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R E S O L U T I O N N O. 136-1991

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO EXPAND A SAND AND GRAVEL OPERATION IN THE "R" RURAL 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, AND SUBSEQUENTLY AMENDED.

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 expand a sand and gravel operation on property zoned "R" Rural Residential District is hereby approved on lands legally described below:

Case No. CU-343

Conditional Use Permit request to expand an existing sand and gravel extraction operation on property zoned the "R" Rural Residential District

The north 70 acres of the east half of the Southeast Quarter of Section 16, Township 26 South, Range 1 West of the Sixth P.M., Sedgwick County, Kansas, except roads. Generally located on the west side of Ridge Road, approximately 1/4-mile north of 53rd Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. All sand and gravel extraction shall be completed within 5 years after approval of this conditional use permit by the Board of County Commissioners. By that date, the land surrounding the lake shall be properly graded and planted with a vegetative cover and all stockpiled sand, sand pumping and related equipment shall have been removed from the property. This conditional use permit shall expire five years from the date of County Commission approval, unless an extension is granted by that governing body after a public hearing is held by the MAPC to review the application for extension.
- B. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the sand and gravel extraction operation, the land surrounding the lake shall be properly graded and planted with a vegetative cover. Also, all stockpiled sand, sand pumping and related equipment shall be removed from the subject site.
- C. Where the dedication has not previously been made, the applicant shall dedicate by separate instrument the 60 feet of half-street right-of-way required for Ridge Road adjacent to this property.

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- D. The storage of equipment or the stockpiling of overburden material, sand or gravel is not permitted within 100 feet of the west line of Ridge Road or within 50 feet of the north, south and west lines of the subject site.
- E. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.
- F. The extraction of sand and gravel on this property shall proceed in accordance with the operational plan approved by MAPC. The perimeter of the lake excavation shall conform to the size and shape indicated on the approved plan. Special care shall be exercised to assure that the perimeter of the lake does not encroach closer to the boundary of the application area than is depicted on the operational plan.
- G. In order to assist in the enforcement of the operational plan for this extraction case, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.
- H. Within the area proposed for sand and gravel removal, the earth shall be excavated to at least a minimum depth of 6 feet below the normal water table, as determined by the City-County Health Department.
- I. To provide for bank stabilization and safety of future uses, the side slope of the excavation area shall not be more than 5 horizontal to 1 vertical.
- J. Prior to the beginning of any additional excavation (topsoil, subsoil, sand or gravel), the application area shall be fenced with a minimum 58-inch-high fence at the locations depicted on the operational plan. Said fence shall be placed on steel posts which are not less than 7 feet tall. The posts shall not be set more than 16 feet apart. The fence shall be of one of the following construction types:
 - 1. A 48-inch-high or higher chainlink fence with 3 or more strands of barbed wire; or
 - 2. A 48-inch-high or higher solid metal or solid masonry fence with 3 or more strands of barbed wire; or
 - 3. A 48-inch-high or higher wooden 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.
- K. This property shall be made available for the establishment of groundwater monitoring wells.
- L. The applicant shall submit a covenant satisfactory in form to the County Counselor and Sedgwick County Bureau of Public Services which authorizes the use of the extraction area as a detention storage facility for public drainage purposes.
- M. The applicant shall submit a restrictive covenant satisfactory in form to the County Counselor 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.
- N. The applicant shall grant by separate instrument the Floodway Reserve Agreement that is needed to cover the FEMA-designated floodplain that exists on this property.

- O. 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.
- P. To minimize blowing soil in this area, overburden shall not 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 sod cover to help prevent erosion.
- Q. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.
- R. Concrete and asphalt mixing plants and commercial recreational activities, such as boating, fishing, skiing, etc. shall not be permitted in the area, unless authorized under the provisions of the County Zoning Resolution.
- S. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Wichita-Sedgwick County Health Department.
- T. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand and gravel extraction.
- U. Prior to this case being scheduled for review by the County Commission, the applicant shall submit the documents required by conditions C, L, M and N.
- V. The adoption of this resolution supercedes and makes null and void the resolution adopted for conditional use case CU-124, which was published in the Wichita Eagle-Beacon on September 16, 1970.
- W. Any violation of those conditions shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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 Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
BERNARD A. HENTZEN
BILLY Q. MCCRAY
MARK F. SCHROEDER

Aye
Aye
Aye
Aye
Aye

DATED this 22nd day of May, 1991.

ATTEST:



Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

Henry D. Base
County Counselor/Assistant

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Billy Q. McCray
BILLY Q. McCRAY, Chairman

Betsy Gwin
BETSY GWIN, Chair Pro Tem

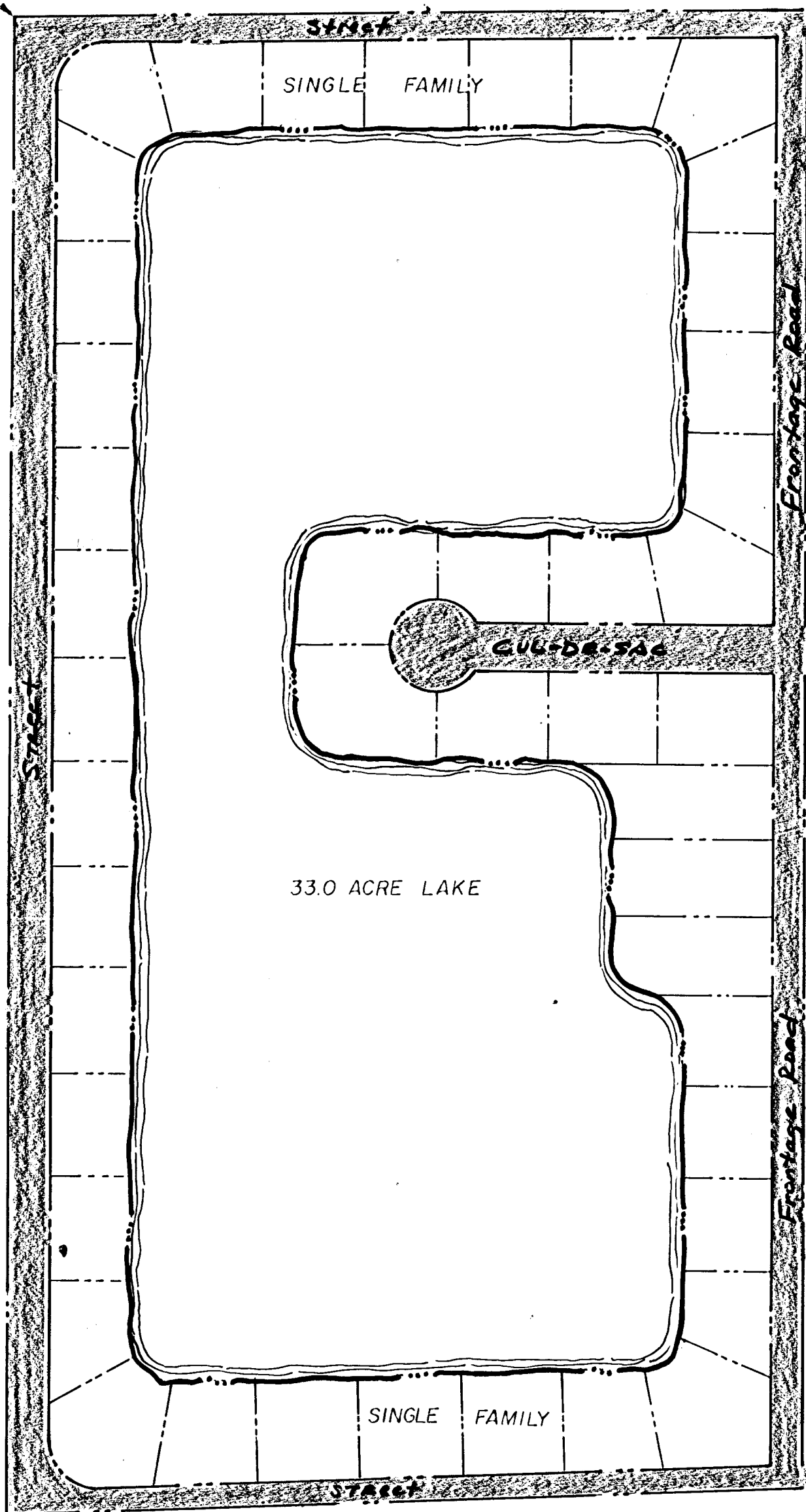
Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner

NW Cor. E 1/2, SE 1/4
Sec. 16, T26S, RIW

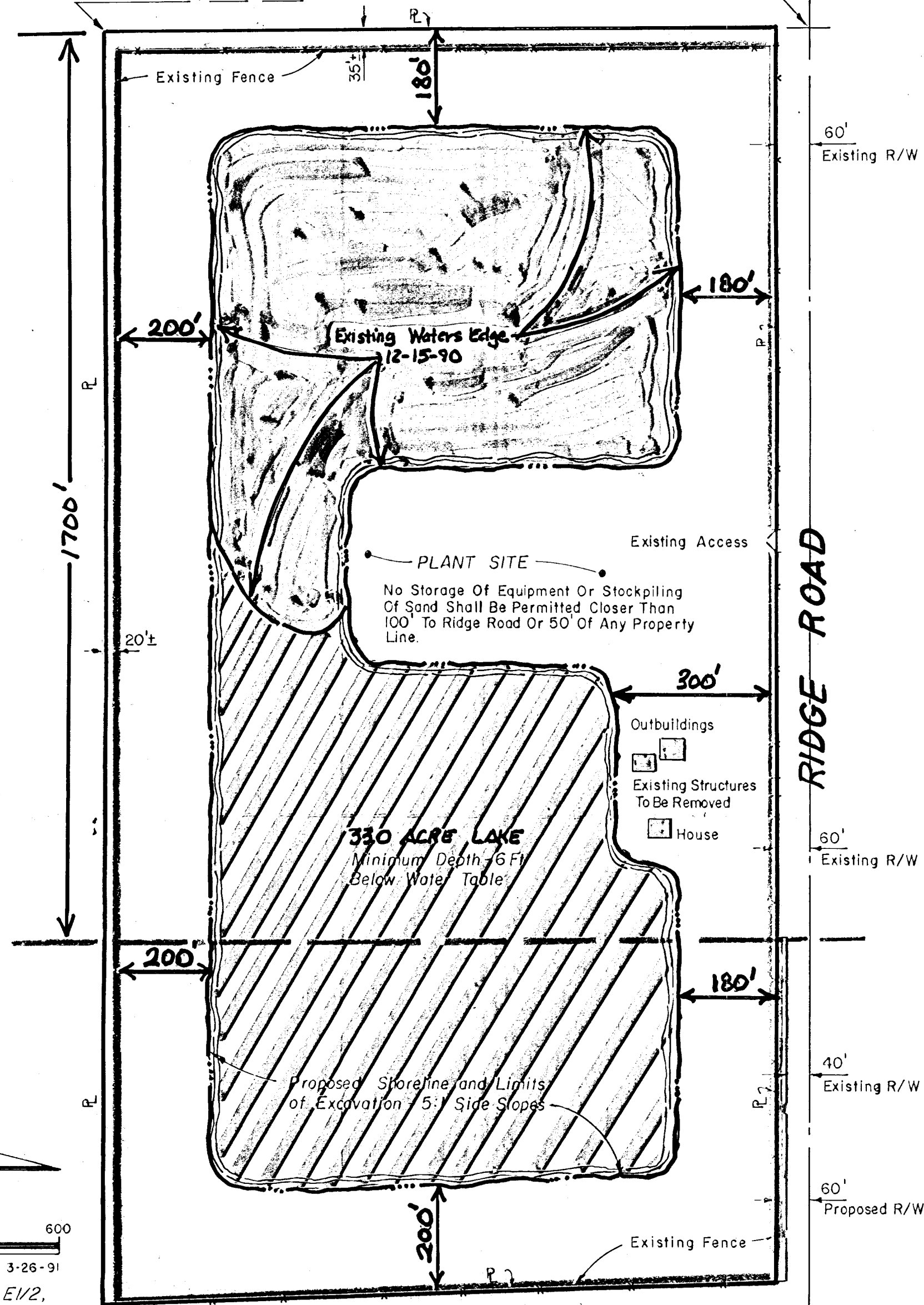
NE Cor. SE 1/4
Sec. 16, T26S, RIW



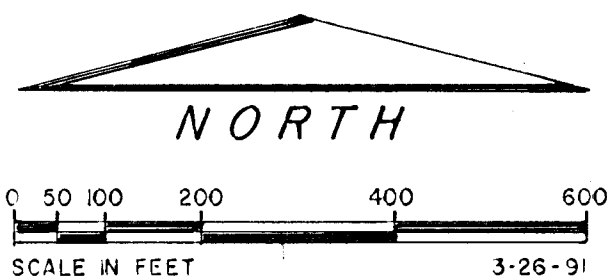
REDEVELOPMENT PLAN

NW Cor. E 1/2, SE 1/4
Sec. 16, T26S, RIW

NE Cor. SE 1/4
Sec. 16, T26S, RIW



OPERATIONAL PLAN



THE NORTH 70 AC. OF THE E 1/2,
SE 1/4, SEC. 16, T26S, RIW

CENTRAL SAND, INC.

CONDITIONAL USE - 124 AMENDED

CU-343

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

April 25, 1991

STAFF REPORT

CASE NUMBER: CU-343

OWNER/APPLICANT/AGENT: Richard Hoskinson for Central Sand, Inc.
(owner/applicant)
Gary Wiley for P.E.C., P.A. (agent)

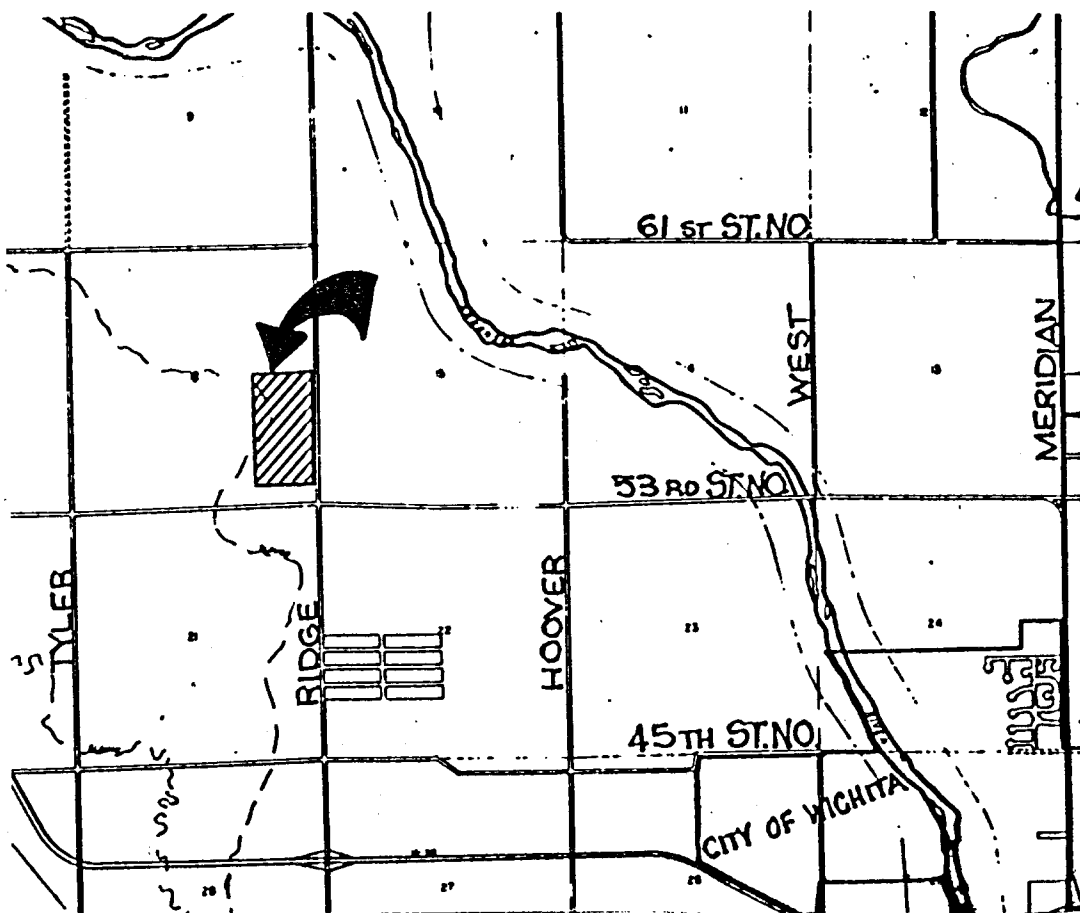
REQUEST: Amendment of conditional use permit for sand and gravel extraction.

CURRENT ZONING: "R" Rural Residential District with CU-124

SITE SIZE: 70 acres (approx. 2,400 ft. x 1,270 ft.)

LOCATION: On the west side of Ridge Road, approx. ¼-mile north of 53rd Street North.

PROPOSED USE: Expansion of area authorized for sand and gravel extraction.



BACKGROUND: In 1970, the north 50 acres (north 1,700 feet) of this 70-acre site was approved for a sand and gravel extraction operation. This case did not establish a time limitation for use when the sand and gravel removal business would cease. The application area is located on the west side of Ridge Road, approximately ¼-mile north of 53rd Street North. The site is zoned "R" Rural Residential and most of the land surrounding this property is used for agricultural purposes. However, there are a few residences in the area and a business on industrial zoning to the west.

The applicant has submitted an operational and redevelopment plan indicating the limits of excavation, the location of the plant site, approximate shoreline, stockpiling and equipment storage limitations, perimeter fencing, an access point to Ridge Road, and future lot arrangements around the lake. The applicant estimates that the excavation operation will take approximately 4 years to complete and will involve the removal of approximately 535,000 cubic yards of material. The applicant's redevelopment plan depicts the reuse of this land with residential lots backing into the lake being created by the sand and gravel mining operation. The lot size depicted on the redevelopment plan (20,000 square feet) will require a zone change to the "R-1" Suburban Residential District and provision to be made to serve the future residential subdivision with municipal water. If municipal water is not extended, the "R-1" district requires a minimum of 40,000 square feet of area per lot. If a zone change to "R-1" is not found to be appropriate by the County Commission, minimum 2-acre lots will need to be platted instead of the smaller lots depicted on the redevelopment plan.

CASE HISTORY: CU-124 - Sand and gravel extraction on north 1,700 feet of subject site - Approved in 1970 with no time limit for completion.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Undeveloped/single-family residence
SOUTH	"R"	Undeveloped/single-family residence
EAST	"R"	Undeveloped (agricultural use)
WEST	"R"	Undeveloped/Waste Management of Wichita

PUBLIC SERVICES: This property is not served with either sanitary sewer or municipal water. Adjacent Ridge Road is a two-lane paved F.A.S. road. Sixty feet of half-street right-of-way exists for this road adjacent to the north 1,700 feet of this site. Only 40 feet of half-street right-of-way exists for Ridge Road adjacent to the southern part of this application area.

CONFORMANCE TO PLANS/POLICIES: Section 4(A)(9)(f) of the County Zoning Resolution provides for the extraction of raw materials in the "R" zoning district, provided the MAPC reviews the request and the Board of County Commissioners approves the use by issuing a conditional use permit. Since this property was the site of an active sand extraction operation when the County Comprehensive Plan was prepared in 1978, the Comprehensive Plan depicts this property for industrial land uses.

RECOMMENDATION: It is recommended that this conditional use permit for a sand and gravel extraction operation be approved, subject to the following conditions:

- A. All sand and gravel extraction shall be completed within 5 years after approval of this conditional use permit by the Board of County Commissioners. By that date, the land surrounding the lake shall be properly graded and planted with a vegetative cover and all stockpiled sand, sand pumping and related equipment shall have been removed from the property. This conditional use permit shall expire five years from the date of County Commission approval, unless an extension is granted by that governing body after a public hearing is held by the MAPC to review the application for extension.
- B. Nothing in the approval of this request shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the sand and gravel extraction operation, the land surrounding the lake shall be properly graded and planted with a vegetative cover. Also, all stockpiled sand, sand pumping and related equipment shall be removed from the subject site.
- C. Where the dedication has not previously been made, the applicant shall dedicate by separate instrument the 60 feet of half-street right-of-way required for Ridge Road adjacent to this property.
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- E. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.
- F. The extraction of sand and gravel on this property shall proceed in accordance with the operational plan approved by MAPC. The perimeter of the lake excavation shall conform to the size and shape indicated on the approved plan. Special care shall be exercised to assure that the perimeter of the lake does not encroach closer to the boundary of the application area than is depicted on the operational plan.
- G. In order to assist in the enforcement of the operational plan for this extraction case, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.
- H. Within the area proposed for sand and gravel removal, the earth shall be excavated to at least a minimum depth of 6 feet below the normal water table, as determined by the City-County Health Department.

- I. To provide for bank stabilization and safety of future uses, the side slope of the excavation area shall not be more than 5 horizontal to 1 vertical.
- J. Prior to the beginning of any additional excavation (topsoil, subsoil, sand or gravel), the application area shall be fenced with a minimum 58-inch-high fence at the locations depicted on the operational plan. Said fence shall be placed on steel posts which are not less than 7 feet tall. The posts shall not be set more than 16 feet apart. The fence shall be of one of the following construction types:
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 3. A 48-inch-high or higher wooden 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.
- K. All of the area included within the fenced sand and gravel extraction operation shall be graded so as to drain into the lake.
- L. The applicant shall submit a covenant satisfactory in form to the County Counselor and Sedgwick County Bureau of Public Services which authorizes the use of the extraction area as a detention storage facility for public drainage purposes.
- M. The applicant shall submit a restrictive covenant satisfactory in form to the County Counselor 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.
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- Q. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.
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