

CU-288 - Maurice L. Caster, etux. request conditional use permit to extract & remove topsoil on the south side of 45th St North in an area west of Hoover.

ACTION

COMMITTEE	DATE
M.A.P.C.	Refer to Sept 19 <u>8-22-85</u> for more information
B.C.C./B. CO. C.	
MAPC	Refer Hunker 9-19-85
MAPC	Refer 2 weeks 10-17-85
MAPC	Approved out 10-31-85 to condition
Bdy C.C.	Refer one week <u>12-11-85</u> 11-27-85
Bd Co Com	Approved out 12-18-85 to condition as recommended

Closed

1# 1/2

Rec'd 8-8-85
puc

18-85
106-105

2222
D. H. 22

39.6%

39.6%

Post 22
Post 27
98-87
106-105

Posted 8-8-85
RW

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Defer to Sept 19 for more information</i>	8-22-85
B.C.C./B. CO. C.	
<i>MAPC defer 4 weeks</i>	<i>9-19-85</i>
<i>MAPC Defered 2 weeks</i>	<i>10-17-85</i>
<i>MAPC Approved sub to condition</i>	<i>10-31-85</i>
<i>Bdy Co Com defer one week</i>	<i>12-11-85</i> 11-27-85
<i>Bd Co Com Approved sub to condition as recommended</i>	<i>12-18-85</i>

Commission District #1

Closed

GI-288 - Maurice I. Gaston, et ux request conditional use permit to extract & remove topsoil on the south side of 4th St North in an area west of Hoover.

DATA SHEET

Z- _____
 SCZ- _____
 OU- 288
 DR- _____
 DP- _____

Amend
 Case Filed: 7-22-85
 Associated Case: _____

APPLICATION DATA: Map No. 5052 A

1. General Location: On the south side of 45th Street North in an area west of Hoover.

2. From _____ to _____

3. Proposed Use: To Extract and Remove Topsoil

4. DP Name: _____

5. Applicant: Maurice L. and Allie M. Caster
 Address: P. O. Box #10, Kechi, Kansas 67067 Phone 838-6215

6. Agent: ~~Same~~ Martin F. Updegraff, Attorney
 Address: 608 N. Broadway, 67314 Phone 265-5227

Perme

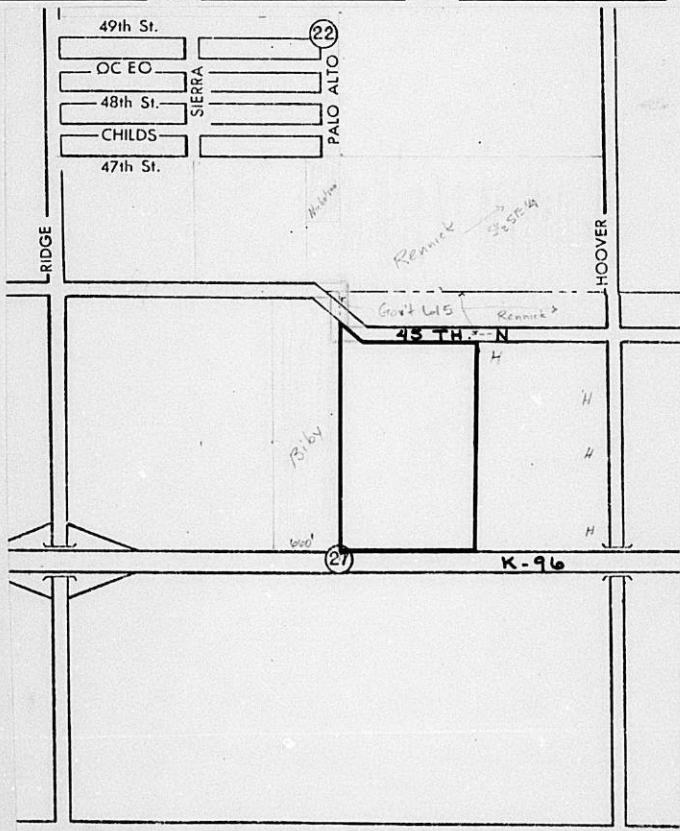
AREA DATA:

1. Acres: 64 (1315 ft. by 2300 ft.)
 2. Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
 3. Land Use: North VACANT East SINGLE HOUSING
 South VACANT West VACANT

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

LAST AMENDED, JAN. 1984, ON
 MODIFICATION, TULACREST GROVE, GA
 U.S.A.

Sierra
 No. 2151C

HASTINGS, IN. CO. IN.
 HASTINGS, IN. CO. IN.



SEDGWICK COUNTY, KANSAS

DEPARTMENT OF PLANNING
AND CODE ENFORCEMENT

Ron R. Worley, C.B.O.
DEPARTMENT DIRECTOR

February 26, 1988

Maurice L. Caster
P.O. Box 10
Kechi, KS 67067

Re: CU-288 - Conditional Use Permit, South side of 45th St. North
and West of Hoover.

Dear Mr. Caster:

Recent activity at the captioned location has prompted this department to review the captioned permit. Please note item "G" of the many conditions under which the permit was granted. We would appreciate your office advising us as to under which Phase (stage) number the present activity is being exercised. We can find no record of being advised if and when any of the stages ever have been satisfactorily completed. Your early attention to this matter and thus advising our office will be appreciated.

Leslie D. Hostetler
Leslie D. Hostetler
Building and Zoning Inspector

LDH:lp

Enclosures

cc: CU-288 file
MAPD

RECEIVED

MAR 01 1988

METROPOLITAN PLANNING

ROUTE 1012

January 14, 1986

Martin E. Updegraff, Attorney
608 North Broadway
Wichita, Kansas 67214

RE: CU-288

Dear Mr. Updegraff:

Enclosed for your files is a copy of the resolution authorizing topsoil extraction and removal on the Caster site south of 45th Street North and west of Hoover. The conditions of approval are itemized in the resolution. Condition "H" has been completed; condition "C", construction of the drainage swale, must be satisfied prior to removal of any topsoil.

Please call if you have any questions regarding this conditional use permit.

Louise Olivarez
Senior Planner

LO:blw
Enclosure

cc: Maurice & Allie M. Caster, P. O. Box 10, Kechi, KS. 67067
Kenny Hill, Poe & Assoc., 434 N. Oliver, Suite 110, Wichita, KS. 67208

RESOLUTION NO. 359-1985

CASE NO. CU-288

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

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

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to extract and remove topsoil in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The North 1070.0 feet of a tract described as Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

SUBJECT TO THE FOLLOWING:

- A. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of sand or of subsoil in excess of approximately 90 cubic yards is prohibited and would be a violation of this conditional use permit. The removal from the site of approximately 90 cubic yards is necessary for proper regrading of the site. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes. No fill materials are to be brought onto the site to meet final grade.
- B. Removal of topsoil and regrading of the site shall occur sequentially in stages 1 through 9 as delineated on the Site Grading Plan dated October 30, 1985 and as specified on the accompanying Topsoil Removal Schedule as approved by the County Bureau of Public Services. All topsoil removal and regrading shall be completed by December 31, 1991. This conditional use permit shall expire on December 31, 1991, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
- C. Prior to the removal of any topsoil, the "V" drainage swale to K-96 as delineated on the October 30, 1985 Site Grading Plan shall be constructed.
- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal.

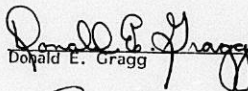
Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.


- E. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- F. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased and the land has been properly regraded, all equipment shall be removed from the property.
- G. Moving from one stage (phase) of topsoil removal and site grading to the next stage shall occur only upon approval of the County Bureau of Public Services after a determination is made that the previous stage has been satisfactorily completed.
- H. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to this request being forwarded to the Board of County Commissioners.

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.

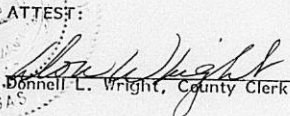
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 18th day of December, 1985.


Donald E. Gragg, Chairman


Tom Scott, Commissioner

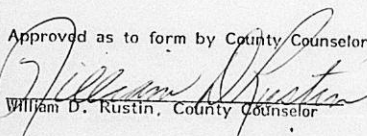

Bernard A. Hentzen, Commissioner



ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor


William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 20, 1985

TO: David Spears, Director, Bureau of Public Services
Ron Worley, County Zoning Administrator

FROM: Louise Olivarez, Senior Planner, Current Plans

SUBJECT: CU-288 - Conditional Use Permit for Topsoil Removal

On December 18, 1985, the Board of County Commissioners approved the above-referenced conditional use permit subject to a number of conditions itemized in the approving resolution. The attached Topsoil Removal Schedule, Topographic Survey, and Site Grading Plan are for your use in administering this conditional use permit. As stated in condition "C" of the resolution, the property owner is to get approval from the Bureau of Public Services prior to moving from one area of topsoil removal to another.

If you have any questions about this conditional use case, please call.

Louise Olivarez
Senior Planner

LO:blw

*1 set to Spears
2 sets to Worley*

*2 complete sets in MAPD files plus 2 extra Topsoil
Removal Schedules and 2 extra
Site Grading Plans*

Vaughn & Updegraff

Attorneys at Law

608 NORTH BROADWAY
WICHITA, KANSAS 67214-3575

ARTIE E. VAUGHN
MARTIN E. UPDEGRAFF

JACK SHELTON

November 19, 1985

TELEPHONE
(316) 266-6227

RECEIVED

NOV 25 1985

METROPOLITAN PLANNING

ROUTE _____

Ms. Louise Olivarez
Senior Planner
Metropolitan Area Planning Department
City Hall
455 North Main
Wichita, Kansas 67202

Re: CU-288 Conditional
Use Request for Topsoil
Removal

Dear Ms. Olivarez:

Enclosed herein please find the original and one (1) copy of the Dedication which has been signed by Maurice and Allie Caster. If anything further is needed, please advise.

Yours very truly,

Martin E. Updegraff
Martin E. Updegraff

MEU:rs
Enclosure

cc: Mr. and Mrs. Maurice Caster (w/enc.)

D E D I C A T I O

Duplicate

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, Maurice L. Caster and Allie M. Caster

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

The North 50 feet of Government Lot 2 in the NE-1/4 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

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

Executed this 18 day of November 19 85.

Maurice L. Caster

Allie M. Caster

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 18th day of November,
came Maurice L. Caster + Allie M. Caster

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

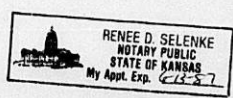
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

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

City Clerk

Renee D. Selenke
Notary Public

My Commission Expires: 6-13-87



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 11, 1985

TO: John Reals, Attorney, 833 N. Waco, Wichita, KS. 67203
FROM: Louise Olivarez, Senior Planner, Current Plans Division
SUBJECT: CU-288 - Conditional Use Permit for Topsoil Removal.

Enclosed please find a copy of the soils report prepared by Terracon, Inc. for the Caster property south of 45th Street North in an area west of Hoover. Don Gragg asked that we send you a copy of this report.

If there is anything you wish to discuss about this case, please feel free to call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw
Enclosure

cc: Claude Sullard, 7150 W. 45th St. North, Wichita, KS. 67205
Howard Buhrle, 6813 W. 45th St. North, Wichita, KS. 67205

(each got an original memo)

Published in The Daily Reporter on _____, 1985

RESOLUTION NO. _____

CASE NO. CU-288

A RESOLUTION TO EXTRACT AND REMOVE TOPSOIL 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 extract and remove topsoil in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The North 1070.0 feet of a tract described as Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

SUBJECT TO THE FOLLOWING:

- A. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of sand or of subsoil in excess of approximately 90 cubic yards is prohibited and would be a violation of this conditional use permit. The removal from the site of approximately 90 cubic yards is necessary for proper regrading of the site. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes. No fill materials are to be brought onto the site to meet final grade.
- B. Removal of topsoil and regrading of the site shall occur sequentially in stages 1 through 9 as delineated on the Site Grading Plan dated October 30, 1985 and as specified on the accompanying Topsoil Removal Schedule as approved by the County Bureau of Public Services. All topsoil removal and regrading shall be completed by December 31, 1991. This conditional use permit shall expire on December 31, 1991, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
- C. Prior to the removal of any topsoil, the "V" drainage swale to K-96 as delineated on the October 30, 1985 Site Grading Plan shall be constructed.
- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal.

Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.

- E. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- F. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased and the land has been properly regraded, all equipment shall be removed from the property.
- G. Moving from one stage (phase) of topsoil removal and site grading to the next stage shall occur only upon approval of the County Bureau of Public Services after a determination is made that the previous stage has been satisfactorily completed.
- H. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to this request being forwarded to the Board of County Commissioners.

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

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-288 - CONDITIONAL USE PERMIT FOR TOPSOIL REMOVAL. GENERALLY
LOCATED ON THE SOUTH SIDE OF 45TH STREET NORTH IN AN AREA
WEST OF HOOVER.

The Planning Commission recommends that the application be approved.
(see minutes for full motion)
Gardner moved, Peters seconded and it carried unanimously. Banzer
and Miles were absent.

- ACTION:
1. Adopt the findings of the Planning Commission, approve its recommendation subject to the recommended conditions of approval; adopt a resolution establishing the conditional use; or
 2. Adopt findings and deny the application.

NOTE: A 39.6% protest has been submitted thus requiring a unanimous vote of approval in order to grant the conditional use permit.

DATA AND MINUTES

MAPC Hearing Date: 10-31-85

BCoC Hearing Date: 12-11-85

COMMISSION DISTRICT #1

AREA DATA:

Acres: 62.5 (original request) Size: 1300' x 2090' (original request)
32 (revised request) 1300' x 1070' (revised request)

Reason: To extract and remove topsoil.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R-1"
North	Agriculture, one-family dwelling,	"R-1"
South	K-96 highway, agriculture,	
	CU-276 sand extraction	"R-1"
East	One-family dwelling, agriculture	"R-1"
West	Agriculture	"R-1"

History: None.

Applicant: Maurice L. & Allie M. Caster
P. O. Box 10
Kechi, Kansas 67067

Protestors: Howard Buhle, 6813 W. 45th Street North; Claude Sullard,
7150 W. 45th Street North.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 22, 1985

LEGAL:

12. Case No. CU-288 - Maurice L. Caster, et ux request Conditional Use Permit to extract and remove topsoil on Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

SMYTHE pointed out that before the Planning Commission meeting convened, a revised staff report was handed out on this case. He pointed out land use, zoning, and showed slides of the general area. He reviewed the following revised staff report:

COMMENTS:

1. The applicant is requesting a conditional use permit to extract and remove topsoil on approximately 64 acres of land zoned "R-1" Suburban Residential. According to the attached letter, topsoil to a depth of approximately one foot overall is expected to be removed at a rate of 3 acres per year. The applicant has indicated that farming practices will continue on the acreage on which the topsoil removal is not occurring.
2. The Soil Conservation Service has indicated that, in this general area topsoil depth varies at about 18 inches. After topsoil removal, it is unlikely that the land could be utilized as productive farmland unless the land is heavily fertilized and organic material is allowed to accumulate. In addition the Soil Conservation Service recommends planting a ground cover as soon as possible after topsoil removal.
3. The County Zoning Administrator's Office has indicated concerns as to the water table in the area, the drainage of the site as well as establishing a benchmark as a reference point in monitoring the depth of topsoil removal. A topographic survey of the property will establish the existing grade and determine an appropriate benchmark in which to monitor the maximum depth of topsoil removal as the operation continues. Adequate drainage of the land should be maintained to prevent the ponding of water.
4. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to the case going to the Board of County Commissioners.
 - b. The applicant shall submit to the Planning Department four copies of a topographic survey of the property by a licensed surveyor or engineer establishing an appropriate benchmark and delineating the existing elevations throughout the application area before the case is forwarded to the Board of County Commissioners.
 - c. The depth of topsoil excavation shall not exceed 1.5 feet below the existing grade and in no event shall excavation be to the water table.
 - d. If at any time the water table is exposed or material other than topsoil (i.e. subsoil, sand, etc.), is removed it will be in violation of the resolution and the conditional use shall become null and void.
 - e. Only equipment used in stripping topsoil shall operate on this site. At no time shall other construction equipment and

materials be stored on the premise. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased, all equipment shall be removed from the property.

- f. This conditional use permit is only for the extraction and removal of topsoil. No other material shall be extracted from the application area unless the applicant was to apply for and received a new conditional use permit.
- g. No area shall remain without ground cover for more than 120 days after topsoil removal and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to minimize soil erosion.
- h. Proper drainage of the site both during and after topsoil removal will be maintained to the specifications of the County Public Works Department.
- i. Once the topsoil removal operation has ceased, all construction equipment shall be removed from the property.

DISCUSSION:

SMYTHE stated that the County Zoning Administrator's office has some concerns about the water table and drainage of the property. They are recommending a topographic survey of the property to establish the existing grade in the area as well as a bench mark in which to monitor the depth of the topsoil to be removed from the property. He said that adequate drainage should be maintained at all times to prevent ponding of water on the site.

BAYOUTH asked if the applicant would provide a plan of what he is going to do.

SMYTHE stated that when the applicant originally submitted a plan staff did not foresee a need to submit a grading plan since the property was extremely flat. After talking to the County Zoning Administrator and the Public Works Department, staff saw a need to try to establish the depth of the topsoil to be removed, and they are asking that a grading plan be submitted now in order to monitor the depth that can be removed.

GARDNER asked that if a foot or a foot and a half were taken off, what do you end up with afterwards?

SMYTHE said that you end up with subsoil with a ground cover on it.

WILSON asked if this was a relatively new requirement for this sort of operation in the County.

GALBRAITH stated that frequently when people ask for sand extraction permits obviously they sell topsoil. They remove the overburden or the subsoil for a number of years and it is often used in fill projects throughout the community. They get down to water and they begin to dredge. He said that this applicant approached staff by simply saying that they were in the excavation business. They also sell topsoil and apparently they purchased this 65 acres with that intended, to just remove the topsoil. They indicated to staff that this may be ongoing for the next 20 years, and then perhaps after that it might be sold to someone else that later might come back to further remove subsoil or even an excavation pit.

MRS. ALLIE M. CASTER, applicant, was present.

BAYOUTH asked if Mrs. Caster minded a deferral for a few weeks for more information.

CASTER said no.

GARDNER commented that this presents a little bit of a problem. If you take off the topsoil which is shallow down to a subsoil that is non-productive or unlikely to hold a reasonable agricultural crop, some kind of redevelopment plan either for restoring the land or converting it to some other use, probably is a prudent sort of proposal to include. He said that it was difficult to look at a proposal that takes a piece of land down to a lesser state and proposes to leave it there with an expense of maintenance in terms of re-fertilization and things of that nature unestablished.

CASTER said that they would keep the ground under vegetation. They core drilled and there is substantial subsoil underneath before you reach fill sand, and you can grow things in subsoil without any problem.

CLAUDE SULLARD, 7150 West 45th Street North, stated that they have been real concerned about this request. He said that he would bet his life that the land in question has a soil depth of only zero to six inches, if you take the six inches off you have no soil. This land is reasonably low. He used to farm the land years ago. The water is about 12 to 14 feet deep in this area. The ground varies every 200 yards, and down about 5 or 6 foot there is a yellow fine sand; it runs southwest. SULLARD said that the applicants could put a business or anything else there and the neighbors would not say anything, but when you take soil away, what do you do? He said that from the bypass on north is good farm ground and he was sure they will be building there. The reason they haven't built was that there was water there for the people to irrigate. He said that this water was part of the Equus Bed and he was concerned about conserving the water in the Equus Bed.

HOWARD BUHRLE, 6813 West 45th Street North, stated that he was concerned about the impact this will have on his home and the ground that he was farming there. He said that he was not opposed to improvement in the area. He said that he had dug down in different areas on the ground that he has and there was a clay pan down about two feet. The water does not want to seep through some of it, and as Mr. Sullard said, some of it is sand and it would go on through. He was also concerned about the heavy truck traffic. He asked if they were going to try to fill the land and come back in and try to put topsoil on top of it. BUHRLE said that he wanted to be on record as being opposed to this request.

GARDNER commented that he did not think the Commission was trying to be difficult on a conditional use permit for topsoil removal. He felt that there were some significant questions that needed to be addressed about the site following removal of the top soil, and they need to be addressed responsibly and in a fashion that indicates the area was either going to be enhanced or left as good as it is. He said that this needed to be dealt with on a basis that it does not do waste and then leave it. He felt that in some instances, whether it was soil removal down to the water table and redevelopment around the water or whatever it might be, but something additional needed to be proposed and addressed in terms of future use. GARDNER felt also that it would be appropriate to defer this item for two weeks or a month and let the people come back with their topo and some indication as to what the depth of the topsoil was and where the water table might be, and a proposal for future use or reuse, and address those factors. He said that he would be most interested in the response from the soil and water people in terms of how they regard something like this.

MOTION: That the Planning Commission defer this request for four weeks for additional information. Gardner moved, Crockett seconded and it carried unanimously. Chisholm and Peters were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 19, 1985

LEGAL:

3. Case No. CU-288 - Maurice L. Caster, et ux request Conditional Use Permit to extract and remove topsoil on Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

GALBRAITH stated that the applicants have asked for an additional two-week deferral. Staff recommended that the Planning Commission concur with this request. He said that notices had been mailed to property owners notifying them of the deferral of the application.

WILSON stated that he had heard that this operation was in use illegally.

GALBRAITH said that it had been in use illegally. The applicants had removed some topsoil on about two acres of land. It is stockpiled and some has been transported out. He said that he had received correspondence from Ron Worley, Zoning Administrator, this week telling the operator to cease and desist operating until the Planning Commission has considered the case and it goes on to the County Commission.

WORLEY stated that he had both telephone conversation with the owner of the property and some written correspondence directing them to terminate the operations until such time as the Planning Commission has had a chance to act on the request. He said that he was optimistic that they will comply with those directions.

MOTION: That the Planning Commission defer this matter for four weeks, October 17, 1985. Gardner moved, Miles seconded and it carried unanimously. Banzer and Goebel were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 17, 1985

LEGAL:

3. Case No. CU-288 - Maurice L. Caster, etux request Conditional Use Permit to extract and remove topsoil on Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

OLIVAREZ showed slides of the existing site topography, proposed re-grading plan, and general land use in the area. She reviewed the following staff report:

COMMENTS:

The following comments should be considered by the Planning Commission is making findings of fact:

1. The applicant is requesting conditional use approval to extract and remove topsoil on approximately 64 acres of land zoned "R-1" Sub-urban Residential. Topsoil to a depth of approximately twelve to eighteen inches is expected to be removed at a rate of about 3 acres per year. The applicant has indicated that farming practices will continue on the acreage on which the topsoil removal is not occurring.
2. This case has twice been deferred to allow the applicant time to obtain additional information regarding existing topography, water table depths and soil characteristics as well as to establish a benchmark from which future excavations can be measured and to prepare a plan for redevelopment of the property after the topsoil has been removed. This information has been submitted. A letter from the District Conservationist has also been submitted which states in part, "I would recommend the topsoil be removed and stockpiled in the summer each year. The area where topsoil is removed should be tilled and planted to wheat in the fall. It would be beneficial to add organic matter to the soil the first year. Normal farming should be followed after the first year on all areas where topsoil has been removed."
3. The redevelopment plan is a site grading plan which indicates, on a grid system, how much soil can be removed from a given area and still maintain an acceptable overall finished grade which provides for proper drainage. In those areas where the depth of the topsoil is greater than the amount of soil which can be removed and still maintain the final grade, fill dirt will be required and can be obtained from other areas on site where the depth of existing soil is greater than needed for the final grade. The use of the land after topsoil removal is to remain agricultural.
4. A soils report provided by Terracon Consultants indicates that topsoil exists on this site at depths of about 1.2 to 2.3 feet. Subsoils were analyzed to a depth of about 17 feet. Water table depths range from about 9 feet to 12 feet.
5. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North.
 - b. The applicant shall submit to the Planning Department four more copies of the Topographic Survey and of the Site Grading Plan for use in administering the provisions of this conditional use permit.

- c. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of subsoil or sand is prohibited and would be a violation of this conditional use permit. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes.
- d. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- e. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased, all equipment shall be removed from the property.
- f. Topsoil shall be removed and stockpiled only during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal.
- g. Proper drainage of the site both during and after topsoil removal shall be maintained to the specifications of the County Bureau of Public Services.
- h. Items "a" and "b" above shall be complied with prior to this request being forwarded to the Board of County Commissioners for final action.

DISCUSSION:

OLIVAREZ pointed out that this item had been on the agenda before and was deferred in order to give the applicant time to get a soil analysis done to determine the depth of the topsoil and the depth of the water table; to establish a bench mark from which future grade changes could be measured; and also to propose what would be done with the property once the topsoil is removed. She said that all of that information has been submitted to the staff. OLIVAREZ said that the proposal was to remove only a few acres of topsoil per year, and to farm that ground once the topsoil has been removed. She mentioned that staff received a letter from the Soil Conservationist, and he recommended that topsoil be removed in the summer of each year, and that in the next fall the land be planted to wheat or some other vegetative cover. Organic matter might be beneficial to add to the soil the first year, but after that, normal farming practices could occur.

Commenting on the staff report, OLIVAREZ said that number 5 of item G should be reworded to indicate that proper drainage of the site both during and after topsoil removal shall be maintained in accordance with the approved site grading plan on file with the County Bureau of Public Services.

OLIVAREZ stated that a soil report was submitted by Terracon Consultants and it indicated that topsoil exists to a depth of approximately 1.2 feet to 2.3 feet. It also indicated that the water table was from 8 to 12 feet below the surface elevation. So with removal of only the topsoil, there will never be exposure of the ground water.

OLIVAREZ said that staff recommended approval of the request.

MARTIN UPDEGRAFF, agent representing the applicant, stated that the request for this permit was only for the use and extraction of topsoil. He said that when Mrs. Caster, the applicant, appeared before the Commission without benefit of counsel or without having talked over the matter and obtained the topographic information that was subsequently requested, and without having seen an engineer and reports from Terracon, they did not realize all of the things that this Commission would be wanting to assure that proper drainage, proper extraction and proper controls would be placed and used to see that they took care of

this property in accordance with their needs. Now this has been done and all of this information has been submitted to the Commission through the Planning staff. He pointed out that the water table was 9 to 12 feet below the surface of this property and the extraction of 1 to 2 feet of topsoil would not in any way interfere with the water table. He said that there was no intent to take anything other than topsoil because that is the type of extraction that the Caster's need for the continuation of their business enterprise. This topsoil is to be used for placing around building sites in the County, primarily for top fill around building sites, yards, etc. UPDEGRAFF felt that the recommendations by the staff were very reasonable as far as the manner in which this extraction could take place. He said that it was true that it would be necessary to truck this topsoil from the premises. It was his understanding that it would be taken out on 45th Street to Ridge Road approximately one mile away and from that point on it would be trucked over paved roads either north or south on Ridge Road to where ever it is needed, or to the highway which is a mile from Ridge Road. The only truck traffic that would be involved would be on 45th Street. The only equipment that would be used at this site would be a loader. He said that in order to prepare the soil for the extraction, the ground would first have to be disked and then scraped, placed in the storage area and then loaded into trucks. UPDEGRAFF said that he was told that the Casters estimate using anywhere from 2, 3 to 4 acres of topsoil a year. In the heaviest of times they would not have more than 8 to 10 truck loads going out of the area a day in the spring and summer periods when it would be most needed by them. He said that they felt that the site plan which had been prepared by their engineer has adequately covered the drainage situation which would be subject to the approval of the County at all times.

GARDNER asked if the applicants had any objections to the conditions established by the Planning staff.

UPDEGRAFF said no.

GARDNER asked if there would be any objections to the limitations as to the maximum amount of topsoil to be removed and the maximum excavation.

UPDEGRAFF said that he saw no problem with that. It is in the range of the topsoil itself.

GARDNER stated that the language regarding reuse of the site after topsoil removal was unfortunately somewhat vague, stating that once the topsoil was removed, the equipment shall be removed from the property. It also states that where the topsoil is removed the area shall be tilled and planted to wheat or other acceptable vegetative cover in the fall. He asked if the applicants had worked out any kind of a plan with the soil and water people regarding what sort of vegetative cover is appropriate for subsoil type of conditions that would grow and retain itself in there.

UPDEGRAFF said that the applicants' plan was to go in behind the removal of the topsoil during the summer and rework the ground and replant the wheat every fall as in the past, and if it was necessary to put in additional organic matter the first year as recommended by the Soil Conservationist, they are agreeable to doing that.

GARDNER felt that some kind of action plan needed to be developed so that they don't have an erosion problem.

MILES wondered if, when the topsoil is removed and they are into fine sand, would it be stable enough to hold plants.

UPDEGRAFF said that the Soil Conservationist thinks that they could grow plants there.

HOWARD BUHRLE, 6813 West 45th Street North, pointed out that west of his place the road was about four feet above the water at good times, and he has seen times that he has pulled post out of the pasture and the water was in the hole. He said that with a heavy sand truck going down the road, it starts to get hydraulic action and it would pump

water up and they would lose the entire road bed. He said that they found that out just with alfalfa trucks this summer. He said that if the soil is taken any lower, they would be lower than 45th Street, and they would receive all drainage off of the road, the property to the east, west and north, and also from the ditch at 96 Highway. He said that if they could plant wheat under about six inches of water, they would be doing pretty good. They might get rice to grow. As far as growing in the subsoil, BUHRLE said that he did not know about the Soil Conservationist, but he has had a chance to try to plant grass where a basement was excavated, but generally you end up buying topsoil to try to grow something.

BUHRLE said that they are getting smoke and dirt from Stannard's site down on 37th. There are several families down the road with children going to school which is a concern to them. He said that in the summer when it is dry, the dust from a large truck boils up in the air and stays there and it travels about one-quarter of a mile. He mentioned that there was a lot of truck traffic down Ridge Road now, and he would like to see them go east to Hoover.

MILES asked Buhrle that when the topsoil is removed, what is left.

BUHRLE said that it was a yellow clay. He said that it should be a concern to the City of Wichita, because once this is penetrated, whatever runs off of it would get into the water table.

CLAUDE SULLARD, 7150 West 45th Street North, stated that he has lived here since he was born. His grandfather moved there in 1888. He said that he has farmed this property. He said that the property that they are talking about and the property to the west and the property across the road to the north was a sump. There is 15 acres under water today. He said that the soil will not grow anything. There is no drainage. He said that if the site was on a hill he would have no argument with it. SULLARD mentioned that there were 13 houses within one-half mile of this site and will probably be 4 or 5 more in the next 4 or 5 years. He said that he was not willing to accept anything that would degrade that property. He said that this was the equus bed area. SULLARD said that west of them Walt Keeler has a sandpit and if he lived along that road they would be in court every day. It is a disgrace.

KENNY HILL, engineer for the applicants, said that he would like to address the question of drainage. He said that the plan they came up with allows for the drainage of the property and has been or will be approved by the County Engineering Department. He said that there would be about four feet of fall across the property when the excavation has been completed. He said that to thoroughly take the topsoil out of the area would mean that they would have to bring soil back into that area, move the soil around to maintain proper drainage, and that is what is proposed on the plan.

HILL said that he would like to address the question of planting another type of crop that would be approved by the Soil Conservation Service. The applicants' proposal now is to plant wheat. They don't want to do this for a cash crop, but to maintain the area without blowing dust. If that does not grow, they would be glad to submit to the recommendations of the SCS department.

GARDNER asked Hill if the drainage plan showed the property functioning like a sump from surrounding properties.

HILL said no. The adjacent property would be at the same elevation as it is now. They would not undercut next to the property line. Most of what they are going to do would be to cut off the high point which is slightly below the topsoil.

GARDNER asked that based on some of the remarks made, even if they strip off the high points, do they end up with a basin or sump after they finish with the property.

HILL said no.

GARDNER asked if Hill had any knowledge of what the vegetative recovery plans were going to be.

HILL said he had no idea.

BANZER asked if they had the material on hand to provide adequate drainage for the site once the topsoil was removed.

HILL said that they did not know just how far the dirt onsite would go. If they run out of subsoil onsite that they could move around, they would have to bring other dirt into the site.

WILSON asked if there would be any objections to designating the area that they take the topsoil off of first and move one to the other before they take any soil from the rest of it. If they strip the topsoil from the entire site, they economically take what they would make money out of, then they talk about spending money to put it back in shape. He said that the other thing that worries him was if they expanded any highways or roads around there, there is another foot of topsoil off of there. It would be hard to establish a benchmark of where they were going to go to or where they would stop unless they do what was suggested of removing no more than two feet from the site. He felt that the problem was policing the area so that everything was done that was in the conditional use permit.

HILL said that the applicants' intention is to take off no more than 2 to 4 acres of topsoil a year. It is his understanding that it would be their intention to leave that 2 to 4 acre area so that it would drain immediately after removing the topsoil. He felt that there would be no problem in stipulating that they would have to remove the soil from the high area first. As far as trying to dictate exactly what area and during what period that you take soil from, he felt it would be very difficult to set all of that up.

CONLEE left the meeting.

MILES felt that Mr. Caster has in mind to put a sandpit in this area which he had no particular objections to. He felt that Mr. Caster has the same opportunity that he did to fence the site. He said that if the site was not fenced he would not vote for it because he had to fence his site and felt that everyone should be treated alike.

HILL said that he talked to Mr. Caster about the fencing requirement, and in their discussion with the attorney they could not see what benefit fencing would be to this type of operation. In this case they would not have a lake or deep excavation, but essentially a field that will have a couple of pieces of equipment on it. He said that it would make farming more difficult to have a fence there. HILL mentioned that if there was to be sand excavation, the applicant would have to come back in and get another conditional use permit to permit the operation. He further pointed out that this permit addresses that specifically and says that nothing could be removed from this site except topsoil.

CROCKETT asked staff if fencing was normally a requirement with sand extraction, and if fencing was normally a requirement for topsoil extraction?

GALBRAITH responded that there have been very few topsoil extraction permits. There have been requests for fill material permits where Stannard and Sherwood Construction companies went and removed fill-type materials to construct I-135. On those cases no fencing was required because there was no lake to be created.

CROCKETT said that if in fact this was to mature into a sand extraction operation, would an additional conditional use permit be required?

GALBRAITH said yes. This conditional use was only for topsoil removal, and that further plans to extract sand would require a conditional use, where fencing would be required at that time.

WILSON suggested taking 20 acres of the site which could operate for five years and seeing how it would operate and then come in for a rehearing.

GARDNER asked that, in the letter from the Conservationist, were there other recommended procedures besides planting wheat?

GALBRAITH said no, he did not believe anything else was suggested.

VERNON PARSONS, 7105 West 47th Street South, asked how many millions of years has it taken to develop this topsoil? He said that when it is gone, it is gone, and wanted to know what they were going to do about it.

BUHRLE, speaking again, pointed out that the high points to the east and to the far southeast adjoin somebody else's property and if it is leveled off, there would be about a three-foot drop off. He said that the low land that they have been talking about was to the west and to the north, and if it would drain away from that area and toward the river, that would be fine.

GARDNER, addressing Updegraff, stated that the adjacent property owners raised a legitimate question about drainage in the area and how to deal with the lowering of the site or what drainage problems would be created. He said that he did not know what the applicants' perspective was on dealing with maybe a portion of this under an immediate development plan as Commissioner Wilson had suggested. GARDNER felt that there was significant merit in that in terms of being able to determine whether or not it was a viable operation and whether or not they were able to manage and operate it in a fashion that was pleasing. He felt that there was a real need to develop some kind of an alternate ground cover approach with the SCS people in terms of what they were going to have as opposed to just wheat, particularly if they end up with soil that was not prone to support wheat. He asked if two weeks would be an adequate time to pull that together and maybe have a package back.

UPDEGRAFF felt that they could have the drainage worked out, but was not sure about Soil Conservation. He called to the Commission's attention that what they were asking permission to do was only to remove topsoil at a rate of 2 to 4 acres per year, and he submitted that that would not be too difficult for policing measures, because they would not be doing the whole job in one year.

MOTION: That the Planning Commission defer this matter for two weeks for additional information on type of crops, staging the removal, and drainage. Gardner moved, Wilson seconded and it carried unanimously. Conlee was not present.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 31, 1985

LEGAL:

3. Case No. CU-288 - Maurice L. & Allie M. Caster request a Conditional Use Permit to extract and remove topsoil on Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

DISCUSSION:

OLIVAREZ pointed out that this item had been on the agenda several times in the past. She said that the applicants have submitted a revised proposal. It is the same site plan submitted previously only now there were stages of development for removal of the topsoil as well as how they would grade the property to assure proper drainage. She said that the application has also been revised to now request permission to remove the topsoil on only about the north one-half of the property which is approximately 32 gross acres. Referring to the accompanying two-page sheet labeled "Topsoil removal schedule", OLIVAREZ pointed out that it indicates on a stage by stage basis how much topsoil is expected to be removed from that particular stage, and also indicates the number of cubic yards of subsoil that would have to be relocated in order to achieve the final grade. It also indicates any additional subsoil needed to be brought in to that specific stage of development to achieve the final grade. OLIVAREZ said that if all of the cubic yards of subsoil to be removed and the subsoil that was needed to fill were added up in order to come out with the final grade, it would end up with only a difference of about 90 cubic yards, which is very minimal considering all of the earth work they will be doing. Staff has indicated in the revised conditions of approval that the conditional use should be only for the extraction and removal of topsoil, but would want to take into consideration the 90 cubic yards or so that may be over and above the topsoil that will be removed from the site, and they should be permitted to take the 90 yards from the site if necessary.

OLIVAREZ stated that staff recommended that this conditional use permit, if granted, be for approximately a 6-year time period to expire December 31, 1991, unless extensions are obtained, which would be through a public hearing and after approval by the County Commission. She mentioned that one of the conditions of approval was that the area where topsoil had been removed be tilled and planted to wheat or other acceptable vegetative cover in the fall, and should reasonable germination not occur, then replanting in the spring with some alternate crop should be required. She said that after the last meeting the applicant contacted the Soil Conservationist again for additional information on possible alternate crops and was advised that oats would be an acceptable crop to be planted in the spring.

WILSON said that he did not understand why a limit could not be put on how much topsoil could be removed. He said that 90 cubic yards was a very small excavation. He asked how did staff come up with the 90 cubic yards?

OLIVAREZ explained that if the cubic yards of subsoil removed on each of the nine stages were added, it would be 9,325 cubic yards of subsoil to be removed. If the cubic yards of fill required to obtain the finished grade for the nine stages were added, it would be 9,235 cubic yards, which is only a difference of 90 cubic yards from one place to another to achieve the final grade.

WILSON asked if there was any place in the staff requirements that states that they will not bring any fill into this site, and if there is, is it specified like it is in sandpits where they cannot have any steel or rocks in it?

OLIVAREZ said that it was not specified because staff anticipated no need for bringing fill in and only this possible slight need for removing 90 cubic yards.

WILSON felt that it would not be a bad idea to stipulate that no fill go into a site like this. He said that he was a little worried about that "at no time shall excavation be to such depths as to expose the water table". He related that from one engineer's report the water table was from 12 to 14 feet in the area. He asked if they were anticipating moving that kind of soil that it would be a problem?

OLIVAREZ said no they do not anticipate a problem. Staff put the wording in as additional assurance that they would not be excavating and creating a lake.

WILSON asked if there was such a violation, was there a possibility of saying that the application was void until they have a public hearing on it again? He did not feel that the Commission had any teeth in this to go in and tell them that they took out more than 90 yards.

GALBRAITH responded that if the applicants are found to be in violation by the County Zoning Administrator, they are cited. He did not feel that a condition of approval has to state that.

MARTIN UPDEGRAFF, attorney representing the applicant, stated that they have tried to come up with some more definitive planning on this request to better define the boundaries of soil removal along the lines that were discussed at the last meeting. He mentioned that the Soil Conservationist had been contacted and a copy of his letter had been furnished to the Planning Commission defining his additional alternative suggestions concerning what would happen if they do not get a stand of wheat in the fall, what they should do in the spring, and if they do not get something in the spring, what type of cover they would need to put on the soil in order to keep it from eroding and blowing. UPDEGRAFF said that they did not have any problems with any of the Soil Conservationist's suggestions and if the Commission desired to make them part of the conditions, they had no objections.

UPDEGRAFF remarked that in coming up with the alternative site grading plan, they have tried to cut down the area and break it into stages of completion which the County Zoning Administrator and his staff could police so that there would be a method which would be available to the County Zoning Administrator's office to calculate and observe. They will also have a method of completion of this task that they will know where they are going. UPDEGRAFF felt the result would be a better drainage plan than the property has now.

UPDEGRAFF wanted to address the drainage swale in Condition "C" where it was indicated that the "V" drainage swale should be constructed prior to removal of areas 7, 8 and 9. UPDEGRAFF said that they would like to have permission to construct the swale at this time because part of this lies outside the 31 or so acres that they have planned for topsoil removal. They would like to have permission to go in and construct the drainage swale now because there is ponding in the area, and with the drainage swale now, it would be beneficial to the land and to the farmer who is farming the property. They do not desire to take any of the topsoil out of that area, but would like to provide better drainage in that area.

In response to the comments made by Commissioner Wilson, UPDEGRAFF said that they do not anticipate the need, nor do they ask for permission, to bring any fill into this property. The stages of completion, which the engineer has worked out, provide for the removal of the topsoil as proposed and the use of the subsoil for the releveling of the area. The way it has been planned, they will be starting in an area where there is an excess of subsoil after the initial cut which then can be used in placing and filling in the subsequent stages, therefore no fill would be used or a request made for fill.

UPDEGRAFF mentioned the water table, stating that the deepest cut in the highest area in the property would be around five feet. The only

reason for being that deep, which would be substantially in the subsoil, is simply for the meeting of the grading plan and the drainage. He did not feel that they would be anywhere close to the water table, estimated to be about 12 feet, and have no intention of doing that, realizing that they would be in violation should they go that deep.

WILSON asked Updegraff if the sheet that he had given the Commission on stages of topsoil removal refers back to the plots on the drawing.

UPDEGRAFF said that was correct.

WILSON asked if Updegraff would be agreeable to a requirement to get approval from the County Engineer to move from site to site.

UPDEGRAFF said that he saw no problems with the requirement as long as the County Engineer had no problems with coming out and checking it every time.

GARDNER asked Updegraff if he would have any objections to the addition of a small amount of wording on condition "B" where it states that "removal of topsoil and regrading of the site shall occur as delineated", the word "sequentially". He also felt that it might be helpful to note on the topsoil removal schedule that when fill is required, it would come from the subsoil removed.

HOWARD BUHRLE, 6813 West 45th Street North, stated that he was curious about the ditch underneath K-96 and how drainage water would get to it if this land is regraded. He also questioned the drainage of 45th Street. He said that he did not hear them say what they would plant on the subsoil. He wanted to know what enforcements they would have. He said that they had mentioned a lot of restrictions but he had not seen anything about the violations. BUHRLE showed slides of this area and Stannard's operation on 37th Street including the piles of broken concrete on that site. He also showed slides of truck traffic in the area. He pointed out that 45th Street and the farm ground were at the same level. His concern was if there was enough drop to drain that to 96 Highway. He asked what provisions have been made for the surrounding homeowners with the dust and the dirt on the roads? Will the roads be maintained?

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

- A. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of sand or of subsoil in excess of approximately 90 cubic yards is prohibited and would be a violation of this conditional use permit. The removal from the site of approximately 90 cubic yards is necessary for proper regrading of the site. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes. No fill materials are to be brought onto the site to meet final grade.
- B. Removal of topsoil and regrading of the site shall occur sequentially in stages 1 through 9 as delineated on the Site Grading Plan dated October 30, 1985 and as specified on the accompanying Topsoil Removal Schedule as approved by the County Bureau of Public Services. All topsoil removal and regrading shall be completed by December 31, 1991. This conditional use permit shall expire on December 31, 1991, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

- C. Prior to the removal of any topsoil, the "V" drainage swale to K-96 as delineated on the October 30, 1985 Site Grading Plan shall be constructed.
- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal. Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.
- E. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- F. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased and the land has been properly regraded, all equipment shall be removed from the property.
- G. Moving from one stage (phase) of topsoil removal and site grading to the next stage shall occur only upon approval of the County Bureau of Public Services after a determination is made that the previous stage has been satisfactorily completed.
- H. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to this request being forwarded to the Board of County Commissioners.

Gardner moved, Peters seconded and it carried unanimously. Banzer and Miles were absent.



POE & ASSOCIATES OF KANSAS INC.
CONSULTING ENGINEERS
434 N. Oliver, Suite 110 • Wichita, KS 67208 • 316/685-4114

RECEIVED

NOV 15 1985

METROPOLITAN PLANNING
ROUTE _____

November 14, 1985

Ms. Louise Olivarez
Senior Planner
Metropolitan Area Planning Department
City Hall
455 North Main
Wichita, Kansas 67202

Re: CU-288 Conditional Use Request for Topsoil Removal

Dear Louise:

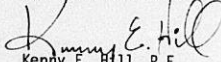
Enclosed are eight additional copies of the site grading plan, topographic survey and topsoil removal schedule. You had requested these documents in a letter dated November 1, 1985. The revised legal description for the amended application area is as follows:

The North 1070.0 feet of the following described tract.

Government Lot 2 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

Yours truly,

POE & ASSOCIATES OF KANSAS, INC.


Kenny E. Hill, P.E.
Project Manager

KEH:crb

Encl.

cc: Maurice & Allie Caster, P.O. Box 10, Kechi, Ks. 67067
Martin E. Updegraff, 608 N. Broadway, Wichita, Ks. 67214

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-288, request for establishment of _____ in the _____ zoning district.

Legal description of property included in the above case:

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

E 1/2 E 1/2 NW 1/4 Exc Hwy
Sec 27-26-1W

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

(a) Charles W. Biby
Signature
Charles W. Biby
Typed or Printed Name

(b) Aleen Biby
Signature
Aleen Biby
Typed or Printed Name



ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 12 day of November, 1985, by Charles W. Biby and Aleen Biby, husband and wife.



Harriet Adkins
Notary Public

My Appointment expires June 10, 1989.

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

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-288, request for establishment of _____ in the _____ zoning district.

Legal description of property included in the above case:

ON South Side of 45th St.
North in an Area West of Hoover



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

S 31.69A S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 22-26-1W PK-177-1
S $\frac{1}{2}$ SE $\frac{1}{4}$ EXC S. 31.69A Sec 22-26-1W PK-177
Govt. Lots Sec 27-26-1W PK-215

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

(a) Leland C. Rennick
Signature

Leland C. Rennick
Typed or Printed Name

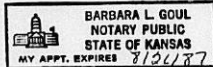
(b) Helen J. Rennick
Signature

Helen J. Rennick
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) 55

The foregoing instrument was acknowledged before me this 12th day of November, 1985, by Leland C. Rennick & Helen J. Rennick, husband and wife.



Barbara L. Goul
Notary Public

My Appointment expires 8/26/87.

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

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-288, request for establishment of _____ in the _____ zoning district.

Legal description of property included in the above case:

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

N 1/2 E 323.5 Ft. SE 1/4 SW 1/4
Sec. 22-26-1W

OK

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

(a) *Vivian Nicholson* (b) _____
Signature Signature
Vivian Nicholson _____
Typed or Printed Name Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 13th day of November, 1985, by _____

Corlena R. Wilson
Notary Public

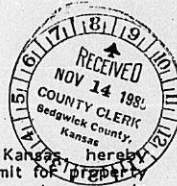
My Appointment expires *July 19, 1988*



ALL SIGNATURES MUST BE ACKNOWLEDGED

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

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- 288, request for establishment of _____ in the _____ zoning district.

Legal description of property included in the above case:

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

S 1/2 E 323.5 Ft. S.E. 1/4 S.W. 1/4
Sec. 22-26-1W

*owner certified
as Cecelia M. Baldwin*

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

(a) James C. Baldwin Sr. Signature _____
James C. Baldwin Sr. Typed or Printed Name _____

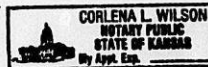
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 13th day of November, 1985 by _____

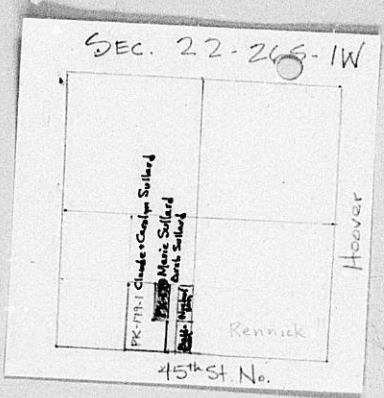
Corlena L. Wilson
Notary Public

My Appointment expires July 19, 1988



ALL SIGNATURES MUST BE ACKNOWLEDGED

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



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- 288, request for establishment of _____ in the _____ zoning district.

Legal description of property included in the above case:

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

Beq. 508 Ft. W. + 670 Ft. N. S.E. COR. S.W. 1/4 W. 309.48 Ft.
N. 681.66 Ft E. 308.9 Ft. S. 679.23 Ft. To Beq.
Sec. 22-26-1W

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

(a) Claude Sullard, Jr.
Signature

CLAUDE SULLARD, JR.
Typed or Printed Name

(b) Carolyn A. Sullard
Signature

CAROLYN A. SULLARD
Typed or Printed Name

PK-179
owned by Maria Sullard
at 22
according to County Clerk
11-15-85

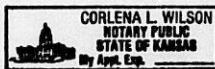
ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 13th day of
November, 1985, by _____

Corlena L. Wilson
Notary Public

My Appointment expires July 19, 1988



ALL SIGNATURES MUST BE ACKNOWLEDGED

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

D E D I C A T I O N

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, Maurice L. Caster and Allie M. Caster

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

The North 50 feet of Government Lot 2 in the NE-1/4 of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

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

Executed this _____ day of _____ 19 ____.

Maurice L. Caster

Allie M. Caster

STATE OF KANSAS)
SEDGWICK COUNTY)^{ss}

BE IT REMEMBERED, that on this _____ day of _____, came _____

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

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

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

this _____,

City Clerk

Notary Public

My Commission Expires: _____

*Original mailed to
Marty Updegraff 11-8-85,
cc Kenny Hill*

November 1, 1985

Martin E. Updegraff
Attorney-at-Law
608 North Broadway
Wichita, Kansas 67214

Re: CU-288 Conditional Use request for topsoil removal.

Dear Mr. Updegraff:

At its regular meeting on October 31, 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. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of sand or of subsoil in excess of approximately 90 cubic yards is prohibited and would be a violation of this conditional use permit. The removal from the site of approximately 90 cubic yards is necessary for proper regrading of the site. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes. No fill materials are to be brought onto the site to meet final grade.
- B. Removal of topsoil and regrading of the site shall occur sequentially in stages 1 through 9 as delineated on the Site Grading Plan dated October 30, 1985 and as specified on the accompanying Topsoil Removal Schedule as approved by the County Bureau of Public Services. All topsoil removal and regrading shall be completed by December 31, 1991. This conditional use permit shall expire on December 31, 1991, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
- C. Prior to the removal of any topsoil, the "V" drainage swale to K-96 as delineated on the October 30, 1985 Site Grading Plan shall be constructed.

Mr. Martin E. Degraff
November 1, 1985
Page 2

- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal. Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.
- E. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- F. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased and the land has been properly regraded, all equipment shall be removed from the property.
- G. Moving from one stage (phase) of topsoil removal and site grading to the next stage shall occur only upon approval of the County Bureau of Public Services after a determination is made that the previous stage has been satisfactorily completed.
- H. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to this request being forwarded to the Board of County Commissioners.

This matter will be forwarded to the Board of County Commissioners for consideration at 9:00 a.m., Wednesday, December 11, 1985, in Room 320 of the Sedgwick County Courthouse, 525 North Main in Wichita.

Regarding the street dedication required by condition "H", I have asked Jim Weber of the County Engineer's office for assistance in preparing the legal description. I will forward a dedication document to you as soon as I have the necessary information from him. In order for us to prepare the conditional use resolution, Kenny Hill will need to provide us a legal description of the amended application area. We also need eight additional sets of documents which include the October 30, 1985 Site Grading Plan, the September 23, 1985 Topographic Survey, and the Topsoil Removal Schedule.

We would appreciate receiving the revised legal description and the eight sets of site information no later than November 21, 1985.

*at Leggett's
request*

*11-7-85 Wichita
Said to get me
N 50' Gov's lot.
He could find no
record of the
lot.*

*received
11-15-85*

Mr. Martin E. DeGraff
November 1, 1985
Page 3

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

Sincerely yours,


Louise Olivarez
Senior Planner

LO:lw

cc: Maurice & Allie Caster, P.O. Box 10, Kechi, KS 67067
Kenny Hill, Poe & Associates, 434 N. Oliver, #110, Wichita,
KS 67208
Howard Buhrle, 6813 W. 45th Street North, Wichita, KS 67205
Claude Sullard, 7150 W. 45th Street North, Wichita, KS 67205
Ron Worley, County Zoning Administrator

November 1, 1985

Mr. Howard Buhrle
6813 West 45th Street North
Wichita, Kansas 67205

Re: CU-288

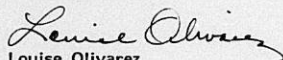
Dear Mr. Buhrle:

The Planning Commission at its regular meeting of October 31, 1985, considered the above-captioned conditional use request, and their action was as indicated on the attached letter.

This is to advise you that if property owners 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, November 14, 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.

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

Sincerely yours,


Louise Olivarez
Senior Planner

LO/lw

Enclosures

cc: Claude Sullard, 7150 W. 45th Street North, Wichita, KS 67205

- A. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of sand or of subsoil in excess of approximately 90 cubic yards is prohibited and would be a violation of this conditional use permit. The removal from the site of approximately 90 cubic yards is necessary for proper regrading of the site. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes.
- B. Removal of topsoil and regrading of the site shall occur as delineated on the Site Grading Plan dated October 30, 1985 and as specified on the accompanying Topsoil Removal Schedule as approved by the County Bureau of Public Services. All topsoil removal and regrading shall be completed by December 31, 1991. This conditional use permit shall expire on December 31, 1991, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
- C. Prior to removal of topsoil from areas 7, 8, or 9 as delineated on the October 30, 1985 Site Grading Plan, the "V" drainage swale to K-96 Highway (also delineated on said plan) shall be constructed.
- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal. Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.
- E. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
- F. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased and the land has been properly regraded, all equipment shall be removed from the property.
- G. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to this request being forwarded to the Board of County Commissioners.



United States
Department of
Agriculture



Conservation
Service

4100 Maple
Wichita, Kansas 67209

October 29, 1985

Martin E. Updegraff
Attorney at Law
608 North Broadway
Wichita, Kansas 67214

Re: CU-288 - Conditional use request
for topsoil removal

Dear Mr. Updegraff:

In reply to MAPC letter on October 18, 1985, I would offer the following recommendations. If a cover of growing wheat isn't obtained in the fall, then plant oats in the spring. If by some chance a stand of oats is not obtained in the spring, then a light mulch needs to be used on this area where topsoil has been removed.

Mulch can consist of any of the following:

1. Native Prairie Hay - 2 tons/acre
2. Native Prairie Hay with asphalt emulsion spray -
1 ton/acre with 300 gallons emulsion
3. Wood chips - 11 to 15 tons/acre
4. Emulsified asphalt - 600 gallons per acre

Prairie hay mulch will be anchored during or immediately after application. Use a mulch tacker or similar tool with serrated straight disks that punch the mulch into the ground to a depth of approximately 2 inches. A farm disk, set straight, with a maximum spacing 12 inches, may be used if regular tacker is not available.

If additional information is needed, feel free to contact me.

Sincerely,

Larry L. Henry
District Conservationist



The Soil Conservation Service
is an agency of the
Department of Agriculture

RE: AGENDA ITEM NO 9

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

REVISED STAFF REPORT

CU-288 - CONDITIONAL USE PERMIT FOR TOPSOIL REMOVAL.
Generally located on the south side of 45th Street North in an
area west of Hoover.

MAPC HEARING DATE: October 17, 1985 *10-31-85*

Acres: 64

Size: 1315' x 2300'

Reason: To extract and remove topsoil.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R-1"
North	Agriculture, one-family dwelling	"R-1"
South	K-96 highway, agriculture, CU-276 sand extraction	"R-1"
East	One-family dwelling, agriculture	"R-1"
West	Agriculture	"R-1"

History: None.

Applicant: Maurice L. & Allie M. Castor
P. O. Box 10
Kechi, Kansas 67067

COMMENTS:

The following comments should be considered by the Planning Commission is making findings of fact:

1. The applicant is requesting conditional use approval to extract and remove topsoil on approximately 64 acres of land zoned "R-1" Suburban Residential. Topsoil to a depth of approximately twelve to eighteen inches is expected to be removed at a rate of about 3 acres per year. The applicant has indicated that farming practices will continue on the acreage on which the topsoil removal is not occurring.
2. This case has twice been deferred to allow the applicant time to obtain additional information regarding existing topography, water table depths and soil characteristics as well as to establish a benchmark from which future excavations can be measured and to prepare a plan for redevelopment of the property after the topsoil has been removed. This information has been submitted. A letter from the District Conservationist has also been submitted which states in part, "I would recommend the topsoil be removed and stockpiled in the summer each year. The area where topsoil is removed should be tilled and planted to wheat in the fall. It would be beneficial to add organic matter to the soil the first year. Normal farming should be followed after the first year on all areas where topsoil has been removed."
3. The redevelopment plan is a site grading plan which indicates, on a grid system, how much soil can be removed from a given area and still maintain an acceptable overall finished grade which provides for proper drainage. In those areas where the depth of the topsoil is greater than the amount of soil which can be removed and still maintain the final grade, fill dirt will be required and can be

obtained from other areas on site where the depth of existing soil is greater than needed for the final grade. The use of the land after topsoil removal is to remain agricultural.

4. A soils report provided by Terracon Consultants indicates that topsoil exists on this site at depths of about 1.2 to 2.3 feet. Subsoils were analyzed to a depth of about 17 feet. Water table depths range from about 9 feet to 12 feet.
5. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North.
 - b. The applicant shall submit to the Planning Department four more copies of the Topographic Survey and of the Site Grading Plan for use in administering the provisions of this conditional use permit.
 - Not final* c. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of subsoil or sand is prohibited and would be a violation of this conditional use permit. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes.
 - d. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
 - e. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased, all equipment shall be removed from the property.
 - f. Topsoil shall be removed and stockpiled only during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal.
 - g. Proper drainage of the site both during and after topsoil removal shall be maintained to the specifications of the County Bureau of Public Services.
 - h. Items "a" and "b" above shall be complied with prior to this request being forwarded to the Board of County Commissioners for final action.

October 18, 1985

Martin E. Updegraff
Attorney-at-Law
608 North Broadway
Wichita, Kansas 67214

Re: CU-288 - Conditional Use request for topsoil removal

Dear Mr. Updegraff:

At its regular meeting on October 17, 1985, the Metropolitan Area Planning Commission considered the above-captioned ~~zone change~~ request. The action of the Planning Commission was to recommend that this application be deferred for two weeks for additional information. Specifically they requested an action plan for planting alternate crops or grass, approved by the SCS, that would minimize the problem of erosion. There was an expressed concern that should the planting of wheat not produce sufficient cover, something be planted in the spring to provide cover rather than waiting until the following fall to again plant wheat.

There was also concern raised as to the statement that your client might have to have fill material brought back to the site to bring his grading plan into compliance. Although it was not specifically required, more detailed information as to "cut and fill" might be helpful.

It was suggested that your client consider submitting a plan identifying those areas where topsoil will first be removed. This is because of an expressed concern that no ponding should occur, that whatever first area is chosen to remove topsoil, that the area is drained and kept in compliance with the overall grading plan. It was also suggested that approval might only be given to smaller areas, 5-10 acres, so that performance could be reviewed prior to granting the next phase.

These are most of the comments I recall being mentioned by the Commission. This case will be scheduled for reconsideration by the Planning Commission on October 31, 1985, that meeting to be held in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas.

Martin E. Updegoff
October 18, 1985
Page 2

If you have any questions, please call. We would like an opportunity to review any new information you have early in the week of the meeting.

Sincerely,

Jack H. Galbraith
Chief Planner, Current Plans

JHG:lw

cc: Kenny Hill, Poe & Associates, 434 N. Oliver, #110, Wichita, KS
67208
Maurice & Allie Caster, P. O. Box 10, Kechi, KS 67067
Howard Buhrle, 6813 W. 45th Street North, Wichita, KS 67205
Claude Sullard, 7150 W. 45th Street North, Wichita, KS 67205
Ron Worley, County Zoning Administrator
Larry Henry, USDA Soil Conservation Service, 4100 W. Maple,
Wichita, KS 67209

RE: AGENDA ITEM NO 3

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

REVISED STAFF REPORT

CU-288 - CONDITIONAL USE PERMIT FOR TOPSOIL REMOVAL.
Generally located on the south side of 45th Street North in an
area west of Hoover.

MAPC HEARING DATE: October 17, 1985

Acres: 64

Size: 1315' x 2300'

Reason: To extract and remove topsoil.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R-1"
North	Agriculture, one-family dwelling	"R-1"
South	K-96 highway, agriculture, CU-276 sand extraction	"R-1"
East	One-family dwelling, agriculture	"R-1"
West	Agriculture	"R-1"

History: None.

Applicant: Maurice L. & Allie M. Castor^e
P. O. Box 10
Kechi, Kansas 67067

COMMENTS:

The following comments should be considered by the Planning Commission is making findings of fact:

1. The applicant is requesting conditional use approval to extract and remove topsoil on approximately 64 acres of land zoned "R-1" Suburban Residential. Topsoil to a depth of approximately twelve to eighteen inches is expected to be removed at a rate of about 3 acres per year. The applicant has indicated that farming practices will continue on the acreage on which the topsoil removal is not occurring.
2. This case has twice been deferred to allow the applicant time to obtain additional information regarding existing topography, water table depths and soil characteristics as well as to establish a benchmark from which future excavations can be measured and to prepare a plan for redevelopment of the property after the topsoil has been removed. This information has been submitted. A letter from the District Conservationist has also been submitted which states in part, "I would recommend the topsoil be removed and stockpiled in the summer each year. The area where topsoil is removed should be tilled and planted to wheat in the fall. It would be beneficial to add organic matter to the soil the first year. Normal farming should be followed after the first year on all areas where topsoil has been removed."
3. The redevelopment plan is a site grading plan which indicates, on a grid system, how much soil can be removed from a given area and still maintain an acceptable overall finished grade which provides for proper drainage. In those areas where the depth of the topsoil is greater than the amount of soil which can be removed and still maintain the final grade, fill dirt will be required and can be

obtained from other areas on site where the depth of existing soil is greater than needed for the final grade. The use of the land after topsoil removal is to remain agricultural.

4. A soils report provided by Terracon Consultants indicates that topsoil exists on this site at depths of about 1.2 to 2.3 feet. Subsoils were analyzed to a depth of about 17 feet. Water table depths range from about 9 feet to 12 feet.
5. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North.
 - b. The applicant shall submit to the Planning Department four more copies of the Topographic Survey and of the Site Grading Plan for use in administering the provisions of this conditional use permit.
 - c. This conditional use permit is for the extraction and removal of topsoil only. Removal from the site of subsoil or sand is prohibited and would be a violation of this conditional use permit. Subsoil may be moved on site only if required to obtain proper grade for drainage purposes.
 - d. At no time shall excavation be to such a depth as to expose the water table nor any closer to the property lines than twenty feet.
 - e. Only equipment used in stripping topsoil or in grading the property for drainage purposes shall operate on this site. At no time shall other construction equipment and materials be stored on the premises. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased, all equipment shall be removed from the property.
 - f. Topsoil shall be removed and stockpiled only during the summer months. The area where topsoil has been removed shall be tilled and planted to wheat or other acceptable vegetative cover in the fall immediately following the topsoil removal.
 - g. Proper drainage of the site both during and after topsoil removal shall be maintained to the specifications of the County Bureau of Public Services.
 - h. Items "a" and "b" above shall be complied with prior to this request being forwarded to the Board of County Commissioners for final action.

September 30, 1985

Caster Excavating
6609 North Woodlawn
Wichita, KS 67220

RECEIVED

OCT 02 1985

METROPOLITAN PLANNING
ROUTE LINDBERGH
 SPARTAN

Terracon

CONSULTANTS SC, INC.
3601 West Harry Street—Suite 8
Wichita, Kansas 67213
(316) 942-0171

Gerald R. Olson, PE
James A. Cunningham, PE
C. Fred Schoell, PE
Lester L. Litton, PE
Douglas A. Aldrich, PE
Steven R. Fischer
Pat Lynam, PE

Attn: Mrs. Allie M. Caster

Re: Subsurface Exploration
Proposed Topsoil Borrow Area
45th Street North to K-96 West
of Hoover
Wichita, KS
Job No. 01855088

Gentlemen:

The subsurface exploration for the referenced project has been completed. As part of the subsurface exploration, five (5) borings were performed within the project site at the locations shown on the attached diagram. The purpose of this subsurface exploration was to provide information regarding the depth of topsoil, subsoil, and groundwater table.

All borings were located by the drill crew in the field using cloth taping procedures and estimating the angles from the reference points shown on the attached boring location diagram. The approximate ground surface elevations shown on the boring logs were obtained by interpolating, to the nearest 1/2 foot, between the contours shown on the topographic drawing provided. The approximate locations and ground surface elevations of the borings should be considered accurate only to the degree implied by the method used.

All borings were performed with a truck-mounted, rotary type drill rig equipped with a hydraulic head. The near surface soils were continuously sampled by advancing a large diameter (3 inch O.D.) split barrel sampler with hydraulic pressure. Below a depth of about 5 feet, the borings were advanced with continous flight augers until free water was observed. All samples obtained in the field were returned to the laboratory for further examination, and classification.

Terracon Offices in
Iowa: Cedar Falls, Cedar Rapids, Davenport,
Des Moines, Storm Lake
Kansas: Wichita, Kansas City
Nebraska: Omaha
Oklahoma: Oklahoma City, Tulsa

-1-

Geotechnical, Environmental and Materials Engineers

cc to Shaggy
Hentzen
Scott
Buehrle
Sullivan
John Reals, attorney
12-11-85 at Shaggy's
request

Job No. 01855088
September 30, 1985

Terracon

The samples were examined in the laboratory by an engineer and classified in accordance with the attached General Notes and the Unified Soil Classification System, based on the material's texture and plasticity. A copy of the Unified Soil Classification System is included with this report. Additionally, the loamy, near surface soils within a depth of about 1 to 2 feet were subclassified as topsoil, based on color, texture, friability, and structure. As discussed with the Soil Conservation Service, the underlying soils were normally described, since the definition of subsoil is subjective.

At borings B-1, B-4, and B-5, a dark brown or gray-brown silty fine sand was encountered to a depth of about 0.5 to 0.7 feet. This silty fine sand may have been a wind blown deposit. Underlying the silty fine sand at these borings, and at the surface at the remaining borings, was a dark gray-brown or dark brown silty fine sand with clay, subclassified as topsoil. The topsoil extended to depths of about 1.2 to 2.3 feet.

The soils underlying the topsoil were widely varied, of apparent alluvial origin. At boring B-1, the subsoils consisted of clayey sand, sandy lean clay, and fat clay, trace sand, to a depth of about 11 feet. At boring B-2, the topsoil materials were underlain by silty fine sand and fine sand which continued to a depth of about 10 feet. At boring B-3, the topsoil was underlain by clayey sand, lean clay, trace sand, and fat clay with calcareous material to a depth of about 8 feet. At boring B-4, the topsoil was underlain by fat clay, very fine sand, and sandy silt with clay to a depth of about 8 feet. At boring B-5, the topsoil was underlain by fat clay, trace sand, which extended to a depth of about 8 feet.

Below the above described materials was fine, fine to medium, or fine to coarse sands which continued to the bottom of the borings, depths ranging from about 12 to 17 feet.

Job No. 01855088
September 30, 1985

Terracon

Observations were made while drilling and shortly after completion of all borings to evaluate the groundwater table. At these times, free water was observed in all borings at depths ranging from about 9 feet to 12 feet. The granular soils encountered at these depths would have relatively high permeability, therefore, the depth of free water shown on the boring logs should closely approximate the groundwater table at the time the borings were performed.

Should you have any questions regarding this report, or if we can be of further service to you in any other way, please do not hesitate to contact us.

Very truly yours,

TERRACON CONSULTANTS SC, INC.

Douglas A. Aldrich

Douglas A. Aldrich, P.E.

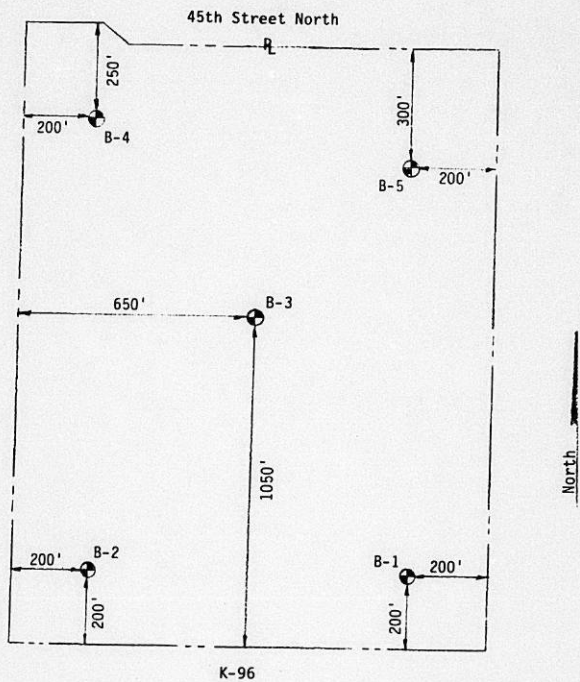
C. Fred Schoell jdb

C. Fred Schoell, P.E.
Kansas No. 7095

CFS/lc1

Enclosures

cc: Poe and Associates of Kansas, Inc.
Attn: Mr. Kenny Hill



BORING LOCATION DIAGRAM
 Caster Topsoil
 Wichita, KS

Job # 01855089

Date Sept. 1985

Drawn DAA/nts

Terracon

Form 104-6-85

GENERAL NOTES

DRILLING & SAMPLING SYMBOLS:

SS : Split Spoon - 1 1/2" I.D., 2" O.D., unless otherwise noted	PS : Piston Sample
ST : Thin-Walled Tube - 2" O.D., Unless otherwise noted	WS : Wash Sample
PA : Power Auger	FT : Fish Tail Bit
HA : Hand Auger	RB : Rock Bit
DB : Diamond Bit - 4", N, B	BS : Bulk Sample
AS : Auger Sample	PM : Pressuremeter
HS : Hollow Stem Auger	DC : Dutch Cone
	V/B : Wash Bore

Standard "N" Penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2 inch OD split spoon, except where noted.

WATER LEVEL MEASUREMENT SYMBOLS:

WL : Water Level	WS : While Sampling
WCI : Wet Cave In	WD : While Drilling
DCI : Dry Cave In	BCR : Before Casing Removal
AB : After Boring	ACR : After Casing Removal

Water levels indicated on the boring logs are the levels measured in the borings at the times indicated. In pervious soils, the indicated levels may reflect the location of groundwater. In low permeability soils, the accurate determination of ground water levels is not possible with only short term observations.

DESCRIPTIVE SOIL CLASSIFICATION:

Soil Classification is based on the Unified Soil Classification System and ASTM Designations D-2487 and D-2488. Coarse Grained Soils have more than 50% of their dry weight retained on a #200 sieve; they are described as: boulders, cobbles, gravel or sand. Fine Grained Soils have less than 50% of their dry weight retained on a #200 sieve; they are described as: clays, if they are plastic, and silts if they are slightly plastic or non-plastic. Major constituents may be added as modifiers and minor constituents may be added according to the relative proportions based on grain size. In addition to gradation, coarse grained soils are defined on the basis of their relative in-place density and fine grained soils on the basis of their consistency. Example: Lean clay with sand, trace gravel, stiff (CL); silty sand, trace gravel, medium dense (SM).

CONSISTENCY OF FINE-GRAINED SOILS:

Unconfined Compressive Strength, Qu, psf	Consistency
< 500	Very Soft
500 - 1,000	Soft
1,001 - 2,000	Medium
2,001 - 4,000	Stiff
4,001 - 8,000	Very Stiff
8,001 - 16,000	Hard
> 16,000	Very Hard

RELATIVE DENSITY OF COARSE-GRAINED SOILS:

N-Blows/ft.	Relative Density
0-3	Very Loose
4-9	Loose
10-29	Medium Dense
30-49	Dense
50-80	Very Dense
80 +	Extremely Dense

RELATIVE PROPORTIONS OF SAND AND GRAVEL

Descriptive Term(s) (of Components Also Present in Sample)	Percent of Dry Weight
Trace	< 15
With	15 - 29
Modifier	> 30

RELATIVE PROPORTIONS OF FINES

Descriptive Term(s) (of Components Also Present in Sample)	Percent of Dry Weight
Trace	< 5
With	5 - 12
Modifier	> 12

GRAIN SIZE TERMINOLOGY

Major Component Of Sample	Size Range
Boulders	Over 12 in. (300mm)
Cobbles	12 in. to 3 in. (300mm to 75mm)
Gravel	3 in. to #4 sieve (75mm to 4.75mm)
Sand	#4 to #200 sieve (4.75mm to 0.075mm)
Silt or Clay	Passing #200 sieve (0.075mm)

Terracon

LOG OF BORING NO. B-1

OWNER Caster Excavating										ARCHITECT Poe & Associates	
SITE 45th St. N. to K-96, West of Hoover Wichita Kansas										PROJECT NAME Caster Topsoil	
Sample No.	Type Sample	Sampling Distance	Recovery	Blows/ft.	Unconfined Compressive Strength-lbs./ft. ²	Water Content - %	Dry Density - lbs./ft. ³	Unified Classification Symbol	Depth	Elevation	Description
1	SS	20	20						0	36.5	Approx. Surface Elevation: 36.5 SILTY FINE SAND (0.6') Gray-Brown
									2		SILTY FINE SAND, TRACE CLAY (TOPSOIL) Very Dark Gray-Brown (2.3')
2	SS	20	20						4		CLAYEY SAND, TRACE SILT Brown (4.0')
3	SS	20	20						6		SANDY LEAN CLAY Gray-Brown with Manganese Deposits and Iron Staining (9.0')
	PA								10		FAT CLAY, TRACE SAND Brown, Mottled (11.0')
									12		FINE SAND, TRACE SILT Brown (12.0')
Continued on Sheet 2 of 2'											

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS			
W.L.	12'	W.S. OR W.D.	A.B.
W.L.		B.C.R.	A.C.R.
W.L. Cave-in at 12' A.B.			



BORING STARTED	9-27-85
BORING COMPLETED	9-27-85
RIG CME-55	FOREMAN AT
APPROVED DAA	JOB # 01855089

LOG OF BORING NO. B-1 Continued

OWNER Caster Excavating										ARCHITECT Poe & Associates	
SITE 45th St. N. to K-96, West of Hoover Wichita Kansas										PROJECT NAME Caster Topsoil	
Sample No.	Type Sample	Sampling Distance	Recovery	Blow/ft.	Unconfined Compressive Strength-lbs./ft. ²	Water Content - %	Dry Density - lbs./ft. ³	Unified Classification Symbol	Depth	Elevation	Description
								12		Continued from Sheet 1 of 2 (12.0')	
	PA							14		<u>FINE TO MEDIUM SAND, TRACE SILT</u> Brown	
								16			
								18		(17.0') BOTTOM OF BORING	

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS				Terracon	BORING STARTED 9-27-85	
W.L.	12'	W.S. OR W.D.	A.B.		BORING COMPLETED 9-27-85	
W.L.		B.C.R.	A.C.R.		RIG CME-55	FOREMAN AT
W.L.	Cave-in at 12' A.B.				APPROVED DAA	JOB # 01855089

LOG OF BORING NO. B-2

OWNER Caster Excavating										ARCHITECT Poe & Associates	
SITE 45th St. N. to K-96, West of Hoover Wichita Kansas										PROJECT NAME Caster Topsoil	
Sample No.	Type Sample	Sampling Distance	Recovery	Blow/ft.	Unconfined Compressive Strength (psi)	Water Content - %	Dry Density - lb./ft. ³	Unified Classification Symbol	Depth	Elevation	Description
1	SS	20	20							Approx. Surface Elevation: 33.5	
2	SS	20	20							SILTY SAND, TRACE CLAY (TOPSOIL) Dark Brown to Dark Gray-Brown (1.5')	
3	SS	20	20							SILTY FINE SAND Gray-Brown to Brown (2.8')	
	PA									FINE SAND Yellow-Brown (10.0')	
										FINE TO MEDIUM SAND Gray-Brown and Brown (12.0')	
Continued on Sheet 2 of 2											

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES. IN SITU, THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS

W.L.	10' W.S. OR W.D.	A.B.
W.L.	B.C.R.	A.C.R.
W.L.	Cave-in at 9.5' A.B.	

Terracon

BORING STARTED	9-27-85
BORING COMPLETED	9-27-85
RIG CME-55	FOREMAN AT
APPROVED DAA	JOB # 01855089

LOG OF BORING NO. b-2 Continued

OWNER Caster Excavating										ARCHITECT Poe & Associates										
SITE 45th St. N. to K-96, West of Hoover Wichita Kansas										PROJECT NAME Caster Topsoil										
Sample No.	Type Sample	Sampling Distance	Recovery	Blowfall	Unconfined Compressive Strength-lb./ft. ²	Water Content - %	Dry Density - lb./ft. ³	Unified Classification Symbol	Depth	Elevation	Description									
								12		Continued from Sheet 1 of 2 (12.0')										
	PA							14		FINE TO MEDIUM SAND Gray-Brown (15.0')										
								16		BOTTOM OF BORING										

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS			
W.L.	10'	W.S. OR W.D.	A.B.
W.L.		B.C.R.	A.C.R.
W.L.	Cave-in at 9.5' A.B.		

Terracon

BORING STARTED	9-27-85
BORING COMPLETED	9-27-85
RIG	CME-55 FOREMAN AT
APPROVED	DAA JOB # 01855089

LOG OF BORING NO. B-3

OWNER Caster Excavating										ARCHITECT Poe & Associates										
SITE 45th St. N. to K-96, West of Hoover Wichita Kansas										PROJECT NAME Caster Topsoil										
Sample No.	Type Sample	Sampling Distance	Recovery	Blows/ft.	Unconfined Compressive Strength-lbs./ft. ²	Water Content - %	Dry Density - lbs./ft. ³	Unified Classification Symbol	Depth	Elevation	Description									
1	SS	20	20								Approx. Surface Elevation: 36 VERY SILTY, FINE SAND, TRACE CLAY (TOPSOIL) Very Dark Brown (1.9')									
2	SS	20	20						2		CLAYEY SAND Brown (3.2')									
3	SS	20	20						4		LEAN CLAY, TRACE SAND Mottled Dark (4.0') Gray-Brown w/Manganese & Iron Staining									
									6		FAT CLAY WITH CALCAREOUS MATERIAL Gray-Brown, Slightly Mottled with Trace Manganese and Iron Staining									
									8		(8.0')									
									10		FINE TO COARSE SAND Brown									
									12		(12.0')									
										Continued on Sheet 2 of 2										

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS				Tierracon	BORING STARTED 9-27-85	
W.L.	9'	W.S. OR W.D.	A.B.		BORING COMPLETED 9-27-85	
W.L.		B.C.R.	A.C.R.		RIG CME-55	FOREMAN AT
W.L.	Cave-in at 9' A.B.				APPROVED DAA	JOB # 01855089

LOG OF BORING NO. 8-3 Continued

OWNER **Caster Excavating** ARCHITECT **Poe & Associates**

SITE **45th St. N. to K-96, West of Hoover Wichita Kansas** PROJECT NAME **Caster Topsoil**

Sample No.	Type Sample	Sampling Distance	Recovery	Blows/ft.	Unconfined Strength-lbs./ft. ²	Water Content - %	Dry Density - lbs./ft. ³	Unified Classification Symbol	Depth	Elevation	Description
									12		Continued from Sheet 1 of 2 (12.0')
	PA								14		<u>FINE TO COARSE SAND</u> Brown (15.0')
									16		BOTTOM OF BORING

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES IN SITU. THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS			
W.L.	9'	W.S. OR W.D.	A.B.
W.L.		B.C.R.	A.C.R.
W.L. Cave-in at 9' A.B.			



BORING STARTED	9-27-85
BORING COMPLETED	9-27-85
RIG CME-55	FOREMAN AT
APPROVED DAA	JOB # 01855089

LOG OF BORING NO. d-4

OWNER										ARCHITECT	
Caster Excavating										Poe & Associates	
SITE										PROJECT NAME	
45th St. N. to K-96, West of Hoover Wichita Kansas										Caster Topsoil	
Sample No.	Type Sample	Sampling Distance	Recovery	Blowfall	Unconfined Compressive Strength/ft. ²	Water Content - %	Dry Density - lbs./ft. ³	Unified Classification Symbol	Depth	Elevation	Description
											Approx. Surface Elevation: 37.5
1	SS	20	20								(0.5') SILTY FINE SAND Dark Brown
											SILTY FINE SAND WITH CLAY (TOPSOIL) (1.3') Dark Brown
									2		FAT CLAY, TRACE SAND Mottled Gray-Brown with Manganese and Iron Staining with Calcareous materia at Depth (3.0')
											VERY FINE SAND, TRACE SILT (3.8') Light Brown to Gray, Siltier w/Depth
3	SS	20	20						4		FAT CLAY, TRACE SAND Mottled Gray-Brown (4.6') & Brown w/Manganese & Calc. Mat '1
									6		SANDY SILT WITH CLAY Gray
									8		(8.0')
									10		FINE TO MEDIUM SAND Light Brown
									12		(12.0')
											BOTTOM OF BORING

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL AND ROCK TYPES IN SITU. THE TRANSITION MAY BE GRADUAL.

WATER LEVEL OBSERVATIONS				Terracon	BORING STARTED	9-27-85
W.L.	11'	W.S. OR W.D.	A.B.		BORING COMPLETED	9-27-85
W.L.		B.C.R.	A.C.R.		RIG	CME-55 FOREMAN AT
W.L.	Cave-in at 9' A.B.				APPROVED	DAA JOB # 01855089

UNIFIED SOIL CLASSIFICATION SYSTEM

Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^a				Soil Classification	
				Group Symbol	Group Name ^b
Coarse-Grained Soils More than 50% retained on No. 200 sieve	Gravels More than 50% of coarse fraction retained on No. 4 sieve	Clean Gravels Less than 5% fines ^c	$Cu \geq 4$ and $1 \leq Cc \leq 3^e$	GW	Well-graded gravel ^f
			$Cu < 4$ and/or $1 > Cc > 3^e$	GP	Poorly graded gravel ^f
		Gravels with Fines More than 12% fines ^c	Fines classify as ML or MH Fines classify as CL or CH	GM	Silty gravel ^{g, h}
	Sands 50% or more of coarse fraction passes No. 4 sieve	Clean Sands Less than 5% fines ^e	$Cu \geq 6$ and $1 \leq Cc \leq 3^e$	SW	Well-graded sand ^f
			$Cu < 6$ and/or $1 > Cc > 3^e$	SP	Poorly graded sand ^f
		Sands with Fines More than 12% fines ^d	Fines classify as ML or MH Fines classify as CL or CH	SM	Silty sand ^{g, h, i}
Fine-Grained Soils 50% or more passes the No. 200 sieve	Silt and Clays Liquid limit less than 50	inorganic	$PI > 7$ and plots on or above "A" line ^j $PI < 4$ or plots below "A" line ^j	CL	Lean clay ^{k, l, m}
		organic	Liquid limit — oven dried Liquid limit — not dried	ML	Silt ^{k, l, m}
				OL	Organic clay ^{k, l, m, n} Organic silt ^{k, l, m, o}
				OH	Fat clay ^{k, l, m} Elastic silt ^{k, l, m}
	Silt and Clays Liquid limit 50 or more	inorganic	PI plots on or above "A" line PI plots below "A" line	CH	Clay ^{k, l, m, n}
		organic	Liquid limit — oven dried Liquid limit — not dried	MH	Mud ^{k, l, m, n}
				OH	Organic clay ^{k, l, m, n, p} Organic silt ^{k, l, m, o}
				PT	Peat

^aBased on the material passing the 3-in. (75-mm) sieve.

^bIf field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.

^cGravels with 5 to 12% fines require dual symbols:

GW-GM well-graded gravel with silt
GW-GC well-graded gravel with clay
GP-GM poorly graded gravel with silt
GP-GC poorly graded gravel with clay

^dSands with 5 to 12% fines require dual symbols:

SW-SM well-graded sand with silt
SW-SC well-graded sand with clay
SP-SM poorly graded sand with silt
SP-SC poorly graded sand with clay

$$C_u = D_{60}/D_{10} \quad C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$$

^eIf soil contains $\geq 15\%$ sand, add "with sand" to group name.

^fIf fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.

^gIf fines are organic, add "with organic fines" to group name.

^hIf soil contains $\geq 15\%$ gravel, add "with gravel" to group name.

ⁱIf Atterberg limits plot in shaded area, soil is a CL-ML, silty clay.

^jIf soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel", whichever is predominant.

^kIf soil contains $\geq 30\%$ plus No. 200 predominantly sand, add "sandy" to group name.

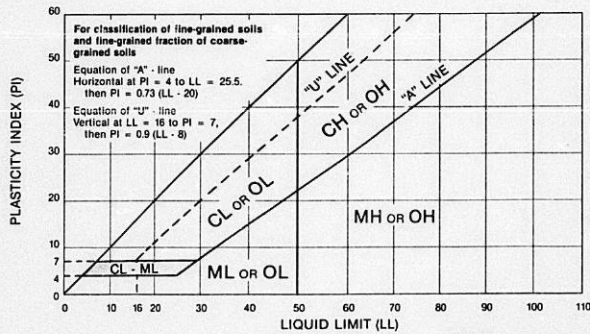
^lIf soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.

^m $PI \geq 4$ and plots on or above "A" line.

ⁿ $PI < 4$ or plots below "A" line.

^o PI plots on or above "A" line.

^p PI plots below "A" line.



September 20, 1985

Martin E. Updegraff
Attorney-at-Law
608 North Broadway
Wichita, Kansas 67214

RE: CU-288 - Conditional Use request for topsoil removal

Dear Mr. Updegraff:

At its regular meeting on September 19, 1985, the Metropolitan Area Planning Commission considered the above-captioned conditional use case and your request for a two-week deferral. The action of the Planning Commission was to recommend that the case be deferred for four weeks to their meeting of October 17, 1985. The meeting will be held in the City Commission meeting room on the first floor of City Hall, 455 North Main, in Wichita beginning at 1:30 p.m. The reason for deferring the case longer than you requested is so that all necessary information as required by the Commission and specified in our letter of August 26, 1985, can be submitted in plenty of time to allow planning staff review of it prior to the staff report being written. Since we will need to start writing our staff report on October 7, please make sure all information is submitted on or before Wednesday, October 2.

Please call if you have any questions about this matter.

Sincerely,

Louise Olivarez
Senior Planner

LO/lw

cc: Maurice & Allie M. Caster, P. O. Box 10, Kechi, KS 67067
Larry Henry, USDA Soil Conservation Service, 4100 W. Maple, Wichita,
KS 67209
Ron Worley, County Zoning Administrator
Claude Sullard, 7150 W. 45th Street North, Wichita, KS 67205
Howard Buhrle, 6813 W. 45th Street North, Wichita, KS 67205
Kenny Hill, Poe & Associates, ~~P. O. Box 11105~~, Wichita, KS 67202
434 N. Oliver Suite 110 67208



United States
Department of
Agriculture



Soil
Conservation
Service

Maurice L. & Allie M. Caster
P.O. Box 10
Kechi, Kansas 67067

Re: **CU-288**- Conditional use
permit south side of 45th
Street North in an area
west of Hoover.

Dear Mr. & Mrs. Caster:

Martin E. Updegraff contacted me about the removal of topsoil from your land. He indicated you plan to remove 1" to 18" of topsoil at the rate of 2 to 3 acres per year. He also indicated you plan to stockpile the topsoil for use during the year.

I would recommend the topsoil be removed and stockpiled in the summer each year. The area where topsoil is removed should be tilled and planted to wheat in the fall. It would be beneficial to add organic matter like cow manure to the soil the first year. Normal farming should be followed after the first year on all areas where topsoil has been removed.

If you have further questions, feel free to contact me at 4100 W. Maple or 942-8422.

Sincerely,

Larry L Henry
Larry Henry
District Conservationist

LLH: te

cc: Martin E. Updegraff, Attorney at -Law, 608 N. Broadway, Wichita, Kansas 67214

Wichita- Sedgwick County MAPD, City Hall, 10th floor, 455 N. Main St., Wichita, Kansas 67202

RECEIVED

SEP 18 1985

METROPOLITAN PLANNING
ROUTE



The Soil Conservation Service
is an agency of the
Department of Agriculture



SEDGWICK COUNTY, KANSAS

DIVISION OF BUILDING INSPECTIONS,
PLANNING AND ZONING

Ron R. Worley
Division Director

1248 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

September 12, 1985

Maurice L. and Allie M. Caster
P.O. Box 10
Kechi, KS 67067

Ref: CU-288. Application for conditional use permit South
of 45th North in an area West of Hoover.

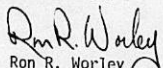
Dear Mr. and Mrs. Caster:

This letter is to confirm our phone conversation of this morning,
Thursday, September 12, 1985, during which we discussed the
business equipment you have parked on the land on which you have
applied for CU-288, and the topsoil removal which has taken place
since August 22, 1985.

As per our conversation this is notice to Cease and Desist from
any and all removal of top soil from this property in violation
of the current R-1, Suburban Residential, zoning.

This order will remain in effect until such time as CU-288 or
other appropriate zoning has been approved by the Board of
Sedgwick County Commissioners.

Thank you for your attention to this matter.


Ron R. Worley
Zoning Administrator

RRW:ls

cc. Jack Galbraith, MAPD
Don Gragg, 1st District County Commissioner

V-133-85

RECEIVED

SEP 13 1985

METROPOLITAN PLANNING

ROUTE _____

September 9, 1985

Martin E. Updegraff
Attorney-at-Law
608 North Broadway
Wichita, Kansas 67214

RE: CU-288 - Conditional Use request for topsoil removal

Dear Mr. Updegraff:

At your request, the above-referenced case will not be reviewed by the Metropolitan Area Planning Commission on September 19, 1985, as previously scheduled, but will be deferred for two weeks to their meeting of October 3, 1985. The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

The information requested in our letter of August 26, 1985, will need to be submitted to the Planning Department no later than September 23 in order to meet the new hearing date. If you have any questions about this matter, please call.

Sincerely,

Louise Olivarez
Senior Planner

LO/lw

cc: Maurice & Allie M. Caster, P. O. Box 10, Kechi, KS 67067
Larry Henry, USDA Soil Conservation Service, 4100 W. Maple, Wichita,
KS 67209
Ron Worley, County Zoning Administrator
Claude Sullard, 7150 W. 45th Street North, Wichita, KS 67205
Howard Buhrie, 6813 W. 45th Street North, Wichita, KS 67205
Kenny Hill, Poe & Associates, ~~P. O. Box 11185~~, Wichita, KS ~~67202~~

WICHITA - SEDGWICK COUNTY
W.S.C.
METROPOLITAN AREA PLANNING
COMMISSION

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

August 26, 1985

Maurice L. & Allie M. Caster
P. O. Box #10
Kechi, Ks. 67067

Re: CU-288 - Conditional Use Permit
South side of 45th Street North
in an area west of Hoover.

Dear Mr. & Mrs. Caster:

At its regular meeting of August 22, 1985, the Metropolitan Area Planning Commission considered the above-captioned case. There were a number of questions on this removal of topsoil operation, specifically as to how the area might be used after your operation is completed. Concern was also expressed as to the depth of water table and as to the type of vegetative covering that can be maintained on the property as the topsoil is removed. The action of the Planning Commission was to defer this case for four weeks so that you could attempt to resolve the following:

- a. Submission of 12 copies of a topographic survey by a licensed surveyor or engineer establishing an appropriate bench mark and delineating the existing elevations throughout the application area.
- b. Submission of 12 copies of a proposed redevelopment plan. Such plan is to indicate how the land might be developed after the topsoil operation ceases. How the land can and will be rehabilitated. A planting plan for maintenance of a vegetative cover on the land as topsoil is removed.
- c. Core drill data and spot sampling of the depth of water table.

We would suggest that you contact an engineer or surveyor and have them do the redevelopment plan and the topographic survey. Also, you should contact Larry Henry of the Soil Conservation Service (942-8422) and work out a plan for maintaining a cover on the property. Whether or not the property will be able to be farmed after the removal, or some type of grass can be planted is the type of requested information.

WICHITA—SEDGWICK COUNTY

This case will be scheduled for reconsideration by the Planning Commission on September 19, 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. If you have any questions, please call.

Sincerely,



Jack H. Galbraith
Chief Planner

JHC:sad

cc: Larry Henry, USDA Soil Conservation Service, 4100 W. Maple,
Wichita

Ron Worley, County Zoning Administrator
Claude Sullard, 7150 W. 45th Street North, Wichita
Howard Buhrle, 6813 W. 45th Street North, Wichita

RE: AGENDA ITEM NO. 3

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

REVISED STAFF REPORT

CU-288 - CONDITIONAL USE FOR TOPSOIL REMOVAL

Generally located on the south side of 45th Street North in an area west of Hoover.

MAPC HEARING DATE: 8-22-85

Acres: 64

Size: 1315' x 2300'

Reason: To extract and remove topsoil

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R-1"
North	Agriculture, one-family dwelling	"R-1"
South	K-96 highway, agriculture, CU-276 sand extraction	"R-1"
East	One-family dwelling, agriculture	"R-1"
West	Agriculture	"R-1"

History: None

Applicant: Maurice L. & Allie M. Caster, P. O. Box 10, Kechi, Ks. 67067

COMMENTS:

1. The applicant is requesting a conditional use approval to extract and remove topsoil on approximately 64 acres of land zoned "R-1" Suburban Residential. According to the attached letter, topsoil to a depth of approximately one foot overall is expected to be removed at a rate of 3 acres per year. The applicant has indicated that farming practices will continue on the acreage on which the topsoil removal is not occurring.
2. The Soil Conservation Service has indicated that, in this general area topsoil depth varies at about 18 inches. After topsoil removal, it is unlikely that the land could be utilized as productive farmland unless the land is heavily fertilized and organic material is allowed to accumulate. In addition the Soil Conservation Service recommends planting a ground cover as soon as possible after topsoil removal.
3. The County Zoning Administrator's Office has indicated concerns as to the water table in the area, the drainage of the site as well as establishing a benchmark as a reference point in monitoring the depth of topsoil removal. A topographic survey of the property will establish the existing grade and determine an appropriate benchmark in which to monitor the maximum depth of topsoil removal as the operation continues. Adequate drainage of the land should be maintained to prevent the ponding of water.
4. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to the case going to the Board of County Commissioners.

- b. The applicant shall submit to the Planning Department four copies of a topographic survey of the property by a licensed surveyor or engineer establishing an appropriate benchmark and delineating the existing elevations throughout the application area before the case is forwarded to the Board of County Commissioners.
 - c. The depth of topsoil excavation shall not exceed 1.5 feet below the existing grade and in no event shall excavation be to the water table.
 - d. If at any time the water table is exposed or material other than topsoil (i.e. subsoil, sand, etc.), is removed it will be in violation of the resolution and the conditional use shall become null and void.
 - e. Only equipment used in stripping topsoil shall operate on this site. At no time shall other construction equipment and materials be stored on the premise. Equipment used in association with standard farming practices is allowed. Once the topsoil removal operation has ceased, all equipment shall be removed from the property.
 - f. This conditional use permit is only for the extraction and removal of topsoil. No other material shall be extracted from the application area unless the applicant was to apply for and received a new conditional use permit.
 - g. No area shall remain without ground cover for more than 120 days after topsoil removal and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to minimize soil erosion.
 - h. Proper drainage of the site both during and after topsoil removal will be maintained to the specifications of the County Public Works Department.
 - i. Once the topsoil removal operation has ceased, all construction equipment shall be removed from the property.
-

RE: AGENDA ITEM NO.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-288 - CONDITIONAL USE FOR TOPSOIL REMOVAL
Generally located on the south side of 45th Street North in
an area west of Hoover.

MAPC HEARING DATE: 8-22-85

Acres: 64

Size: 1315' x 2300'

Reason: To extract and remove topsoil

	<u>Land Use</u>	<u>Zoning</u>
Existing	Agriculture	"R-1"
North	Agriculture, one-family dwelling	"R-1"
South	K-96 highway, agriculture, CU-276 sand extraction	"R-1"
East	One-family dwelling, agriculture	"R-1"
West	Agriculture	"R-1"

History: None

Applicant: Maurice L. & Allie M. Caster, P. O. Box 10, Kechi, Ks. 67067

COMMENTS:

1. The applicant is requesting a conditional use approval to extract and remove topsoil on 64 acres of land zoned "R-1" Suburban Residential. Topsoil to a depth of approximately one foot overall is expected to be removed at a rate of 3 acres per year. The applicant intends to farm the acreage upon which the topsoil extraction is not occurring. In addition, ground cover will be planted in the subsoil to minimize blowing soil.
 2. A recommendation of approval by the Planning Commission should include the following conditions:
 - a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for 45th Street North prior to the case going to the Board of County Commissioners.
 - b. The depth of the excavation shall not exceed 1.5 feet below the existing grade and in no event shall excavation be to the water table.
 - c. No area shall remain without ground cover for more than 120 days after topsoil removal and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to minimize soil erosion.
 - d. Proper drainage of the site both during and after topsoil removal will be maintained to the specifications of the County Public Works Department.
 - e. Once the topsoil removal operation has ceased, all construction equipment shall be removed from the property.
-

MAILING ADDRESS
P.O. Box Number 10
KECHI, KANSAS 67067
(316) 838-6215

CASTER EXCAVATING

OFFICE ADDRESS
6609 N. WOODLAWN
WICHITA, KANSAS 67220
(316) 744-0597

July 15, 1985

To: *Wichita-Sedgwick County Metropolitan Area Planning Commission*
Re: *Conditional Use Permit*

Gentlemen:

We request this Conditional Use Permit specifically for the use of extracting and removing topsoil, which is a part of our business - sale of topsoil. We have core drilled the property in several locations and find the topsoil to be of a depth ranging from 1' to about 18" as an average. The sub-soil is approximately 2' deep as an average. We have been purchasing topsoil by the acre and use approximately 3 acres per year; therefore it will take us approximately 20 years to cover the whole acreage of 64 acres. We intend having the same farmer farm the acres we are not extracting topsoil from, and we can plant ground cover in the sub-soil beneath the topsoil in order to keep the ground from blowing.

We intend to keep the ground level, there will be no pits excavated, and the whole acreage will be kept in a condition such that will promote proper drainage and will not drain on roadways or other adjacent properties. We expect to extract topsoil to a depth of approximately one foot overall. At this time, there are a couple of high points which will be leveled out so that the complete 64 acres is level and without contours.

CASE NO. CU-288

10	"Notices to adjoining property owners mailed on 8-8-85 for MAPC meeting on 8-22-85.
1	One to Applicant.
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Glen, Terry and Louise.

17	TOTAL
----	-------

CASE NO. CU-288

Conditional Use Permit to Extract and Remove Topsoil
on Property Zoned "R-1" Suburban Residential District

Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th Street North in an area west of Hoover.

10x113+3+1=18

From <i>Ron Worley David Lyne</i>	To <i>Louise Olivarez M.A.P.D.</i>
Subject <i>Conditional Use Permit for Topsoil Removal</i>	Date <i>7-23-85</i>
Message <i>On 7-22-85 an application was submitted for a conditional use permit for topsoil removal on the following property: Sect 2 and the SW 1/4 NE 1/4 27-265-1W 4th 6.56 Acres for state highway. Generally located on the south side of 45th St. North in an area west of Hoover. 64th Ave. A letter of explanation (copy attached) accompanied the request. This request will be on MAPC agenda 8-22-85. Please provide any comments you may have by August 5, 1985.</i>	
Reply	SIGNED <i>Louise Olivarez</i> DATE _____

47-223
 NATIONAL Made in U.S.A.

SIGNED
 RETURN THIS COPY TO SENDER

APPLICATION FOR CONDITIONAL USE PERMIT

CU-288

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 Maurice L. and Allie M. Caster ✓
 ADDRESS P.O. Box #10, Kechi, Ka. Zip Code 67067 PHONE 838-6215
 AGENT Self
 ADDRESS _____ Zip Code _____ PHONE _____

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~~ Extract and remove topsoil on
property zoned "R-1" Suburban Residential and (use)
~~on property~~ legally described as Lot(s) See Below
 _____, Block(s) _____
 of the _____ Addition.

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

*OK for
 legal*

Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 Acres taken therefrom for State Highway purposes.

- B. There are 64 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5052A Zoning (N)R-1 (S)R-1 (E)R-1 (W)R-1 MAPC 8-2285

T9-333-2

Revised 1/85

*Admission in Eagle/Beacon
 no later than 8-1-85*

3. X This property is located at (address) on 45th St. North between Ridgely
and Hoover Roads.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

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

✓ B. On the South side of 45th St. North ^{in an area west of Hoover} (Ave.) Street between _____ (Ave.) Street and _____ (Ave.) Street.

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

To extract and remove topsoil. (See Attached)

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.

Maurice S. Carter
APPLICANT'S SIGNATURE

BY None
AUTHORIZED AGENT (IF ANY)

Alicia M. Carter
APPLICANT'S SIGNATURE

BY None
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 3:00 (AM, PM) on 7-22-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500⁰⁰.

Louise Oliveira Name
Sr. Planner Title

OWNERSHIP LIST

Tract Description	Property Owner
<i>application added</i> Government Lot 2 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West except 6.56 acres taken for state highway.	Maurice L. Caster Allie M. Caster 6609 N. Woodlawn Wichita, KS 67208
Government Lot 5 in Sec. 27, Twp. 26, Rge. 1 West.	✓ Leland C. Rennick Helen J. Rennick 5922 W. 45th St. North Wichita, KS 67205
North 208.71' of the West 417.42' of Government Lot 1 in the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West.	✓ Dick G. Helt Ruby E. Helt 5911 W. 45th St. North Wichita, KS 67205
Government Lot 1 in the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West, EXCEPT	Cash M. Sandusky Hallie Sandusky Address Unknown
The North 208.71' of the West 417.42'.	✓ <i>4. Marc Sandusky RR # 4 Box 144A Bentonville, Ar. 72712</i>
AND EXCEPT	
Beginning at a point 420' South of the NE/c of said Government Lot 1, th. South along the East line of said Government Lot 1 140'; th. West parallel with the North line of said Government Lot 1 311.14'; th. North 140'; th. East 311.14' to the p.o.b., exc. East 30' for road.	
AND EXCEPT	
Beginning at a point 395' South of the NE/c of Government Lot 1 in said NE $\frac{1}{4}$; th. South along the East line of said Government Lot 1, 25'; th. West parallel with the North line of said Government Lot 1, 311.14'; th. North 25'; th. East 311.14' to beginning, exc. East 30' for road.	
AND EXCEPT	
Beginning at a point 560' South of the NE/c of said Government Lot 1; th. South 140'; th. West parallel with the North line of said Government Lot 1, 311.14'; th. North 140'; th. East 311.14' to the point of beginning, exc. East 30' for road.	
AND EXCEPT	
Beginning at a point 280' South of the NE/c of said Government Lot 1; th. South 115'; th. West parallel with the North line of said Government Lot 1, 311.14'; th. North 115'; th. East 311.14' to the p.o.b., exc. East 30' for road.	

Tract Description	Property Owner
The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West, EXCEPT	<i>OK</i> Cash M. Sandusky Hallie Sandusky Address Unknown
Beginning 300' North of the SE/c of the NE $\frac{1}{4}$ of said Sec.; th. West parallel to the South line of the NE $\frac{1}{4}$ 130'; th. North 150'; th. East 130'; th. South 150' to p.o.b.	
AND EXCEPT	
Beginning at a point 1100' North of the SE/c of the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West; th. West 208'; th. North 208'; th. East 208'; th. South to the p.o.b.	
AND EXCEPT	
That part in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West deeded for state highway.	
The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West.	Associated Materials and Supply Co. Inc. Mulvane, KS 67110 <i>6015 N. Broadway, 67204</i> <i>Starnes Construction</i> Dean W. Nicholson Pauline Nicholson 4106 N. 71st West Wichita, KS 67205
The NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West EXCEPT	
Beginning 680' South of the NW/c of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 27, Twp. 26 South, Rge. 1 West of the 6th P.M.; th. South 208.71'; th. East parallel with the North line of said SW $\frac{1}{4}$, 208.71'; th. North 208.71'; th. West parallel with the North line of said SW $\frac{1}{4}$ 208.71' to the p.o.b.	
AND EXCEPT	
That part in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West, deeded for state highway.	
E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West except that part deeded for state highway.	Aleen Biby Charles W. Biby 937 W. 50th North Wichita, KS 67204
W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 27, Twp. 26, Rge. 1 West except part deeded for state highway.	Larry Woodard Marsha Woodard 6607 W. 45th North Wichita, KS 67205
S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 26, Rge. 1 West.	Leland C. Rennick Helen J. Rennick 5922 W. 45th St. North Wichita, KS 67205
West 184.5' of the East 508' of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 22, Twp. 26, Rge. 1 West. <i>PK-179-2</i>	Arch D. Sullard Address Unknown Life Estate: Marie Sullard 6416 W. 45th North Wichita, KS 67205

Tract DescriptionProperty Owner

S $\frac{1}{2}$ of the East 323.5' of
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Sec. 22, Twp. 26, Rge. 1 West.

? Cecelia M. Baldwin
Address Unknown

Life Estate:
Marie Sullard
ok 6416 W. 45th North
Wichita, KS 67205

N $\frac{1}{4}$ of the East 323.5' of
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Sec. 22, Twp. 26, Rge. 1 West.

? Vivian M. Nicholson
Address Unknown

Life Estate:
Marie Sullard
ok 6416 W. 45th North
Wichita, KS 67205

Beginning at the SW/c of the E $\frac{1}{2}$
of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 22,
Twp. 26, Rge. 1 West; th. North
1355.85' to the North line of
the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 22;
th. East 508'; th. South 680.66';
th. East 309.48'; th. South 670'
to the South line of Sec. 22; th.
West 818.05' to beginning.

✓ Claude Sullard
Carolyn Sullard
7150 W. 45th North
Wichita, KS 67205

PK-179-1

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

Government Lot #2, and the Southwest Quarter
of the Northeast Quarter of Section 27, Township
26 South, Range 1 West of the 6th P.M., except
6.56 acres taken for state highway.

as shown by the last deed of record on file in the Office of the
Register of Deeds, Sedgwick County, Kansas, on the 18th day of
July, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Sable

Sr. Vice-President

Order No: 348810

nj

11-15-85

info for County Clerk's
Real Estate Records

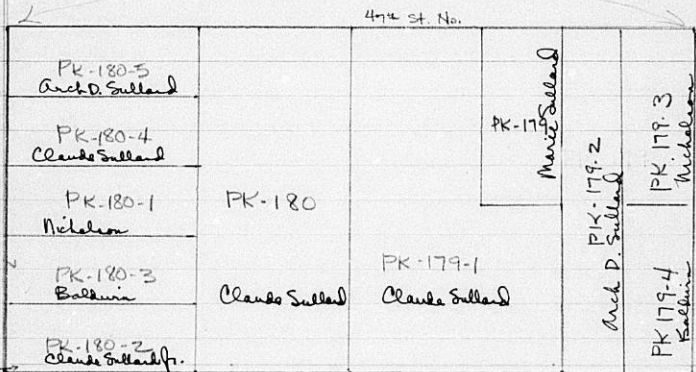
PK-177 S¹/₂ SE¹/₄ 22 ex. S. 31.69 Acres

PK-177-1 S. 31.69 Acres SE¹/₄ 22

Sec 22

PK-88 S¹/₂ SW¹/₄ ^N looks like:

2640



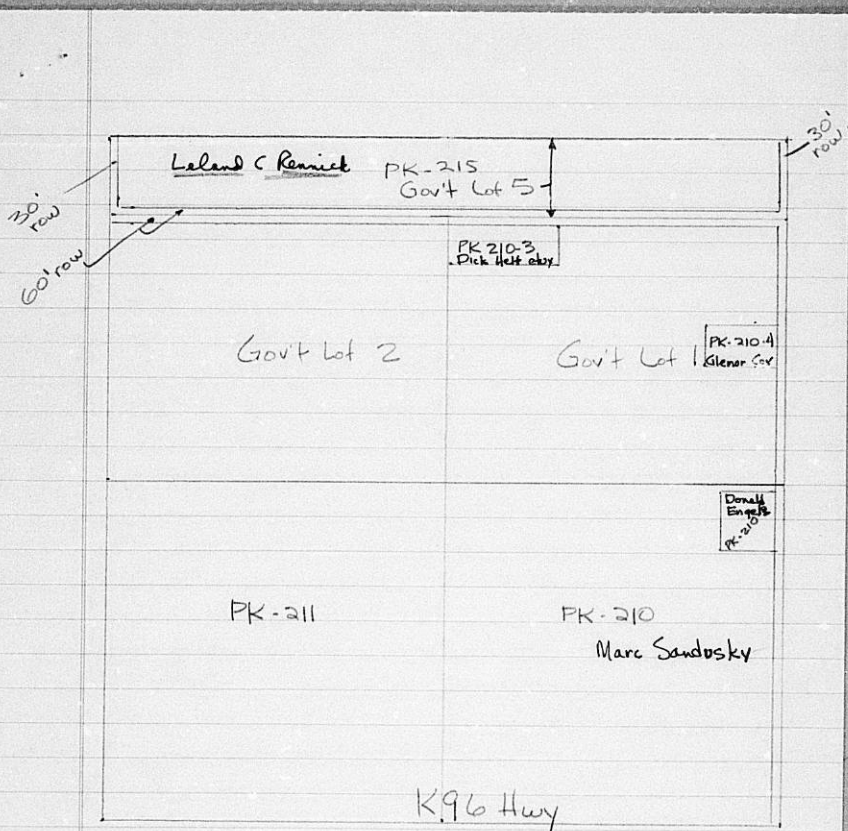
~~PK-10E NE¹/₄ 27, looks like:~~

*see page
next page*

Claude Sulland & Claude Sulland Jr. same
(7150 W. 45th St. No.)

Claude D. Sulland

4720 N. Ridge Rd.

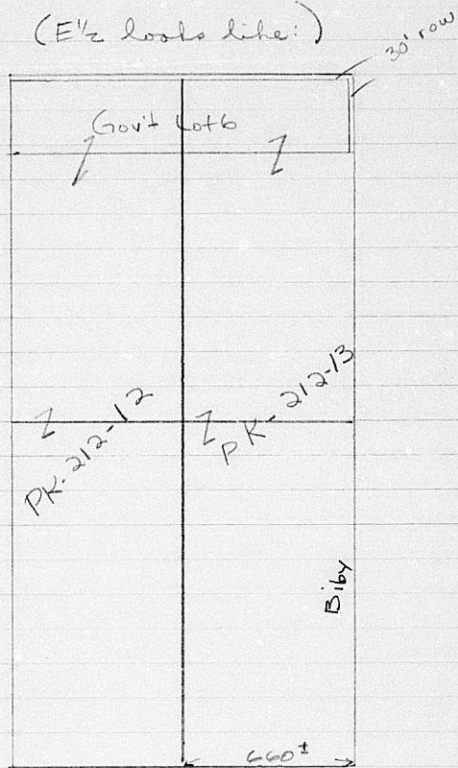


PK-105

NE 1/4 27

PK-211 Gov't lot 2 + SW 1/4 NE 1/4 etc 6.50 A for hwy listed in Lela Tonkelsen

PK-106 NW¹/₄ 27 (E¹/₂ looks like:)



PK 212-12 W¹/₂ E¹/₂ NW¹/₄ sec hwy
Larry Woodard et ux

PK 212-13 E¹/₂ E¹/₂ NW¹/₄ sec hwy
Aleen Biby et ux

PK 179 Marie Sullard et al
beg 508' W + 670' N of SE cor SW $\frac{1}{4}$
W 309.48'
N 681.66'
E 308.9'
S 679.23' to beg

PK 179-1 Claude Sullard
Beg SW cor SE $\frac{1}{4}$ SW $\frac{1}{4}$
N to NW cor
E 508'
S 680.66'
E 309.48'
S 670' to beg

PK 179-2 Marie Sullard et al
W 184.5' E 508' SE $\frac{1}{4}$ SW $\frac{1}{4}$

PK 179-3 Marie Sullard et al
N $\frac{1}{2}$ E 323.5' SE $\frac{1}{4}$ SW $\frac{1}{4}$

PK 179-4 Marie Sullard et al
S $\frac{1}{2}$ E 323.5' SE $\frac{1}{4}$ SW $\frac{1}{4}$

PK-180 Claude Sullard
SW $\frac{1}{4}$ SW $\frac{1}{4}$ eye W 238.84

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-288.

Location: On the south side of 45th Street North in an area west
of Hoover.

Address: N/A.

Request: Conditional Use Permit to extract and remove topsoil on
property zoned "R-1" Suburban Residential District.

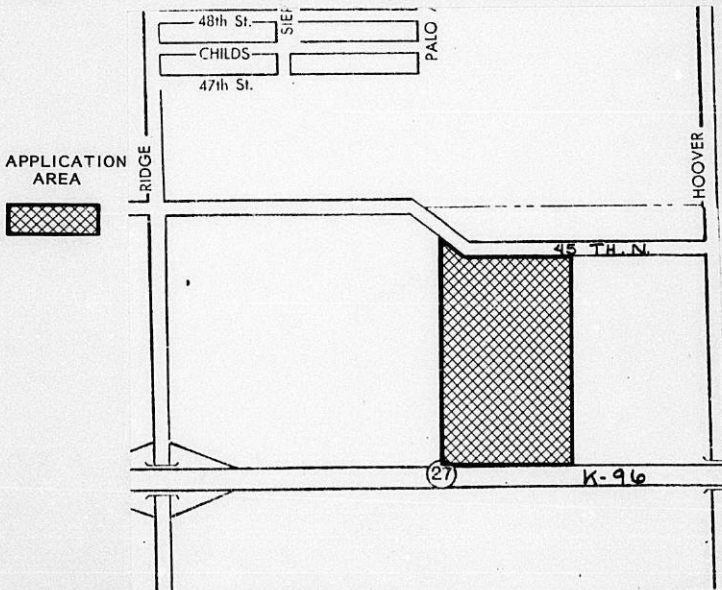
A public hearing to consider the above noted request has been scheduled
before the Wichita-Sedgwick County Metropolitan Area Planning Commission
(MAPC) on

AUGUST 22, 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.



SEE REVERSE SIDE


LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-288

Conditional Use Permit to Extract and Remove Topsoil
on Property Zoned "R-1" Suburban Residential District

Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except 6.56 acres taken therefrom for State Highway purposes. Generally located on the south side of 45th 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***

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

FORM 29-0

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
DATE	BY

CU-288

MAPC APPROVED 10-31-85
BOC APPROVED 12-18-85

TOPSOIL REMOVAL SCHEDULE
GOV'M'T LOT 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 27-26-1W
SEDGWICK COUNTY, KANSAS

STAGE NO. 1

4.63 ACRES
9175 CY TOPSOIL REMOVED
3465 CY SUBSOIL REMOVED
2490 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 1.3 YEARS

STAGE NO. 2

4.63 ACRES
3320 CY TOPSOIL REMOVED
305 CY SUBSOIL REMOVED
1195 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

STAGE NO. 3

2.20 ACRES
3600 CY TOPSOIL REMOVED
590 CY SUBSOIL REMOVED
870 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

STAGE NO. 4

1.84 ACRES
3350 CY TOPSOIL REMOVED
520 CY SUBSOIL
65 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

STAGE NO. 5

3.67 ACRES
11770 CY TOPSOIL REMOVED
4235 CY SUBSOIL
4235 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 1.6 YEARS

STAGE NO. 6

3.86 ACRES
5730 CY TOPSOIL REMOVED
210 CY SUBSOIL REMOVED
140 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.8 YEARS

STAGE NO. 7

4.06 ACRES
2680 CY TOPSOIL REMOVED
0 CY SUBSOIL REMOVED
240 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.4 YEARS

STAGE NO. 8

3.86 ACRES
540 CY TOPSOIL REMOVED
0 CY SUBSOIL REMOVED
0 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.07 YEARS

STAGE NO. 9

1.93 ACRES
2380 CY TOPSOIL REMOVED
0 CY SUBSOIL REMOVED
0 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.3 YEARS

*ESTIMATED COMPLETION TIME IS BASED ON REMOVING 7260 CY OF TOPSOIL PER YEAR.
THIS VOLUME IS EQUAL TO AN 18" DEPTH OVER A 3 ACRE AREA.

CU-288

Total Area 12,586,000 SQ. FT.
Application Area 2,706,000"
Street R/W 899,169 "
Net Area 8,980,831 "
20% of Net Area 1,796,166.2"
Net Protest Area 3,558,800"
Total % Protesting 39.6 %

L.O.

TOPSOIL REMOVAL SCHEDULE
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SEDGWICK COUNTY, KANSAS

STAGE NO. 1

4.63 ACRES
9175 CY TOPSOIL REMOVED
3465 CY SUBSOIL REMOVED
2490 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 1.3 YEARS

475 days + 975 cy

STAGE NO. 2

4.63 ACRES
3320 CY TOPSOIL REMOVED
305 CY SUBSOIL REMOVED
1195 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

- 890 cy +85

STAGE NO. 3

2.20 ACRES
3600 CY TOPSOIL REMOVED
590 CY SUBSOIL REMOVED
870 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

- 280 cy -195

STAGE NO. 4

1.84 ACRES
3350 CY TOPSOIL REMOVED
520 CY SUBSOIL
65 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 0.5 YEARS

+ 455 +260

STAGE NO. 5

3.67 ACRES
11770 CY TOPSOIL REMOVED
4235 CY SUBSOIL
4235 CY FILL REQUIRED
*ESTIMATED COMPLETION TIME 1.6 YEARS

584 days 0 +260

+260

STAGE NO. 6

3.86	ACRES			
5730	CY	TOPSOIL REMOVED		
210	CY	SUBSOIL REMOVED		
140	CY	FILL REQUIRED	+70	+330
*ESTIMATED COMPLETION TIME 0.8 YEARS		292 days		

STAGE NO. 7

4.06	ACRES			
2680	CY	TOPSOIL REMOVED		
0	CY	SUBSOIL REMOVED	-240	+90
240	CY	FILL REQUIRED		
*ESTIMATED COMPLETION TIME 0.4 YEARS		146 days		

STAGE NO. 8

3.86	ACRES			
540	CY	TOPSOIL REMOVED		
0	CY	SUBSOIL REMOVED		
0	CY	FILL REQUIRED		
*ESTIMATED COMPLETION TIME 0.07 YEARS		26 days		+90

STAGE NO. 9

1.93	ACRES			
2380	CY	TOPSOIL REMOVED		
0	CY	SUBSOIL REMOVED		
0	CY	FILL REQUIRED		
*ESTIMATED COMPLETION TIME 0.3 YEARS		109 days		+90

*ESTIMATED COMPLETION TIME IS BASED ON REMOVING 7260 CY OF TOPSOIL PER YEAR. THIS VOLUME IS EQUAL TO AN 18" DEPTH OVER A 3 ACRE AREA.

42,545 cy topsoil removed
5.97 years (6 years)

9325 cy subsoil removed
9235 cy fill required
90st cy subsoil to be removed from site

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STAGE NO. 9

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*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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