

POSTED 7-25-85
Grey Atlas #1 VII
OK

Commission District #1

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approved subject to clarification</i>	<u>8-9-85</u>
B.C.C./B. C. C. <i>Approved as recommended</i>	<u>9-4-85</u>

closed

CU-286 - Assoc. Material & Supply
Co., Inc. requests conditional use
permit to erect a storage area
portable cranes on the
north side of Highway 171
crusher on the
St. No. in an
area west of Hoover.

DATA SHEET

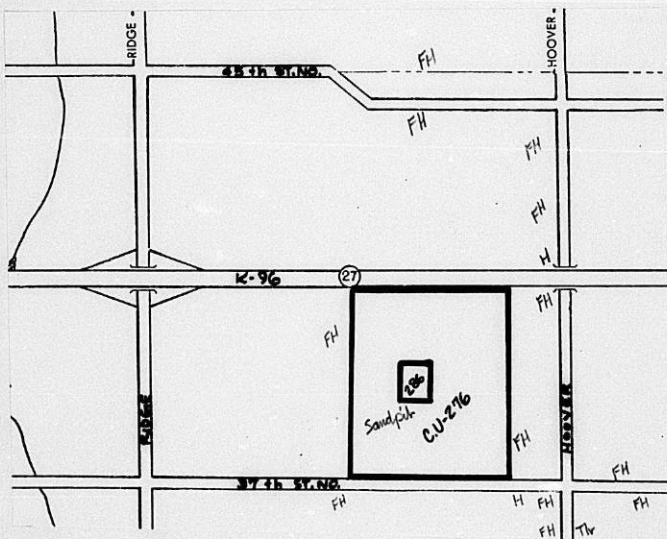
Z- _____
 SCZ- _____
 CU- 286
 DR- _____
 DP- _____
 Amend _____
 Case Filed: 7-11-85
 Associated Case: CU-276

- APPLICATION DATA: Map No. 5052 B
- General Location: On the north side of 37th Street North in an area west of Hoover
 - From _____ to _____
 - Proposed Use: To establish an area for Storage of Concrete and Asphalt for Recycling, Including a Portable Rock Crusher
 - DP Name: _____
 - Applicant: Associated Material & Supply Co., Inc. c/o Dave Stannard
 Address 6015 North Broadway, Wichita, Kansas 67219 Phone 744-0433
 - Agent: Don Bottenberg, Realtor
 Address 923 First Nat'l Bank Bldg. Wichita, Kansas 67202 Phone 264-5031

- AREA DATA:
- Acre: 4.3 (400' ft. by 470' ft.)
 - Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
 - Land Use: North *area* East *Night family / area*
 South *area / Pringle family* West *area / Pringle family*

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

REGISTERED SURVEYOR
 LOG ANGELES, WICHITA, MO., CO., OKLA., OH.
 McNEERSON, TULACREST GROVE, GA.
 U.S.A.

Stannard
 No. 2153C

September 10, 1985

Mr. Dave Stannard
Associated Material
& Supply Co., Inc.
6015 North Broadway
Wichita, Kansas 67219

RE: CU-276 and CU-286

Dear Mr. Stannard:

Attached are copies of the resolutions which will authorize the above-referenced conditional use permits once the resolutions have been published. The resolution for CU-286 (rock crusher) will be published within the next few days. The resolution for CU-276 will not be published until you have submitted the restrictive covenant as specified in condition "A" of that resolution. The covenant was mailed to you for your signature on August 12, 1985, along with our letter outlining the action of the MAPC. Please submit the signed covenant at your earliest convenience. If you have any questions about the covenant, you may call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Ron Worley, County Zoning Administrator, Dept. of Public Works

Published in The Daily Reporter on September 13, 1985

RESOLUTION NO. 255-1985

CASE NO. CU-286

A RESOLUTION TO ESTABLISH AN AREA FOR STORAGE OF CONCRETE AND ASPHALT FOR RECYCLING INCLUDING A PORTABLE ROCK CRUSHER IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

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

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to establish an area for storage of concrete and asphalt for recycling including a portable rock crusher in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

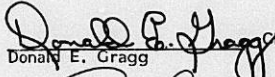
SUBJECT TO THE FOLLOWING:

- a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
- b. The rock crusher and all broken concrete and asphalt shall be removed from the site by August 1, 1986 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

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 4th day of September, 1985.


Donald E. Gragg, Chairman

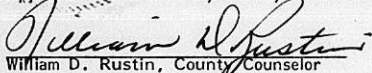

Tom Scott, Commissioner


Bernard A. Heitzen, Commissioner


ATTEST

Donnell L. Wright, County Clerk
(SEAL)

Approved as to form by County Counselor


William D. Rustin, County Counselor

August 20, 1985

Bruce Nicholson
4500 N. Ridge Rd.
Wichita, KS. 67205

Bernard A. Hentzen
Sedgwick Co. Courthouse
Suite 320
Wichita, KS. 67203

Re: DR-85-17
CU-286
CU-276

Dear Mr. Hentzen,

We feel that the planning commission recommendation was in error, primarily because they did not adequately deal with what I would call the "landfill" operation taking place on the present site. We have pointed this out at several previous meetings and even though the guidelines were apparently changed to make some stockpiling legal we feel that the "landfill" is going to continue.

The trees in 1 and 1a have been burned. The debris in 2 and 2a has been pushed into the hole creating a fill area of around two acres.

The large pile of material in 3 is still present as are the barrels. This is a mixture of something, it is not just a pile of sand.

Four is new material brought in since the last hearing along the west side. A drive thru inspection the morning of the last hearing reported no such material on the site. The other pictures show different closer views along the west side.

We feel that the past history of this business shows that guidelines are going to be ignored until the need for some new permit may require some clean up. We need an inspection system with the power to enforce immediate corrections. Until such a system exists the track record of this business shows that any new permit or expansion should be denied.

RECEIVED

AUG 29 1985

METROPOLITAN PLANNING

ROUTE _____

Yours Truly,
Bruce Nicholson
Bruce Nicholson

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-286 - CONDITIONAL USE PERMIT TO ESTABLISH AN AREA STORAGE OF CONCRETE AND ASPHALT FOR RECYCLING INCLUDING A PORTABLE ROCK CRUSHER. GENERALLY LOCATED NORTH OF 37TH STREET NORTH IN AN AREA WEST OF HOOVER.

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

Crockett moved, Peters seconded and it carried unanimously.

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission subject to the recommended conditions of approval, adopt a resolution establishing the conditional use; or
2. Deny the application.

5.5%

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

DATA AND MINUTES

MAPC Hearing Date: 8-08-85

BCoC Hearing Date: 9-04-85

COMMISSION DISTRICT #1

AREA DATA:

Acres: 4.3

Size: 400' x 470'

Reason: To be able to get rid of the materials already stored in this quarter section of land.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Farmland and sand extraction operation	"R-1"
North	Farmland	"R-1"
South	Sand extraction operation	"R-1"
East	Farmland & sand extraction operation	"R-1"
West	Farmland & sand extraction operation	"R-1"

History: CU-176 approved in 1975 for a sand extraction operation; covers approximately the south half of this application area.

Applicant: Associated Material & Supply Co., Inc., 6015 North Broadway, Wichita 67219

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 8, 1985

LEGAL:

7. Case No. CU-286 - Associated Material & Supply Co., Inc., requests Conditional Use Permit for a tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

OLIVAREZ showed the relationship of this site to the previous case and reviewed the following staff report:

COMMENTS:

1. With the May 1985 amendments to the County Zoning Regulations, storage of concrete and asphalt for recycling and portable rock crushers are allowed as temporary uses under conditional use permits rather than requiring industrial zoning. The applicant's previous zone change request (SCZ-0521) has therefore been replaced by this conditional use application.
2. The storage area for broken concrete and asphalt as well as the rock crusher are to be located between 1100 and 1600 feet more or less north of 37th Street and between 800 and 1200 feet more or less east of the west line of the SE $\frac{1}{4}$ of this Section 27. As this area is totally within the sand extraction operation requested in CU-276, a fence will be provided around the entire 118-acre site.
3. The Zoning Regulations refer to these uses as being allowed "temporarily" under conditional use permits. The applicant has stated he would like to use the rock crusher for about 60 days to recycle the materials already stored in this quarter section of land. Due to the noise associated with a rock crusher, it is recommended that permissible hours of operation also be established. It is suggested that 8 AM through 5 PM, Monday through Friday be designated as the only hours during which the rock crusher can operate.
4. Should the Planning Commission recommend approval of this conditional use request, it should be approved subject to the following conditions:
 - a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
 - b. The rock crusher and all broken concrete and asphalt shall be removed from the site by December 31, 1985 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

DISCUSSION:

OLIVAREZ stated that this case was for the rock crusher and the associated storage area for the materials that are to be crushed. She reminded the Commission that when the request for a rock crusher was first before them, it was for the "F" Heavy Industrial zoning, and was located in the southeast portion of the overall site, and during the discussion the Planning Commission indicated that if it could be relocated to a more internal area, that it might be more acceptable. OLIVAREZ added that the text has been amended to allow this as a conditional use if it is a temporary use. The applicant has indicated that his intention is to use it for approximately 60 days until he can get rid of all of the

material that is on the site. He indicated that he might want to use a rock crusher again in the future, but figured he would have to come back with a separate request at a future date if he wanted to bring the rock crusher back onto the site for additional time in which to use it. OLIVAREZ said that staff recommended that if the request was approved, that some time limits be established for operation of the rock crusher, as it is very noisy. Staff recommended 8:00 a.m. to 5:00 p.m., Monday through Friday, as the time during which a rock crusher can be operated. They also recommended a time limit be set for this entire conditional use for the rock crusher, and that the applicant be given until December 31, 1985 for operating the rock crusher under this conditional use number 286.

DAVID L. STANNARD, applicant, stated that he had said he would only need to use the rock crusher for about 60 days but he would like to spread those days out over a year's time. The next 90 days would be the time that he would move the rock crusher in. They would have to move all of the material back to this area from its current location. He said that the time the crusher would run would be approximately 60 days to crush up all of the material. STANNARD said that the time of 8 to 5 was fine, but would like to use the crusher for any 60-day period within the next 15 months.

RON WORLEY, County Zoning Administrator, said that he did not have a particular problem with the year's time, but would like to see the material that is currently outside of this area relocated sooner than the one-year period. If Mr. Stannard does not need to operate the rock crusher until later in the year, it would be satisfactory. WORLEY said that the time does not particularly bother him, but having some sort of firm time limit in which he could expect this to be in and out and completed would be helpful to him, and hopefully helpful to the neighborhood and the surrounding areas.

HANSEN commented that if the applicant was illegal now and they are giving him four months and it only takes 60 days, she wondered why they are extending the time.

WORLEY said that apparently that is the time frame that the applicant felt he could best relocate the material. There is a considerable amount of material on the site that has accumulated over a number of years. He said that he did not know just how long it would take if they did nothing but just move the material.

OLIVAREZ reminded the Commission that one of the conditions of approval of the previous case, CU-276, was that all broken concrete and asphalt be removed to an approved location by December 31, 1985.

There was no one present in opposition to the application.

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

- a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
- b. The rock crusher and all broken concrete and asphalt shall be removed from the site by August 1, 1986 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

Crockett moved, Peters seconded and
it carried unanimously.

Published in The Daily Reporter on _____, 1985

RESOLUTION NO. _____

CASE NO. CU-286

A RESOLUTION TO ESTABLISH AN AREA FOR STORAGE OF CONCRETE AND ASPHALT FOR RECYCLING INCLUDING A PORTABLE ROCK CRUSHER IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

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

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to establish an area for storage of concrete and asphalt for recycling including a portable rock crusher in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

SUBJECT TO THE FOLLOWING:

- a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
- b. The rock crusher and all broken concrete and asphalt shall be removed from the site by August 1, 1986 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

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. Cragg

_____, 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

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-285, request for establishment of area for storage & parking in the R-1 zoning district.

Legal description of property included in the above case:

SE 1/4 Section 27, Township 26 South Range 1 West of the 9th P.M., Sedgwick County, Kansas described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the beginning.

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

SE 1/4, Exe. M 1/4, and 1/5 for HWY Sec 27-26-1 W

- SW 1/4 except S 208.71 ft N 888.71 ft W 208.71 ft



check distance



B. Name(s) of protestor(s):

(a) Dean Nicholson
Signature
Dean Nicholson
Typed or Printed Name

(b) Pauline Nicholson
Signature
Pauline Nicholson
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) SS

The foregoing instrument was acknowledged before me this 14th day of August, 1985, by Dean Nicholson & Pauline Nicholson, husband & wife.

D. J. Boyle
Notary Public

My Appointment expires _____
D. J. BOYLE
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 5/28/89

ALL SIGNATURES MUST BE ACKNOWLEDGED

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



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 252-4551

August 12, 1985

Bruce Nicholson
4500 North Ridge Road
Wichita, Ks. 67205

Re: CU-276 & CU-286 - Conditional Use
Permits - North side of 37th Street
North in an area west of Hoover Road.

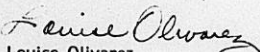
Dear Mr. Nicholson:

The Planning Commission at its regular meeting of August 8, 1985, considered the above-captioned requests, and their action was as indicated on the attached letters.

This is to advise you that if property owners within 1000 feet of each 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, August 22, 1985. Enclosed are several copies of the protest petition form, and if you have need for more forms, they may be obtained at this office. A separate petition is required for each request you wish to protest.

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

Sincerely yours,


Louise Olivarez
Senior Planner

LO:sad
Encl. (2)

cc: Tom Sanders, Sanders, Inc., 1716 Red Oaks, Wichita 67207 (2)
Art Sanders, 5303 W. 37th Street North, Wichita 67205 (2)
Mrs. Kenneth Ott, Rt. 1, Maize, Ks. 67101 (2)
Mrs. Clark, Box 103, Rt. 2, Sedgwick, Ks. 67135 (2)
Ron Worley, County Zoning Administrator

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

August 12, 1985

Dave Stannard
Associated Material & Supply Co., Inc.
6015 North Broadway
Wichita, Ks. 67219

Re: CU-286 - Permit to establish an area for storage
of concrete & asphalt for recycling including a
portable rock crusher - North side of 37th Street
in an area west of Hoover.

Dear Mr. Stannard:

At its regular meeting on August 8, 1985, the Metropolitan Area Planning Commission considered the above-captioned conditional use request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
- b. The rock crusher and all broken concrete and asphalt shall be removed from the site by August 1, 1986 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., Wednesday, September 4, 1985, in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

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

Sincerely yours,


Louise Olivarez
Senior Planner

LO:sd

WICHITA—SEDGWICK COUNTY

cc: Don Bottenberg, Realtor, 923 First National Bank Bldg., Wichita
67202

Bruce Nicholson, 4500 N. Ridge Road, Wichita 67205

Tom Sanders, Sanders, Inc., 1716 Red Oaks, Wichita 67207

Art Sanders, 5303 W. 37th Street North, Wichita 67205

Mrs. Kenneth Ott, Rt. 1, Maize, Ks. 67101

Mrs. Clark, Box 103, Rt. 2, Sedgwick, Ks. 67135

Ron Worley, County Zoning Administrator

RE: AGENDA ITEM NO. 7

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-286 - CONDITIONAL USE PERMIT TO ESTABLISH AN AREA FOR STORAGE OF CONCRETE AND ASPHALT FOR RECYCLING INCLUDING A PORTABLE ROCK CRUSHER. Generally located north of 37th Street North in an area west of Hoover.

MAPC HEARING DATE: 8-08-85

Acres: 4.3

Size: 400' x 470'

Reason: To be able to get rid of the materials already stored in this quarter section of land.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Farmland and sand extraction operation	"R-1"
North	Farmland	"R-1"
South	Sand extraction operation	"R-1"
East	Farmland & sand extraction operation	"R-1"
West	Farmland & sand extraction operation	"R-1"

History: CU-176 approved in 1975 for a sand extraction operation covers approximately the south half of this application area.

Applicant: Associated Material & Supply Co., Inc., 6015 North Broadway, Wichita 67219

COMMENTS:

1. With the May 1985 amendments to the County Zoning Regulations, storage of concrete and asphalt for recycling and portable rock crushers are allowed as temporary uses under conditional use permits rather than requiring industrial zoning. The applicant's previous zone change request (SCZ-0521) has therefore been replaced by this conditional use application.
2. The storage area for broken concrete and asphalt as well as the rock crusher are to be located between 1100 and 1600 feet more or less north of 37th Street and between 800 and 1200 feet more or less east of the west line of the SE $\frac{1}{4}$ of this Section 27. As this area is totally within the sand extraction operation requested in CU-276, a fence will be provided around the entire 118-acre site.
3. The Zoning Regulations refer to these uses as being allowed "temporarily" under conditional use permits. The applicant has stated he would like to use the rock crusher for about 60 days to recycle the materials already stored in this quarter section of land. Due to the noise associated with a rock crusher, it is recommended that permissible hours of operation also be established. It is suggested that 8 AM through 5 PM, Monday through Friday be designated as the only hours during which the rock crusher can operate.

4. Should the Planning Commission recommend approval of this conditional use request, it should be approved subject to the following conditions:
 - a. The rock crusher may be operated only during the hours of 8 AM to 5 PM Mondays through Fridays.
 - b. The rock crusher and all broken concrete and asphalt shall be removed from the site by December 31, 1985 unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
-

CASE NO. CU-276 & CU-286
(Assoc. Case No. DR 85-17)

15	"Notices to Adjoining Property Owners" mailed on 7-25-85 for MAPC meeting on 8-8-85.
2	One each to Applicant and Agent.
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Louise, Terry and Glen.
—	
23	TOTAL

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

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-276 and CU-286.

Location: On the north side of 37th Street North in an area west of Hoover.

Address: N/A.

Request: Conditional Use Permit to Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant; AND Conditional Use Permit to Establish an Area for Storage of Concrete and Asphalt for Recycling Including Portable Rock Crusher on Property Zoned "R-1" Suburban Residential District.

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

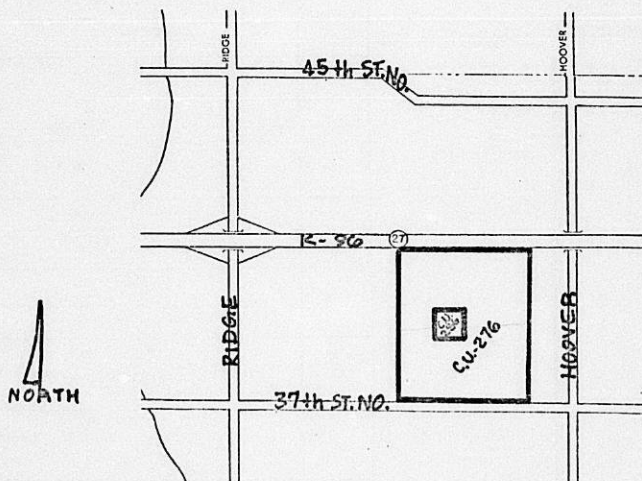
AUGUST 8, 1985

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.

APPLICATION
AREA



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-276.

Conditional Use Permit to Establish a Sand and Gravel Extraction Operation Including a Concrete and Asphalt Mixing Plant on Property Zoned "R-1" Suburban Residential District

SE- $\frac{1}{4}$, Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the East 600 feet thereof, and EXCEPT the South 50 feet thereof for street. Generally located on the north side of 37th Street North in an area west of Hoover.

CASE NO. CU-286

Conditional Use Permit to Establish an Area for Storage of Concrete and Asphalt for Recycling Including a Portable Rock Crusher on Property Zoned "R-1" Suburban Residential District

A tract of land in the SE- $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE- $\frac{1}{4}$; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning. Generally located on the north side of 37th Street North in an area west of Hoover.

Most Restrictive

Least Restrictive

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

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CU-286

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

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. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Associated Material & Supply Co., Inc. c/o Dave Stannard

ADDRESS 6015 N. Broadway Zip Code 67219 PHONE 744-0433

AGENT Don Bottenberg, Realtor

ADDRESS 923 1st National Bank Bldg. Zip Code 67202 PHONE 264-5031

B. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS Zip Code PHONE

C. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS de PHONE

(Use separate sheets for additional applicants).

*Associated with CU-276
Ownership list in CU-276
Send out one notice
for both cases*

2. A. The applicant desires to use _____ area for storage of concrete and asphalt _____ e rock crusher (use) on property _____ of _____ Addition.

(If appropriate, metes and bounds may be provided in the space below or on an attached sheet).

A tract of land in the SE 1/4 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE 1/4; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning.

B. There are 4.3 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5052B Zoning (N) R1 (S) R1 (E) R1 (W) R1 MAPC 8885

T9-333-2

Revised 1/85

CU-286

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

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1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Associated Material & Supply Co., Inc. c/o Dave Stannard

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B. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS Zip Code PHONE

C. APPLICANT

ADDRESS Zip Code PHONE

AGENT

ADDRESS Zip Code PHONE

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

2. A. The applicant proposes to establish ~~A~~ an area for storage of concrete and asphalt for recycling including a portable rock crusher (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).

A tract of land in the SE 1/4 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as beginning at a point 1120 feet north and 790 feet east of the southwest corner of said SE 1/4; thence east 400 feet along a line parallel to the south line of said quarter section; thence north 470 feet along a line parallel to the west line of said quarter section; thence west 400 feet along a line parallel to the south line of said quarter section; thence south 470 feet along a line parallel to the west line of said quarter section to the point of beginning.

B. There are 4.3 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5052B Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 8-8-85

3. This property is located at (address) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____, OR

✓ B. On the north side of 37th Street North (Ave.) Street between in an area west of Hoover (Ave.) Street and _____ (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:

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

D. Stannard Pres.
APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 11:50 (AM, PM) on 7-11-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ see SCZ-0521 file for fee

Louise Olivarez Name
S. Blaine Title

Total Area 5,068,000 **SQ. FT.**
Application Area 188,000 "
Street R/W 0 "
Net Area 4,880,000 "
20% of Net Area 976,000 "
Net Protest Area 267,552 "
Total % Protesting 5.5 %

CU-286

Pedometer reading
 297.23 =
 267,552.00 *

0. *
 0. *
4,123,000.000 +
 400,000.000 +
 470,000.000 +
Total area 5,068,000.000 *
 5,068,000.000 +
 188,000.000 -
 4,880,000.000 *
 4,880,000.000 *
 0.20 =
 976,000.00 *
 267,552.00 +
 4,880,000.00 =
 0.055 *

CU-286
 400. *
 470. =
Appl Area 188,000. *
 - 785,000. *
 4. =
 3,140,000. *
 400. *
 1,000. =
 300,000. =
 470. *
 1,000. =
 470,000. =
 188,000.000 +
 3,140,000.000 +
 400,000.000 +
 470,000.000 +
4,123,000.000 *

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*