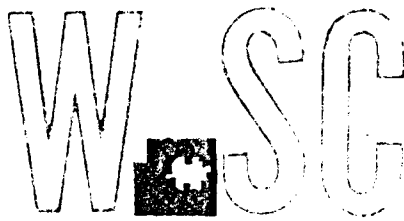


WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

May 13, 1988

Robert Helm
7777 W. 45th St. N.
Wichita, KS 67205

Re: CU-315 - Conditional Use Permit to establish a sand and gravel
extraction operation

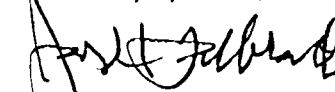
Dear Mr. Helm:

The Planning Commission at its regular meeting of May 12, 1988, considered the above-captioned case, and their action was as indicated on the attached letter.

This is to advise you that if property owners within 1000 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, May 26, 1988. If you need additional protest petition forms, they may be obtained at our office.

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

Sincerely yours,



Jack H. Galbraith
Chief Planner

JHG/jcm

cc: Russell Twist, 7301 W. 45th St. N., Wichita, KS, 67205

FILE COPY



METROPOLITAN AREA PLANNING
COMMISSION

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

May 13, 1988

Gary Wiley
Professional Engineering Consultants, P.A.
1440 E. English
Wichita, KS 67211

Re: CU-315 - Conditional Use Permit to establish a sand and gravel
extraction operation

Dear Mr. Wiley:

At its regular meeting on May 12, 1988, the Metropolitan Area Planning Commission considered the above-captioned case. The action of the Planning Commission was to recommend that this application not be approved.

This matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on Wednesday, June 8, 1988. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

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

Sincerely yours,

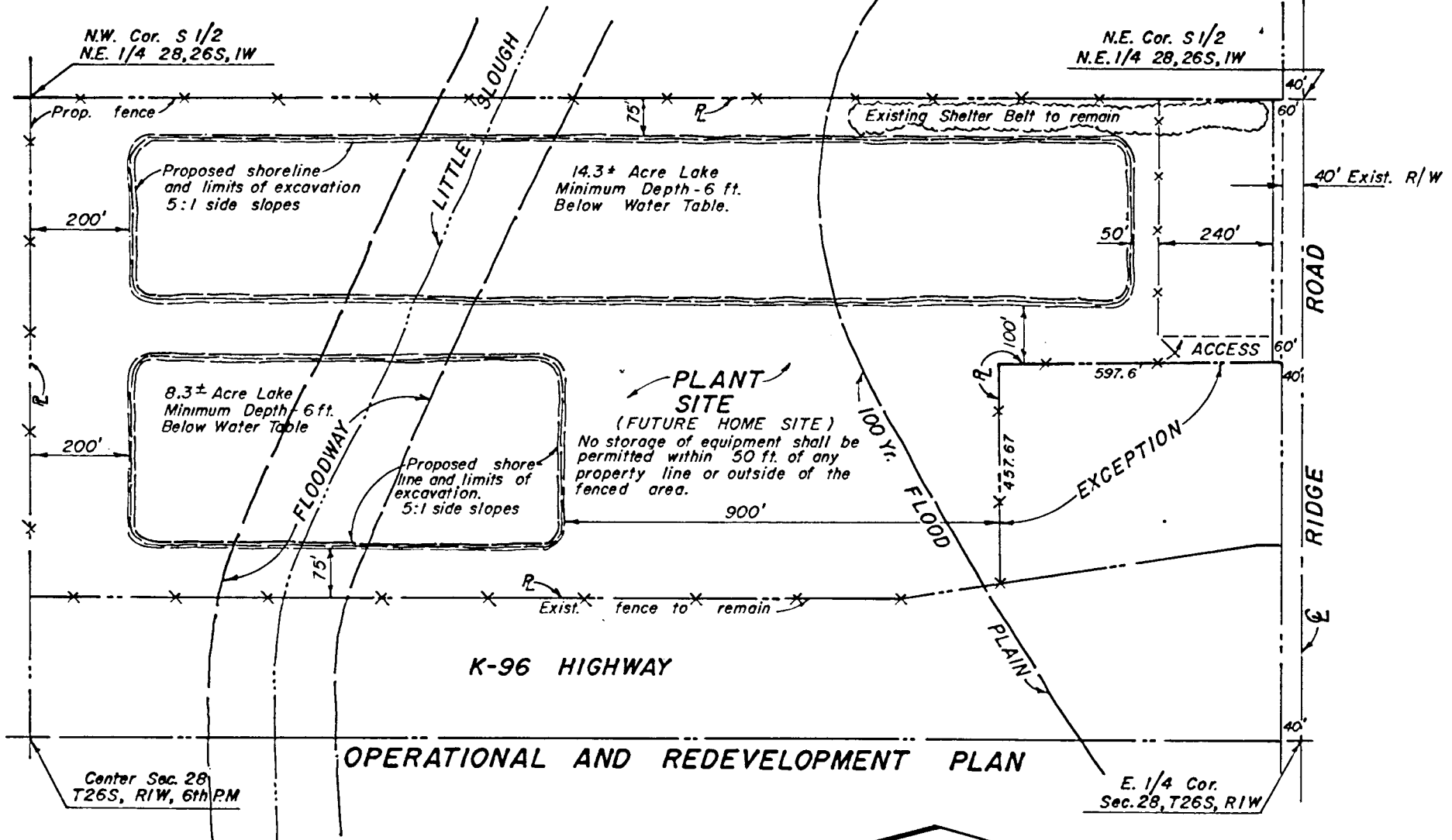
Jack H. Galbraith
Chief Planner

JHG/jcm

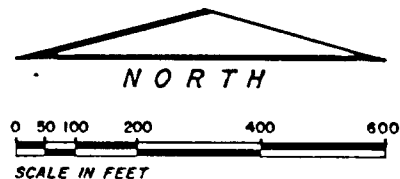
cc: Loren R. Morgan, 3006 Benjamin, Wichita, KS, 67204
Robert E. Helm, 7777 W. 45th St. N., Wichita, KS, 67205
Russell Twist, 7301 W. 45th St. N., Wichita, KS, 67205
Ron Worley, County Zoning Administrator
Rick Hunter, Environmental Health Director

FILE COPY

MAIZE AIRPORT



MORGAN CONDITIONAL USE



CU-315

May 12, 1988

STAFF REPORT

CASE NUMBER: CU-315

OWNER/APPLICANT/AGENT: Loren R. Morgan (owner/applicant)
Professional Engineering Consultants
(Gary Wiley, Agent)

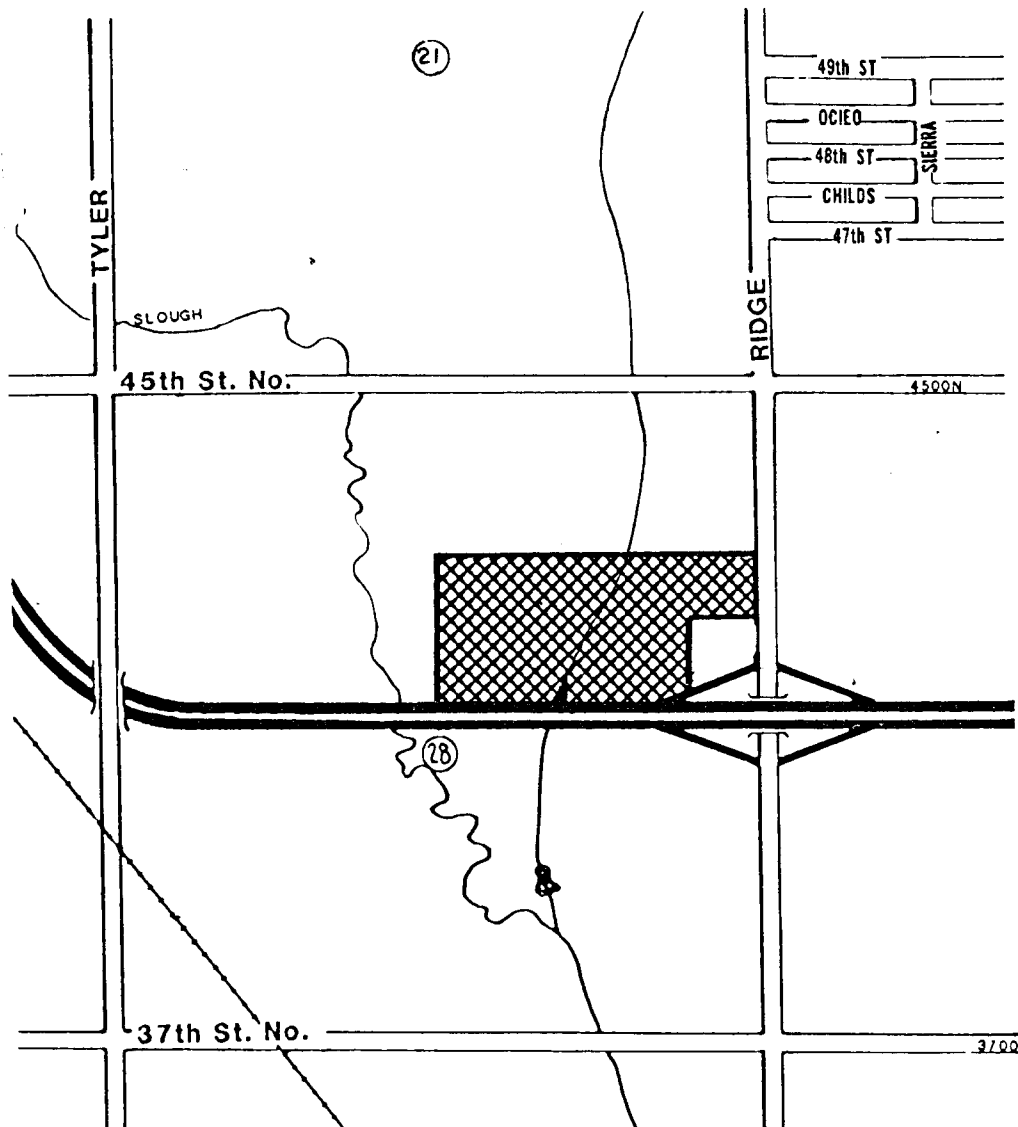
REQUEST: Conditional Use Permit to establish a sand and gravel extraction operation

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 54.8 acres

LOCATION: North side of K-96 in an area west of Ridge Road

PROPOSED USE: Sand and gravel extraction (temporary) with future home site and private lakes proposed



BACKGROUND: The applicant is requesting a conditional use permit for a temporary (8 years) sand and gravel extraction operation on approximately 55 acres of land located on the north side of K-96 in an area west of Ridge Road. Two lakes are to be constructed, one for a future private ski lake and the other for a fishing lake. The applicant proposes to build his home on this 55 acres after completion of the lakes. The existing fence along the south property line, which marks the K-96 right-of-way line, is to remain and the west, north and east sides (except for the east 240 feet) will be fenced, as required for sand extraction operations. One point of access to Ridge Road is proposed, both for the sand extraction operation and for the future residential use.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Residential; Undeveloped
SOUTH	"R-1"	Highway
EAST	"R-1"	Residential, Contractor's yard
WEST	"R-1"	Maize airport

PUBLIC SERVICES: Municipal sewer and water are not now available to serve this tract of land, nor are they proposed for the future, as this area is outside of Wichita's and Maize's projected growth areas. Ridge Road is an FAS road with only 40 feet of existing roadway easement, whereas a 60-foot road dedication is required. It is now a two-lane asphalt road.

CONFORMANCE TO PLANS/POLICIES: As this property is outside the projected growth area, it is shown on the Comprehensive Development Plan Year 2000 map as vacant or agricultural.

RECOMMENDATION: It is recommended that this application be approved, subject to the following conditions:

- A. The applicant shall dedicate by separate instruments 60 feet of half-street right-of-way for Ridge Road adjacent to this application area and access control, except for one opening.
- B. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphaltic concrete mix, and building rubble or other trash shall be deposited on the application area or within the excavation.
- C. A minimum 58-inch high fence shall be constructed prior to the beginning of any extraction operation (including topsoil, overburden, and/or sand), and shall be maintained along the west, north and east sides of the extraction area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for a reasonable access gate installed at the same height and of the same construction as the fence, which gate shall be kept locked, except when in use. Such fence and gate 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 gate at an angle not to exceed 160 degrees facing away from the extraction.

NOTE: Due to the floodway on a portion of this property, the above-listed fencing requirements will have to be modified for the area within the floodway. Prior to fence construction within the floodway, the plant operator or applicant shall obtain approval from the County Bureau of Public Services for the type of fence.

- D. 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.
- E. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- F. 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. Vegetative covering shall be kept mowed and grounds around the operation shall be kept presentable at all times.
- G. 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.
- H. All of the application area outside of the sand pit lake shall be graded so as to drain into the lake or to an approved drainage system.
- I. No storage of equipment or stockpiling of sand and gravel shall be permitted outside of the fenced area as designated on the plan or within 100 feet of any public right-of-way or within 50 feet of any property line. The note on the Operational Plan shall be revised to read as this condition reads.
- J. The sand plant operator shall be responsible for seeing that all operational roads on the site are maintained in a graveled or sanded condition and treated with a dust suppressant so as to minimize blowing silt.
- K. 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.

- L. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation, unless exempt under the grandfather clause or the 20-acre exemption rule.
- M. The conditional use permit for the sand extraction operation shall expire eight years from the date of approval by the Board of County Commissioners, unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.
- N. All materials and equipment associated with the extraction operation shall be removed from the site within 60 days after termination of the conditional use permit.
- O. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lakes and form the banks as indicated on the approved plan.
- P. The applicant shall submit a covenant satisfactory in form to the County Counselor and the County Bureau of Public Services, which authorize the use of the excavation area as a detention storage facility for public drainage purposes.
- Q. The applicant shall execute a Floodway Reserve agreement covering the area which is a designated floodway on the FEMA maps.
- R. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained from the County Bureau of Public Services.
- S. In accordance with the County's Floodplain Management Resolution, the applicant shall submit his operational and extraction plans to the State Division of Water Resources for review and approval.
- T. Prior to scheduling this request for County Commission review, conditions A, B, P and Q shall be satisfactorily completed.
- U. Prior to publication of the resolution establishing this conditional use permit, the applicant shall comply with conditions R and S. The applicant or his agent shall provide MAPD with copies of these approvals.
- V. Any violation of conditions attached shall declare the conditional use permit null and void.