



METROPOLITAN AREA PLANNING  
DEPARTMENT

April 13, 1990

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

Robert W. Kaplan  
430 N. Market  
Wichita, KS 67202

Re: CU-328 - Conditional Use Permit for sand extraction and associated temporary asphalt mixing plant on property zoned the "R-1" Suburban Residential & "R" Rural Residential Districts, located on the north side of 53rd St. N., approx. 1/3-mile east of Ridge Road.

Dear Mr. Kaplan:

At its regular meeting on April 12, 1990, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit, CU-328, for sand extraction and an associated temporary asphalt mixing plant. The action of the Planning Commission was to recommend that the application be approved subject to the following conditions:

- A. Since the proposed excavation is within 1,000 feet of a flood protection structure, the applicant shall obtain a permit from the County Engineer. This permit is required by K.S.A. 19-3309 and shall be obtained prior to this case being considered by the Board of County Commissioners.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and as to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications, Sections 1 and 2 of Construction and Maintenance Specifications, as prepared by the City-County Flood Control Office. Said covenant shall run with the land and be binding on all owners, successors, or assigns.
- C. The extraction of sand on this site shall proceed in accordance with the operational plan approved by the MAPC. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved plan. The temporary asphalt mixing plant, which is an accessory

use to the sand excavation operation, shall be placed on the site at the location labeled "permanent plant location" on the operational plan.

- D. Four copies of a revised operational plan shall be submitted which do not depict the fencing off of the temporary circular turnaround dedicated on this property to terminate Boyd Street to the south of this conditional use permit site. This temporary dedication was established when the McGonigle-Kessler Addition was platted. The instrument was filed on Film 495, Page 1475. The revised operation plan shall depict the temporary turnaround dedication, along with the pertinent recording information. Also, as approved by the MAPC, the revised operational plan shall depict realignment to the east of the operational roadway as it intersects with 53rd Street North.
- E. In order to assist in the enforcement of the operational plan for this extraction and temporary asphalt mixing plant, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.
- F. Adjacent to the north, west and east lines of the application area, a minimum 60-inch-high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained 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 a minimum height of 60 inches and shall be of the following types of construction.
1. A 50-inch-high or higher chain link fence with 3 or more strands of barbed wire; or
  2. A 50-inch-high or higher solid metal or solid masonry fence with 3 or more strands of barbed wire; or
  3. A 50-inch-high or higher wood fence which may have cracks or openings not in excess of 5% or the area of such fence, with 3 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° facing away from the excavation.

*Motion to approve  
failed by 4-1  
(needed to be  
unanimous);  
motion  
to return  
to MAPC died  
for lack of 2nd.*

In order to fence the extraction area off from 53rd Street North, a minimum 72-inch-high fence shall be constructed from the east line of the application area to the west line of the application area. The fence shall be set back from 53rd Street as shown on the approved operational plan for this conditional use case. This fence may provide for a reasonable access gate installed at the same height and of the same construction as the fence. The fence and gate shall be a minimum height of 72 inches and shall be of the following types of construction:

1. A 62-inch-high or higher chain link fence with 3 or more strands of barbed wire; or
2. A 62-inch-high or higher solid metal or solid masonry fence with 3 or more strands of barbed wire; or
3. A 62-inch-high or higher wood fence which may have cracks or openings not in excess of 5% or the area of such fence, with 3 or more strands of barbed wire.

These overall fence heights shall be shown on the revised operational plan.

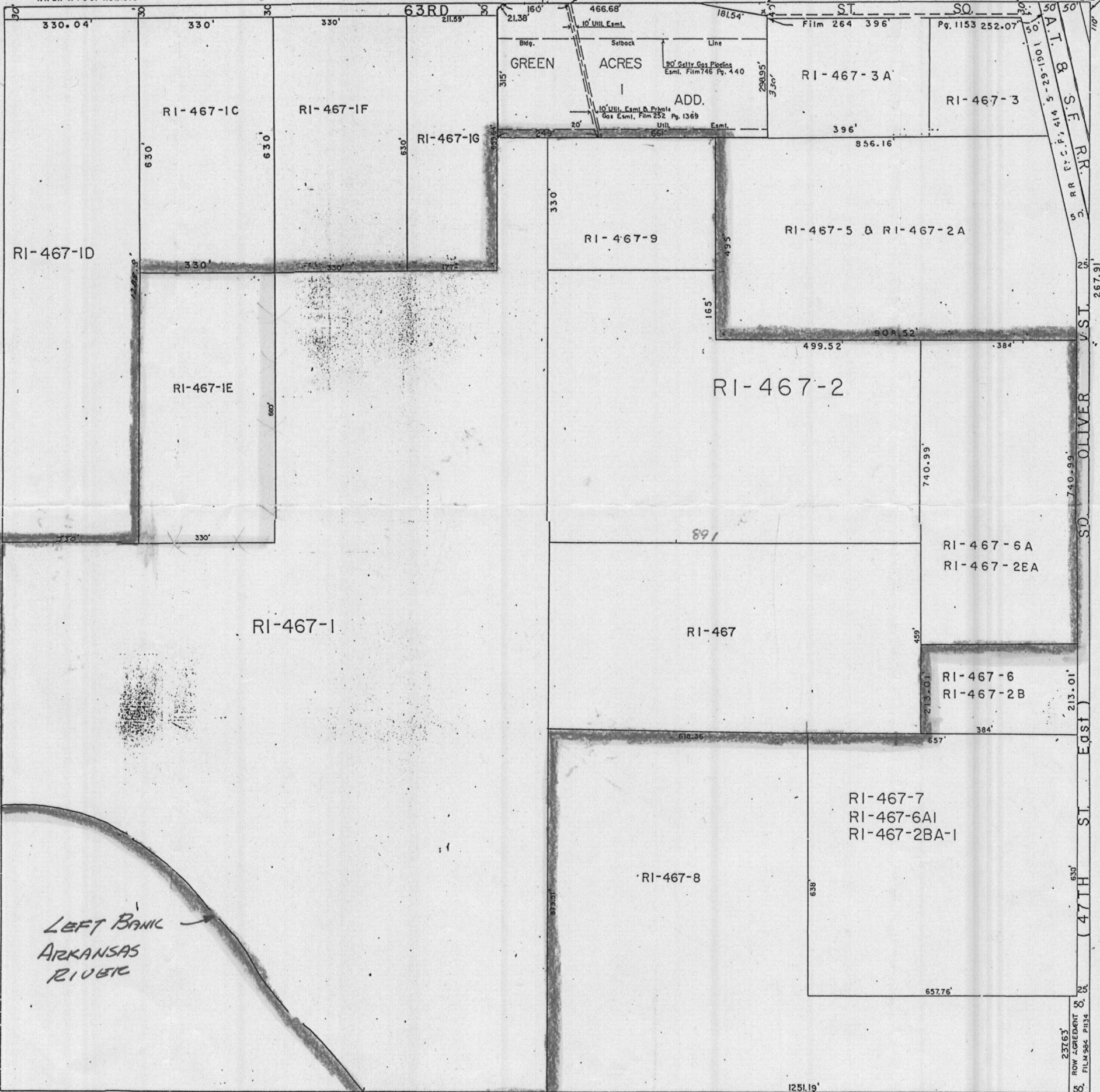
- G. The earth and sand shall be extracted to at least a minimum depth of 6 feet below the normal water table, as determined by the City-County Health Department.
- H. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than 5 horizontal to 1 vertical.
- I. 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.
- J. All of the area included within the fenced earth and sand extraction operation, except for the site of the asphalt mixing plant, shall be graded so as to drain into the lake.
- K. The owner of the property shall be responsible for:
  1. Insuring that the loop levee elevation be maintained if constructed.
  2. The asphaltting of all operational roads in order to minimize blowing dust from the site.

N.E. 1/4 SEC. 35, TWP. 28 S. R. 1 E.

Part of State  
K-15.  
Condemnation  
A-29960  
26.2'

RR BK-A PG 51 NOV. 1870

1262.52



LEFT BANK  
ARKANSAS  
RIVER

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. \_\_\_\_\_  
DPC 5/17/90  
MAPC 5/24/90

STAFF REPORT

CASE NUMBER: CU-334

OWNER/APPLICANT/AGENT: Steve Neal (owner/applicant)  
Gary Wiley, P.E.C. (agent)

REQUEST: Conditional Use Permit for sand and gravel extraction.

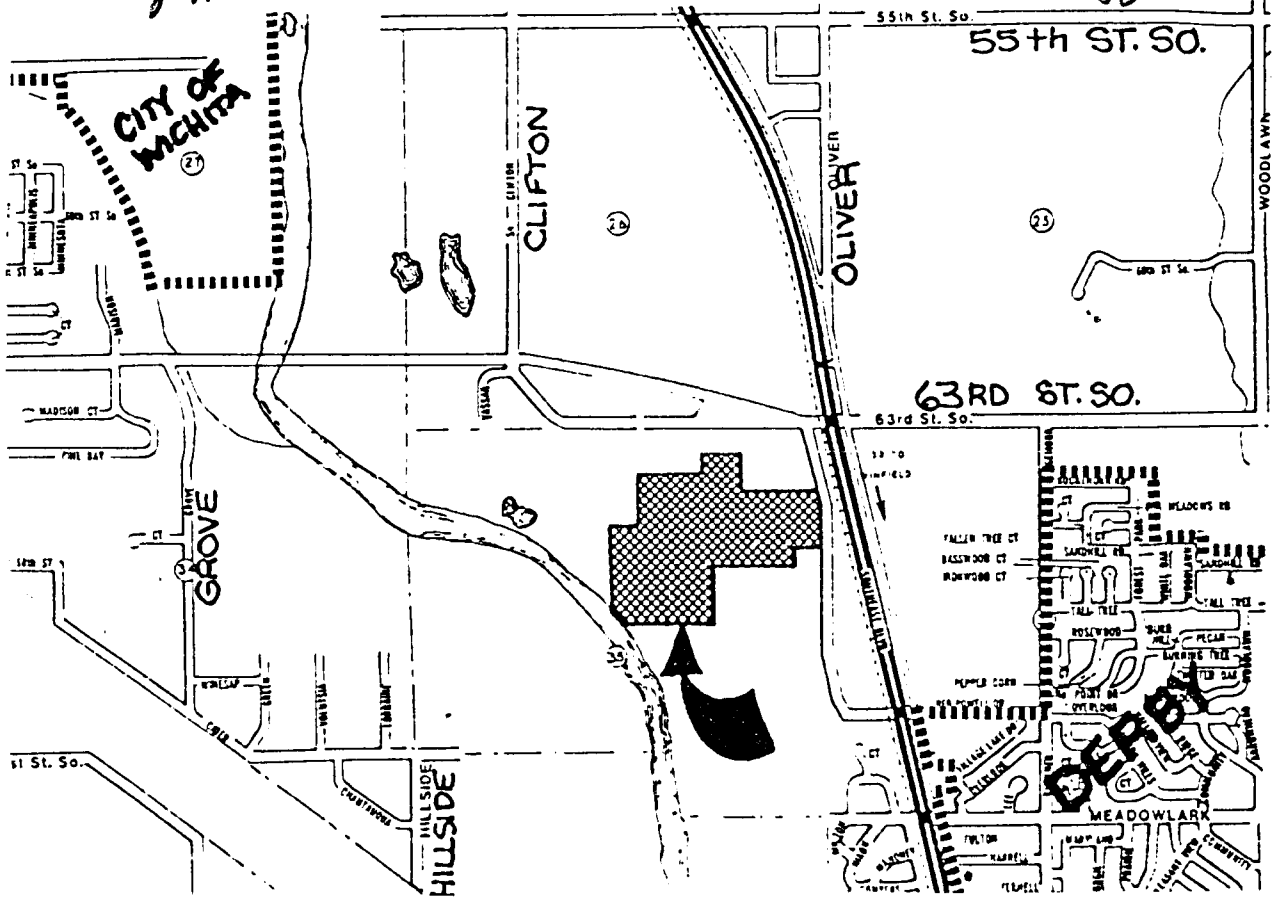
CURRENT ZONING: "R" Rural Residential (*mention map on wall*)

SITE SIZE: 81 acres (irregular shape)

LOCATION: In an area west of Oliver, approximately 800 feet south of 63rd Street South.

PROPOSED USE: Sand and gravel extraction operation *with will take 6 years*

*If app. 9.5 acre lake → redevelopment plan showing future residential dev.*



*Report taken to Derby.*

BACKGROUND: The applicant is requesting a conditional use permit to establish a sand and gravel extraction operation on property zoned "R" Rural Residential. The application area measures 81 acres and is located west of Oliver in an area approximately 800 feet south of 63rd Street South.

The applicant has submitted an operational and redevelopment plan indicating the limits of excavation, the sand plant site, approximate shoreline, perimeter fencing, access road to Oliver Street, and future lotting arrangement adjacent to the northeasterly bank of the future lake. The applicant's agent has advised that the extraction operation is planned to take 6 years and will involve the removal of approximately 250,000 cubic yards of material. The sand plant is proposed to be located in the southwest corner of the application area adjacent to the Arkansas River. A 9.5-acre lake is proposed to be created. The shoreline of the proposed lake will be approximately 300 feet from the bank of the river. The applicant's redevelopment plan depicts 3 lots backing into the lake that will be created by the sand and gravel excavation and several other lots being established between the sand plant site and Oliver. The lots depicted on the redevelopment plan range in size from 2.8 acres to 5 acres.

It should be noted that a large percentage of the proposed excavation area is within the 100-year floodplain. As such, the standard fencing requirement for sand and gravel excavation cases has been modified. The modified fencing language has been provided by the Bureau of Public Services and is consistent with the type of fencing required on the sand pit case to the north of this application area (CU-298).

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Undeveloped/agricultural use
SOUTH	"R"	Undeveloped & single-family residence on Oliver
EAST	"R"	Undeveloped land & single-family residence on Oliver
WEST	"R"	Undeveloped/Arkansas River

PUBLIC SERVICES: This property is not served with either municipal water or sanitary sewer. Adjacent Oliver Street is a two-lane paved section line road. Only 25 feet of half-street right-of-way exists on Oliver adjacent to this property, whereas 50 feet is required.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts development of this general site with both agricultural uses and park and open space uses.

RECOMMENDATION: It is recommended that this conditional use permit be approved, subject to the following conditions:

- Size of  
slope of  
lake conform  
to plan*
- A. The extraction of sand on this site shall proceed in accordance with the operational plan approved by MAPC. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved plan. The sand plant operator shall exercise special care not to excavate closer to the perimeter of the fenced excavation site than is depicted on the operational plan.
- B. In order to assist in the enforcement of the operational plan for this conditional use case, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.
- Generty  
14.*
- C. A minimum 48-inch-high fence shall be constructed prior to the beginning of the extraction operation (topsoil, subsoil, sand or gravel) and shall be maintained at the locations depicted on the operational plan. Said fence shall consist of a minimum of 5 strands of barbed wire and posts not more than 12 feet apart. The fence may provide for a reasonably wide access gate installed at the same height as the fence. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart.
- D. The earth and sand shall be extracted to at least a minimum depth of 6 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 5 horizontal to 1 vertical.
- F. 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.
- G. All of the area included in the fenced sand extraction operation shall be graded so as to drain into the lake.
- H. The sand plant operator shall be responsible for maintaining all operational roads in a sanded or graveled condition, so as to minimize blowing dust. *and shall apply water as needed*
- I. The applicant shall submit a restrictive covenant which provides that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the site or in the extraction area and which specifies what bank stabilization materials are acceptable. This covenant shall be submitted to the Planning Department prior to this case being scheduled for County Commission review.

- J. The applicant shall submit a covenant satisfactory in form to the County Counselor and Sedgwick County Department of Public Works which authorizes the use of the extraction area as a detention storage facility for public drainage purposes.
- K. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand extraction operation.
- L. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- M. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.
- N. 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 drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.

*Limitation of area for stockpiling*

The storage of equipment or stockpiling of sand or overburden material is permitted only within the fenced sand extraction area that is depicted on the operational plan. Within the fenced area, the stockpiling of material is not permitted on the south 250 feet.

Prior to the scheduling of this case for County Commission review and consideration, a revised operational plan shall be submitted which notes the restriction on where equipment may be stored and where materials may be stockpiled.

- P. 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 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.
- Q. The applicant shall dedicate, by separate instrument, the 50 feet of half-street right-of-way required for Oliver Street adjacent to this property.
- 6 years* R. All sand extraction shall be completed within 6 years from County Commission approval of this conditional use permit, unless an extension of time is granted by the County Commission after MAPC has reviewed the extension request at a formal public hearing.

- 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. In accordance with the County's Floodplain Management Resolution, a floodplain development permit shall be obtained prior to this case being scheduled for review by the County Commission.
- U. Prior to scheduling this conditional use request for County Commission consideration, conditions I and Q shall be completed.
- V. Any violation of conditions attached shall declare the conditional use permit null and void.