

POSTED 7-9-86 KZ

CU-294-Richard Hardison requests conditional use permit to establish a sand extraction operation & concrete batch plant between Arkan gas River and Pinaire Mobile Home Park south of Oaklawn Addition

ACTION

DATE

COMMITTEE

M.A.P.C. Special subject to conditions

7/24/86

B.C.C./B. CO. C. Approved on 10-1-86

Recommended except that 5 year was granted instead of 2 years.

Closed

DATA SHEET

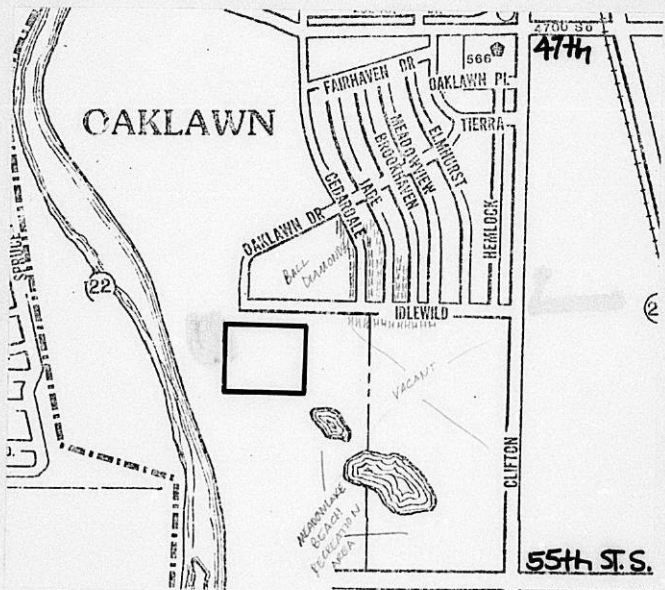
Z- _____
 SCZ- _____
 CU- 294
 DR- _____
 DP- _____
 Amend
 Case Filed: 6-25-86
 Associated Case: _____

APPLICATION DATA: Map No. 5641 B
 1. General Location: Between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition
 2. From _____ to _____
 3. Proposed Use: To Establish a Sand Extraction Operation with Concrete Batch Plant
 4. DP Name: _____
 5. Applicant: Richard T. Hardison
 Address: 5944 Jones, Lot 16, Wichita, Kansas 67217 Phone 524-6303
 6. Agent: Reiss & Goodness Engineers c/o Bob Privitera
 Address: 2160 West 21st Street North, Wichita, Kansas 67203 Phone 832-0213

AREA DATA:
 1. Acres: 10.0 (725 ft. by 800 ft.)
 2. Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
 3. Land Use: North Recreation area East Undeveloped / single family
 South Undeveloped / Swimming Lake West River

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

7-1586

Preitere said the dike is complete except at south end which should be complete in a few weeks. (according to Harrison)

All excavated sand can be used on site

Barge with sand pump

Hopes to start pumping this fall.

24.4 acre-feet required for storage in the lake for ultimate mobile home park capacity

Harrison wants 10-year time to operate

CU-294

7-14-86

Conversation with Prentera:

Floodplain over $\frac{1}{3}$ to $\frac{1}{2}$ of site.

Existing lake was an old sand pit from years ago. Needs to be enlarged to provide detention storage for the mobile home park. Prentera to get me info on # cu. yds. extraction needed.

Prentera to check with owner on time needed for batch plant and sand pit. At least (10 yrs).

Levees have been begun; may not be complete; are not certified yet.

over

Published in The Daily Reporter on October 13, 1986

RESOLUTION NO. 221-1986

CASE NO. CU-294

A RESOLUTION TO ESTABLISH A SAND EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED "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 for a sand extraction operation on property zoned "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
- D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.

- E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
- F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
- G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
- 1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3) A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- N. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.

- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease five years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

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 1st day of October, 1986.



Bernard A. Hentzen, Chairman
Bernard A. Hentzen

Tom Scott, Commissioner
Tom Scott

Absent, Commissioner
Donald E. Cragg

ATTEST:

Donnell L. Wright
Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

October 2, 1986

TO: Donald C. Gisick, City Clerk
FROM: Louise Olivarez, Senior Planner
SUBJECT: Restrictive Covenant associated with CU-294

On October 1, 1986, the Board of County Commissioners approved a conditional use permit which had as a requirement the submission of a certain restrictive covenant. The covenant has been submitted and needs to be recorded. Please record this covenant, which is attached herewith, with the Register of Deeds and bill the recording cost to the following account number: #755-68-360-5000-295-000-000.

Thanks.

LO:blw
Attachment

RESTRICTIVE COVENANT

We, the undersigned, do hereby impose upon the following described real property, to-wit:

BEGINNING 2765 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6th P.M., SEDGWICK COUNTY, KANSAS, ON THE SOUTH LINE OF OAKLAWN ADDITION EXTENDED; THENCE SOUTH AT A DEFLECTION ANGLE TO THE LEFT OF 90°00'00" OFF THE SOUTH LINE OF OAKLAWN ADDITION EXTENDED, A DISTANCE OF 600 FEET; THENCE EAST AT A DEFLECTION ANGLE TO THE LEFT OF 90°00'00" , A DISTANCE OF 725 FEET; THENCE NORTH AT A DEFLECTION ANGLE TO THE LEFT OF 90°00'00" , A DISTANCE OF 600 FEET; THENCE WEST AT A DEFLECTION ANGLE TO THE LEFT OF 90°00'00" ALONG THE SOUTH LINE OF OAKLAWN ADDITION EXTENDED, A DISTANCE OF 725 FEET TO THE POINT OF BEGINNING.

covenant to run with the land as follows;

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the above described real property or within any sand pit excavation thereon.

2. Bank stabilizations and fill materials shall include sidewalk pavement, concrete pavement, concrete pavement with asphaltic concrete overlays, and asphaltic concrete pavement. All asphaltic concrete materials shall have aged sufficiently so that the water soluble pollutants have dissipated. In no instance will asphaltic concrete exceed 15% of the total materials used.

Reinforcing materials protruding in excess of 12 inches shall not be permitted. Materials used for final grade shall have reinforcing materials clipped as close to flush as possible.

The covenant herein contained shall be binding upon the undersigned, their successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 23 day of Sept, 1986.

Richard R. Hardison
RICHARD R. HARDISON

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00

Richard T. Hardison
RICHARD T. HARDISON

OCT 13 1986

Patricia J. Hardison
PATRICIA J. HARDISON

NO. 8 38417
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

STATE OF KANSAS)
)SS
SEDGWICK COUNTY)

Ed. Ross
Deputy

BE IT REMEMBERED, that on this 23rd day of September, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Richard T. Hardison, Richard R. Hardison and Patricia J. Hardison, personally known to me to be the same persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Patricia J. Hardison
Notary Public
STATE OF KANSAS

My appointment expires January 20, 1990.

5.00

cty clerk

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

October 2, 1986

TO: Ron Worley, Zoning Administrator, Department of Planning
and Code Enforcement

FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-294 - Sand extraction and concrete batch plant west of
Pinaire Mobile Home Park

The Board of County Commissioners, on October 1, 1986, approved CU-294 as recommended by the MAPC except that the time limit for operation was increased from two years to five years. Attached for your use and files are two copies of the approved operational plan.

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

LO:blw
Attachment

Published in The Daily Reporter on _____, 1986

RESOLUTION NO. _____

CASE NO. CU-294

*Condition R
revised as per
B/C action
10-1-86*

A RESOLUTION TO ESTABLISH A SAND EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED "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 for a sand extraction operation on property zoned "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
- D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.

- E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
- F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
- G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3) A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- N. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.

- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease five years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

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
Bernard A. Hentzen

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Gragg

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-294 - CONDITIONAL USE PERMIT TO ESTABLISH A SAND EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL BETWEEN THE ARKANSAS RIVER AND PINAIRE MOBILE HOME PARK, SOUTH OF OAKLAWN ADDITION.

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

Gardner moved, Peters seconded and it carried unanimously.

- ACTION:
1. Concur with the findings of the MAPC and approve the C.U.P. subject to the recommended conditions; or
 2. Take appropriate action stating reasons.

DATA AND MINUTES

MAPC Hearing Date: 7-24-86

BCoC Hearing Date: 10-1-86

Commission District #2

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Lake & batch plant	"R-1"	600'x725'
North	Undeveloped	"R-1"	
South	Undeveloped	"R-1"	
East	Undeveloped & mobile home park	"R-1"	w/CU for mobile home park
West	Undeveloped & Arkansas River	"R-1"	

History: None.

Applicant: Richard T. Hardison, 5944 Jones, Lot 16, Wichita, KS 67217.

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 24, 1986

LEGAL:

4. Case No. CU-294 - Richard T. Hardison requests a Conditional Use Permit to establish a sand extraction operation with concrete batch plant on a tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW¼ of the SW¼ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

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

Background: The applicant is requesting a conditional use permit to establish a sand extraction operation with concrete batch plant on ten acres of land located between Pinaire Mobile Home Park and the Arkansas River south of Oaklawn Subdivision. A small lake exists on-site as a result of a sand extraction operation more than 30 years ago. A batch plant also exists and is being used in conjunction with the paving of private streets within Pinaire Mobile Home Park. The property owner has been informed that the county's land use regulations require a conditional use permit for such activity.

Analysis: The 55-acre 325-space Pinaire Mobile Home Park, although platted in 1969, has just recently begun to develop. The private streets within the park are being constructed by the owner. Sand from the lake is being used for fill on-site and for making the concrete for the streets. The lake needs to be enlarged to 24.4-acre-feet in order to provide the amount of detention storage needed to handle the drainage from a fully developed mobile home park. The only access to the lake and batch plant is through the mobile home park property. The owner has requested this conditional use permit for a period of ten years, believing it may take that long to fully develop the mobile home park.

If the Planning Commission determines that a sand extraction operation and concrete batch plant are appropriate uses for this site, the following are recommended conditions of approval:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
- D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.
- E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
- F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.

C. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

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

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- N. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- D. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease ten years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.

- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

DISCUSSION:

OLIVAREZ stated that the property to the east is currently platted as Pinaire Mobile Home Park and is being developed as a mobile home park. The property owner of that park is paving the streets himself. They are private streets within the park. He owns this property which is the application area today and wants to continue to use the sand from that sandpit, as well as continue to use the concrete batch plant which has been put there, and the purpose of the request is only for paving the streets within the mobile home park. She said the applicant has asked for a 10-year time in which he would have permission to operate this facility at that location. OLIVAREZ said staff recommended approval subject to the conditions listed in the staff report.

BOB PREVITERA, Reiss and Goodness Engineers, representing the applicant, stated that they were in favor of all of the conditions as set forth in the staff comments.

MILES asked if the batch plant had a dust collector.

PREVITERA answered that there was approximately 600 feet between the batch plant and the housing development so he didn't think a dust collector would really be necessary.

GARDNER asked Galbraith if, on sand extraction sites adjacent to mobile home parks and other populated areas, when they deal with something that has been in the past an attractive nuisance or a hazard situation, has a higher than 58-inch fence been required?

GALBRAITH responded in the negative saying that the usual height fence is being required here.

There was no one present in opposition to the application.

PARSONS said that he would like to hear from the applicant in regards to the dust collector. He felt that that was a valid point to pursue. He would like to see if the applicant would put one on.

GARDNER said that he finds some problems with the 10-year permit because once the permit is issued, the ability to go back and insure compliance in some fashion becomes very difficult. He said that he would be more inclined to approach this on a basis if it is going to be a piecemeal operation or a piecemeal development, that they look at something more like a 2-year permit that forces the applicant to be not only responsible and a good neighbor, but to come back in two years and renew the permit. It creates a situation where if a problem has existed, then they have an opportunity to address it and ascertain why it has existed if it has, or what needs to be done correction-wise. He felt that the requirement that the plant be compliant with current EPA standards was an appropriate requirement to include.

WILSON asked if there have been problems with an operation like this in that area.

RON WORLEY, County Zoning Administrator, stated that he came upon this situation not entirely by accident. He had some direction to help find it. He said that the site was pretty well isolated without any kind of paved street to it. He had some inquiry about what was in fact going on, and were those types of activities permitted and would they be continuing. WORLEY said that without a conditional use permit or some type of zone change, they would not be a permissible use. He said that he talked with the owner and applicant and discussed it and this application was filed in response to that. WORLEY said it appears that the ability to fill up this park appears to be only contingent on how fast the streets and spaces and utilities could be put in. It seemed that all of the available spaces seem to be pretty well filled up at this point.

TRENT HARDISON, owner of the property, stated that it was a small two yard plant that they had purchased from someone else and moved to that site. They have not checked into any dust collectors. They have redesigned it to match up with an existing plant that is close to it that is a modern plant. He said that they would probably pour 100 yards. They are developing the park on the demand of the people coming in wanting lots. He said that if they

could rent all of the lots in a year they would build it in a year and tear the plant down, but he did not think that was going to happen.

MILES said his concern was the dust.

HARDISON said that they had never run any concrete through the plant so he would not know what it was going to be like, but if it was going to be a problem, they would put a dust collector on it.

CROCKETT asked if the dust collectors were required by EPA.

MILES said yes, but most new plants would have the dust collectors on them already.

GARDNER asked Worley if he had anything to do with issuing building permits or something of that nature on the direction of a plant of this nature. In that process, did he ascertain whether or not they are OSHA and EPA compliant in any regard.

WORLEY, speaking from the audience, stated that the OSHA and EPA codes were separate from the uniform building code and County zoning regulations. He was not sure he had authority to require other regulations.

BAYOUTH asked Hardison if he could live with the two-year time limit.

HARDISON said yes, if he could run the full ten-year cycle, and as long as there was no complaint on environment.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved for a two-year period subject to any EPA emission requirements being complied with, and subject to the following conditions:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
- D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.
- E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
- F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
- G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height

and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

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

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- N. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease two years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be

removed from the site; and the land shall be planted with a vegetative cover.

- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

Gardner moved, Peters seconded and it carried unanimously.

Published in The Daily Reporter on _____, 1986

RESOLUTION NO. _____

CASE NO. CU-294

A RESOLUTION TO ESTABLISH A SAND EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED "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 for a sand extraction operation on property zoned "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
- D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.

- E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
- F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
- G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3) A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.
- N. Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.

- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease two years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

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
Bernard A. Hentzen

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Cragg


ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

To	Luther O. Payne 315 S. Brook Forest Derby, Ks 67037	From	Leine Oliviero Metropolitan Area Planning Dept.	
Subject	Trent Harrison's request for sand extraction & concrete batch plant		Date	7-28-86
Message	<p>Jack Halbraith asked me to keep you advised of the status of this case. Attached is a copy of the staff report which went to MAPC on July 24th and a copy of their follow-up letter. They recommended two years rather than ten years as requested by the applicant.</p> <p>Please call if you have any questions.</p>			
Reply	<p>SIGNED <i>Leine Oliviero</i> 268-4421</p> <p>DATE _____</p>			
<p> National Brand 47-223 Made in USA</p> <p>SIGNED _____</p> <p>SENDER RETAIN THIS COPY</p>				



SEDGWICK COUNTY, KANSAS
BUREAU OF PUBLIC SERVICES

1250 S. SENECA
WICHITA, KANSAS 67213-4498
(316) 268-7901

TO: Louise Olivarez, Senior Planner
Metropolitan Area Planning Department

FROM: James Weber, P.E., Engineer *JW*

DATE: October 16, 1986

SUBJ: CU-294

I have enclosed copies of the Floodplain Development Permit and Floodway Reserve Agreement for the site covered by CU-294. All requirements in this case imposed by the Bureau of Public Services have been met.

JW/sd

enclosures

RECEIVED

OCT 17 1986

METROPOLITAN PLANNING

ROUTE

SEDMWICK COUNTY KANSAS

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

Application # _____ Date _____

Building Permit # _____ Date _____

1. Name of Applicant Richard T. Hardison

2. Address of Development Site 5205 South Clifton

3. Type of Development:

Filling Grading Excavation Routine Maintenance _____

Minor Improvement _____ Substantial Improvement _____ New Construction _____

(If Applicable)

Pre-improvement Value of Structure _____ Cost of Improvement _____

4. Description of Development Sand extraction and concrete batch plant

CU-294

5. Property located in a designated Floodway? Yes _____ No

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-Year) ELEVATION.

6. Property located in a designated Floodway Fringe? Yes No _____

a) Elevation of the Base (100-year) Flood 1264 MSL/NGVD

b) Elevation/floodproofing requirement _____ MSL/NGVD

c) Elevation of the proposed development site (if known) _____ MSL/NGVD

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE FIRST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE FIRST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE FLOOD ELEVATION.

7. Source of Base Flood Elevation Data if not available on FIRM. FIRM and

Floodway Maps

Panel number of FIRM 225

8. Other permits required? Corps of Engineers 404 Permit: Yes _____ No

State Permit: Yes _____ No

Local Levee District: Yes _____ No

Local Drainage District: Yes _____ No

Other: _____

All Provisions of the Sedgwick County Kansas, Flood Damage Prevention Resolution (Resolution Number 122-86) shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this 22nd Day of Sept. 1986

Richard T. Hardison
Signature of Developer/Owner

[Signature]
Sedgwick County Kansas
Building Official & Zoning Administrator

Sedgwick County, Kansas

FLOODWAY RESERVE AGREEMENT

WHEREAS, to assure protection of the interests and safety of the public, it becomes necessary that Sedgwick County, State of Kansas, Party of the Second Part, provide flood protection and preserve the natural drainage way through the establishment of a "FLOODWAY RESERVE" within the property below described.

Block 1, Pinaire Mobile Home Park, Sedgwick County, Kansas, and Government Lot 3 in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
11:00 AM

OCT 9 1986

NO. 8 3777.0

PAT KETTLER
REGISTER OF DEEDS

*Ed. Reed
Deputy*

MICROFILMED
OF RECORD

AND WHEREAS, Richard T. Hardison, Richard R. Hardison & Patricia J. Hardison Party of the First Part, is the rightful owner of, or legal agent for, the above property;

THE PARTIES HERETO AGREE as follows: That the Party of the First Part, for himself, his heirs, executors, administrators, and assigns for mutual considerations and covenants hereby agrees with the Party of the Second Part and its successors that a FLOODWAY RESERVE over and across the following described portion of the above described tract is necessary for the protection of the health and welfare of the county. The Party of the First Part hereby places the following described portion of the above described tract in the FLOODWAY RESERVE and state that he fully understands that by placing this portion of the tract in said Floodway Reserve no human habitat may be built therein and that any other obstruction to be placed therein shall be permitted only with the approval of the Kansas State Board of Agriculture, Division of Water Resources in accordance with KSA 24-126 or the appropriate governing body:

That part of Government Lot 3 in Section 22, Township 28 South, Range 1 East of the 6th P.M., lying east of the Arkansas River, except that part platted as Pinaire Mobile Home Park, Sedgwick County, Kansas.



FURTHER, the "FLOODWAY RESERVE" shall be the responsibility of the owners of the property, Party of the First Part, until such time as the governing body exercising jurisdiction under K.S.A. 62a-301 elects to assume the responsibility for maintenance of, and improvement of drainage. Provided further that no building shall be constructed on, or within said "FLOODWAY RESERVE" nor shall any fill, change of grade, creation of channels or other work be carried on without the permission granted under K.S.A. 24-126, the Sedgwick County Engineer, or his successor.

Grantor _____, their heirs or assigns, to have full use and enjoy the premises except for, and subject to the right of the Grantee for the purpose herein granted.

DATED THIS 15th DAY OF September, 1986.

PARTY OF THE FIRST PART

Richard T. Hardison
Richard T. Hardison

Richard R. Hardison
Richard R. Hardison

Patricia J. Hardison
Patricia J. Hardison

025H

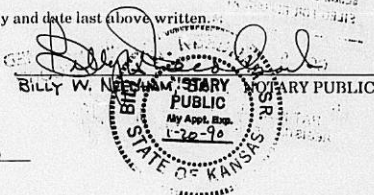
County Clerk

Dicki

STATE OF KANSAS)
SEDGWICK COUNTY) ss

I hereby certify that on this 15th day of SEPTEMBER, 1986, before me the undersigned, a Notary Public in and for the County and State aforesaid, came RICHARD T. HARDISON, RICHARD R. HARDISON AND PATRICIA J. HARDISON to me personally known to be the same person(s) _____ who signed and executed the above and foregoing instrument and duly acknowledged the execution of the same.

WITNESS my hand and Notary Seal on the day and date last above written.



My appointment expires January 20, 1990

SUBMITTED TO THE OFFICE OF COUNTY ENGINEER AND THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL ON October 8, 1986

APPROVED BY:

PARTY OF THE SECOND PART
SEDGWICK COUNTY COMMISSIONERS

David C. Spears
DAVID C. SPEARS, P.E.,
DIRECTOR, BUREAU OF PUBLIC SERVICES/
COUNTY ENGINEER

Bernard A. Hentzen
BERNARD A. HENTZEN,
CHAIRMAN

ATTEST:

Don Wright
DON WRIGHT,
COUNTY CLERK

APPROVED AS TO FORM ONLY:

Richard A. Euson
RICHARD A. EUSON,
ASSISTANT COUNTY COUNSELOR

July 25, 1986

Bob Previtara
Reiss and Goodness Engineers
2160 West 21st Street North
Wichita, Kansas 67203

Re: CU-294

Dear Mr. Previtara:

At its regular meeting of July 24, 1986, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Commission was to approve the application subject to the following conditions:

- Sample sent to Previtara 7-22-86
Received 9-24-86*
- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
 - B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services. *Wheeler said 9-22-86 that he will get me copy of permit. OK to schedule for PSC*
 - C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park. *Wheeler said 9-22-86 that agreement had been submitted*
 - D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department. *revised copies submitted 7-17-86*
 - E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
 - F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.

G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

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

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

- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
- K. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.

CU-294
July 25, 1986
Page 3

- N. ~~Concrete and asphalt mixing plants and~~ Commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease two years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

In addition to the above conditions, the Planning Commission requested you investigate and comply with any EPA emission control requirements.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, August 20, 1986 in Room 320, Sedgwick County Courthouse, provided that the conditions in condition "T" are complied with by August 6, 1986.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Trent Hardison, 5944 Jones, Lot 16, Wichita, KS 67217
Ron Worley, County Zoning Administrator

OAKLAWN IMPROVEMENT DISTRICT

524-0281

4426 HEMLOCK COURT

WICHITA, KANSAS 67216

July 14, 1986

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Hall, Tenth Floor
455 North Main Street
Wichita, Kansas 67202

RE: Case No: CU-294

Gentlemen;

The Oaklawn Improvement District Board is in support of the conditional use permit as set out in the Notice of Public Hearing dated July 10, 1986.

Sincerely,

OAKLAWN IMPROVEMENT DISTRICT

Steven A. Stickney, President

Steven A. Stickney

Ruth A. Saydeka, Secretary

Ruth Ann Saydeka

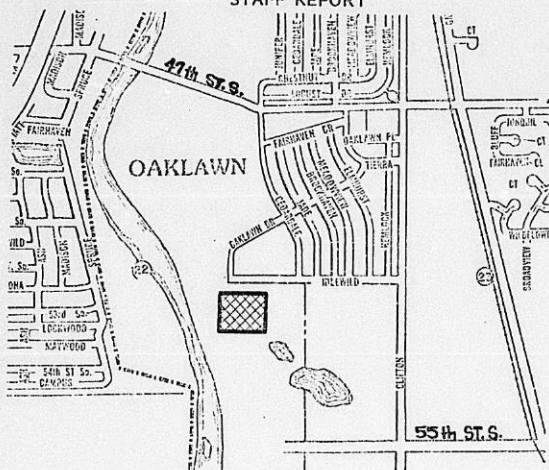
Orval Davidson, Treasurer

Orval E Davidson

*Received
7-27-86*

JULY 24, 1986

STAFF REPORT



CU-294 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A SAND
EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED
"R-1" SUBURBAN RESIDENTIAL DISTRICT.

Applicant: Richard T. Hardison, 5944 Jones, Lot 16, Wichita, KS 67217.

	Land Use	Zoning	Size
Application Area	Lake & batch plant	"R-1"	600'x725'
North	Undeveloped	"R-1"	
South	Undeveloped	"R-1"	
East	Undeveloped & mobile home park	"R-1" w/CU for mobile home park	
West	Undeveloped & Arkansas River	"R-1"	

History: None.

Background: The applicant is requesting a conditional use permit to establish a sand extraction operation with concrete batch plant on ten acres of land located between Pinaire Mobile Home Park and the Arkansas River south of Oaklawn Subdivision. A small lake exists on-site as a result of a sand extraction operation more than 30 years ago. A batch plant also exists and is being used in conjunction with the paving of private streets within Pinaire Mobile Home Park. The property owner has been informed that the county's land use regulations require a conditional use permit for such activity.

Analysis: The 55-acre 325-space Pinaire Mobile Home Park, although platted in 1969, has just recently begun to develop. The private streets within the park are being constructed by the owner. Sand from the lake is being used for fill on-site and for making the concrete for the streets. The lake needs to be enlarged to 24.4-acre-feet in order to provide the amount of detention storage needed to handle the drainage from a fully developed mobile home park. The only access to the lake and batch plant is through the mobile home park property. The owner has requested this conditional use permit for a period of ten years, believing it may take that long to fully develop the mobile home park.

If the Planning Commission determines that a sand extraction operation and concrete batch plant are appropriate uses for this site, the following are recommended conditions of approval:

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
 - B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
 - C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
 - D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.
 - E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
 - F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
 - G. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3) A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.
- The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drowth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
 - J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
 - K. All slopes shall have vegetative covering consisting of a perennial drowth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
 - M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.

- N. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease ten years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.



SEDGWICK COUNTY, KANSAS
BUREAU OF PUBLIC SERVICES

1200 S. SENECA
WICHITA, KANSAS 67213-4498
1316/268-7901

TO: Louise Olivarez, Senior Planner
Metropolitan Area Planning Department

FROM: Jim Weber, Engineer *JW*

DATE: July 17, 1986

SUBJ: CU-294

We have reviewed the draft of staff comments for conditional use case number CU-294. Items C and D should be eliminated as they only apply when development occurs in the Regulatory Floodway. The proposed site lies outside the Regulatory Floodway.

We recommend that a Floodway Reserve Agreement be obtained that covers the proposed lake as well as drainage channels and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park. This instrument should include the areas outside the application area that are required to connect Pinaire Mobile Home Park with the Big Arkansas River.

JW/sd

RECEIVED

JUL 18 1986

METROPOLITAN PLANNING
ROUTE

CASE NO. CU-294

49	"Notices to adjoining property owners mailed on 7-10-86 for MAPC meeting on 7-24-86.
2	One each to Applicant and Agent.
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Louise, Barbara and Glen.
<hr/>	
57	TOTAL

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

July 10, 1986

NOTICE OF PUBLIC HEARING

Case No.: CU-294.

Location: Between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

Address: N/A.

Request: Conditional Use Permit to Establish a Sand Extraction Operation with Concrete Batch Plant on Property Zoned "R-1" Suburban Residential District.

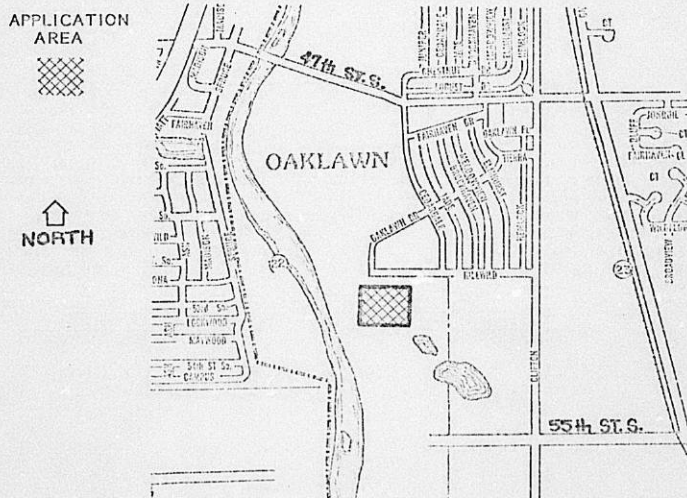
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

JULY 24, 1986

The meeting will begin at 1:30 p.m. in the 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

CASE NO. CU-294

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

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as: beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

Most Restrictive
↑
↓
Least Restrictive

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

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

() Published in The Eagle Beacon on July 2, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, July 24, 1986, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following applications:

CASE NO. CU-294

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

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

CASE NO. CU-296

Conditional Use Permit for a Cellular Mobile Telephone Tower 299 Feet in Height and an Associated Equipment Building on Property Zoned "R" Rural Residential District

That part of the NW $\frac{1}{4}$ of Section 5, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner thereof; thence north, along the west line of said NW $\frac{1}{4}$, 0.50 feet; thence east, at right angles, 70.24 feet for a place of beginning; thence north, at right angles, 405 feet; thence east, at right angles, 463.01 feet; thence south at right angles, 405 feet; thence west, at right angles, 463.01 feet to the place of beginning. Generally located east of 199th Street West approximately $\frac{1}{2}$ -mile south of 29th Street North.

CASE NO. CU-297

Conditional Use Permit for a Cable T.V. Tower 56 Feet in Height on Property Zoned "R-1" Suburban Residential District

Beginning at the southwest corner of Section 16, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence east 708.43 feet; thence north 630.21 feet to the point of beginning; thence continuing north 147.58 feet; thence east 147.58 feet; thence south 147.58 feet; thence west 147.58 feet to beginning. Generally located north of 47th Street South in an area east of Webb Road.

As provided in Section 17C of the Sedgwick County Zoning Regulations, the same will there be discussed and considered by the said MAPC and all persons interested in said matter(s) will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application(s) will be considered by the MAPC as by law provided.

WITNESS MY HAND AND SEAL this 30th day of June, 1986.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

CASE NO. CU-294

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

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

1992-2-27-37-341 = 58

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDCWICK 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 X Richard T. Hardison
 ADDRESS 5944 Jones, Lot 16 Zip Code 67217 PHONE 524-6303
 AGENT X Reiss & Goodness Engrs. (Bob Printers)
 ADDRESS 2160 W. 21st. Zip Code 67203 PHONE 832-0213
- 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 sand extraction operation with concrete batch plant on "R-1" property (use) on property legally described as Lot(s) _____, Block(s) _____ of the _____ Addition.

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

SEE ATTACHED SHEET

B. There are 10.0 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5641B Zoning (N) R-1(S) R-1(E)R-1(W) R-1 MAPC 7-24-86

T9-333-2

Revised 1/85

w/co for mobile home park

Eagle-Beacon 7-1-86

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

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

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

B. On the _____ side of _____ (Ave.) Street between _____ (Ave.) Street and _____ (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:
Between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

To allow sand extraction and the mixing of concrete for on site improvements at Pinaire Mobile Home Park.

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.

Richard J. Hardier
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 2:15 (AM, PM) on 6-25-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 4000.

Louise Oliver Name
Senior Planner Title

LEGAL DESCRIPTION

Beginning 2765 feet west of the northeast corner of the northwest quarter of the southwest quarter of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of $90^{\circ}00'00''$ off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of $90^{\circ}00'00''$, a distance of 725 feet; thence north at a deflection angle to the left of $90^{\circ}00'00''$, a distance of 600 feet; thence west at a deflection angle to the left of $90^{\circ}00'00''$ along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 9.99 acres, more or less.

7-15-80

Rick Wayland

524-4251

Cottage Grove

↳ 4801 Cedarvale

67216

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 38	Block 6	Oaklawn	X Irvin D. Lindsey Mary A. Lindsey 1252 Fortuna Wichita, KS 67216
Lot 39	Block 6	"	X Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 1	Block 7	"	X Gary Vernon Carrington Priscilla A. Carrington 3036 Idlewild Wichita, KS 67216
Lots 2, 3, 4 & 5	Block 7	" % Rick Wayland 7-19-54	dup Wichita Cottage Group -3535 Broadway, Suite 200 Kansas City, MO 67111 4801 Cokardale 67216
Lot 6	Block 7	"	X Lowell L. Lewis Vickie E. Lewis 5105 Brookhaven Wichita, KS 67216
Lots 7 & 8	Block 7	"	dup Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 27	Block 7	"	X William R. Tatum Bonnie E. Tatum 5044 Jade Wichita, KS 67216
Lots 28 & 29	Block 7	"	dup Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 30	Block 7	"	X Nigel P. Baynes Leslie J. Baynes 5102 Jade Wichita, KS 67216
Lot 31	Block 7	"	X Mickey E. Williams Yvette Williams 5110 Jade Wichita, KS 67216
Lot 32	Block 7	"	X Darrell D. Dodd 5116 Jade Wichita, KS 67216
Lot 33	Block 7	"	X Elmer E. Henry Sr. Mary J. Henry 5122 Jade Wichita, KS 67216
Lot 34	Block 7	"	X Veterans Administration 901 George Washington Blvd. Wichita, KS 67211
Lot 35	Block 7	"	dup Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block 8	Oaklawn	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 2	Block 8	"	X John Lawrence Freer Debra Ann Freer 5125 Jade Wichita, KS 67216
Lot 3	Block 8	"	X Charles K. Wallace 5121 Jade Wichita, KS 67216
Lots 4, 5 & 6	Block 8	"	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 7	Block 8	"	X dup Fred C. Caldwell & Nancy J. 5546 York Lane Wichita, KS 67233
Lots 8 & 9	Block 8	"	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 10	Block 8	"	X Helen Kathaleen Cleveland Scott A. Cleveland 5037 Jade Wichita, KS 67211
Lot 11	Block 8	"	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 12	Block 8	"	<i>dup</i> Fred C. Caldwell Nancy J. Caldwell 5546 York Lane Wichita, KS 67233
Lot 13	Block 8	"	X Lawrence B. Baker 3314 S. Edwards Wichita, KS 67217
Lot 14	Block 8	"	X Vivian H. Sisco Andree Sisco 5015 Jade Wichita, KS 67216
Lot 18	Block 8	"	<i>dup</i> Fred C. Caldwell Nancy J. Caldwell 5546 York Lane Wichita, KS 67233
Lot 19	Block 8	"	X Douglas E. Beckham Donna I. Beckham 3136 Hood Wichita, KS 67204
Lot 20	Block 8	"	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 21	Block 8	Oaklawn	X Randal Wayne Melson 5028 Cedardale Wichita, KS 67216
Lot 22	Block 8	"	X Jeraldine Shaw 5034 Cedardale Wichita, KS 67216
Lot 23	Block 8	"	X Thomas Page Huston 5038 Cedardale Wichita, KS 67216
Lot 24	Block 8	"	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 25	Block 8	"	X Oscar LeRoy Hudson Josephine C. Hudson 5048 Cedardale Wichita, KS 67216
Lot 26	Block 8	"	<i>dup</i> Fred C. Caldwell Nancy J. Caldwell 5546 York Lane Wichita, KS 67233
Lot 27	Block 8	"	X Marl R. Watkins #510 2330 N. Oliver Wichita, KS 67220
Lot 28	Block 8	"	X Kenneth L. Wehrs Mary H. Wehrs 5116 Cedardale Wichita, KS 67216
Lot 29	Block 8	"	X Marion L. Carlisle 5122 Cedardale Wichita, KS 67216
Lot 30	Block 8	"	X George L. Harris Marcene D. Harris 5126 Cedardale Wichita, KS 67216
Lot 31	Block 8	"	X Robert Emanuel Rohn 3006 Idlewild Wichita, KS 67216
Lot 1	Block 9	"	X Paul Louis Sipeer III 5135 Cedardale Wichita, KS 67216
Lot 2	Block 9	"	X Van O. Morgan Dorothy L. Morgan 4953 Cedardale Wichita, KS 67216
Lot 3	Block 9	"	X Marcia A. Jennings 5123 Cedardale Wichita, KS 67216
Lot 4	Block 9	"	X Robert E. Day Donna M. Day 5117 Cedardale Wichita, KS 67216

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block 9	Oaklawn	John E. Beggs Ina V. Beggs 5111 Cedardale Wichita, KS 67216 X
Lot 6	Block 9	"	George E. Reed Gail L. Reed 5101 Cedardale Wichita, KS 67216 X
Lot 7	Block 9	"	Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111 Deep
Lot 8	Block 9	"	Joe N. Mondragon Helen C. Mondragon 5039 Cedardale Wichita, KS 67216 X
Lot 9	Block 9	"	Veterans Administration 901 George Washington Blvd. Wichita, KS 67211 Deep
Lot 10	Block 9	"	Fred C. Caldwell Nancy J. Caldwell 5546 York Lane Wichita, KS 67233 Deep
Lot 11	Block 9	"	Jimmy Dee Williams Sharon K. Williams 5023 Cedardale Wichita, KS 67216 X
Lot 12	Block 9	"	Everett L. Adams Barbara E. Adams 5017 Cedardale Wichita, KS 67216 X
Lot 13	Block 9	"	Robert K. Crum Carla Crum 5011 Cedardale Wichita, KS 67216 X
Lot 14	Block 9	"	Paul E. Ritter Anna E. Ritter 5001 Cedardale Wichita, KS 67216 X
Lot 14	Block 10	"	Veterans Administration 901 George Washington Blvd. Wichita, KS 67211 Deep
Lot 15	Block 10	"	Michael Dean Hite 3101 Idlewild Wichita, KS 67216 X
Lot 16	Block 10	"	Glen E. Bradley Wilma J. Bradley 4609 White Oak Lane Fort Worth, TX 76114 X
Lot 17	Block 10	"	Charles E. Casey Kenneth R. Casey 3035 Idlewild Wichita, KS 67216 X

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 18, 19, 20 & 21	Block 10	Oaklawn	<i>dup</i> Wichita Cottage Group 3535 Broadway, Suite 200 Kansas City, MO 67111
Lot 22	Block 10	"	X Marvin L. Morris Jo F. Morris 2844 N. Fountain Wichita, KS 67220
Lot 23	Block 10	"	X William R. Turner Carol A. Turner 3125 Idlewild Wichita, KS 67216
Lot 24	Block 10	"	X Roger L. Linnebur Jo Lynn Linnebur 2222 Caroline Wichita, KS 67203
Lot 25	Block 10	"	X Robert G. Alberts Patricia S. Alberts 3201 MacArthur Rd. Wichita, KS 67216
Reserves C, D, E, F & H		"	X Oaklawn Improvement District Address Unknown
Reserve G		"	X C/O A. Wayne 1139 E. 1st Wichita, Kansas, Ct. 67216 Wichita Baptist Assn. of Churches c/o Rev. Darrell Heidner 757 N. Young Wichita, KS 67212
Lot 1		Pinaire Mobile Home Park	X Richard R. Hardison AND Patricia Hardison AND Richard T. Hardison Lot 16, 5944 Jones Wichita, KS 67217

Tract Description

Government Lot 3 lying East of Arkansas River in Section 22, Township 28, Range 1 East except part platted as Pinaire Mobile Home Park.

Same As Above

Government Lot 4 lying East of Arkansas River in Section 22, Township 28 South, Range 1 East except beginning 150 feet West of the SE/c of the SE $\frac{1}{4}$ of said Section; th. North 200 feet; th. West 125 feet; th. South 200 feet; th. East 125 feet to the point of beginning.

X
Marion B. Pinaire
Mary E. Pinaire
5553 S. Clifton, Rd. 2
Derby, KS 67037

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

A tract of land in Section 22, Township 28 South Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as Beginning 2765 feet West of the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the South line of Oaklawn Addition extended; thence South at a deflection angle to the left of 90°00'00" off the South line of Oaklawn Addition extended, a distance of 600 feet; thence East at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence North at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence West at a deflection angle to the left of 90°00'00" along the South line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 20th day of June, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

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Order No: 362098
nj

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LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-294

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

A tract of land in Section 22, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, described as beginning 2765 feet west of the northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, on the south line of Oaklawn Addition extended; thence south at a deflection angle to the left of 90°00'00" off the south line of Oaklawn Addition extended, a distance of 600 feet; thence east at a deflection angle to the left of 90°00'00", a distance of 725 feet; thence north at a deflection angle to the left of 90°00'00", a distance of 600 feet; thence west at a deflection angle to the left of 90°00'00" along the south line of Oaklawn Addition extended, a distance of 725 feet to the point of beginning. Said tract of land containing 10 acres, more or less. Generally located between the Arkansas River and Pinaire Mobile Home Park, south of Oaklawn Addition.

Most Restrictive

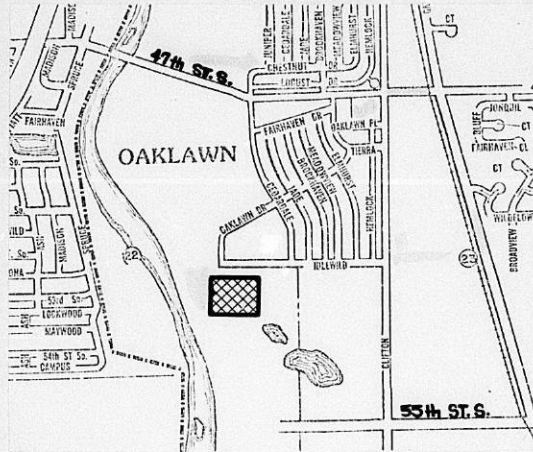
Least Restrictive

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.

JULY 24, 1986

STAFF REPORT



CU-294 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A SAND
EXTRACTION OPERATION WITH CONCRETE BATCH PLANT ON PROPERTY ZONED
"R-1" SUBURBAN RESIDENTIAL DISTRICT.

Applicant: Richard T. Hardison, 5944 Jones, Lot 16, Wichita, KS 67217.

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Lake & batch plant	"R-1"	600'x725'
North	Undeveloped	"R-1"	
South	Undeveloped	"R-1"	
East	Undeveloped & mobile home park	"R-1" w/CU for mobile home park	
West	Undeveloped & Arkansas River	"R-1"	

History: None.

Background: The applicant is requesting a conditional use permit to establish a sand extraction operation with concrete batch plant on ten acres of land located between Pinaire Mobile Home Park and the Arkansas River south of Oaklawn Subdivision. A small lake exists on-site as a result of a sand extraction operation more than 30 years ago. A batch plant also exists and is being used in conjunction with the paving of private streets within Pinaire Mobile Home Park. The property owner has been informed that the county's land use regulations require a conditional use permit for such activity.

Analysis: The 55-acre 325-space Pinaire Mobile Home Park, although platted in 1969, has just recently begun to develop. The private streets within the park are being constructed by the owner. Sand from the lake is being used for fill on-site and for making the concrete for the streets. The lake needs to be enlarged to 24.4-acre-feet in order to provide the amount of detention storage needed to handle the drainage from a fully developed mobile home park. The only access to the lake and batch plant is through the mobile home park property. The owner has requested this conditional use permit for a period of ten years, believing it may take that long to fully develop the mobile home park.

If the Planning Commission determines that a sand extraction operation and concrete batch plant are appropriate uses for this site, the following are recommended conditions of approval:

CU-294 SR

- A. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
 - B. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
 - C. A Floodway Reserve Agreement, satisfactory to the County Bureau of Public Services, shall be submitted which covers the proposed lake as well as the drainage channel and structures flowing into and out of the lake as shown on the approved drainage plan for Pinaire Mobile Home Park.
 - D. The site plan shall be revised to show the limits of the proposed extraction area (top of bank) with dimensions from the top of bank line to the property boundaries at the points closest to the boundaries. Four copies of the revised plan shall be submitted to the Planning Department.
 - E. Sand extracted from this lake and concrete made in this batch plant shall be used only for development of Pinaire Mobile Home Park.
 - F. Access to the sand extraction area and the concrete batch plant shall be through Pinaire Mobile Home Park only.
 - C. A minimum 58-inch high fence shall be constructed prior to the beginning of any excavation operation (including topsoil, overburden, and/or sand), and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - 1) A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - 2) A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3) A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.
- The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
- H. To minimize blowing soil in this area, no overburden shall be removed more than one year in advance of the lake being expanded into an area unless the ground is covered, within the next planting season, with a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - I. The earth shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
 - J. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than five horizontal to one vertical.
 - K. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - L. All of the area included in the sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
 - M. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition to minimize blowing dust.

- N. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area unless duly authorized under provisions of the County Zoning Regulations.
- O. No storage of equipment or stockpiling of sand and gravel shall be permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
- P. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate size as indicated on the approved plan.
- Q. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- R. The extraction of sand and the making of concrete on this site shall cease ten years from the date of County Commission approval of this conditional use permit, or whenever all streets within Pinaire Mobile Home Park are constructed, whichever occurs first.
- S. Within 60 days after completion of the sand extraction and concrete batch plant operations, the ground surrounding the lake shall be properly graded; all stockpiled materials and all equipment shall be removed from the site; and the land shall be planted with a vegetative cover.
- T. The applicant shall comply with conditions "A", "B", "C" and "D" prior to this request being sent to the County Commission for review.

WICHITA - SEDGWICK COUNTY

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

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FIRST-CLASS

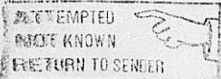


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JUL 15 1986

METROPOLITAN PLANNING
ROUTE CU-294

Charles K. Wallace
~~5121 Jade~~
Wichita, Kansas 67216



Important! Notice of Meeting Enclosed



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M. J. Ho

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455 NORTH MAIN STREET
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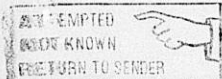


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ROUTE CU-294

Merl R. Watkins
2330 North Oliver
#550
Wichita, Kansas 67220



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WAT 30 351127N1 07/11/86

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ROUTE _____

CU-294

William R. and Bonnie E. Tatum
5044 Jade
Wichita, Kansas 67216

*GENERAL DELIVERY
LANSING, LEAVENWORTH KS
66048*

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WICHITA - SEDGWICK COUNTY

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455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

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ROUTE CU-294

Marion L. Carlisle
5122 Cedardale
Wichita, Kansas 67216

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100 S. West
67213*

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WICHITA - SEDGWICK COUNTY

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DEPARTMENT
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455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

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METROPOLITAN PLANNING
ROUTE CU-294

John L. and Debra A. Freer
5125 Jade
Wichita, Kansas 67216

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FRE 25 131217N1 07/12/86

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FORM 25-21

PAYMENT NOTICE
City of Wichita

#1

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	CU-294	

DESCRIPTION

AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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