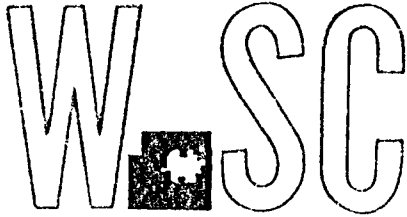


WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

January 7, 1999

Bauchman Enterprises Inc.
4647 N Meridian
Wichita KS 67204

RE: CU-501 -To allow top soil and sand extraction on property generally located at Meridian and I-235.

Dear Sirs:

At its regular meeting on December 17, 1998, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated December 22, 1998.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Keith Gooch
Senior Planner

KG/rs

cc: Poe and Associates, 5940 E Central, Wichita KS 67208
Patricia A Vaughan, 909 N Maize Rd #220, Wichita KS 67212
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection

STAFF REPORT

MAPC December 17, 1998

CASE NUMBER: CU-501

APPLICANT/AGENT: Bachman Enterprises Inc. c/o Brad Bachman (Owner);
Patricia A Vaughan (Agent); and Poe and Associates
(Agent)

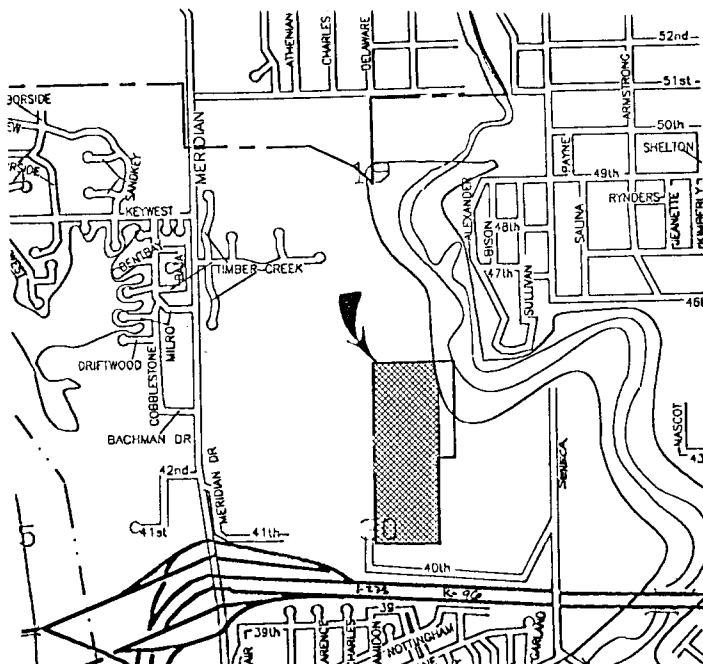
REQUEST: Conditional Use to allow top soil and sand extraction

CURRENT ZONING: "SF-20"

SITE SIZE: 59.2 acres

LOCATION: North of I-235 and east of Meridian

PROPOSED USE: Top soil and sand extraction



BACKGROUND: The applicants are requesting a Conditional Use to allow for top soil and sand extraction on a 59 acre tract located north of I-235 and east of Meridian. This would be an expansion of the existing sand extraction operation just west of the site (BZA 59-81). The southern half of the application area was previously approved for top soil removal. (CU-307)

The applicant has submitted a plan which shows the proposed subdivision of land adjoining the existing sand extraction operation to the west as well as land around this request into retail/office, apartments, and single-family lots. The plan shows approximately 90 single family lots on the application area, surrounding the proposed expansion of the lake.

A portion of this property is in the FEMA 100 year flood plain. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Also, the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and Soil Survey of Sedgwick County indicates that the site does not contain any soil commonly associated with wetlands.

There is an existing top soil and sand extraction facility located just west of this site. USD 259's vocational training school is located to the east of this property as well as communication towers. North of the site is the Harbor Isle Subdivision and is being developed with single-family homes. A church and ball fields are located to the south.

CASE HISTORY: CU-307, top soil removal, was approved for a portion of this property in September 1987.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Single-family homes
SOUTH:	"GC"	Church, ball fields and vacant field
EAST:	"SF-6" and "LC"	USD-259 Vocational school and communication towers
WEST:	"SF-6"	Top soil and extraction facility

PUBLIC SERVICES: This site has access through Meridian, a two lane improved roadway. Meridian has current traffic volumes of 6,191. The 2020 Transportation Plan estimates that these volumes will increase to 14,308. Municipal services are not currently available to serve this site. However, they are in the area and could be extended.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Wichita/Sedgwick County Comprehensive Plan identifies this area as appropriate for low density residential development, usually containing one to six dwelling units per acre. This use

is resource based activity which will be converted into lake-oriented single-family lots once the extraction is completed.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The applicant shall submit a operational plan for the area to be excavated. 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.
2. In order to assist in the enforcement of the operational plan for this extraction use, the applicant shall have a copy of the approved operational plan posted in the sand extraction office.
3. Adjacent to the perimeter of the application area, a minimum 60-inch-high fence shall be constructed prior to the beginning of any 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:

- A. A 48-inch-high or higher chain link fence with 3 or more strands of barbed wire; or
- B. A 48-inch-high solid metal or solid masonry fence with 3 or more strands of barbed wire; or
- C. A 48-inch-high or higher wood fence which may have cracks or openings not in excess of 5% of 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.

4. 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 Wichita-Sedgwick County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slopes of

the extraction shall be no more steep than five horizontal to one vertical.

6. 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.
7. All of the area included within the fenced sand extraction operation shall be graded in accordance with a plan submitted to, and approved by, the Sedgwick County Bureau of Public Services.
8. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel, prior to the commencement of any sand extraction operation, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.
9. 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.
10. 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.
11. To minimize blowing soil in this area, overburden shall not be removed more than six months 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 which will permit the establishment of sod cover to help prevent erosion.
12. The storage of equipment or stockpiling of sand is not permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
13. 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.
14. The approval of the Conditional Use is for a period not to exceed five years from the date of approval by the MAPC and/or the Board of County Commissioners and subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

As part of the required operational plan, the applicant shall divide the site into 2 distinct areas for the purpose of showing phased excavation over time. The plan would show which area was to be excavated and at what time.

15. Hours of operation for the sand extracting business shall be limited to 6:00 a.m. to sunset.
16. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Wichita-Sedgwick County Health Department.
17. Any water wells needed to operate the facility must comply with the Water Well Construction Standards contained in Article 30 of the Kansas Department of health and Environment rules and regulations.
18. The applicant shall make the site available to the Wichita-Sedgwick County Health Department for the installation and management of groundwater monitoring wells.
19. Any on-site storage of fuels or chemical must be approved by the Wichita Sedgwick County Health Department.
20. Drainage plan needs to be submitted and approved by the Bureau of Public Services prior to starting the sand and gravel extraction. All of the area included within the fenced sand extraction operation shall be graded in accordance with a plan submitted to, and approved by, the Sedgwick County Bureau of Public Services.
21. The applicant shall be responsible for maintaining all operational roads in a sand or graveled condition and shall apply water or other acceptable dust retardant to as to minimize blowing dust.
22. Any violation of conditions attached shall declare the conditional use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There is an existing sand pit operation located to the west of this site on property zoned "SF-6." North of this site is the Harbor Isle residential subdivision. The USD-259 vocational training school and communication towers are located just east of the application area on property zoned "LC" and "SF-6." South of this site is a church, vacant field, and ball fields on property zoned "GC."
2. The suitability of the subject property for the uses to which it has been

restricted: The establishment of this use would not pose a threat to this area of the City/County, which is characterized by current and past sand extraction operations and other non-residential uses. Once this operation is completed, this property will be subdivided for single-family homes as is the property to the north.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use of this property should not detrimentally affect nearby property owners since much of this area was developed in a similar fashion. The only residential properties are to the north and have had a similar operation in the area for quite some time.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: This site is identified as appropriate for low density residential uses by the Wichita Land Use Guide. After the completion of this operation the applicant is planning to construct single-family homes on-site. The Plan supports the wise use of resource based materials, such as sand and the redevelopment of these sites into more permanent uses.
5. Impact of the proposed development on community facilities: The development of this property as a sand extraction operation should not have a significant impact on community facilities. This operation does not generate significant traffic.