

RESOLUTION NO. 307-1987

CASE NO. CU-307

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

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

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

That part of the NE $\frac{1}{4}$  of Section 30, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the southwest corner of USD 259 Addition, Wichita, Sedgwick County, Kansas; thence north along the west line of said USD 259 Addition and the west line of KPTS Addition to Wichita, Sedgwick County, Kansas, and extended for a total distance of 1448.81 feet to a point 74 rods (being 1221 feet) south of the north line of said NE $\frac{1}{4}$ , as measured at right angles to the north line of said NE $\frac{1}{4}$ ; thence west parallel with the north line of said NE $\frac{1}{4}$ , 986.15 feet more or less to a point on the west line of said NE $\frac{1}{4}$ ; thence south 1460.94 feet more or less to the southwest corner of said NE $\frac{1}{4}$ ; thence east 989.37 feet more or less to the place of beginning. Generally located east of Amidon, if extended from the south, approximately one block north of I-235.

SUBJECT TO THE FOLLOWING:

- A. This conditional use permit is for the extraction and removal of topsoil only, in accordance with the Site Plan dated 7/28/87.
- B. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment storage yard. No buildings shall be constructed unless the property is first platted. Once the topsoil removal operation has ceased and the land has been properly regraded, all topsoil and regrading equipment shall be removed from the property.
- C. At no time shall topsoil extraction be any closer to the north, east and west property lines than 20 feet nor closer to the south property line than 50 feet.
- D. It is encouraged that topsoil be removed and stockpiled during the summer months. The area where topsoil has been removed shall be tilled and planted to acceptable vegetative cover in the fall immediately following the topsoil removal. Should reasonable germination not occur, then replanting in the spring with some alternate crop shall be required.
- E. All topsoil removal and regrading of the site shall be completed by January 1, 1995 in accordance with the site grading plan. This conditional use permit shall expire on that date unless an extension is granted by the County Commission after a public hearing is held by the MAPC to review the application for extension.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 30TH day of SEPTEMBER, 1987.

ABSENT, Chairman  
Tom Scott

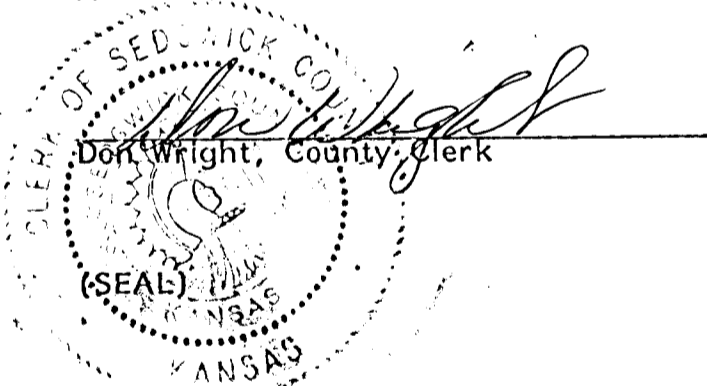
Mark F. Schroeder, Chairman pro tem  
Mark F. Schroeder

David Bayouth, Commissioner  
David Bayouth

Bernard A. Hentzen, Commissioner  
Bernard A. Hentzen

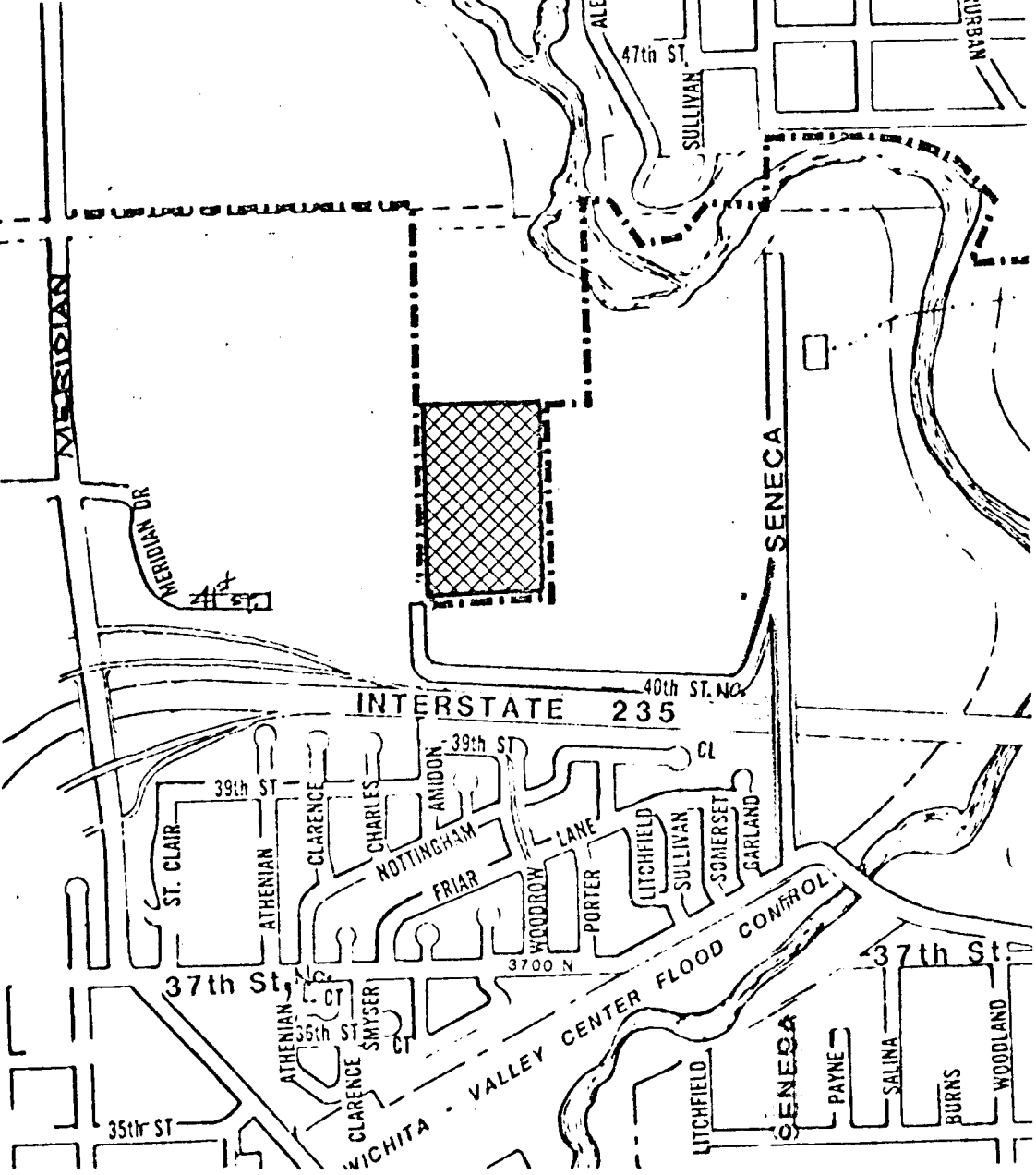
Billy Q. McCray, Commissioner  
Billy Q. McCray

ATTEST:



Approved as to form by County Counselor

Robert R. Arnold, County Counselor  
Robert R. Arnold, County Counselor



MISSION

MERIDIAN DR

41st St

47th ST

SULLIVAN

URBAN

SENECA

INTERSTATE 235

40th ST. NO.

ST. CLAIR

39th ST

ATHENIAN

CLARENCE

CHARLES

NOTTINGHAM

AMIDON

39th ST

FRIAR

LANE

WOODROW

PORTER

LITCHFIELD

SULLIVAN

SOMERSET

GARLAND

37th St, No.

ATHENIAN

35th ST

CLARENCE SMYSER

3700 N

VALLEY CENTER FLOOD CONTROL

37th St

35th ST

WICHITA

LITCHFIELD

SENECA

PAYNE

SALINA

BURNS

WOODLAND

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-307 - REQUEST FOR CONDITIONAL USE FOR TOPSOIL REMOVAL, LOCATED  
EAST OF AMIDON, IF EXTENDED FROM THE SOUTH, APPROXIMATELY ONE  
BLOCK NORTH OF T-235.

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

Miles moved, Peters seconded and it carried unanimously. Gardner was not present. Conlee and Crockett were absent.

- ACTION:
- 1 Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the conditional use permit subject to the recommended conditions; adopt a resolution authorizing the conditional use permit; or
  2. Adopt findings and deny the application.

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DATA AND MINUTES

MAPC Hearing Date: 9-03-87 Approve

BCoC Hearing Date: 9-30-87

COMMISSION DISTRICT #4

ADJACENT ZONING AND LAND USE:

|       |          |   |
|-------|----------|---|
| NORTH | R-1      | Undeveloped                                     |
| SOUTH | C        | Church and undeveloped                          |
| EAST  | LC       | Driver's training track & communications towers |
| WEST  | AA w/BZA | Sand pit  |

History: None

Owner: Artie E. and Patricia Vaughn

Protestors: None  
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