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RESOLUTION NO.

R#20-1987

CASE NO. CU-302

A RESOLUTION TO ESTABLISH A TOPSOIL EXTRACTION OPERATION 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 establish a topsoil extraction operation on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described as follows:

That part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the southwest corner of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence north 1326.12 feet more or less to the northwest corner of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence east along the north line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$, 176 feet; thence south, parallel with the west line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$, 500 feet; thence east, parallel with the north line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$, 499 feet; thence south, parallel with the west line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$, 825.29 feet more or less to the south line of said SE $\frac{1}{4}$; thence west 675 feet to the place of beginning. Generally located north of 31st Street South in an area west of Webb Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. This conditional use permit is for the extraction and removal of topsoil only, to a depth of approximately one foot.
- 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 and west boundaries of the applicant's 40-acre ownership than 20 feet. This same dimension shall apply to the south and east boundaries of the applicant's 40 acres (as measured from the current road easements of 40 feet on 31st Street South and 30 feet on Webb Road) unless the applicant obtains a permit from the County for working within street right-of-way.
- D. The applicant shall dedicate, by separate instrument, arterial street right-of-way for 31st Street South and for Webb Road (50 feet increasing to 75 feet near the intersection) adjacent to his entire 40-acre ownership in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 28 South, Range 2 East.
- E. The applicant shall submit a revised grading plan for the entire 40 acres which indicates the perimeter limits of extraction and regrading (20 feet from existing road easements and from the north and west property lines) and which shows the arterial street right-of-way dedications being required. A note may be included on the plan to the effect that extraction and regrading closer to Webb and 31st Street will be permitted if first approved by the County.

F. 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.

G. All topsoil removal and regrading of the entire SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 28 South, Range 2 East shall be completed by January 1, 1990 in accordance with the revised 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 4 day of February 1987.

Tom Scott, Chairman
Tom Scott

Mark F. Schreder, Chairman pro tem
Mark F. Schreder

David Bayouth, Commissioner
David Bayouth

Bernard A. Hentzen, Commissioner
Bernard A. Hentzen

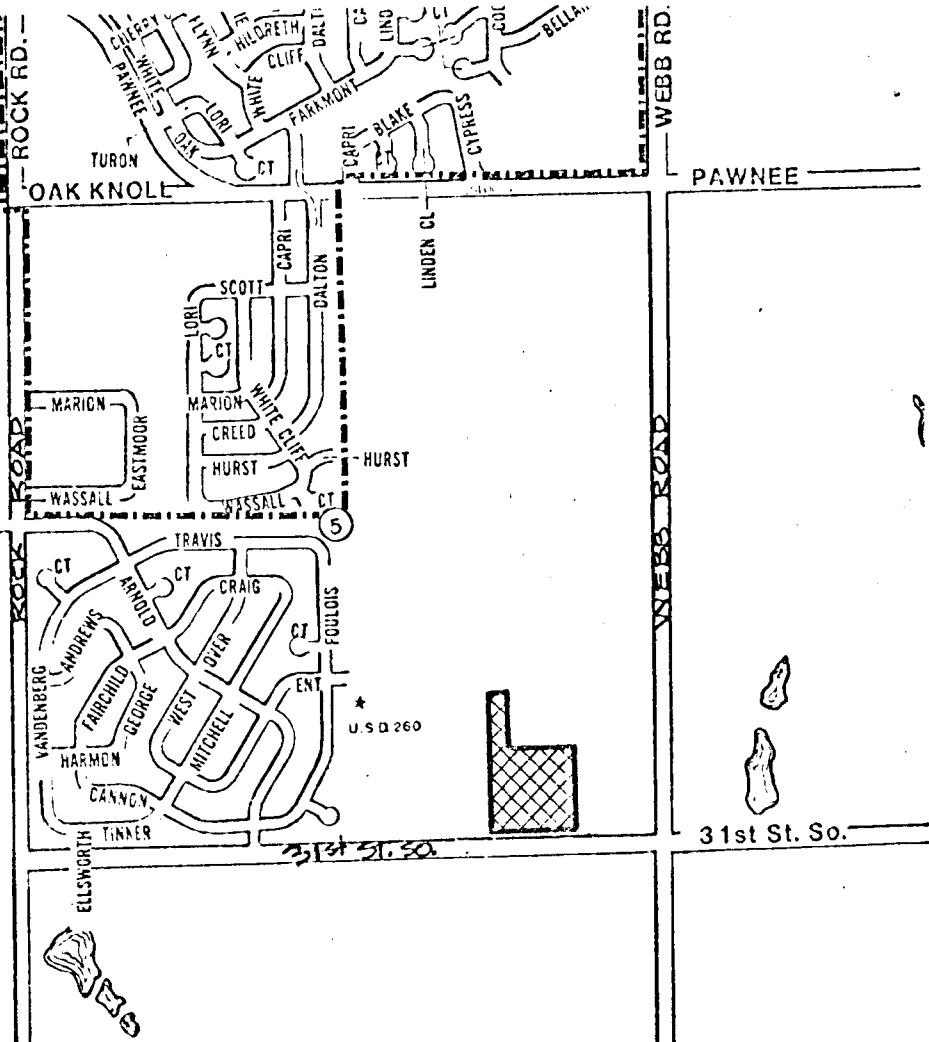
Bill McCray, Commissioner
Bill McCray

ATTEST:
Don Wright, County Clerk
(SEAL)
APPROVED AS TO FORM:
Robert R. Arnold, County Counselor

APPLICATION
AREA



NORTH



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CU-302 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A TOP-SOIL EXTRACTION OPERATION LOCATED NORTH OF 31ST STREET SOUTH IN AN AREA WEST OF WEBB ROAD.

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

Miles moved, Bayouth seconded and it carried unanimously. Crockett was 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; accept the dedication and instruct the County Clerk to forward the document to the Register of Deeds for recording; adopt a resolution authorizing the conditional use permit; or
2. Adopt findings and deny the application.

DATA AND MINUTES

MAPC Hearing Date: 1-8-87

BCoC Hearing Date: 2-4-87

COMMISSION DISTRICT #5

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Agriculture & topsoil extraction	"R-1"	14.8 acres
North	Agriculture & topsoil extraction	"R-1"	
South	Agriculture	"R-1"	
East	Agriculture & topsoil extraction	"R-1"	
West	Agriculture	"R-1"	

History: None.

Applicant: Bob G. and Delores D. Callahan, 1720 S. Webb Rd., Wichita, KS 67207

Protestors: None.
