

POSTED 4-5-85  
KR

District #3

DR 85-12 Victor Eisenring requests Special Use Permit to Establish a Rock Crusher, Pugmill &/or Concrete Batch Plant and Associated Facilities located on the south of

# ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. *Approve w/conditions* 4-18-85

~~B.C.C.~~ B. C. C. *Approve w/conditions* 5-1-85  
*include 1 year trial period*

11  
273  
1W

DATA SHEET

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
DR- 85-12  
DP- \_\_\_\_\_

Case Filed: 2-27-85  
Associated Case: \_\_\_\_\_

APPLICATION DATA: Map No. 5149D  
5050-B

- General Location: On the south side of 21st Street North, 1/3-mile east of Hoover.
- From \_\_\_\_\_ to \_\_\_\_\_
- Proposed Use: Special Use Permit to Establish a Rock Crusher, Pugmill and/or a Concrete Batch Plant and Associated Facilities on Property Zoned "R-1" Suburban Residential District
- DP Name: \_\_\_\_\_
- Applicant: Victor Eisenring  
Address 4620 West 21st Street North, Wichita, KS. 67212 Phone 943-4372
- Agent: John Pigiel c/o Gilbert Central Corp  
Address 2800 West Koenig, Grand Island, Nebraska 68802 Phone: 308-382-4995
- Proposed Use: \_\_\_\_\_

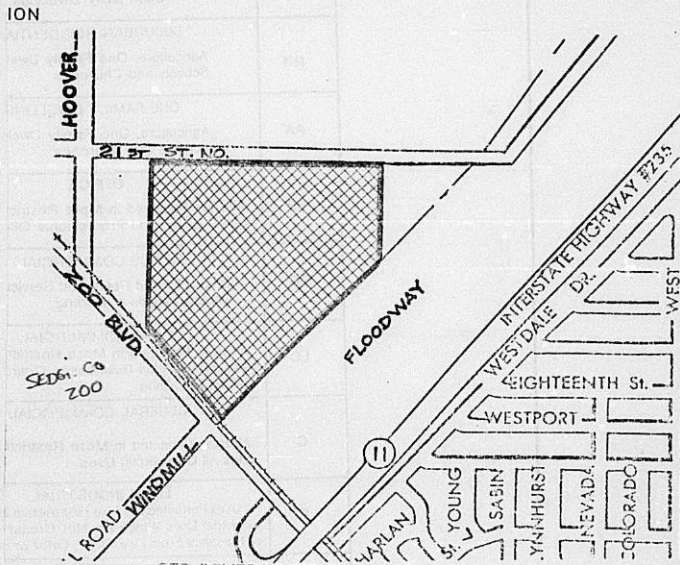
AREA DATA:

- Acres: 80+/- (<sup>77.5 acres</sup>) ft. by \_\_\_\_\_ ft.)
- Adjoining Zoning: N "R-1" S "R-1"&"R" E "R-1"&"R" W "R-1"
- Land Use: North \_\_\_\_\_ East \_\_\_\_\_  
South \_\_\_\_\_ West \_\_\_\_\_

PICTURE SHEET

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



NOTES:

T9-214-2  
Revised 4/85

**S**  
No. 2-153C  
HASTINGS, MN  
LOS ANGELES, CHICAGO, LOS AN, OH  
MEMPHIS, TX, TULSA, DALLAS, OK  
U.S.A.

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

April 8, 1985

NOTICE OF PUBLIC HEARING

Case No.: DR 85-12.

Location: South side of 21st Street North, 1/3-mile east of Hoover.

Address: N/A.

Request: Special Use Permit to Establish a Rock Crusher, Pugmill and/or a Concrete Batch Plant and Associated Facilities 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

APRIL 18, 1985

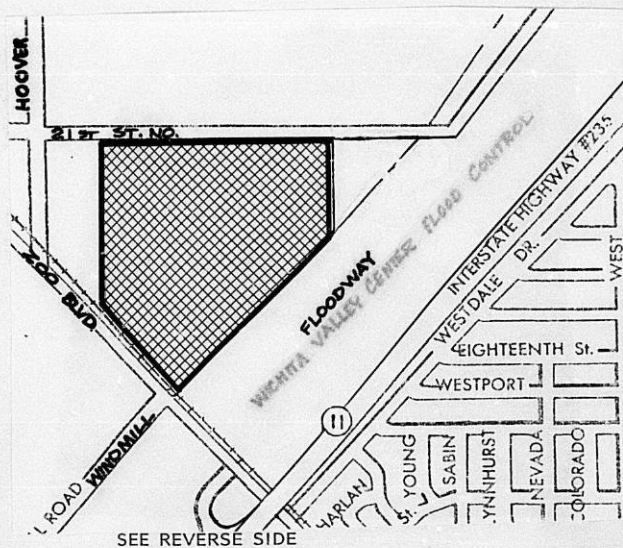
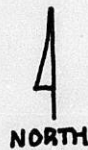
The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

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

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

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

APPLICATION  
AREA



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. DR 85-12

All of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, EXCEPT the West 500 feet. Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road.

Most Restrictive



Least Restrictive

| DISTRICT | NAME OF DISTRICT AND USES PERMITTED   |
|----------|---|
| R        | RURAL RESIDENTIAL<br>Agriculture and One Family Dwellings   |
| R-1      | SUBURBAN RESIDENTIAL<br>Agriculture, One Family Dwellings, Schools and Churches   |
| AA       | ONE FAMILY DWELLING<br>Agriculture, One Family Dwellings, Schools and Churches  |
| BB       | OFFICE<br>All Uses Permitted in More Restrictive Zones and Business and Professional Offices  |
| OC       | OFFICE COMMERCIAL<br>Offices, Limited Retail and Service Uses Operated Within a Building.   |
| LC       | LIGHT COMMERCIAL<br>All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building  |
| C        | GENERAL COMMERCIAL<br>All Uses Permitted in More Restrictive Zones Plus All Commercial Uses   |
| E        | LIGHT INDUSTRIAL<br>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<br>Any Use, Some as Conditional Uses***  |

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



RECEIVED

OCT 07 1986

MUNICIPAL PLANNING

SEDGWICK COUNTY, KANSAS

DIVISION OF BUILDING INSPECTIONS,  
PLANNING AND ZONING

Ron R. Worley  
Division Director

1248 SOUTH SENeca

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

SECOND NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION

October 3, 1986

Mr. Victor Eisenring  
4620 W. 21st N.  
Wichita, KS 67212

Re: DR 85-12, South side of 21st St. N., 1/3 mile East of Hoover.

Dear Sir:

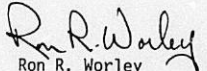
This is notice that as of October 2, 1986, your uses of the above referenced properties continue to be in violation of DR 85-12, and CU-191 zoning regulations.

Enclosed is a copy of my letter of June 25, 1986, asking you to correct these violations. Also enclosed are photocopies of photos taken at the site on October 2, 1986. They show absolutely no improvement since June 25, 1986, over three months ago.

Please consider this letter as final notice to correct these zoning violations as soon as possible but not later than October 31, 1986. This means that Sedgwick County expects the brush and wood chips to be removed or worked into the soil and that all the trash and construction equipment will be removed from this site not later than October 31, 1986.

Failure to correct these violations by this date will result in my requesting the County Commission to authorize appropriate legal action to gain compliance.

If you have further questions, you may reach me through my office at 268-7951 Monday through Friday.

  
Ron R. Worley  
Zoning Administrator

RRW:ls

Enclosures

cc: Bud Hentzen, County Commission Chairman  
Jack Galbraith, MAPD  
Jack Brown, W-SC Health Department

ZRV-044-86



**RECEIVED**

**SEDGWICK COUNTY, KANSAS**

DEPARTMENT OF PLANNING  
AND CODE ENFORCEMENT

OCT 07 1986

METROPOLITAN PLANNING  
ROUTE

**Ron R. Worley**  
DEPARTMENT DIRECTOR

1248 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

**NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION**

June 25, 1986

Mr. Victor Eisenring  
4620 W. 21st N.  
Wichita, KS 67212

Re: DR 85-12, South side of 21st St. N., 1/3 mile East of Hoover.

Dear Mr. Eisenring:

Please feel free to contact my office at 268-7951 if you need assistance or further information about this letter.

-This is notification that you are in violation of the requirements of DR 85-12, per Resolution #142-1985.

The conditions of approval of this resolution, approved on May 1, 1985, specify that this authorization for your special use permit expired on May 1, 1986. As of June 18, 1986, the contractors equipment was no longer on the property. However, as the attached photocopies of photos taken on the site show, an unfortunately large amount of trash and left over construction material is still on site in direct violation of conditions of the approval of your special use permit.

In addition, photo #4 shows that a large amount of tree trimmings or wood chips have been brought onto the site and piled high on the north property line.

Both of the above conditions are in violation of Sedgwick County Zoning on the property, your previous conditional use permit on the property, and your special use permit on the property.

Please consider this as notice to cease and desist from bringing additional materials onto this site in violation of Sedgwick County Zoning Resolutions and to immediately take steps to remove all material and equipment associated with the special use permit from the site as required by the special use permit.

Further, immediately take steps to remove the brush and wood chips which have been deposited on the site.

Mr. Victor Eisenring  
Page 2  
June 25, 1986

Please advise me as soon as possible, but not later than July 3, 1986, as to a date when you expect to be able to be in compliance with this letter and this special use permit.

If you have further questions, you may contact me at my office between 8:00 a.m. and 5:00 p.m., Monday through Friday.

*Ron R. Worley*  
Ron R. Worley  
Zoning Administrator

RRW:ls

Enclosures

cc: Jack Galbraith, MAPD  
Jack Brown, Wichita-Sedgwick County Health Department

ZRV-044-86

PS Form 3871, July 1983 447-845

**SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.

2.  Restricted Delivery.

3. Article Addressed to:

Mr. Victor Eisenring  
4620 W. 21st N.  
Wichita, KS 67212

4. Type of Service:

|   |                                  |
|---|----------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD     |
| <input type="checkbox"/> Express Mail         |                                  |

Article Number  
P173 399 206

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee  
*Victor Eisenring*

6. Signature - Agent

7. Date of Delivery  
6-27-86

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

P 173 399 206

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, Feb. 1982

\* U.S.G.P.O. 1984-448-014

|   |                      |
|---|----------------------|
| Sent to   | Mr. Victor Eisenring |
| Street and No.  | 4620 W 21st N        |
| P.O., State and ZIP Code                                      | Wichita, KS 67212    |
| Postage   | \$                   |
| Certified Fee   |                      |
| Special Delivery Fee  |                      |
| Restricted Delivery Fee                                       |                      |
| Return Receipt Showing to whom and Date Delivered             |                      |
| Return receipt showing to whom, Date, and Address of Delivery |                      |
| TOTAL Postage and Fees  | \$                   |
| Postmark or Date  |                      |



5

2



RECEIVED

JUN 30 1986

DEPARTMENT OF PLANNING  
AND CODE ENFORCEMENT

METROPOLITAN PLANNING

Ron R. Worley  
DEPARTMENT DIRECTOR

ROUTE

1248 SOUTH SENECA

WICHITA, KANSAS 67213-4498

TELEPHONE (316) 268-7951

NOTICE OF VIOLATION OF THE SEDGWICK COUNTY ZONING RESOLUTION

June 25, 1986

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Wichita, KS 67212

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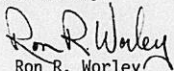
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Further, immediately take steps to remove the brush and wood chips which have been deposited on the site.

Mr. Victor Eisenring  
Page 2  
June 25, 1986

Pleas advise me as soon as possible, but not later than July 3, 1986,  
as to a date when you expect to be able to be in compliance with this  
letter and this special use permit.

If you have further questions, you may contact me at my office between  
8:00 a.m. and 5:00 p.m., Monday through Friday.

  
Ron R. Worley  
Zoning Administrator

RRW:ls

Enclosures

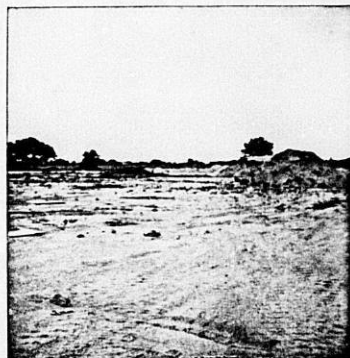
cc: Jack Galbraith, MAPD  
Jack Brown, Wichita-Sedgwick County Health Department

ZRV-044-86

MICROFILMED  
FROM THE BEST  
AVAILABLE COPY



#1



#2



#3



#4

May 8, 1985

Mr. John Pigiell  
Gilbert Central Corporation  
2800 West Koenig  
Grand Island, Nebraska 68802

RE: DR 85-11 & DR 85-12; Special use permits for operations  
associated with the repaving of I-235.

Dear Mr. Pigiell:

Enclosed are copies of resolutions approved by the appropriate governing body for the two special use permits referenced above. Please note the conditions of approval of each permit and the fact that DR 85-12 is for only the west 40 acres of the original application area.

If you have any questions about these special use permits, please contact me.

Sincerely,

Louise Olivarez  
Senior Planner

L0:blw

Enclosures

R#141-1985

RESOLUTION

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 13.F. OF THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That having received a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and proper notice having been given and hearing held and under authority of and subject to the provisions of Section 13.F. of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, a Special Use Permit to allow the temporary use of subject property for operation of a concrete batch plant, rock crusher, pug mill and the storage of contractors' equipment and material all to be associated with the rebuilding of I-235 for only one year from the date of approval by the Board of County Commissioners is hereby approved on the lands legally described below, subject to the following conditions:

Case No. DR 85-12

The west 40 acres of the following described tract:  
All of the NW-1/4 of Section 11, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, except the west 500 feet thereof.  
Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road

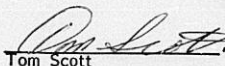
CONDITIONS OF APPROVAL:

1. All material and equipment shall be removed from the site and the site restored to its original condition upon completion of the project.
2. Any direct Zoo Boulevard access shall be for ingress only and not egress.

SECTION 2. That this Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners.

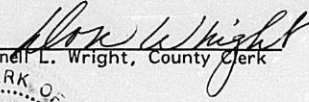
ADOPTED AT WICHITA, KANSAS, this 1<sup>st</sup> day of May, 1985.

  
Donald E. Gragg Chairman

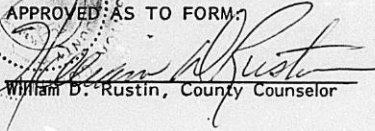
  
Tom Scott Commissioner

  
Bernard A. Hentzen Commissioner

ATTEST:

  
Donnell L. Wright, County Clerk



APPROVED AS TO FORM:  
  
William B. Rustin, County Counselor

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR SPECIAL PERMIT

DR 85-12 - SPECIAL PERMIT TO ESTABLISH A ROCK CRUSHER, PUG MILL  
AND/OR CONCRETE BATCH PLANT AND ASSOCIATED FACILITIES.  
GENERALLY LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH,  
1/3-MILE EAST OF HOOVER.

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

Bayouth moved, Gardner seconded and it carried unanimously.

- ACTION:
1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the special permit subject to the recommended conditions of approval; adopt the resolution; or
  2. Take such action as the County Commission deems appropriate.

-----  
DATA AND MINUTES

MAPC Hearing Date: 4-18-85

BCoC Hearing Date: 5-1-85

AREA DATA:

Acres: 80 (approximate)

Size: 2100' x 1400 (irregular)

Reason: To locate construction materials and equipment for use in rebuilding I-235.

|                | <u>Land Use</u>                       | <u>Zoning</u> |
|----------------|---------------------------------------|---------------|
| Existing North | Agriculture                           | "R-1"         |
| South          | Sand and gravel extraction            | "R-1"         |
| East           | Big Ditch and agriculture             | "R-1"         |
|                | Single-family, Big Ditch, undeveloped | "R-1"         |
| West           | Undeveloped                           | "R-1"         |

|          |                                 |          |      |                                 |
|----------|---------------------------------|----------|------|---------------------------------|
| History: | CU-191 Sand & gravel extraction | 11-11-76 | MAPC | Approved subject to conditions. |
|          |                                 | 12-01-76 | BCoC | Approved as recommended.        |

Applicant: Victor Eisenring, 4620 West 21st Street North, Wichita 67212

Protestors: None

-----

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 18, 1985

LEGAL:

7. Case No. DR 85-12 - Victor Eisenring requests a Special Permit for all of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, EXCEPT the West 500 feet. Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road.

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

COMMENTS:

In accordance with Section 13.F of the County Zoning Regulations, an application has been filed for a special permit for a temporary use, not to exceed the life of the contract, for a public project for the State of Kansas.

The applicant proposes to lease subject property to the contractor who was selected to reconstruct I-235. They propose to place on this area a concrete batch plant, and a rock crusher to crush for reuse the existing pavement from I-235. In addition the installation of a "pug mill" is proposed for the purpose of mixing base materials. Contractor's equipment and materials are also expected to be stored on the site. It is proposed that a special permit be granted for only the time of the contract which is expected not to exceed one year.

A recommendation of approval of this Special Use Permit to allow the temporary use of subject property for operation of a concrete batch plant, rock crusher, pug mill and the storage of contractors equipment and material all to be associated with the rebuilding of I-235 for only one year from the date of approval by the Board of County Commissioners should be subject to the following:

1. All materials and equipment shall be removed from the site and the site restored to its original condition upon cessation of the operation.
2. There shall be no access from subject property to the south to Zoo Boulevard.

DISCUSSION:

SMYTHE stated that this request was for a temporary use not to exceed the life of the contract for a public project for the State of Kansas. It is for crushing the materials from I-235 reconstruction. He said that the applicant has outlined 80 acres of land, and staff was questioning if all 80 acres were needed. SMYTHE said that staff recommended approval of the application.

VICTOR EISENRING, applicant, stated that they was not asking for the whole 80 acres, just a small part of it facing 21st Street. He explained that there was a strip on the site, about 1400 or 1500 feet to the east, and it goes back about 800 feet. He said that was where they would sit the equipment. It would not interfere with anybody. It would have access off of 21st Street to Hoover, and if it was crowded there, they could go down 21st Street and come in on Zoo Boulevard. He said that they did want one access off of Zoo Boulevard. He felt that it would be best to have them come off of Zoo Boulevard if they were not loaded and in that way it would relieve a lot of pressure on Zoo Boulevard.

WILSON asked that Eisenring furnish staff a legal description of a lesser area if he was not leasing it all to the contractor.

WILSON stated that as far as the access, they would still have to cross the railroad.

EISENRING said that the railroad crossing was already in.

SMYTHE remarked that the crossing was just an agricultural crossing. It was not an established street crossing.

WILSON asked if Eisenring would have to get railroad permission to go across.

EISENRING explained that he did not need permission from the railroad. He had bought 60 acres of the land first, then he bought the rest of the land, and in order to get to the triangular piece of land, the railroad had to give them right-of-way to get to the land.

WILSON asked if staff's objection to going out on Zoo Boulevard was because it would be another access to Zoo Boulevard.

SMYTHE said yes, it was the location of the access onto Zoo Boulevard and the proximity to the Zoo itself.

JOHN LOCKETT, Gilbert Central Company, contractor, commented that they would like to use the access as ingress only and limit it that way. He said that they would control it. They have plans of how to control it. He said that they would allow their trucks to enter at that point only, not going up to Hoover or other points on Zoo Boulevard which would interfere with their truck traffic coming back out too, and that was why they were trying to limit the traffic.

LOCKETT pointed out the batch plant site on the map and stated that they would need access through the site.

WILSON asked staff if the applicants would need zoning for a roadway through a piece of property to a site.

SMYTHE said that the special permit application would have to include that area.

LOCKETT stated that was why Mr. Eisenring included the whole area.

GARY WILEY, representing Big River Sand, stated that they really were not opposed to this request. He said that what has been shown has relieved their minds. They have an office and driveway just north of this site, and if everything stays westerly of the north-south fence, they would have no problems at all. They would request that the plant and driveway not be right across from the Big River Sand driveway and office.

CHISHOLM stated that he voted "no" a minute ago because they were going to vote on something and then they were going to turn around and have staff write up something that says "this is what we voted on". He said that he would vote "no" again because if they want him to vote on something and understand something, then they better have it presented to him in that manner. CHISHOLM said that he was not going to vote in favor of anything that would have them go back with rewrite privileges and the whole deal was different. Whether it was staff at fault in this instance or what have you, the Commission was there to make decisions on factual information. If they need another two weeks to play with this, then give them two weeks to play with it, but don't play with it here.

WILSON stated that they would accept Mr. Chisholm's negative vote, but basically what they were doing was cutting down the area at the owner's request. They were not changing anything; just not approving the entire 80 acres. The request would be confined to the 80 acres. They were not introducing any new area and not doing anything different, just cutting down the area.

CHISHOLM still maintained that that discussion belongs prior to the hearing, not during the hearing.

SMYTHE remarked that staff was just questioning why the need for 80 acres when the other site was on 40 acres. They were asking for more of an explanation of how they intended to use the site.

**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 subject property as well as nearby properties including several conditional uses permits for sand extraction; and the recommendation of approval by staff; I move that we recommend to the governing body that this request be approved for only the west 40 acres of the application area. The special permit will be for temporary use of the site for operation of a concrete batch plant, rock crusher, pug mill and the storage of contractors' equipment and material all to be associated with the rebuilding of I-235 for only one year from the date of approval by the Board of County Commissioners, subject to all materials and equipment being removed from the site and the site restored to its original condition upon completion of the project, and subject to any direct Zoo Boulevard access being for ingress only and not egress. Bayouth moved, Gardner seconded and it carried unanimously.

---

R E S O L U T I O N

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 13.F. OF THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS.

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Case No. DR 85-12

The west 40 acres of the following described tract:  
All of the NW-1/4 of Section 11, Township 27 South, Range 1 West of the 5th P.M., Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, except the west 500 feet thereof. Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road

CONDITIONS OF APPROVAL:

1. All material and equipment shall be removed from the site and the site restored to its original condition upon completion of the project.
2. Any direct Zoo Boulevard access shall be for ingress only and not egress.

SECTION 2. That this Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners.

ADOPTED AT WICHITA, KANSAS, this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_, Chairman  
Donald E. Gragg

\_\_\_\_\_, Commissioner  
Tom Scott

\_\_\_\_\_, Commissioner  
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM:

William D. Rustin, County Counselor

April 19, 1985

Victor Eisenring  
4620 West 21st Street North  
Wichita, Ks. 67212

Re: DR 85-12 - Special Permit for  
concrete batch plant, pug mill,  
and rock crusher.

Dear Mr. Eisenring:

At its regular meeting of April 18, 1985, the Metropolitan Area Planning Commission considered the above-captioned special use request. The action of the Commission was to recommend the approval of the request for only the west 40 acres of the application area. The special permit will be for temporary use of the site for operation of a concrete batch plant, rock crusher, pug mill and the storage of contractors' equipment and materials all to be associated with the rebuilding of I-235 for only one year from the date of approval by the Board of County Commissioners, subject to all materials and equipment being removed from the site and the site restored to its original condition upon completion of the project; and subject to any direct Zoo Boulevard access being for ingress only and not egress.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, May 1, 1985 in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Louise Olivarez  
Senior Planner

JHG:sad

cc: John Pigiel, Gilbert Central Corp., 2800 W. Koenig, Grand Island,  
Ne. 68802  
Ron Worley, County Zoning Administrator

RE: AGENDA ITEM NO. 7

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DR 85-12 - Special permit for concrete batch plant, pug mill, and rock crusher.  
Generally located south of 21st Street between Big Ditch and Zoo Boulevard.

MAPC HEARING DATE: 4-18-85

Acres: 80 (approximate)

Size: 2100' x 1400 (irregular)

Reason: To locate construction materials and equipment for use in rebuilding I-235.

|          | <u>Land Use</u>                       | <u>Zoning</u> |                                 |
|----------|---------------------------------------|---------------|---------------------------------|
| Existing | Agriculture                           | "R-1"         |                                 |
| North    | Sand and gravel extraction            | "R-1"         |                                 |
| South    | Big Ditch and agriculture             | "R-1"         |                                 |
| East     | Single-family, Big Ditch, undeveloped | "R-1"         |                                 |
| West     | Undeveloped                           | "R-1"         |                                 |
| History: | CU-191 Sand & gravel extraction       | 11-11-76 MAPC | Approved subject to conditions. |
|          |                                       | 12-01-76 BCoC | Approved as recommended.        |

Applicant: Victor Eisenring, 4620 West 21st Street North, Wichita 67212

COMMENTS:

In accordance with Section 13.F of the County Zoning Regulations, an application has been filed for a special permit for a temporary use, not to exceed the life of the contract, for a public project for the State of Kansas.

The applicant proposes to lease subject property to the contractor who was selected to reconstruct I-235. They propose to place on this area a concrete batch plant, and a rock crusher to crush for reuse the existing pavement from I-235. In addition the installation of a "pug mill" is proposed for the purpose of mixing base materials. Contractor's equipment and materials are also expected to be stored on the site. It is proposed that a special permit be granted for only the time of the contract which is expected not to exceed one year.

A recommendation of approval of this Special Use Permit to allow the temporary use of subject property for operation of a concrete batch plant, rock crusher, pug mill and the storage of contractors equipment and material; all to be associated with the rebuilding of I-235 for only one year from the date of approval by the Board of County Commissioners should be subject to the following:

1. All materials and equipment shall be removed from the site and the site restored to its original condition upon cessation of the operation.
2. There shall be no access from subject property to the south to Zoo Boulevard.

April 9, 1985

Mr. Ron Blakely, Director  
Sedgwick County Zoo  
5555 Zoo Boulevard  
Wichita, Kansas 67212

RE: DR 85-11 & DR 85-12: Special Use Permits for property on  
21st Street near Hoover.

Dear Mr. Blakely:

At the April 4, 1985 meeting of the Metropolitan Area Planning Commission, a special use request for part of the Ritchie Sand Company property at 6500 W. 21st Street was reviewed and recommended for approval. The special use includes a concrete batch plant, pug mill and rock crusher to be used by Gilbert Central Corporation, which has been awarded the contract for re-paving I-235. The land will be leased by Ritchie Sand to Gilbert Central for a period of time not to exceed one year. The Ritchie sand operation will be re-locating within the next few weeks to their site on north West Street. The asphalted road, north off of 21st Street, which now serves as the main access for the Ritchie sand trucks will be the access for the vehicles used by Gilbert Central for the duration of their contract. Their representative stated that they expect to complete the repaving of I-235 by November 1985.

Because of the proximity of this site to the Zoo, the Planning Commission asked that we notify you of the special use request. The Planning Commission's recommendation of approval will be reviewed by the City Commission on April 16, 1985.

A similar request by Gilbert Central Corporation for temporary use of part of Vic Eisenring's property south of 21st Street and east of Hoover will be on the April 18th Planning Commission Agenda. Use of that property for the same type operation will also be limited to one year, if approved. It is anticipated that this second request will be reviewed by the County Commission on May 1, 1985.

Ron Blakely  
Page 2  
April 9, 1985

I have enclosed a site map for each of the locations. If you have any questions or comments about these special use requests, please call.

Sincerely,

Louise Olivarez  
*Senior Planner*

LO:blw

Enclosures

CASE NO. DR 85-12

9 "Notices to Adjoining Property Owners" mailed on 4-8-85  
for MAPC meeting on 4-18-85.

2 One each to Applicant and Agent.

3 One each to Board of County Commissioners.

3 One each to Karen Crook, Ron Worley, and David Spears.

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17 TOTAL

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

April 8, 1985

NOTICE OF PUBLIC HEARING

Case No.: DR 85-12.

Location: South side of 21st Street North, 1/3-mile east of Hoover.

Address: N/A.

Request: Special Use Permit to Establish a Rock Crusher, Pugmill and/or a Concrete Batch Plant and Associated Facilities 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

APRIL 18, 1985

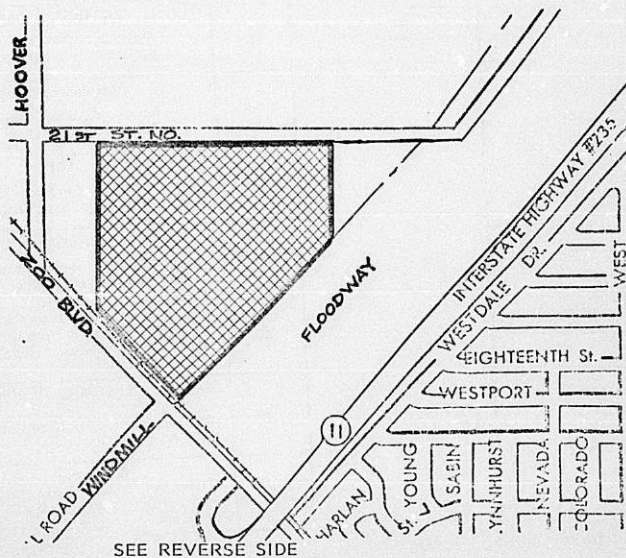
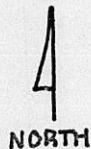
The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

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

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

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

APPLICATION  
AREA



CASE NO. DR 85-12

All of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, EXCEPT the West 500 feet. Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road.

Most Restrictive



Least Restrictive

| DISTRICT | NAME OF DISTRICT AND USES PERMITTED   |
|----------|---|
| R        | RURAL RESIDENTIAL<br>Agriculture and One Family Dwellings   |
| R-1      | SUBURBAN RESIDENTIAL<br>Agriculture, One Family Dwellings, Schools and Churches   |
| AA       | ONE FAMILY DWELLING<br>Agriculture, One Family Dwellings, Schools and Churches  |
| BB       | OFFICE<br>All Uses Permitted in More Restrictive Zones and Business and Professional Offices  |
| OC       | OFFICE COMMERCIAL<br>Offices, Limited Retail and Service Uses Operated Within a Building.   |
| LC       | LIGHT COMMERCIAL<br>All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building  |
| C        | GENERAL COMMERCIAL<br>All Uses Permitted in More Restrictive Zones Plus All Commercial Uses   |
| E        | LIGHT INDUSTRIAL<br>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<br>Any Use, Some as Conditional Uses***  |

\*\*\*Mobile Home, gas, oil and propane stoves, and other uses.

CASE NO. DR 85-12

All of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying North and East of the Missouri-Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, EXCEPT the West 500 feet. Generally located on the south side of 21st Street North, 1/3 mile east of Hoover Road.

APPLICATION FOR SPECIAL PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Special 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 VICTOR EISENBERG ✓  
ADDRESS 4620 W 21ST WICHITA KS Zip Code \_\_\_\_\_ PHONE 943-4372  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

B. APPLICANT GILBERT CENTRAL CORP ✓  
ADDRESS 2800 W KOENIG GRAND ISLAND NE Zip Code 68802 PHONE 308-382-4995  
AGENT John Pigiell PIGIEL  
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 ROCK CRUSHER, PULMILL  
& OR A CONCRETE BATCH PLANT & ASSOCIATED FACILITIES (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).

*Use legal description list*

NE 1/4 NW 1/4 911-275<sup>th</sup> & 1<sup>st</sup> W, EXCEPT FLOOD CONTROL ROW;  
PLUS S 1/2 NW 1/4 911-275<sup>th</sup> & 1<sup>st</sup> W, LYING NORTH AND  
EAST OF RAILROAD ROW EXCEPT PART TAKEN  
FOR FLOOD CONTROL; all in Sedgwick County, Kansas.

B. There are 80 ± acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5149 D Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 4-18-85

3. This property is located at (address) N/A.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the \_\_\_\_\_ corner of \_\_\_\_\_ and \_\_\_\_\_, OR

B. On the South side of 21<sup>st</sup> St. No. (Ave.) Street between 1/3 mile east of Hoover (Ave.) Street and \_\_\_\_\_ (Ave.) Street.

4. The property included in this application is zoned R-1 (ZONING DISTRICT CLASSIFICATION).

5. We request this special permit for the following reasons:

see 2A

6. 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 FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF CITY OR COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Michael B. Edwards  
APPLICANT'S SIGNATURE  
Vic SA 100 & South Co.

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 12:15 pm (AM, PM) on 3/29/85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 150<sup>00</sup>.

Louise Olivarez Name  
Sr. Planner Title

ownership list to be submitted next week

Fidelity Title  
T9-212-3 Bob Red

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN 1000 FEET OF:  
All of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying North and East of the Missouri Pacific Railroad and also lying North and West of the Big Slough-Cowskin Creek Floodway, Sedgwick County, Kansas, EXCEPT the West 500 feet.

*use for legal*



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

The North half of the Northwest Quarter of Section 11, T27S, Range 1 West, lying Northeast of the Missouri Pacific Railroad and lying Northwest of the Big Slough-Cowskin Floodway; EXCEPT the West 500 feet.

*OK* Victor B. Eisenring  
4620 W. 21st  
Wichita, Kansas 67212

*Application here*

All of the South Half of the Northwest Quarter of Section 11, T27S, Range 1 West, lying Northeasterly of the centerline of the Missouri Pacific Railroad and lying Northwesterly of the Wichita Valley Center Flood Control Right of Way,

*OK* Victor B. Eisenring  
4620 W. 21st  
Wichita, Kansas 67212

The West 500 feet of the North Half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West, EXCEPT that part thereof which lies South and West of the Southerly Right-of-Way line of the Missouri Pacific Railroad.

Lloyd B. Stewart, Emily M. Stewart, Jack C. Stewart and James M. Stewart, as Trustees of the Lloyd B. Stewart Trust created by instrument dated the 3rd day of April, 1972  
%700 Preston Trail  
Wichita, Kansas 67230

Fidelity  Title

COMPANY, INC.

DESCRIPTIONS

Beginning at the Northwest corner of the Northwest Quarter of Sec. 11, T27S, R1W; thence bearing S 89° 22' 29" E along the North line of the Northwest Quarter, a distance of 60 feet; thence bearing S 0° 04' 13" W, a distance of 238.68 feet; thence bearing S 23° 00' 00" E, a distance of 62.94 feet; thence bearing S 39° 40' 23" E, a distance of 417.37 feet; thence bearing S 4° 00' 09" E, a distance of 111.07 feet; thence bearing S 50° 07' 19" W, a distance of 51.97 feet to a point on the Easterly Right-Of-Way line of the Missouri Pacific Railroad; thence bearing N 39° 40' 23" W along said Right-of-Way line, a distance of 498.82 feet to the West line of the Northwest Quarter; thence bearing N 0° 04' 13" E, a distance of 377.93 feet to the point of beginning.



All that portion of the Northeast Quarter of Section 11, T27S, R1W, which lies North and West of the West Right of Way line of the Wichita-Valley Center Flood Control Project, condemned by the Board of County Commissioners of Sedgwick County, Kansas, for public use, known as The Big Ditch, which runs in a North-easterly-Southwesterly direction through said Quarter Section.

Southeast Quarter of the Southeast Quarter, lying North and West of the Westerly Right of Way of Flood Control, Southeast Quarter of Section 2, T27S, R1W,

Southeast Quarter of the Southwest Quarter of Section 2, T27S, R1W, EXCEPT the East half of the Southwest Quarter, EXCEPT South 50 feet for Road,

East Half of the Southwest Quarter of Section 2, T27S, R1W, EXCEPT South 50 feet for Road,

East 10 Acres of the Southwest Quarter of the Southwest Quarter of Section 2, T27S, R1W, EXCEPT the North 440 feet and the East 165 feet,

AND

A tract beginning at a point 880 feet North of the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 2, T27S, R1W, thence North 440 feet; thence West 330 feet; thence South 440 feet; thence East 330 feet to the point of beginning.

RECORD OWNERS

✓ Sedgwick County, Kansas  
525 N. Main  
Wichita, Kansas 67203


✓ Drillers Production Co., Inc.  
1116 Bitting Building  
Wichita, Kansas 67202

ok Victor B. Eisenring  
4620 W. 21st  
Wichita, Kansas 67212

✓ Foundation, Inc.  
8027 W. Kellogg  
Wichita, Kansas 67209

ok Victor B. Eisenring  
4620 W. 21st  
Wichita, Kansas 67212

✓ John F. Petersen  
5228 W. 21st  
Wichita, Kansas 67212

Fidelity  Title

COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

West 20 Acres of the East 30 Acres of the Southwest Quarter of the Southwest Quarter of Section 2, T27S, R1W,

✓ Victor B. Eisenring  
4600 W. 21st  
Wichita, Kansas 67212

West 10 Acres of the Southwest Quarter of the Southwest Quarter of Section 2, T27S, R1W,

✓ Elgin M. & Odessa M. Gupton  
2815 George Washington Boulevard  
Wichita, Kansas 67210

Beginning 677 feet North of the Southeast Corner of the Southeast Quarter of Section 3, T27S, R1W; thence West 20 rods; thence North 16 rods; thence East 20 rods; thence South 16 rods to the place of beginning.

✓ Lucille Humphrey  
2301 N. Hoover  
Wichita, Kansas 67205

North 337 feet of the South 677 feet of the Southeast Quarter of Section 3, T27S, R1W, lying East of the Missouri Pacific Railroad,

✓ James Roscoe & Cecella M. Taylor  
2203 N. Hoover  
Wichita, Kansas 67205



The South 677 feet of the Southeast Quarter of Section 3, T27S, R1W, lying East of the Missouri Pacific Railroad,

✓ J. A. & Hattie M. Taylor  
2203 N. Hoover  
Wichita, Kansas 67205

Lot 1, Block A, SEDGWICK COUNTY ZOO 2ND ADDITION,

✓ Board of County Commissioners of Sedgwick County, Kansas  
525 N. Main  
Wichita, Kansas 67203

Lot 1, Block A, UNCAPHER ADDITION,

✓ Donald E. & Kathleen M. Uncapher  
2155 N. Hoover  
Wichita, Kansas 67212

Dated at Wichita, Kansas, this 4th day of April, 1985 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

*Medina A. Sutter*  
By

Assistant Secretary

Tracer No. 68403



