand had blown into their ditches, partially closed part of 51st Street North. Also it piled sand up to two feet high on some of the residents property. He said that if you go by Mr. Miles' sand operation on a windy day, the stock piles look like the Sahara desert with sand blowing across it.

HOLCOMB said that they talked in great detail with Mr. Miles about his plan, and he was not sure, because of age, whether he will see it completed or not. He did admit that it would probably be over ten years before there would be any development in the north area. The

first operation that he intended to do was to remove the top soil immediately from that area and then go in with the dredge and remove the sand. After he exhausts that area, he intends to go to the extreme south in the area all the way down to 41st Street and start development in that area and proceed north. He said that they were looking at 12 to 15 years before they would see completion of that area being developed.

HOLCOMB said another question that he had was who was going to retain ownership of the lake. Would it be Mr. Miles? Would it go to the County? Who would pay taxes on it? Who was responsible for any environmental work?

MOTION: That Mr. Holcomb be allowed an additional two minutes to finish his presentation. Bayouth moved, Moore seconded and it carried unanimously. Banzer, Crockett and Hansen were absent.

HOLCOMB continued that they have to look to the future, and their future lies right there. He said that one of his first questions when he started questioning this was what government agency inspects and follows through to make sure conditional use permits are complied with. His answer was nobody. He said that he has not found any individual or any agency he has talked to that says that they check with these people. HOLCOMB pointed out that there were several violations of the present use permit that Mr. Miles has. One was the erosion of the banks. He believed that there was a condition there that calls for him to have a certain grade on the banks. The water depth in some areas is less than three feet. The County says that it should be at least six feet deep. HOLCOMB asked when was this conditional use permit going to be complied with? Ten years from now when the whole development is gone? He felt that these were areas that should be very closely monitored. He pointed out that 51st Street was a one-lane street. Some of it was paved a block and then sanded a block. No heavy traffic could be allowed on that street. He asked that the conditional use permit be denied because it would adversely affect the environmental quality of water, living conditions of himself and his neighbors, and probably decrease the property values of the surrounding area for at least ten years or until the area is developed. He mentioned that there were many elderly people in the area and they would be unable to relocate.

LULALIA LANGFORD, 1736 West 53rd Street North, in opposition, stated that the first time she was before the Commission, she was one-half mile from the sandpit. The second time she came down, she was one and one-half miles, now she was blocks from the sandpit. She said that she had lived in the area for 28 years so she was there before any sandpit ever started except the one started over by the River which is The Moorings now, and the one Miles started on north Ridge Road that he abandoned. LANGFORD said that when the applicant started the one on 45th Street, he stockpiled dirt there, it was covered with weeds and the majority of the property was left in weeds all summer, especially the roadway. He has dedicated road right-of-way. She pointed out that anything having to do with the operation was supposed to be so far back from the center of the road. He has not complied with this in any manner. He was asked to remove a couple of the bins for his gravel and then he put them back again. He was suppose to maintain his roads in a gravel condition. She said that there were times when there was so much mud on Meridian it was hazardous to travel on the road. LANGFORD said that the applicant belonged to the Kansas Aggregate Producers Association, and at the time he wrote the article in the newspaper, he stated that it was a problem that all big sand companies were beginning to face. She mentioned that he was on the west side and he transported tons and tons of sand to the El Dorado Lake. LANGFORD said that there was very little building going on in her part of town. It has not developed. The applicant says that it was going to be very expensive to have an operation so far away from the building sites, and the only sites were on the east side of Wichita. He finds it hard to understand why the neighborhood does not agree with the fact that the sandpit should be there because it would increase in value perhaps 20 times more than when he bought it. LANGFORD agreed that it would

increase in value, but it was going to decrease everything for the rest of the neighborhood because they have to spend a lot of money keeping their property in condition. They spend a lot of money getting their furniture cleaned and repainting their houses because of the silt that attaches. She said that you could sift out the silt in the insulation in her roof. She mentioned that three of the Commissioners stated that digging would not cause the shifting in the sand. LANGFORD said that she talked to a geologist and he informed her that if they were pumping the sand from the south or from the east, it would not affect the homes to the north, but since this pumping operation would be directly from adjacent to these homes, it would eventually cause shifting of the sand, because of the makeup of the sand and it depends on how well they will adhere to each other before they start the shifting situation.

GARDNER asked Mrs. Langford if she farmed.

LANGFORD said that she had lived in the area for almost 30 years, and it was farmland, and she did not have the dirt that she has now.

GARDNER asked again had Mrs. Langford ever farmed.

LANGFORD said yes.

GARDNER stated that he had a farm himself and he wished that it would make a profit one of these days, but it has not yet. He pointed out that what Mrs. Langford had passed around in the bottle was a very fine sediment and not what you find around sand extractions.

LANGFORD disagreed. She said that she had a report at the other meeting on how much of it was made up of sand and how much was made up of silt.

GARDNER said that the point he wanted to make was in a farming operation, depending upon the field cultivation practices and what crop they happen to have in and the drought factors, there could be an awful lot of blowing in a farming operation, and he suspected that was the cause of more of the neighborhood's difficulty than the sand was in particular. He said that between the blowing from a farming operation and what it runs into during the year, and Mrs. Langford's comment that somebody left weeds on a field, it was difficult for him to tell whether she preferred to have the blowing dust or some kind of vegetative ground cover.

GARDNER responded to the comment from the geologist. He said that he recognized, as everybody does, that given a certain set of circumstances, you could get anybody to say most anything. But the idea that they could have sand from several hundred feet away and it starts to slough off and move into a lake of 25 to 30 feet, it was preposterous in circles among geologists.

LANGFORD commented that she did not say the houses would fall into 30 feet of water. She said that there would be a shifting of the land. Over at 13th and Hillside, houses are built over there and there is a sand base there too, and those houses have shifted, and shifted years ago. She said that she hoped that the houses at The Moorings have pilings under them when they are so close to the River or they will fall off into the River.

GARDNER said that it was kind of like sailing off to the edge of the world. There were people who believed that for years and strangely enough other people with a little more scientific background are showing it to be different.

JIM ELLER, 5201 North St. Clair, in opposition, said that he would like to quote some minutes of the Board of Sedgwick County Commissioners when they were discussing a sandpit in their November 10, 1976 meeting. Mr. Scott said that it was his understanding that this would be the last sandpit to go into that area. He was referring to the 1974 sandpit. Scott said that he was not in favor of having another sandpit

in there at the present time because the Commission did promise the neighbors at that time that they would not approve any additional sandpits.

JIM ELLER quoted Galbraith as saying that "perhaps if the Board had an application north of Mr. Miles, he would think that this would have adverse affects on that neighborhood to the north". ELLER felt that Galbraith's opinion on this should be followed.

BOB HALE, 5258 North Charles, stated that Mr. Miles was a friend of his. He said that he was talking to Miles the other day and asked him about the shifting of sand, and did not think it would bother anything. HALE said that he was concerned about it because at Twin Lakes all of the big buildings have cracked and they are shifting. He mentioned that across the river there was salt that goes into Hutchinson. They did not have it on this side of the river for sometime. They have got it now. He asked what would it do to their wells? The salt is coming in and once it comes in, the wells are gone. They would not be able to drink the water. He said that he had horses and could not water the horses with it.

VALERIA VERBOOM, 1825 West 53rd Street North, in opposition, stated that she lived at this address since 1946, a long time before any sandpits were ever in the area. She said that what she would like to ask today was the worth of a man's word. When Mr. Miles went over to the east side of Meridian to dig sand, he came to her house and said, "Valeria and John, you are friends, please tell your neighbors how good a man I am, what a fine reputation I have, and that I would not do anything dishonorable". She said that Miles was a friend of hers, and she was very naive and she believed that. He said, "tell the neighbors that it would be no longer than seven years." VERBOOM said that today was her first indication that he had even asked for an amendment. She asked again, "what is the worth of a man's word."

GARDNER stated that he appreciated Mrs. Verboom's remarks, and would like to respond very directly to what the worth of a man's word was. He said that the Commission has had the privilege in the last several years of reviewing conditional use permits on a variety of sand extraction operations around the city, and they range from Ritchie's on West Street to their present location; Dolese; several sand plants on the south end of town along the Turnpike, and he could tell her, bar none, that this was the best sand operation in the vicinity in terms of the way it is arranged. Its separation from the neighborhood, the manner in which it is maintained, fenced and operated. He said that while Mrs. Verboom did not have the privilege of reviewing that and the detail that the staff brings in these reports to the Commission, he could tell her that this operation was by and large far beyond reproach and considerably better than the bulk of those that they, in a normal course, see. GARDNER said that anybody that disagrees was welcome to say so. He said the point he really wanted to make was that, given the Commission's perspective in that regard, what was being proposed here in the way of an extension of an operation by retaining the plant where it presently is, is probably one of the best proposals they have had the opportunity to look at in several years. The ability to anticipate how long an operation would go on was very difficult, and he was not sure it was a fair question to hold someone to an answer of a specific time frame given economics of the locale. He said that he was not sure that anybody was under an obligation to pull out and fold up an operation prior to the completion of a fair round of business.

JIM TURNER, 5326 North Charles, in opposition, stated that a lot of times it has been stated that Miles has made certain statements that he would end operation and it has been extended. Agreements have been made that they set the stockpiles and equipment back from the highway at certain areas where they put their dirt, etc., and it has not really been productive. The tree row was one thing they had growing and constantly to get it put back in operation was to put more trees there when they died out. TURNER said that it was the little things that keep eating at the people in the area. Most of the people are middle class. They don't have a lot of money, and they don't have a very little money, but they are middle class. TURNER mentioned that as

far as the houses in The Moorings, they are worth a lot of money, but as one in the area, he would not care at all about one of them being built next to his property because he just was not interested in that class of neighborhood. He said that they were in a class of their own, the middle class, and they do not need a big sand operation, big trucks, big high-rise apartments, big beautiful houses, they are a class in their own and want it left that way. He asked that they don't come in and destroy a nice neighborhood with the intent of building something that they don't really want.

BAYOUTH stated that he was a very optimistic businessman. He tries to plan long range, but sometimes the bottom falls out of the marketplace and he loses money, because things did not move as fast as he intended. He said that he would not question Mr. Miles' word. From past experience of him coming before the Commission, BAYOUTH felt that he had done a fairly decent job.

HALE, speaking again, said that when Mr. Miles started his sand operation across the road, he made a statement then that he would never come any further north than where he was now. He said that he understands what Miles was under, he has contracts to fill and he wants to get just as much as he can. He said that Miles did not pump at night. HALE wanted to point out that Miles was coming north again.

DR. GEORGE GSELL, 8404 Limerick, felt that somebody should say something nice about this project. He said that the land across the road has been in his family for 65 years. Miles' father started his sand project on their farm many years ago. So they watched the development in that region all those years. GSELL said that they looked with interest at the entrepreneurship of Miles as he developed the sandpit south of their land and innovated the idea of fingers in his lake, and has since turned into The Moorings, which is a unique development. He said that they watched with interest as he bought the land across the road developing the same idea. As far as he could see, this was simply an extension of the same idea that Miles has carried on in such a worthwhile fashion, and it would seem to him that Miles should be encouraged in an idea which has improved the neighborhood, improved the value, and has added to the tax base of the County.

JOEL POLLACK, agent for the applicant, stated that the Commission has heard a lot of things today, but felt it was a matter of focusing on what the key elements are and what the important issues are particularly as it affects the neighborhood. He said that they have heard a report on the environment, a recommendation from staff that was favorable. The application has 21 stiff requirements. There will be a hedgerow going up that is not there now strictly for the primary and specific purpose of blocking any sand, dust or other objects from going into the neighborhood, and that would be an improvement over what is going on now. He said that in all respects, he felt that this development would certainly do nothing but enhance the neighborhood both in the short and long run. POLLACK mentioned that he had the privilege of working with the builder who built the homes in The Moorings area, and was somewhat familiar with the entire area. He has looked at the value of houses that many of these people are in consistently over the past 10 to 15 years, the values have done nothing but go up, and he would stake his reputation of 25 years in the field of real estate that those houses would continue to rise in value over the next succeeding years, notwithstanding the approval of this application. That he could speak specifically to, and that he speaks as an expert in that area which he was familiar with, and hopefully that can alleviate some of the concerns of the people in that regard.

POLLACK stated that the applicant did not have to send any letters to these people, pay them personal visits, or anything else. He could have hid and waited for the normal notice to go out from the City. But he did not, he stood up tall, whether it was adverse or positive. He wanted the people to know, and he wanted them to know from him, and he wanted them to know first hand. POLLACK said that it took a man of integrity to do that. He respectively requested approval of the application.

DAVIS wondered if Mr. Pollack lived north of this sandpit. He said that they live in that area and they are talking about the next 5 to 10 years. He wished the proponents would ask themselves if they lived directly north of a sandpit 150 feet, would they like to live there. He said that the neighborhood has shown up in mass on a workday, and had gone to a lot of trouble getting to the meeting. He said that they oppose it, they live there.

BAYOUTH commented that close-in sand was vital to the growth of the City. Finding new sand close in was quite difficult. The applicant would be out of business if he did not expand his present location. He said that this was not any different that anyone else that they have zoned for that wanted to expand their present location. He pointed out that it was pretty tough for a sand operation to go find new sand, and what was in close was tied up pretty tight. He said that he would like to see Mr. Miles get with the neighborhood to work out the problems of the hedgerows and planting, and he was sure that Miles would see that it was done.

CHISHOLM stated that the applicant created the neighbors there, and he created this situation. He said that in his opinion he would have to go along with the people who live in the area, which was very unusual for him because he was normally not swayed by this type of discussion. He was a proponent of business and was for them to grow and expand, but felt, in this instance, with the situation, he personally would have to vote against the request.

PETERS commented that he happened to be on the County Commission in 1974 and was very familiar with the neighborhood residents, including the applicant. He said that if his memory served him right, the reason they approved the application in 1974 was because there was a buffer of 80 acres to the north, and felt that it was some protection for the people in that area. It was also his understanding that that was about as far north as Mr. Miles planned on going with his sandpit operation. PETERS said that for the reasons stated, and remembering those circumstances, he would have to vote against the application.

GARDNER stated that the application to extend a dredging operation and a soil removal situation into the adjacent 80 acres to the north was a great deal different than what has been categorized as moving a full-fledged sand plant into the 80 acres and placing it immediately south of the residences. With the retention of the sand plant in its present location, he did not believe that they were either damaged or subject to anything of a different nature than what they presently have there short of the movement of the dredge and its operation in the 80 acres, and that is being back to the south of the 51st Street area in accordance with the redevelopment plan. He said that the issue on the surface appears to be one of moving the sand plant in as a next door neighbor. Realistically it exists as a next door neighbor. It is a good example of a proper operation, one of the best in the locale. He said that he did not believe that the dredging or the removal of the overburden prior to the dredging in that area north was going to be detrimental. The proximity of a residential area to a sand operation was one of a well-established nature both in terms of the values that the people have on their houses there presently, and the values in the development at The Moorings. He said that to his knowledge there has not been any discernible loss in value because of the proximity to the operation. GARDNER said that he did not find the objections to be with basis.

WILSON commented that he did not believe that the public had been aware of the extent of staff's requirements, and he wondered if Galbraith could assure them of how these requirements are enforced, if they have not been enforced in the past. He asked who was the enforcing body for the fencing, screening, overburden removal and planting of grass in there and the keeping of the depth of the lake. He said that it was quite extensive and he was afraid the public really had not been aware of the requirements that were being put on Mr. Miles.

GALBRAITH stated that the County Zoning Administrator's office is charged with inspection and seeing that compliances are found for these

types of conditions that the Planning Commission recommends to the Board of County Commissioners. Ron Worley is the County Zoning Administrator.

RON WORLEY, stated that he has been the County Zoning Administrator for the past three and one-half years. During that time several sand plant operators have had occasions to become acquainted with him and not always to their liking. Mr. Miles has not been one of those people he has had to deal with in terms of violation. WORLEY said that to his knowledge, Miles' operation was currently in compliance with the current conditions. If it is not, he has not had any complaints to that effect. He said that if there were complaints, his office would certainly investigate them and try to correct them if they exist as they have done with many other sand plant operations and any other zoning violations. Some of the people who previously spoke have contacted him about violations, and to his knowledge, they have been satisfactorily able to resolve their particular complaints about zoning violations that were not necessarily sand plants in nature. WORLEY said that he has reviewed the conditions and they were fairly extensive, at least more extensive than would be the normal ones for previous sand plant approvals. He felt confident that his office could enforce them and would assure them that it would be his intention to enforce them if the Planning Commission and County Commission desire to approve it.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the existing sandpit operation to the south and the former sandpit operation to the west which is now redeveloping for residential purposes; the suitability of subject property for expansion of an existing use; 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 dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
- c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
- d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.

- e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
- f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:
 - (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

If a chainlink fence is utilized, then either metal or wooden slats, woven through the chainlink, shall be provided along the north line of the application area to minimize the effects of blowing silt.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. 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.
- 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. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no sand plant vehicular access to or from 51st Street North or Delaware.

- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
- q. Prior to connecting this lake with the one in the NW $\frac{1}{4}$ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

Gardner moved, Moore seconded and it carried with a vote of 5 in favor (Gardner, Moore, Bayouth, Goebel, and Wilson) and 2 opposed (Chisholm and Peters). Banzer, Crockett and Hansen were absent.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE January 23, 1985

TO Louise Olivarez, Senior Planner, Metropolitan Area Planning Department

FROM Jack A. Brown, Chief, Environmental Quality

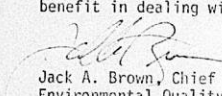
SUBJECT CU-275: Request for expansion of sand extraction operation generally located east of Meridian, south of 51st Street, North

A review of the operational plan for the above subject activity has been completed. This type of sand extraction operation should have no negative effects on groundwater quality or quantity. This determination is based on past experience with subdivisions adjacent to or part of existing or abandoned sand pits using private wells for water supply. No part of the proposed activity introduces contaminants into the groundwater and water table draw-down is not expected. In brief, nothing associated with this operation is any different than other sand mining operations and the Department has had no past groundwater quality problems associated with this type of process.

The Department will require that the earth is to be extracted to a minimum depth of six feet below the water table to prevent the growth of vegetation. The estimated depth of the groundwater in the general area of this expansion is between 8 and 14 feet below current ground level.

Although some of the other issues regarding this matter (traffic, blowing sand, noise and hours of operation) are not precisely areas of jurisdiction for the Department, it is not uncommon for us to receive complaints of nuisances created by construction, extraction, excavation or other commercial activity, particularly when it is adjacent to a residential area. We would therefore support any further requirements for the approval of this operation that would minimize these other areas of concern.

The nuisance of blowing dust and sand is one which we frequently receive. Control techniques to minimize this problem such as tree planting are expensive and require considerable maintenance and time for mature growth. Tree planting can be effective, as in item j; however, coniferous trees 8 - 10 feet in height are needed to be of any value. I discussed this with Larry Henry of the Soil Conservation Service and feel that his expertise on control techniques could be of benefit in dealing with the issue of blowing sand and dirt if needed.


Jack A. Brown, Chief
Environmental Quality

JAB/jk

cc: Michael J. Everhart
Larry Henry

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01840- RE 17 JLL

YATES LARRY A ETUX

5207 N. DELAWARE
WICHITA KS 67204 1202
S 171 FT LOT 19
FIRST ADD. TO GARDINER ACRES

PROPERTY ADDRESS
5207 N DELAWARE AV

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01939-0001- RE 17 JLL

JANELLE PROPERTIES CORP

PO BOX 18599

WICHITA KS 67218 1202
E 145 FT LOT 21 EXC N 10 FT FOR ST.
ORMISTON 2ND. ADD.

PROPERTY ADDRESS
1617 W 52ND ST N

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01942-0001- RE 17 JLL

GEILE HENRY J ETUX

1602 W. 51ST. ST. N.
WICHITA KS 67204 1202
LOT 27 EXC BEG 10 FT N SW COR LOT
27 E 319.8 FT N 301.6 FT TO N LI W
317.2 FT TO NW COR S TO BEG
ORMISTON 2ND. ADD.

PROPERTY ADDRESS
1600 W 51ST ST N

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01942-0002- RE 17 JLL

JANELLE PROPERTIES CORP

P.O. BOX 18595

WICHITA KS 67218 1202
LOT 26 EXC E 145 FT & EXC
W 10 FT & S 10 FT FOR STS.
ORMISTON 2ND. ADD.

PROPERTY ADDRESS
1630 51ST W

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01796-0001- RE 17 JLL

WILSON VIOLET P

5324 N. CHARLES
WICHITA KS 67204 1202
S 75 FT LOT 5
GARDINER ACRES ADD.

PROPERTY ADDRESS
5324 N CHARLES N

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01940-000A- RE 17 JLL

✓ SEARCY CHALNCY E ETUX

5257 LEGION KS 67204 1202
WICHITA LOT 22 EXC W 100 FT &
N 100 FT ORMISTON 2ND. ADD.
EXC ST.

PROPERTY ADDRESS
5257 N LEGION AVE

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01939-0001- RE 17 JLL

✓ JANELLE PROPERTIES CORP

PO BOX 18599 KS 67218 1202
WICHITA LOT 21 EXC N 10 FT FOR ST.
E 145 FT ORMISTON 2ND. ADD.

PROPERTY ADDRESS
1617 W 52ND ST N

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01942-0002- RE 17 JLL

JANELLE PROPERTIES CORP

P.O. BOX 18595 KS 67218 1202
WICHITA LOT 26 EXC E 145 FT & EXC
W 10 FT & S 10 FT FOR STS.
ORMISTON 2ND. ADD.

PROPERTY ADDRESS
1630 51ST W

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01825-001A- RE 17 JLL

SKILES ERNEST D ETUX

✓ 5336 N ATHENIAN KS 67204 1202
WICHITA LOT 4
S 151.5 FT LOT 4
FIRST ADD. TO GARDINER ACRES

PROPERTY ADDRESS
5336 N ATHENIAN

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01835- - RE 17 JLL

HALE DAVID A ETUX

5313 N. CHARLES KS 67204 1202
WICHITA LOT 14
FIRST ADD. TO GARDINER ACRES

PROPERTY ADDRESS
5313 N CHARLES ST

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01843- - RE 17 JLL

✓ RESERVE SAVING
% KENNETH RICHEY

5301 N. DELAWARE KS 67204 1202
WICHITA S 1/2 LOT 22
FIRST ADD. TO GARDINER ACRES

PROPERTY ADDRESS
5301 N DELAWARE AV

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01742-0002 RE 17 JLL

JANELLE PROPERTIES CORP
P.O. BOX 18595

PROPERTY ADDRESS
1630 51ST

W

WICHITA KS 67218 1202
LOT 26 EXC E 145 FT & EXC
W 10 FT & S 10 FT FOR STS.
ORNISTON 2ND. ADD.

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01825-001A RE 17 JLL

SKILES ERNEST D ETUX

PROPERTY ADDRESS
5336 N ATHENIAN

5336 N ATHENIAN KS 67204 1202
WICHITA
S 1/2 LOT 4
FIRST ADD. TO GARDINER ACRES

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01835- RE 17 JLL

HALE DAVID A ETUX

PROPERTY ADDRESS
5313 N CHARLES

ST

5313 N. CHARLES KS 67204 1202
WICHITA
LOT 14
FIRST ADD. TO GARDINER ACRES

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01843- RE 17 JLL

RESERVE SAVING
% KENNETH RICHEY

PROPERTY ADDRESS
5301 N DELAWARE

AV

5301 N. DELAWARE KS 67204 1202
WICHITA
S 1/2 LOT 22
FIRST ADD. TO GARDINER ACRES

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -01797-0001- RE 17 JLL

WYANT HOBART D ETUX

PROPERTY ADDRESS
5303 N DELAWARE

AV

5303 DELAWARE KS 67204 1202
WICHITA
S 21 FT LOT 6
GARDINER ACRES ADD.

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: KE - -00192- RE 17 JLL

WENTWORTH A L ETUX

PROPERTY ADDRESS
5310 N MERIDIAN

AVE

5310 N. MERIDIAN KS 67204 1202
WICHITA
BEG 331.6 FT S NW COR NW1/4 E 656.1
FT TO PT 332.31 FT S OF N LI NW1/4
S 332.31 FT W 656.1 FT N 331.6 FT
TO BEG
SEC 19-26-1E

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
456 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

Martin E. Updegraff, Attorney
Vaughn & Updegraff
608 North Broadway
Wichita, Ks. 67214

February 11, 1985

Re: CU-275 - Sand & Gravel Extraction Operation
On the east side of Meridian in an area south
of 51st Street North


Dear Mr. Updegraff:

Our letter to you on February 8, 1985 advised the action of the above-captioned case and that the County Commission would consider the request on March 6, 1985.

This afternoon we were advised that the County Commission will not meet on that date and that they would consider this request at their meeting of March 13, 1985 which begins at 9:00 a.m. in Room 320, Sedgwick County Courthouse.

If you have any questions, please call.

Sincerely yours,



Jack H. Galbraith
Chief Planner

JHG:sad

cc: Joel Pollock, Jim Smith Realty, Inc., 331 N. Waco, Wichita 67202
Kenny Hill, Poe & Associates of Kansas, Inc., 434 N. Oliver, Wichita
Harley Miles, Miles Sand Company, Inc., 4857 N. Meridian, Wichita 67204
Michael, Neva & Daniel Dreese, 3959 North Clarence, Wichita
Joseph & Ruth Montgomery-Short, 1019 W. 50th Street North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita 67204
Ron Worley, County Zoning Officer
James C. & Judith L. Eller, 5201 North St. Clair, Wichita 67204
Hobart D. Wyant, 5303 Delaware, Wichita 67204
Richard Foster, Attorney, 300 W. Douglas, Wichita 67202
Tharryl L. Davis, 5213 North Athenian, Wichita 67204
James N. Holcomb, 5301 North Charles, Wichita 67204
Eulalia M. Langford, 1736 West 53rd Street North, Wichita 67204
Bob R. Hale, 5258 North Charles, Wichita 67204
Valeria I. Verboom, 1825 West 53rd Street North, Wichita 67204
James L. Turner, 5326 North Charles, Wichita 67204
Dr. George Gsell, 8404 Limerick Lane, Wichita 67206

February 8, 1985

Mrs. Judith L. Eller
5201 North St. Clair
Wichita, Ks. 67204

Re: CU-275 - Sand & Gravel Extraction Operation
On the east side of Meridian in an area south
of 51st Street North

Dear Mrs. Eller:

The Planning Commission at its regular meeting of February 7, 1985, considered the above-captioned request, and their action was as indicated on the attached letter.

It is my understanding that you have already obtained County Protest Petition forms from our office. 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., Thursday, February 21, 1985. 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

cc: Hobart D. Wyant, 5303 Delaware, Wichita 67204
Richard Foster, Attorney, 300 W. Douglas, Wichita 67202
Tharryl L. Davis, 5213 North Athenian, Wichita 67204
James N. Holcomb, 5301 North Charles, Wichita 67204
Eulalia M. Langford, 1736 West 53rd Street North, Wichita 67204
Bob R. Hale, 5258 North Charles, Wichita 67204
Valeria I. Verboom, 1825 West 53rd Street North, Wichita 67204
James L. Turner, 5326 North Charles, Wichita 67204

February 8, 1985

Martin E. Updegraff, Attorney
Vaughn & Updegraff
608 North Broadway
Wichita, Ks. 67214

Re: CU-275 - Sand & Gravel Extraction Operation
On the east side of Meridian in an area south
of 51st Street North

Dear Mr. Updegraff:

At its regular meeting of February 7, 1985, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to recommend that the application be approved subject to the following conditions:

- a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
- c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.

- d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
- e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
- f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:
- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - (3) 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.

If a chainlink fence is utilized, then either metal or wooden slats, woven through the chainlink, shall be provided along the north line of the application area to minimize the effects of blowing silt.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.

- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. 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.
- k. 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.
- l. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW¼ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no sand plant vehicular access to or from 51st Street North or Delaware.
- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.
- q. Prior to connecting this lake with the one in the NW¼ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
- r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.

- s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
- u. Any violation of conditions attached shall declare the conditional use permit null and void.

Regarding conditions a thru e, it is necessary that these conditions be complied with prior to the publication of the resolution authorizing the change in land use. Inasmuch as the application has several owners, your engineer should prepare the necessary dedications for their signatures and return them to our office at your earliest convenience. If sample covenants are needed for items b, c and d, please advise. As to item e, your contact is with the Acting Director of the County Public Works Department.

This case will be considered by the Board of County Commissioners at their meeting on Wednesday, March 6, 1985, which begins at 9:00 a.m., in Room 320, Sedgwick County Courthouse.

At your request, enclosed is a copy of the protest signatures submitted at the meeting. If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHC:sad

cc: Joel Pollock, Jim Smith Realty, Inc., 331 N. Waco, Wichita 67202
Kenny Hill, Poe & Associates of Kansas, Inc., 434 N. Oliver, Wichita
Harley Miles, Miles Sand Company, Inc., 4857 North Meridian, Wichita
67204
Michael, Neva & Daniel Dreese, 3959 North Clarence, Wichita
Joseph & Ruth Montgomery-Short, 1019 W. 50th Street North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita 67204
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Bob R. Hale, 5258 North Charles, Wichita 67204
Valeria I. Verboom, 1825 West 53rd Street North, Wichita 67204
James L. Turner, 5326 North Charles, Wichita 67204
Dr. George Gsell, 8404 Limerick Lane, Wichita 67206

The undersigned, Property owners in Sedgewick County, Kansas,
 hereby Protest the Proposed Conditional Use Application for Property
 described as case number CU 275 for establishment of a Sand and
 Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st N.)

NAME	ADDRESS	
Hobart Dwyant	5303 Delaware	Wichita, Ks. 1-27-1985
Barbara May Dwyant	5303 Delaware	Wichita, Ks. 1-27-1985
Willie K. Dwyant	5300 Delaware	Wichita, Ks. 1-27-85
James L. Dwyant	5300 Delaware	Wichita, Ks. 1-27-85
Catherine Charlene Dwyant	5301 Delaware	Wichita, Ks. 1-27-85
	" " " "	" " " "
Kenneth R. Dwyant		
Lorene M. Ewen	5352 Delaware	Wichita, Kan. 1-27-85
Harold R. Flowers	5327 Mulberry	Wichita, Ks. 1-29-85
Velma F. Flowers	5327 Delaware	Wichita, Ks. 1-29-85
Whit Robinson	5323 Legion	Wichita 1-29-85
Vivian Robinson	5323 Legion	Wichita, Ks. 1-29-85
L. E. Sears	5257 Legion	Wichita, Ks. 1-29-85
Fern R. Sealey	5257 Legion	Wichita, Ks. 1-29-85
Vergil W. Stepp	5337 Legion	Wichita, Ks. 2-1-85
Jan Welborn	1617 W 52nd N	Wichita 2-1-85
Kathy Welborn	1617 W 52nd N	Wich. 2-1-85
Baudilio Morfey	5251 Delaware	w. 2-2-85
Chris Wilder	5241 Delaware	Wichita 2-2-85

The undersigned, property owners in Sedgwick County, Ks., hereby protest the proposed conditional use application for property described as case number CU 275 for establishment of a Sand and Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st. St. N.)

Michael T. Owens	1630 W. 51 STN.	Wichita KS	2-2-85
Barbara Owens	1630 W. 51 ST. N.	Wichita KS	2-2-85
Elfo Cusick	1618 W. 51 ST. N.	Wichita KS	2-2-85
Ferris Fisher	1618 W. 51 ST. N.	Wichita KS	2-2-85
Paul W. Orr	1629 W. 52 nd ST	Wichita	2-5-85
Marie Blair	1629 W. 52 nd ST	Wichita	2-5-85
Linda Warkum	5347 Legion	Wichita	2-4-85
Jean Yates	5324 Delaware	Wichita	2-4-85

The undersigned, Property owners in Sedgewick County, Kansas,
 hereby Protest the Proposed Conditional Use Application for Property
 described as case number CU 275 for establishment of a Sand and
 Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st. N.)

NAME	ADDRESS	
James C Eller	5201 N. St Clair	1-27-85
Judith K. Eller	5201 N. St Clair	1-27-85
Paul B Potter	5201 N. Athens	1-30-85
Bob W. Wood	5200 N. St Clair	1-31-85
Mark A. Stratton	5215 N. ST. CLAIR	2-1-85
Charles S. Senter		
Malvin Conner	5229 N. St Clair	2-1-85
Kenneth R. Conwell	5229 N. St. Clair	2-1-85
Virginia K. Gappan	2200 W. 51st North	2-1-85
Robert D. Pappan	2200 W. 51st North	2-1-85
Gerald W. Jackson	5212 N. St Clair	2-2-85
Ray D. Jackson	5212 N. St Clair	2-2-85
Becky Fowler	5226 N. St. Clair	2/2/85
Charles A. Fowler	5276 N. St Clair	2/2/85
Dorothy Conroy	5360 N. St Clair	2/2/85
Rosa Cortes	5244 N. St. Clair	2/2/85

The undersigned property owners in Sedgewick County, Kansas, hereby protest the proposed Conditional Use Application for property described as case number CU 275 for establishment of a Sand and Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st. St. N.)

Carol J Barr	5304 N St Clair	2-3-85
Elm J Ban	5304 N St Clair	2-2-85
Laura A Best	5307 N St Clair	2-2-85
Farrah D James	5350 N St Clair	2-2-85
Maur E Barnes	5356 N St. Clair	2-2-85
John H. Cuyper	5360 N. St. Clair	
Otis F. Phillips	2726 W 93 rd N	2-2-85
May Ann Helms	5248 N St. Clair	
Russell Brown	5319 N St Clair	2-3-85
Eric Ray Green	5319 7/8 St. Clair	2-3-85
Jack K. Burnett	5239 N. St. Clair	2-3-85
Steph Burnett	5239 N ST. CLAIR	2-3-85
Robert J. Wentworth	5310 N. Meridian	2-3-85
Ruby K. Wentworth	5310 N. Meridian	2-3-85
Ruby K. Wentworth	5310 N. Meridian	2-5-85
Emeline M. Langford	1736 W 53 rd St N.	2-6-85
John Verboom Jr	1825 W 53 rd 7/8	2-6-85
Valeria Verboom	1825 W 53 rd 7/8	2-6-85
Allen L. Rees	5307 N St. Clair	2-6-85

The undersigned, property owners in Sedgwick County, Kansas,
hereby protest the proposed Conditional Use application for
property described as case number CU 275 for establishment of
a Sand and Gravel Extraction Operation. (Expansion of Miles
Sand Pit to 51st. North)

Dorlot Wilson
Michael L. Cole
Travis J. Cole
Lesley A. Cole
Paul D. Cole

5324 N Charles
5313 N CHARLES
5313 N CHARLES 67204
1819 W. 53rd N. 67204
1819 W. 53rd N 67204

The undersigned, Property owners in Sedgwick County, Kansas,
 hereby Protest the Proposed Conditional Use Application for Property
 described as case number CU 275 for establishment of a Sand and
 Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st. N.)

NAME	ADDRESS
James M. Holcomb	5301 N. Charles
Bob A. Hale	5258 N. Charles
Mattie W. Hale	5258 N. Charles
John W. Holcomb	5301 N. Charles
Deborah A. Kelly	5257 N. Charles
Heat W. Kelly	5257 N. Charles
Steve Ecker	5201 N. Charles
Martha Ecker	5201 N. Charles
Jan Blair	5241 N. Charles
Mildred R. Black	5300 N. Charles
Marilyn M. Nelson	2007 W 53 RD N
Betty + Jim Turner	5726 N. Charles
Wayne + Lela Maxfield	5315 N. Charles
Jimmy + Carol Wolfman	5220 N. Charles
Wilbur + Jenny Toedem	5210 N. Charles
Yogan + Wilma Guffer	5250 N. CHARLES
John Christensen	1825 W 63 RD N
Valerie Christensen	1825 W 63 RD N
Linda Christensen	1825 W 63 RD N

The undersigned, Property owners in Sedgewick County, Kansas, hereby
 Protest the Proposed Conditional Use Application for Property
 described as case number CU 275 for establishment of a Sand and
 Gravel Extraction Operation. (Expansion of Miles Sand Pit to 51st St. N.)

<i>J. J. Dain</i>	5213 N. ATHENIAN	1-26-85
Francis W. Merrill	5339 N. Athenian	1-26-85
Jennie Merrill	5339 No. Athenian	1-26-85
J. W. Pratt	5353 No Athenian	2-3-85
Lela Pratt	5353 N. Athenian	2-3-85
Sharon L. Nelson	5359 N. ATHENIAN	2-3-85
Sharon Nelson	5359 N. Athenian	2-3-85
Doal A. Wolf	5340 N Athenian	2-3-85
Michels R. Wolf	5340 N. Athenian	2-3-85
Denise Popran	5320 N. Athenian	2-3-85
Mildes Millspaugh	5225 N. ATHENIAN	2-3-85
Melba Millspaugh	5225 N. Athenian	2-3-85
Ronald E. Collins	5200 N. Athenian	2-3-85
Dorothy Collins	5200 N. Athenian	2-3-85
William E. Sanders	5250 N. Athenian	2-3-85
Steen Mullins	5341 N. Athenian	2-3-85
Roger Mullins	5341 N. Athenian	2-3-85
Nerna M ^{rs} Gray	5310 N. Athenian	2-3-85
Bar M ^{rs} Gray	" "	"
Ernie Skiles	5336 N. Athenian	2-5-85
Quante Skiles	5336 N. Athenian	2-5-85

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-275 - Conditional Use Permit for Sand and Gravel Operation
Generally located on the east side of Meridian in an
area south of 51st Street North.

MAPC HEARING DATE: 2-07-85

Acres: 230

Size: 2640' x 3960' (irregular)

Reason: Expansion of sand and gravel extraction operation.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sand extraction operation, undeveloped/agriculture	"R-1" & "LC"
North	One-family Dwellings	"R-1"
East	Little Arkansas River, Salvation Army Camp Hiawatha, and undeveloped	"R-1"
South	Sand extraction operation	"AA"
West	Undeveloped & single-family	"R-1" & "AA"

History:	CU-129	1-14-71	MAPC	Approve
		2-03-71	BCoC	Approve
		9-14-73		Case closed due to failure to complete conditions of approval.
	CU-157	1-10-74	MAPC	Deny
		1-24-74	BCoC	Approve
	CU-249	10-22-81	MAPC	Approve
		11-18-81	BCoC	Approve

Applicants: Miles Sand Company, Inc., 4857 North Meridian, Wichita
Michael & Neva J. & Daniel Dreese, 3959 N. Clarence, Wichita
Joseph & Ruth Montgomery Short, 1019 W. 50th St. North, Wichita
W. S. Merrill, 5130 North Meridian, Wichita

COMMENTS:

1. The applicant is requesting a conditional use permit to expand an established sand and gravel operation into approximately 70 additional acres of land zoned "R-1" Suburban Residential located on the east side of Meridian and south of 51st Street North.

In 1974, the Board of County Commissioners approved a sand and gravel operation on the south two-thirds of subject property (SW¼ Section 19, CU-157). In 1981, this conditional use permit was amended, mainly to delete the requirement that the operation cease after 15 years (CU-249).

In 1977, the 160 acres south of the above-referenced site, being located within the Wichita city limits, was approved by the Board of Zoning Appeals for extraction of raw materials (BZA 24-77). Connection between this sand pit and the one to the north was proposed. In 1981, this BZA exception was slightly revised and re-approved (BZA 59-81).

2. The applicant has submitted a proposed operational plan which shows expansion of the lake into the north 70 acres and revises the limits of the south end of the lake adjacent to old 45th Street North. Connection of the lakes across old 45th Street is shown approximately 250 feet wide. The sanitary sewer force main serving The Moorings is located within this old street right-of-way. The applicant was advised, when the street was vacated, that he would be required to relocate or lower this force main prior to connecting the lakes.

We are advised that the sand plant operation, including the storage of sand and gravel, trucks and equipment, will not change from its present location on Meridian north of vacated 45th Street.

3. The applicant has also submitted a proposed redevelopment plan indicating lotting arrangements around the lake. The street labeled as "Amidon Avenue" between vacated 45th Street and the center of Section 19 was dedicated when 45th Street was vacated. This street would more appropriately be labeled "Delaware". The east half of Delaware exists in Ormiston 2nd Addition from the center of Section 19 up to 51st Street. The west half should be dedicated with this conditional use request.
4. The area directly north of 51st Street is developed with residences. The concern with most sand extraction operations is the closeness to developed areas, hours of operation, truck access, blowing sand, affect on water table, etc. Attached to the staff report to the Planning Commission is a memorandum from the City-County Health Department responding to several of these concerns. As excavation is proposed to within 180 feet of the north property line (centerline of 51st Street), consideration should be given to protecting the developed residential area from the effects of blowing sand and soil.
5. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
 - a. The applicant shall dedicate by separate instrument 50 feet of half-street right-of-way for Meridian, 30 feet for 51st Street North, and 34 feet for Delaware within the south half of the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
 - b. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation. (This covenant may pertain to only the NW $\frac{1}{4}$ as there is already filed of record a covenant for the SW $\frac{1}{4}$).
 - c. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 m.s.l., a loop levee covenant shall be submitted to cover the expansion area. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
 - d. The applicant shall submit a covenant and agreement satisfactory in form to the County Counselor and in content to the Sedgwick County Department of Public Works, which authorizes the use of the excavation area as a detention storage facility for public drainage purposes. This is necessary because, at the time The Moorings was platted, a contingent drainage dedication was given from Meridian to the lake with the intent of providing temporary storm water storage in the lake. Since the lake is to be expanded and connected with the one to the south, the agreement for temporary detention storage needs to be expanded to include these areas.
 - e. As the excavation operation will be within 1000 feet of a flood control works, the applicant shall obtain a permit from the County Engineer as required by K.S.A. 19-3309.
 - f. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), 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:

- (1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
- (2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- (3) 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.

If a chainlink fence is utilized, that portion of the fence located within the NW $\frac{1}{4}$ of Section 19 shall include metal or wooden slats woven through the chainlink to minimize the effect of blowing sand.

- g. To further minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- h. The applicant shall be responsible for planting and maintaining a buffer of plant materials near the north property line to aid in protecting adjacent residences from blowing sand. The plant materials shall consist mainly of coniferous trees planted in accordance with wind and erosion control specifications of the Soil Conservation Service. These shall be planted during the spring of 1985 in order to provide as much growth time as possible for the plants to mature to a size which will provide some protection.
- i. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- j. 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.
- 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. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- m. No stockpiling of sand or storage of equipment shall occur within the NW $\frac{1}{4}$ of Section 19, Township 26 South, Range 1 East.
- n. There shall be no vehicular access from this conditional use site to either 51st Street North or Delaware as long as this site is used for sand plant operations.
- o. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled condition.
- p. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Regulations.

- q. Prior to connecting this lake with the one in the NW¼ of Section 30, Township 26 South, Range 1 East, the applicant shall make satisfactory arrangements with the City of Wichita for relocating or lowering the sanitary sewer force main located within vacated 45th Street right-of-way.
 - r. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
 - s. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 - t. The applicant shall comply with conditions a, b, c, d, and e prior to publication of the resolution establishing the conditional use.
 - u. Any violation of conditions attached shall declare the conditional use permit null and void.
-



SEDGWICK COUNTY, KANSAS
DEPARTMENT OF PUBLIC WORKS

1250 S. SENECA
WICHITA, KANSAS 67213-4498
(316) 268-7901

TO: Louise Olivarez, Senior Planner
Metropolitan Area Planning Department

FROM: Jim Weber *JW*

DATE: January 25, 1985

SUBJ: C.U. 275

We have reviewed the above referenced Conditional Use Permit for expansion of a sand extraction operation near 51st St. North and Meridian. We have the following comments:

1. As the excavation operation will be within 1,000 feet of a flood control works, the applicant must obtain a permit from the County Engineer prior to excavation per K.S.A. 19-3309.
2. Unless the applicant can demonstrate by topographic survey that the existing ground around the proposed sand pit is above 1330 M.S.L., a loop levee covenant should be obtained to cover the expansion area.
3. A restrictive covenant and agreement should be obtained that allows the appropriate governing body to use the lake for temporary detention storage in conjunction with the contingent drainage dedication obtained across CU-129 with the platting of the Moorings.

As this conditional use progresses, we can work with the applicant or his agent concerning specific language required in the documents noted above. Flood Control and/or the City Engineer should also review and approve these documents.

JW/yis

Ucine 1-28-85

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE January 23, 1985

TO Louise Olivarez, Senior Planner, Metropolitan Area Planning Department
FROM Jack A. Brown, Chief, Environmental Quality

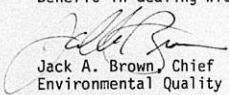
SUBJECT CU-275: Request for expansion of sand extraction operation generally located east of Meridian, south of 51st Street, North

A review of the operational plan for the above subject activity has been completed. This type of sand extraction operation should have no negative effects on groundwater quality or quantity. This determination is based on past experience with subdivisions adjacent to or part of existing or abandoned sand pits using private wells for water supply. No part of the proposed activity introduces contaminants into the groundwater and water table draw-down is not expected. In brief, nothing associated with this operation is any different than other sand mining operations and the Department has had no past groundwater quality problems associated with this type of process.

The Department will require that the earth is to be extracted to a minimum depth of six feet below the water table to prevent the growth of vegetation. The estimated depth of the groundwater in the general area of this expansion is between 8 and 14 feet below current ground level.

Although some of the other issues regarding this matter (traffic, blowing sand, noise and hours of operation) are not precisely areas of jurisdiction for the Department, it is not uncommon for us to receive complaints of nuisances created by construction, extraction, excavation or other commercial activity, particularly when it is adjacent to a residential area. We would therefore support any further requirements for the approval of this operation that would minimize these other areas of concern.

The nuisance of blowing dust and sand is one which we frequently receive. Control techniques to minimize this problem such as tree planting are expensive and require considerable maintenance and time for mature growth. Tree planting can be effective, as in item j; however, coniferous trees 8 - 10 feet in height are needed to be of any value. I discussed this with Larry Henry of the Soil Conservation Service and feel that his expertise on control techniques could be of benefit in dealing with the issue of blowing sand and dirt if needed.


Jack A. Brown, Chief
Environmental Quality

JAB/jk

cc: Michael J. Everhart
Larry Henry

WICHITA-SEDGWICK COUNTY

January 17, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Mike Lindebak, City Engineer
FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-275: Request for expansion of a sand extraction operation. Generally located east of Meridian, south of 51st Street North.

Attached are prints of an operational plan and a redevelopment plan for Harley Miles' sand extraction operation on North Meridian. He is requesting a conditional use permit to expand his existing operation into the 80 acres between 51st Street and Keywest, if extended from the west. His existing sand extraction operations are authorized by Conditional Use No. 249 (for area between 45th and Keywest) and City BZA No. 59-81 (for area between 1-235 and 45th). A copy of the resolution for CU-249 is also attached for your reference.

This conditional use request is scheduled for MAPC hearing on February 7, 1985. Notification letters will be sent to adjacent property owners on January 24, 1985. Would you please review this proposal, especially the operational plan, and provide me with any comments you may have by January 23, 1985. Our office has already received numerous calls from property owners north of 51st Street expressing concerns about the proposed expansion. They are mainly concerned about possible effects on the water table and water quality, blowing sand, hours of operation, and truck traffic in their neighborhood.

I would appreciate any comments you may have regarding this proposed expansion of Miles sand extraction operation.

Louise Olivarez
Senior Planner

LO:blw

1-24-85 Chris Breitenstein said that excavation cannot occur within 500 feet of the toe of the levee on the Little Arkansas River. (Requires equipment.) Force main in old 45th St. row needs to be lowered or relocated before the south two lakes can be connected.

WICHITA-SEDGWICK COUNTY

January 17, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Jack Brown, Chief, Environmental Quality

FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-275: Request for expansion of a sand extraction operation. Generally located east of Meridian, south of 51st Street North.

Attached are prints of an operational plan and a redevelopment plan for Harley Miles' sand extraction operation on North Meridian. He is requesting a conditional use permit to expand his existing operation into the 80 acres between 51st Street and Keywest, if extended from the west. His existing sand extraction operations are authorized by Conditional Use No. 249 (for area between 45th and Keywest) and City BZA No. 59-81 (for area between 1-235 and 45th). A copy of the resolution for CU-249 is also attached for your reference.

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I would appreciate any comments you may have regarding this proposed expansion of Miles sand extraction operation.

Louise Olivarez
Senior Planner

LO:blw

see response dated 1-23-85

WICHITA-SEDGWICK COUNTY

January 17, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: David Spears, Acting Director, County Public Works

FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-275: Request for expansion of a sand extraction operation. Generally located east of Meridian, south of 51st Street North.

Attached are prints of an operational plan and a redevelopment plan for Harley Miles' sand extraction operation on North Meridian. He is requesting a conditional use permit to expand his existing operation into the 80 acres between 51st Street and Keywest, if extended from the west. His existing sand extraction operations are authorized by Conditional Use No. 249 (for area between 45th and Keywest) and City BZA No. 59-81 (for area between I-235 and 45th). A copy of the resolution for CU-249 is also attached for your reference.

This conditional use request is scheduled for MAPC hearing on February 7, 1985. Notification letters will be sent to adjacent property owners on January 24, 1985. Would you please review this proposal, especially the operational plan, and provide me with any comments you may have by January 23, 1985. Our office has already received numerous calls from property owners north of 51st Street expressing concerns about the proposed expansion. They are mainly concerned about possible effects on the water table and water quality, blowing sand, hours of operation, and truck traffic in their neighborhood.

I would appreciate any comments you may have regarding this proposed expansion of Miles sand extraction operation.

Louise Olivarez
Senior Planner

LO:blw

see response dated 1-25-85

CASE NO. CU-275

90	"Notices to Adjoining Property Owners mailed on 1-24-85 for MAPC meeting on 2-7-85.
4	One each to Applicants.
2	One each to Agent and Engineer.
3	One each to Karen Crook, Ron Worley, and David Spears.
<hr/> 99	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-275
Location: On the east side of Meridian in an area south of 51st Street North.
Address: N/A
Request: Conditional Use Permit to Expand a Sand and Gravel Extraction Operation on Property Zoned "R-1".

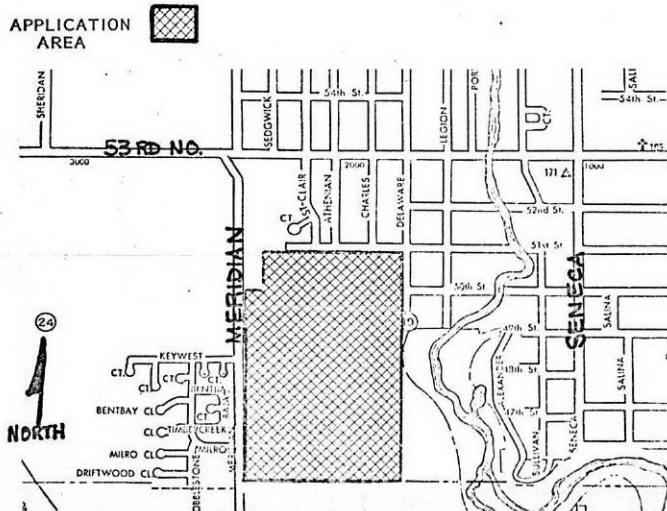
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

FEBRUARY 7, 1985

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-275

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

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 19, except the north 550 feet of the west 330 feet thereof. Generally located on the east side of Meridian in an area south of 51st Street North.

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.

() Published in The Eagle Beacon on January 17, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, February 7, 1985,
The WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING
COMMISSION, in the City Commission Meeting Room, City Hall,
First Floor, 455 North Main Street, Wichita, Kansas, beginning
at 1:30 p.m., will consider the following application:

CASE NO. CU-275

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

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M.,
Sedgwick County, Kansas, except that part condemned in
Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section
19, except the north 550 feet of the west 330 feet
thereof. Generally located on the east side of Meridian
in an area south of 51st Street North.

As provided in the County Zoning Regulations, Section 17-
Administration, sub-paragraph C, the same will there be discussed
and considered by the said Wichita-Sedgwick County Metropolitan
Area Planning Commission and 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 application will be considered as by law provided.

WITNESS my hand and seal on this 14th day of January, 1985.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

CONTINGENT DRAINAGE EASEMENT

WHEREAS Miles Sand, Inc.

own property in the SW1/4 of Section 19, T-26-S, R-1-E of the 6th Principal Meridian, Sedgwick County, Kansas, on which Conditional Use permits were granted for sand pit purposes as CU-129 and CU-157; and,

WHEREAS, as a condition of subdividing land in Sections 24 and 25, T-26-S, R-1-E as "The Moorings" said owner are being asked to dedicate a DRAINAGE EASEMENT across a portion of said CU-129 described as follows:

A tract of land in the SW1/4 Section 19, T-26-S, R-1-E of the 6th P.M. Meridian, Sedgwick County, Kansas described as beginning at the NW corner of said SW1/4; thence east along the north line of said SW1/4 115'; thence southeasterly at a deflection angle right of 42°30' to the edge of water of an existing sand pit; thence southwesterly with a deflection angle to the right 90°00' 90'; thence northwesterly with a deflection angle to the right 90° to a point that is 115' south and 95' east of the NW corner of said SW1/4; thence west 95' to a point on the west line of said SW1/4 thence north 115' to the point of beginning; and,

WHEREAS, said owner agree to provide said Drainage Easement and to permit the public to transport storm water from the approximate 2000 acre contributing area along said easement and to discharge it into the sandpit-lake located in said SW1/4 of Section 19 but said easement and permission be effective only in the event of certain contingencies hereinafter specified.

NOW THEREFORE, Miles Sand, Inc.

do hereby dedicate to the public for drainage purposes the property hereinabove set forth; but the right of the public and the City of Wichita and the Board of Commissioners of Sedgwick County, Kansas to make use thereof for drainage purposes shall be conditioned on the following:

- 1) An appropriate governing body shall install a culvert across Meridian Avenue whose discharge would be directed into said drainage easement, and
- 2) An appropriate governing body shall construct on said drainage easement a trapezoidal shaped concrete lined canal 35 feet wide at the bottom with 1.5 horizontal to 1 vertical side slopes which extend up the sides to a vertical height 2 feet above the bottom, such canal extending from the discharge end of the culvert described above to the south edge of the residential parcels set out on the redevelopment plan for CU-129 filed with the Wichita-Sedgwick County Metropolitan Area Planning Department December 3, 1973, said distance being approximately 290 feet, and
- 3) An appropriate governing body shall construct a bridge or culvert across said canal at the location crossed by the residential street as set out on the redevelopment plan for CU-129 subject to an appropriate plat or street be approved or dedicated, and
- 4) Items 1, 2 and 3 shall be constructed without cost to grantor or assessment of cost to lands owned by grantor or lands being subdivided as "The Moorings".

It is understood that upon the action of the governing body by contract or resolution to provide the above described facilities, that this drainage easement shall be and become, without further notice or act, in full force and effect.

It is the intent of the grantor and owner that this Contingent Dedication shall be a covenant running with the land and shall be binding upon their successors and assigns and all subsequent owners of any part or parcel of said property covered by said dedication.

EXECUTED THIS 23rd DAY OF September, 1977.

V. Harley Miles
V. Harley Miles President

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 23rd day of September, A.D. 1977, before me, a Notary Public, in and for the County and State aforesaid, came V. Harley Miles, President of Miles Sand, Inc. to me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.

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

My commission expires: *October 7, 1980*
NOTARY PUBLIC
Sedgwick County, Kansas
My Adept. Expires

Charles W. Zimmerman
Notary Public

from "The Moorings" plat file

5353 C
19
R.I.E.
26S

D-1266

Assoc. - V-1287

DEDICATION

Fee 11/19/84 S/D
Agrada.

... dedicates street R.O.W. Generally located north of 45th Street North and west of the Wichita-Valley Center Floodway.

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, Miles Sand Co., Inc. by its

President V. Harley Miles

being the owner of the following described real estate in Sedgwick County, Kansas, to wit: Beginning at the center of Section 19, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence S 0°27' E on the east line of the SW¼ of said Section 19 for a distance of 330.27 feet to a point on the west line of the Wichita Valley Center Flood Control right-of-way; thence along a 10°44.53' curve being described by the following chord bearings and distances; S 37°44' W 36.55 feet; S 26°27' W 99.86 feet; S 15°42' W 99.86 feet to a point of tangency; thence S 10°20'31" W for a distance of 182.65 feet; thence S 0°27' E for a distance of 1901.85 feet; thence S 89°33' W for a distance of 64.00 feet; thence N 0°27' W for a distance of 1907.90 feet; thence N 10°20' E for a distance of 188.70 feet; thence along a 9°35.47' curve being described by the following chord bearing and distance; N 24°36'02" E for a distance of 294.43 feet; thence N 0°27' W to the north line of the SW¼ of said Section 19; thence east 34.00 feet to the point of beginning, except for the part being in the south 40.00 feet of the SW¼ of said Section 19.

do hereby dedicate the above described real estate to the public for

street purposes.

Executed this 28th day of September 19 84.

MILES SAND CO., INC.

V. Harley Miles
V. Harley Miles, Pres.

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 28th day of September,

came Miles Sand Co., Inc. by its President V. Harley Miles

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 28th, 85

City Clerk

Michael C. Rowe
Notary Public

My Commission Expires: 10-23-84





CU-275

MILES SAND, INC.

PHONE 838-3362
4857 NORTH MERIDIAN
WICHITA, KANSAS - 67204



Dear Neighbor,

You will be receiving a letter from the Sedgwick Co. Metropolitan Planning Commission in the near future. In this letter Miles Sand Co. will be asking for a Conditional Use Permit to remove sand from the ground directly north of Miles Sand, which will be the ground south of fifty-first street. The east border will be the Salvation Army Property and the west border will be Meridian.

The first thing I want you to understand is we will continue to operate from the location we are in. Our office will not change, our road in and out will not change. The only thing that will be close to the north property line will be a dredge. We will be no closer than one-hundred, fifty feet from the north property line at any time with our dredge, nor the east or west boundaries. There will be room around the outside and probably will be some peninsula's which will be shown on our preliminary platte which will show the approximate size and shape of the lake. Not exactly but approximately.

We will first fence the property before we remove any of the dirt or anything else. That is one of the conditions of the Conditional Use Permit which we are going to apply for. We will probably start nothing on the property until after wheat harvest. Then we may strip some dirt off of the property.

I will be more than happy to meet with anyone or any group of people that are within the notification area and explain what we are proposing. We at no time intend to be a bad neighbor in this project as we have tried not to be in the past.

If there are any questions and you wish to call me I will be glad to answer them. My telephone number at the office is 838-3362. My home phone is 832-9462. I will be happy to talk to anybody about this matter. If you can come down here I will explain it to you or I will come to your home. If you have any questions feel free to ask.

You will get a notification from the Metropolitan Planning Commission when the hearing will be.

Sincerely Yours,

V. Harley Miles
4852 N. Meridian
Wichita, Ks. 67204

Handle

Vaughn & Updegraff

Attorneys at Law

608 NORTH BROADWAY
WICHITA, KANSAS 67214-3575

ARTIE E. VAUGHN
MARTIN E. UPDEGRAFF

TELEPHONE
(314) 266-5227

January 15, 1985

Kenny Hill said 1-28-85 that Updegraff wants to be listed as an agent for Miller Land

Metropolitan Area Planning Department
455 North Main Street
Tenth Floor
Wichita, Kansas 67202

Re: ~~Recent Correspondence~~
on Zoning Case No. Z-2096

Gentlemen:

As of April 1, 1984, we have moved our offices. I would appreciate it if you would please change my mailing address to 608 North Broadway, Wichita, Kansas, 67214, so we will be sure to continue receiving mailings and notices in this matter.

Yours very truly,

Martin E. Updegraff

Martin E. Updegraff

MEU:rs

Brenda: Add this attorney's name to the CU-275 file as an agent to receive copies of all correspondence!

RECEIVED

JAN 16 1985

METROPOLITAN PLANNING

ROUTE _____

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

Sheet 1 of 2

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.

11-85 Paul Petersen advised that he is owner. He shows an agent rather than James Smith.

- ① A. APPLICANT Miles Sand Company, Inc. *(Contract purchaser)*
 ADDRESS 4857 North Meridian 67204 PHONE 838-3362
- 1. AGENT Poe & Associates of Kansas, Inc. aka Kenanfill
 ADDRESS 434 North Oliver PHONE 685-4114
- ② B. APPLICANT Michael Dreese & Neva Jean Dreese & Daniel Charles Dreese *(owners)*
 ADDRESS 3959 N. Clarence, Wichita, KS. PHONE 838-0640
- 2. AGENT James O. Smith, Jim Smith Realty, Inc.
 ADDRESS 331 N. Waco, Wichita, KS. 67202 PHONE 263-7209
- ③ C. APPLICANT Joseph Short & Ruth Montgomery-Short *(owners)*
 ADDRESS 1019 W. 50th St. North, Wichita, KS. PHONE 838-6155
- AGENT James O. Smith, Jim Smith Realty, Inc.
 ADDRESS 331 N. Waco, Wichita, KS. PHONE 263-7209

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

Additional sheet attached (use)

2. a. The applicant proposes to establish a Sand & Gravel
Same Extraction Operation
 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).

(Change in location called in by R. Hill 1-11-85)

The South half of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas, except the North ~~237~~ feet of the South 1007 feet of the West 330 feet thereof.

550

2. b. There are 70.3
~~78.2~~ acres (round to nearest tenth) in the above described property.

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

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Southeast CORNER OF Meridian AND
51st Street North, OR

B. ON THE _____ SIDE OF _____ (AVE.) STREET BETWEEN
_____ (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 permit a sand extraction operation

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 REPRESENTED BY AN AGENT OR AGENTS.

BY Jessie R. Smith BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

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 11
(AM, PM) on 1-10-85 (day, month, year). It has been checked and
found to be complete and accompanied by required documents and the appropriate
fee of \$ 500.00.

1-11-85 K.Hill advised that legal
for the exceptions will need to
be changed.

Lewis Oliver Name
Senior Planner Title

*Sheet 2
of 2*

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

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, 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 Hiles Sand Company, Inc. *contract purchaser*
ADDRESS 4857 North Meridian 67204 PHONE 838-3362
AGENT Poe & Associates of Kansas, Inc.
ADDRESS 434 North Oliver PHONE 685-4114

B. APPLICANT W. S. Merrill *(owner)*
ADDRESS 5130 N. Meridian, Wichita, KS. 67204 PHONE 838-3137
AGENT x Paul Pollack
James O. Smith, Jim Smith Realty, Inc.
ADDRESS 331 N. Waco, Wichita, KS. PHONE 263-7209

C. APPLICANT _____
ADDRESS _____ PHONE _____

3. AGENT Martin E. Updegraff
Vaughn & Updegraff, Attorneys at Law
ADDRESS 608 N. Broadway 67214 PHONE _____

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

2. a. The applicant proposes to establish a _____
Same 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).

The South half of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas, except the North 237 feet of the South 1007 feet of the West 330 feet thereof.

550

- 442-90331/100
TTV*
2. b. There are 70.3
78.2 acres (round to nearest tenth) in the above
described property.

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

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Southeast CORNER OF Meridian AND
51st Street North, OR

B. ON THE SIDE OF (AVE.) STREET BETWEEN
(AVE.) STREET AND (AVE.) STREET.

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(ZONING DISTRICT CLASSIFICATION).

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To permit a sand extraction operation

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

BY James D. Smith
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)

7. OFFICE USE ONLY

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

Name

Title

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1	Block 1	Hull Addition	Kenneth V. Rieck Colette A. Rieck 4915 Sullivan Wichita, KS 67204 X
Lots 2 & 3	"	"	James D. Nichols Evelyn A. Nichols 1621 Lancaster Drive Wichita, KS 67219 X
Lot 4	"	"	Algie L. Hall Rena E. Hall 2300 W. 51st St. North Wichita, KS 67204 X
Lot 1	"	H. L. Warner 2nd Addition	Steven H. Burnham Teresa L. Burnham 415 N. Spruce Wichita, KS 67214 X
Lot 2	"	"	Stephen S. Barcus Thelma Barcus 1828 W. 18th St., Apt. 1006 Wichita, KS 67203 X
Lot 3	"	"	Tharryl L. Davis 5213 N. Athenian Wichita, KS 67204 X ✓
Lot 4	"	"	<i>not official copy of 5/25/48</i> Ralph B. Potts Laura M. Potts 5201 N. Athenian Wichita, KS 67204 X
Lot 5	"	"	Barbara Wilson Waddell 5200 N. St. Clair Wichita, KS 67204 X
Lot 6	"	"	Gerald W. Jackson Sheryl Diane Jackson 5212 N. St. Clair Wichita, KS 67204 X
Lot 7	"	"	Charles A. Fowler Beate U. Fowler 5226 N. St. Clair Wichita, KS 67204 X
Lot 8	"	"	Trinidad R. Cortest Rosa L. Cortest 5244 N. St. Clair Wichita, KS 67204 X
Lot 9	"	"	Elmer J. Barr Carol S. Barr 5304 N. St. Clair Wichita, KS 67204 X

Lot	Block	Addition	Property Owner
Lot 10	Block 1	H. L. Warner 2nd Addition	Walter Griffith Jr. Lulu Idell Griffith 5316 N. St. Clair Wichita, KS 67204
Lot 11	Block 1	"	Robert W. Singleton Leona F. Singleton 5330 N. St. Clair Wichita, KS 67204
Lot 1	Block 2	"	Jerry H. Regehr Sandra K. Regehr 5345 N. St. Clair Wichita, KS 67204
Lot 2	"	"	William E. Buck Donna R. Buck 5333 N. St. Clair Wichita, KS 67204
Lot 3	"	"	Russell D. Brown Dorothy M. Brown 5319 N. St. Clair Wichita, KS 67204
Lot 4	"	"	Allen L. Rust Lorna A. Rust 5307 N. St. Clair Wichita, KS 67204
Lot 5	"	"	William H. D. Mochon Mary Ann Mochon 5249 N. St. Clair Wichita, KS 67204
Lot 6	"	"	Terry L. Burnett June K. Burnett 5239 N. St. Clair Wichita, KS 67204
Lot 7	"	"	Kenneth L. Conwell Wilma L. Conwell 5229 N. St. Clair Wichita, KS 67204
Lot 8	"	"	Norman Forster Cynthia Ann Forster 5221 N. St. Clair Wichita, KS 67204
Lot 9	"	"	Mark A. Statton Cheryl K. Statton 5215 N. St. Clair Wichita, KS 67204
Lot 10	"	"	James C. Eller Judith L. Eller 5201 N. St. Clair Wichita, KS 67204
Lot 11	"	"	Anthony R. Aguilera Marijane Aguilera Address Unknown

Lot	Block	Addition	Property Owner
South 90' Lot 1	Block 1	H. L. Warner Addition	Gaylord R. Dick Jeani G. Dick X c/o Jeani G. Mullins 5341 N. Athenian Wichita, KS 67204
Lot 2	"	"	Francis W. Morrell X 5339 N. Athenian Wichita, KS 67204 AND Jonnie O. Treadwell Address Unknown
Lot 3	"	"	Harold A. Zimpfer X Norma I. Zimpfer 5337 N. Athenian Wichita, KS 67204
Lot 4	"	"	Charles V. Renner Jr. X Mary L. Renner 5333 N. Athenian Wichita, KS 67204
Lot 3	"	H. L. Warner 3rd Addition	Margaret E. Noller X 5340 N. St. Clair Wichita, KS 67204
Lot 1 exc. S 140'		Gardiner Acres Addition	Max L. Cross X Brenda Kay Cross 1801 W. 53rd North Wichita, KS 67204
S 140' Lot 1		"	Billy M. Allison X Valeta C. Allison 5331 Delaware Wichita, KS 67204
E 77' Lot 2		"	Edward C. Ford X Irene M. Ford 1819 W. 53rd North Wichita, KS 67204
W 50' Lot 2 & all Lots 3 & 4		"	John Verboom Jr. X Valeria I. Verboom 1825 W. 53rd North Wichita, KS 67204
S 75' Lot 5		"	Gilbert D. Wilson X Violet P. Wilson 5324 N. Charles Wichita, KS 67204
Lot 5 exc. S 75'		"	James L. Turner X Betty Joe Turner 5326 N. Charles Wichita, KS 67204
S 21' Lot 6		"	Hobart D. Wyant X Ellen M. Wyant 5303 Delaware Wichita, KS 67204
Lot 6 exc. S 21'		"	Gerald L. Flowers X Velda E. Flowers 5327 Delaware Wichita, KS 67204

Lot	Block	Addition	Property Owner
N 257.25' of Lots 1 & 2 and exc. W 84.66' Lot 2		First Addition to Gardiner Acres	Ronald D. Nelson Marilyn M. Nelson 2007 W. 53rd North Wichita, KS 67204 <i>Kimberly</i>
Lots 1 & 2 exc. N 257.25'		" <i>500+85'?</i>	Wayne Maxfield Lela E. Maxfield 5315 N. Charles Wichita, KS 67204
W 84.66' exc. S 85.75' Lot 2		"	Donald C. Frisbie Jolene S. Frisbie 6324 Legion Wichita, KS 67204
Lot 3		"	Logan C. Guffey Wilma I. Guffey 5250 N. Charles Wichita, KS 67204
Lot 4 exc. S 151.5'		"	Victor A. McCart Bertha R. McCart 5348 N. Athenian Wichita, KS 67204
S 151.5' Lot 4		" <i>5348</i> <i>Skiles</i> <i>5342 N Athenian</i> ← <i>P.</i>	Carl E. Forbes Erva J. Forbes 5348 N. Athenian Wichita, KS 67204
N 85.5' Lot 5		"	David A. Wolfe Michelle R. Wolfe 5340 N. Athenian Wichita, KS 67204
Lot 5 exc. N 85.5'		"	William L. Fisher Elsie H. Fisher c/o John C. Fisher 612 E. 49th St. North Wichita, KS 67219
S½ Lot 6		"	Donald R. McCray Norma L. McCray 5310 N. Athenian Wichita, KS 67204
N½ Lot 6		"	Everett L. Dewees Fredonia B. Dewees Address Unknown
Lot 7 exc. N 60' & the N 61' Lot 8		"	William R. Sanders Bernadette M. Sanders 5250 N. Athenian Wichita, KS 67204
Lot 8 exc. N 61' & the N 65' Lot 9		"	Donald U. McKenzie Wanda F. McKenzie 5236 N. Athenian Wichita, KS 67204
Lot 9 exc. N 65'		"	Ronald E. Collins Dorothy R. Collins 5200 N. Athenian Wichita, KS 67204

Lot	Block	Addition	Property Owner
Lot 20		First Addition to Gardiner Acres	Ralph I. Barnes Arvada B. Barnes 5233 Delaware Wichita, KS 67204 X
Lot 21		"	Baudelio Marguez Maria C. Marguez Address Unknown AND Gloria Marguez c/o Gloria Santiago 434 S. Custer Wichita, KS 67213 X
N $\frac{1}{2}$ Lot 22		"	Hobart D. Wyant Barbara May Wyant 5303 Delaware Wichita, KS 67204 OK
S $\frac{1}{2}$ Lot 22		"	Reserve Savings & Loan Association 225 N. Main Wichita, KS 67202 X <i>Handwritten: 1/2 of parcel and CAT-10000</i>
Lot 10		Ormiston 2nd Addition	W. R. Dry Frances P. Dry 5300 Delaware Wichita, KS 67204 X
Lot 11		"	Chester O. Robinson Vivian L. Robinson 5323 Legion Wichita, KS 67204 X
E 145' Lot 21 exc. N 10'		"	Janelle Properties Corp. 1617 W. 52nd Wichita, KS 67204 X
Lot 21 exc. E 145', exc. W 10' & exc. N 10' for street		"	David W. Bloir V. Marie Bloir 1629 W. 52nd North Wichita, KS 67204 X
W 100' of the N 200' of Lot 22 exc. N 10'		"	Richard C. McGarrah Debra L. McGarrah 1721 W. 52nd North Wichita, KS 67204 X
Lot 22 exc. N 200'		"	Alvin L. Hammer Rosemary Hammer 5211 Legion Wichita, KS 67204 X
N 200' Lot 22 exc. the W 100' & exc. the N 10'		"	Chaucey E. Searcy Geraldine C. Searcy 5257 Legion Wichita, KS 67204 X <i>Handwritten: 1/2 of parcel</i>

Lot	Block	Addition	Property Owner
Beg. at the NE/c of Lot 23; th. W'ly along N line of Lot 23 150'; th. S parallel to E boundary of Lot 23 100'; th. E 60'; th. S 111.5'; th. E 90'; th. N on E boundary of Lot 23 211.5' to p.o.b.		Ormiston 2nd Addition	X Doug Nay 1815 W. 52nd North Wichita, KS 67204
Lot 23 exc. the E 150' & exc. the S 211.5' & exc. the N 10'		"	X Raymond M. Powers Jr. 5254 N. Delaware Wichita, KS 67204
S 90' of Lot 23		"	X Florence A. Hodge 5340 Legion Wichita, KS 67204
Beg. 90' N of the SW/c of Lot 23; th. N along the W line of said Lot 1215'; th. E parallel to S line of said Lot 155'; th. E parallel to N line of said Lot 60' to point 100' S & 90' W of the NE/c of said Lot; th. S parallel to E line of said Lot 1215' to point 90' N of S line of said Lot; th. W parallel to and 90' N of S line of said Lot 215' to p.o.b.		"	X Robert N. Stafford Mildred C. Stafford 5244 N. Delaware Wichita, KS 67204
Lot 24		"	> Larry Allan Yates Jeanette Louise Yates Address Unknown
Lot 25 exc. the N 133' & exc. street		"	X Arnold L. Klein Joyce A. Klein 1900 W. 51st North Wichita, KS 67204
N 133' Lot 25		"	Alvin L. Hammar Rosemary Hammar <i>5211 Legion 67204</i> Address Unknown
E 145' Lot 26 exc. S 10'		"	X Michael J. Fisher Ferris M. Fisher 5347 Legion Wichita, KS 67204
Lot 26 exc. E 145' & exc. W 10' & exc. S 10'		"	X <small>SMITH, TRINITY</small> Smith & Company, Inc. 838 S. Edgemoor Wichita, KS 67218
Lots 35, 36, 37, 38, 39, 40, 49, 50, 51, 52, 53, 54 & 56		"	X Salvation Army 126 N. Emporia Wichita, KS 67202

Tract Description	Property Owner
SW $\frac{1}{4}$ Sec. 19, Twp. 26, R1E	OK Miles Sand Company 4852 N. Meridian Wichita, KS 67204
E 3 $\frac{1}{4}$ acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 19, Twp. 26, R1E <i>applicant</i> <i>(after checking with Jim Smith Realty and Security Abstract, Kenny Hill said there are only 3$\frac{1}{4}$ acres in the SE$\frac{1}{4}$ NW$\frac{1}{4}$)</i>	Michael Dreese Neva Jean Dreese 3959 N. Clarence Wichita, KS 67204 AND Daniel Charles Dreese X 8516 Arthur Court Wichita, KS 67207
Beg. 770' N of the SW/c of the <i>applicant</i> NW $\frac{1}{4}$ of Sec. 19, Twp. 26, R1E; th. N 237'; th. E 677'; th. S 237'; th. W 677' to beg., exc. the W 30'	William S. Merrill OK 5130 N. Meridian 5130 N. Meridian Wichita, KS 67204
N Beg. 20 rods N of the SW/c of the <i>applicant</i> SW $\frac{1}{4}$ Sec. 19, Twp. 26, R1E; th. N 440'; th. E 677'; th. N 237'; th. W 677'; th. N 313' to the NW/c of the S 80 rods of said NW $\frac{1}{4}$; th. E 80 rods; th. S 60 rods; th. W 80 rods to p.o.b.	Joseph C. Short OK 1019 W. 50th North Wichita, KS 67204
S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ <i>applicant</i> Sec. 19, Twp. 26, R1E	Same As Above
Beg. 663.2' S of the NW/c of Sec. 19, Twp. 26, R1E; th. E 656.1' to a point 664.62' S of the N line of sd. Sec.; th. S 332.31'; th. W 656.1'; th. N 331.6' to p.o.b., exc. the N 133' thereof and the S 75' of the W 290.4' thereof.	X Everett L. Bradburn Charlotte A. Bradburn 5244 N. Meridian Wichita, KS 67204
The N 133' of a tract beg. 663.2' S of the NW/c of Sec. 19, Twp. 26, R1E; th. E. 656.1' to point 664.62' S of the N line of said Sec. th. S 332.31'; th. W 656.1'; th. N 331.6' to p.o.b.	X David H. Brakebill Mary V. Brakebill R.R. 3, Box 147 "A" Arkansas City, KS 67005
Tract in the SW/c of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19, Twp. 26, R1E; beg. at a point 919.8' S of the NW/c of Sec. 19; th. E 290.4' to point 920.74' S of the N line of Sec. 19, th. S 75'; th. W 290.4' to W line of said Sec. 19; th. N on said line 75' to p.o.b.	X Mid Kansas Federal Savings & Loan 230 S. Market Wichita, KS 67202

Tract Description	Property Owner
SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 24, Twp. 26, RLW	Charlotte B. Gsell X 32 Mission Wichita, KS 67206 AND ? Kelsey Gsell Riggs Address Unknown AND X George Greer Gsell ✓ 8404 Limerick Lane Wichita, KS 67206 AND ? John P. Flickinger Gladys Gsell Flickinger Address Unknown AND ? Evelyn Gsell Given Robert J. Given Address Unknown AND ? Irma Gsell Stables Address Unknown
E 856.8' of the NE $\frac{1}{4}$ of Sec. 24, Twp. 26, RLW, exc. the S 1991' thereof & exc. a tract beg. at a point 30' W and 30' S of the NE/c of said Sec. 24; th. S 463.5'; th. N - NW & W following a 500' radius curve to the left 731.71'; th. E 463.5' to p.o.b.	X June Stough P.O. Box 2636 Wichita, KS
A tract in the NE $\frac{1}{4}$ of Sec. 24 ⁴ , Twp. 26, RLW described as: Beg. 1646' N of the SE/c of the NE $\frac{1}{4}$ Sec. 24; th. W parallel to S line of said Qtr. Sec. 147.5'; th. N 345'; th. E 147.5'; th. S 345' to p.o.b.	X Alex Mruk Rose Mary Mruk 1722 W. 29th North Wichita, KS 67204 Interest in Property: ? Stephen R. Shaw Address Unknown
NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 24, Twp. 26, RLW exc. a tract described as: Beg. at a point 1506' N of the SE/c of the NE $\frac{1}{4}$; th. W 147.5'; th. N parallel to the E line of the NE $\frac{1}{4}$ 485'; th. W parallel to the S line 709.3'; th. N parallel to the E line of the NE $\frac{1}{4}$ a distance of 649' more or less to the N line of the NE $\frac{1}{4}$; th. E along the N line 856.8' more or less to the NE/c of the NE $\frac{1}{4}$; th. S along the E line of the NE $\frac{1}{4}$ 1134' to p.o.b.	? Grace I. Bishop Address Unknown
Beg. at a point 1646' N of the SE/c of the NE $\frac{1}{4}$ of Sec. 24, Twp. 26, RLW; th. W 147.5'; th. S 140'; th. E 147.5'; th. N 140' to beg.	X Gerald L. Wendling 5237 N. Meridian Wichita, KS 67204
Beg. 30' W & 30' S of the NE/c of Sec. 24, Twp. 26, RLW; th. S. 463.5'; th. N - NW & W following a 500' radius curve to left 731.71'; th. E 463.5' to beg.	- Sedgwick County 525 N. Main Wichita, KS 67202

<u>Tract Description</u>	<u>Property Owner</u>
SE $\frac{1}{4}$ Sec. 19, Twp. 26, R1E except those portions platted as Beulahland Addition, Beulahland 2nd, 3rd and 4th Additions and Gifford Addition, also that portion condemned in Condemnation Case A-39338 for Big Ditch - Chisholm Creek Diversion.	Beulah Alexander c/o Moyle Alexander X 1436 Salina Wichita, KS 67203
SE $\frac{1}{4}$ Sec. 24, Twp. 26, R1W, except that part platted as the Moorings Addition	X V. Harley Miles RoJean Miles 2823 Timber Creek Circle Wichita, KS 67204
Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 & 12	The Moorings Addition Same As Above

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:

The South Half of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 26th day of November, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Isable
Sr. Vice-President

CU-275

Set up CU file for MAPC 2-7-85

Gravel Miles Sand Company, Inc. et al, request a conditional use permit to expand a sand and gravel extraction operation on property ^{legally} described as the ^{R-1 and} southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, AND the South half of the Northwest Quarter of said Section 19, except the north 550 feet of the west 330 feet thereof.

Generally located on the east side of Meridian in an area south of 51st Street North.

(Supersedes CU-249)

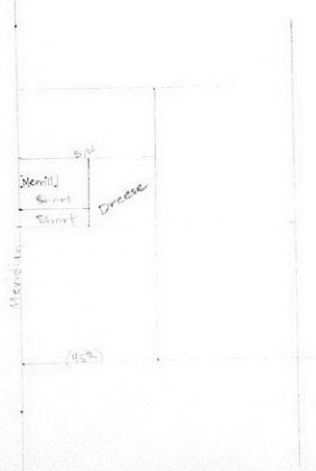
(Wichita Eagle-Beacon was called 1-14-85 and will pick up the notice 1-15-85 for publication 1-17-85.)



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

Being added to the operating

1-11-85 Staff agreed that ownership list only had to include those 1000' from the 20 acres



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-275

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

The SW $\frac{1}{4}$ of Section 19, T-26-S, R-1-E of the 6th P.M.,
Sedgwick County, Kansas, except that part condemned in
Case No. A-39338; AND the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section
19, except the north 550 feet of the west 330 feet
thereof. Generally located on the east side of Meridian
in an area south of 51st Street North.

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.

FORM 29-C

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	

'I hope the County Commission understands what we have to put up with out here.'
— Judy Eller



Brian Com/Staff Photographer

Residents: Developer's Plan Is the Pits

By Leonard J. Hollie
Staff Writer

Residents in a northwest Sedgwick County neighborhood are upset that an area land developer and sand company owner plans to move his excavating and dredging operations to within 150 feet of their homes.

"There's a lot of noise and truck traffic along Meridian near the company," said Judy Eller, who lives on North St. Clair. "And the sand and silt that blows from that sandpit gets so bad sometimes that it's too hazy in the afternoon to see the roads."

North St. Clair faces the northern end of the 78 acres that the Miles Sand Company Inc. owns on the east side of Meridian, south of 51st North. That northern section is where the company proposes to start excavating sand.

Eller said she began circulating a petition opposing the move about three weeks ago. "There were 108 signatures on the petition that we brought to the Metropolitan Area Planning Commission meeting two weeks ago," Eller said.

The MAPC voted to approve the conditional-use proposal that sand company owner Barley Miles requested. The County Commission will consider the request at its March 6 meeting.

Miles, 58, owner of the company at 4857 N. Meridian, is a candidate for the Wichita City Commission. He said he wanted to move his operations to the north end of his property so he could begin developing houses and apartments around two man-made lakes, which he wanted to merge into one large lake comprising 151 acres.

"A LOT of people have overlooked what I'm trying to do out here," Miles said. "I want to develop the ground so I can build two- to three-bedroom houses in the

\$200,000 range. That development would raise the property values out here for everyone."

Louise Olivarez, Wichita senior planner, said the conditional-use permit, if granted, would allow Miles to operate his sand business within the residential zoning district without changing the zoning. Olivarez said that the MAPC has recommended the conditional-use permit, which has no time limit, be subject to about 20 conditions, which include installing a fence and planting pine trees to help prevent blowing sand.

If enough signatures are gathered on the protest petition, Olivarez said, the County Commission will have to approve the request by a unanimous vote. If not, two out of three votes would be required for approval.

"We were given 14 days after that meeting to get the signatures of everyone who lives in 20 percent of the land area that is within 1,000 feet of the property," Eller said.

ELLER SAID that so far, she "doesn't have all the signatures needed," but she hopes to have them by Thursday's deadline.

"I hope the County Commission understands what we have to put up with out here," Eller said.

Several neighborhood residents said they were dismayed that William Goebel, vice chairman of the MAPC, owner of Star Lumber Company in Wichita and Miles' campaign manager, voted to approve the request.

"I would have thought that he would disqualify himself from the voting," said Thad Davis, a resident who lives near the sand company. "But he didn't. This is just another obstacle we have to face in our fight to keep industry from moving into our residential neighborhood."

Goebel said he saw no conflict of interest.

"Miles' request is of no value to me one way or another," Goebel said. "The things they are protesting, blowing dirt and silt, are totally unrelated to the proposed project Miles wants to build out there."

Goebel said he has been a member of MAPC for nearly 20 years and has decided many conditional-use permit requests. He said his political relationship with Miles is relatively recent.

Eulalia Langford, who has lived on North 58th for 28 years, said she has been getting silt in her yard and on her carpets from the dredging for many years. Langford said she vacuumed some of the silt, put it in a bag and presented it to the members of the MAPC at its February meeting.

MILES ACKNOWLEDGED that there was some blowing sand and silt in the area. "Everyone has it. We are close enough to the country to get that. But the sand doesn't blow as hard as the dirt from some of these fields. What we want to do is strip this ground and put in the lake, and fence it up."

Miles had owned the land where he and builder Bill Bachman developed The Moorings, an exclusive residential community of two- and three-bedroom homes and condominiums around a mile-long man-made lake at 45th and North Meridian. Miles said he wanted to develop a similar community on the east side of Meridian.

"I notified people two weeks prior to the meeting for the request for a change," Miles said. "No other businessman has gone through such trouble to comply with the law in this area. We built the houses at the Moorings, and we haven't hurt the area. Every one of those houses there were built with the sandpit company operating over there."

The MAPC recommended that Miles meet about 20 conditions before approval of his request. They included provisions that:

- A minimum 58-inch-high chain-link fence be constructed, before excavation begins, with wood slats woven through it to block blowing silt.

- A row of mostly pine trees be planted and maintained as a buffer near the north property line to aid in protecting adjacent residences from blowing sand.

- Fifty feet of right-of-way be cleared for access to 51st and Meridian and 34 feet be cleared on Delaware so that members of the Hoyle Alexander family can have access to their field.

- There be no access to the sand plant from 51st North and Delaware.

- The property be platted, showing the features to be constructed, before zoning or building permits are issued.

The recommendation stipulated that any violation of the conditions would void the permit.

Davis, who lives on North Athenian, said there is one house between him and the sandpit.

"We have always had a lot of noise and dust. Now that will increase. If you can just imagine a dredge with a 500 horsepower motor sitting 150 feet from your house. I can hear it operating from where it is now. What will it sound like when he moves it up here? That's what we will have to live with for the next 10 years while he develops his land."

Miles said that he has lived in the area all of his life and worked hard to bring improvements to the neighborhood.

"We have never tried to hurt the area. We think we are being a good neighbor, we are trying to build something good."

4 sets of CU-275 plans
as submitted to B.C.C.

Note: 100' setback along
south line has been
opaque'd out.

Note: location of Keywest
west of Meridian is in
error. It should be
600' south.

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*