



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 10, 2007

Scott A. Hoskinson
2931 N. Tee Time Ct.
Wichita, KS 67205

RE: CON2007-22 - County Conditional Use to expand a sand and gravel extraction operation (CON2002-12) on property zoned "RR" Rural Residential, generally located on the northeast corner of 53rd Street North and Ridge Road.

Dear Ladies and Gentlemen:

At its regular meeting on July 19, 2007, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,


Bill Longnecker
Senior Planner
Current Plans Division

WL:mc
Attachment

Cc: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Maize Community Bldg, PO Box 245, Maize, KS 67101
Bill Buchanan, County Manager, Mail Stop County Rm #343
Kelly Parks, BOCC IV, Mail Stop County Rm #320
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

8. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.
9. 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.
10. The storage of equipment or stockpiling of sand is not permitted closer than within 50-feet of the west and east property lines and 100-feet of the south property line. Property lines are per CON2007-22's site and do not replace the "no stockpiling areas" of CON2000-12.
11. 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.
12. The approval of the Conditional Use is for a period not to exceed 6-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. The approved 10-year operation period for the 18-acre site does not extend the operation period for CON2000-12. As part of the required operational plan, the applicant shall combine the site with CON2000-12's site and show the combined areas as 3 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.
13. Hours of operation for the sand extracting business shall be limited to 6:00 a.m. to sunset.
14. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Sedgwick County Office of Central Inspection.
15. Any water wells needed to operate the facility must comply standards as determined by the Kansas Department of Health and Environment rules and regulations.
16. The applicant shall make the site available to KDHE and the Sedgwick County Office of Central Inspection/Public Works for the installation and management of groundwater monitoring wells.
17. Any on-site storage of fuels or chemicals must be approved by the Sedgwick Fire Department.
18. A drainage plan shall be submitted to and approved by the Sedgwick County Public Works Department 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 the approved drainage plan.

19. 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 minimize blowing dust. The south 705-feet of the existing drive onto 53rd Street North shall be maintained as it currently is, paved with asphalt millings.
20. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the sand and gravel extraction operation.
21. The applicant shall dedicate by separate instrument additional street right-of-way for 53rd Street North and Ridge Road, as determined by Sedgwick County Public Works.
22. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel and Public Works, prior to the commencement of any sand and gravel extraction operation, providing an area for temporary detention storage of drainage water drainage.
23. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

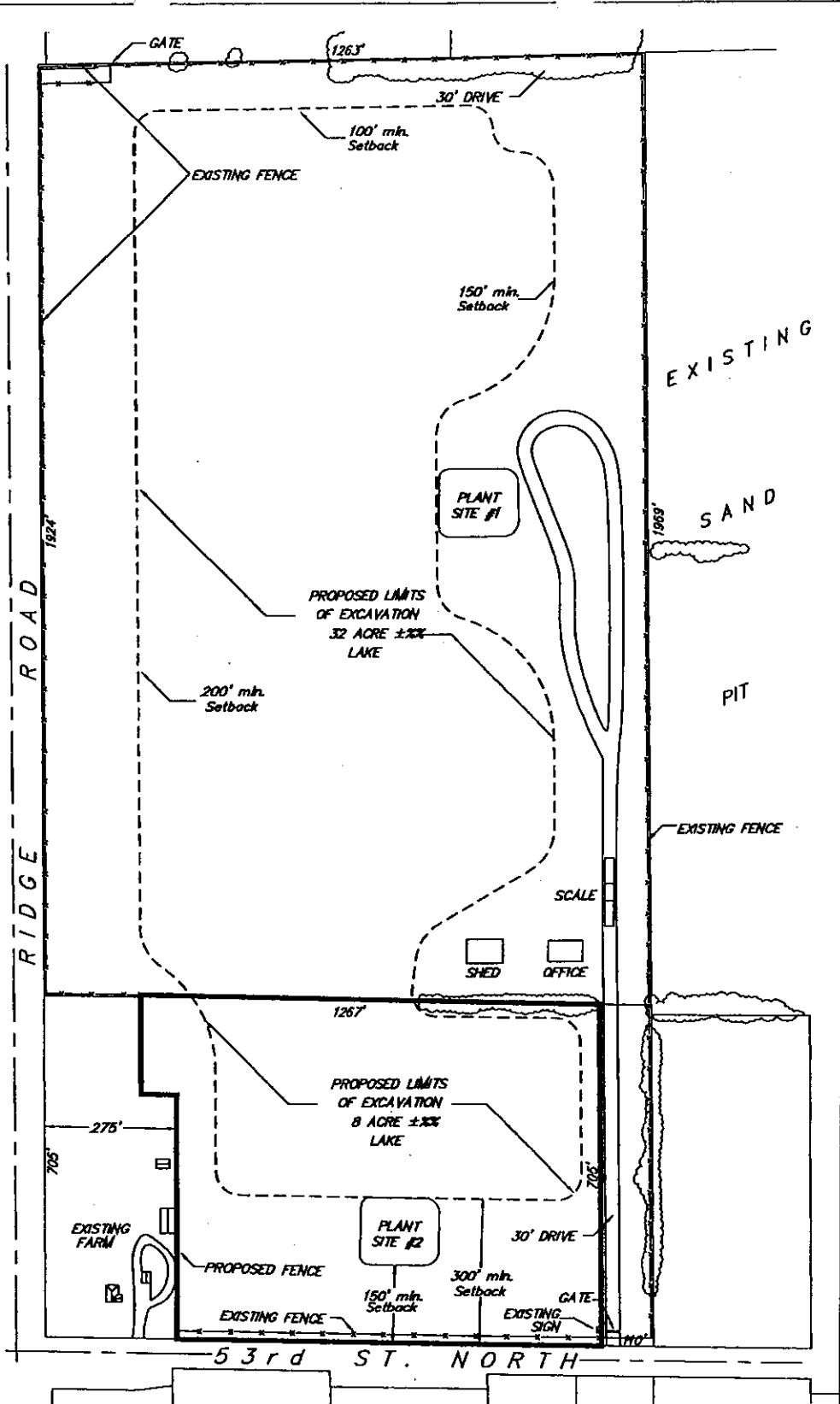
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "RR" and "SF-20" and has nine active or spent sandpit lakes created by sand and gravel extraction operations in the vicinity. There are large tract single-family residences or farmsteads in the area and some agricultural fields. The subject property is within a zone likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Also, information pertaining to wetlands from the Sedgwick County Soil Conservation District and Soil Survey of Sedgwick County indicates that the site does not contain soil commonly associated with wetlands.
2. The suitability of the subject property for the uses to which it has been restricted: The site abuts an active sand and gravel extraction operation and is currently an agriculture field. This use could continue until the end of the abutting active sand and gravel extraction operation, after which it could be developed as single-family residential sites.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects should be minimized by the various setback requirements and operational restrictions required as conditions of approval.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide identifies this area as appropriate for "Rural" development, which accommodates agricultural uses as well as other uses common in rural areas, such as sand and gravel extraction, that are no more offensive than normal agricultural uses. In the "Rural" category, large lot residential uses, as proposed in the redevelopment plan, should be developed with provisions for future water and sewer services.

5. Impact of the proposed development on community facilities: The development of this property as a sand and gravel extraction operation should not have a significant impact on community facilities. On-site water and sewer services will be required to serve this site.

SITE PLAN

APPROVED **WILL LONGMACKER**
SEPT 10, 2007



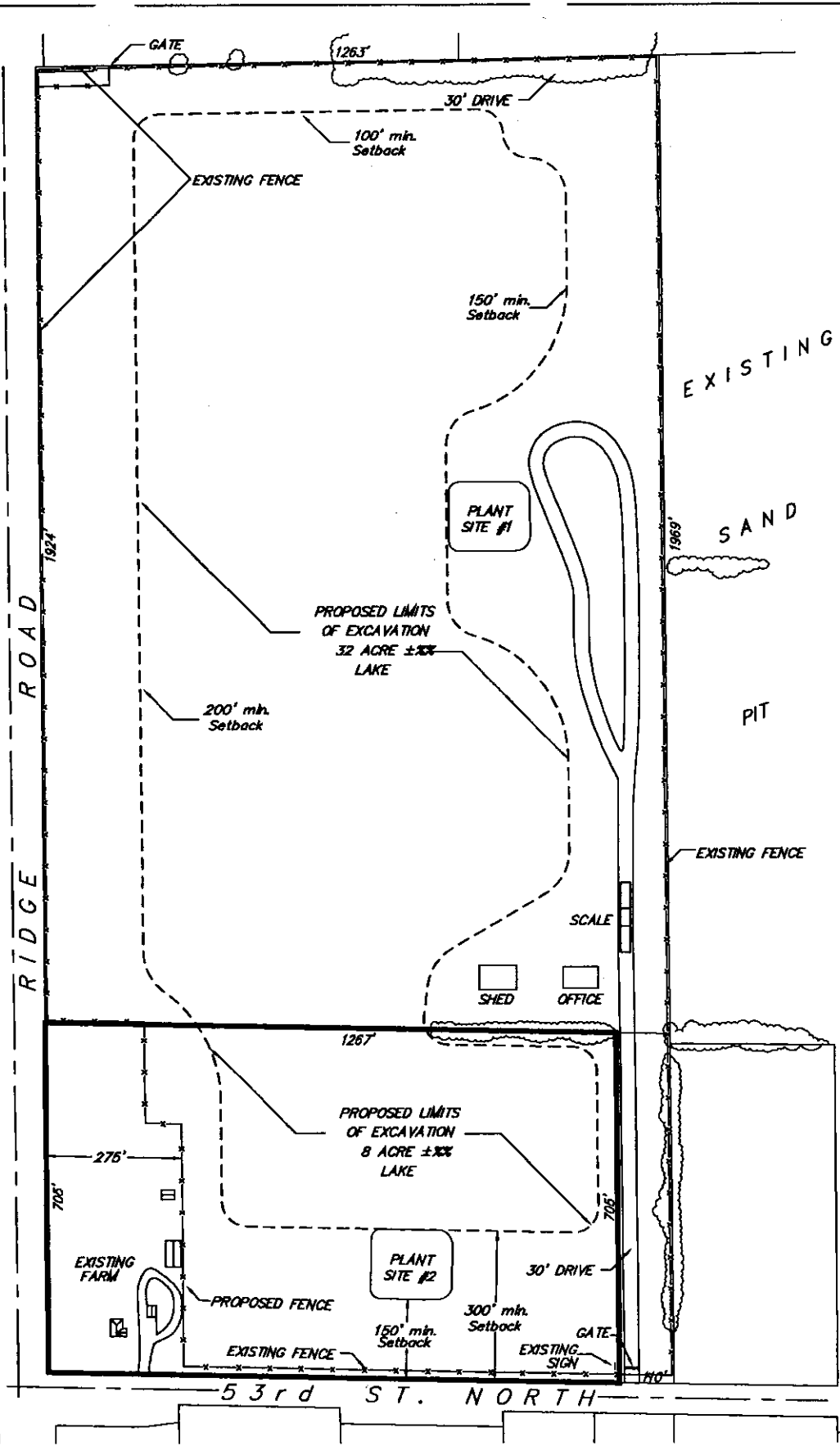
HOSKINSON SAND EXTRACTION
CONDITIONAL USE - CON1607-23
OPERATIONAL PLAN

SCALE: 1" = 200'



SITE PLAN

APPROVED *William L. Anyhæc Ken*
SEPT 19, 2007



HOSKINSON SAND EXTRACTION
CONDITIONAL USE - COM2007-23
OPERATIONAL PLAN



SCALE: 1" = 200'

Area to be developed after sandpit is closed

CONDITIONAL USE RESOLUTION NO. CON2007-00022

WHEREAS, Scott A Hoskins (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to expand a sand and gravel extraction site (reference CON2000-12) on approximately (+)14-acres zoned "RR" Rural Residential described as:

That part of the Southwest ¼ of Sec. 15, Twp. 26-S, R-1-W, of the 6th PM, Sedgwick County, Kansas described as follows: The south 735-feet of the West ½ of said Southwest 1/4, EXCEPT that part taken for road, and EXCEPT the East 110-feet thereof, and EXCEPT that part described as beginning 30-feet North and 60-feet East of the SW corner of said SW ¼; thence North parallel with the West line of said SW ¼, 705-feet; thence East parallel with the South line of said SW ¼, 200-feet; thence South parallel with West line of said SW ¼, 200-feet; thence East parallel with the South line of said of said SW ¼, 75-feet; thence South parallel with the West line of said SW ¼, 505-feet; thence West parallel with the South line of said SW ¼, 275-feet to the point of beginning. Generally located approximately north of 53rd Street North and east of Ridge Road, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of July 19, 2007, consider said application; and that the City of Maize Planning Commission did consider said application at their July 19, 2007 meeting

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for an expansion of a sand and gravel extraction site on approximately (+)14-acres zoned "RR" Rural Residential described as:

That part of the Southwest ¼ of Sec. 15, Twp. 26-S, R-1-W, of the 6th PM, Sedgwick County, Kansas described as follows: The south 735-feet of the West ½ of said Southwest 1/4, EXCEPT that part taken for road, and EXCEPT the East 110-feet thereof, and EXCEPT that part described as beginning 30-feet North and 60-feet East of the SW corner of said SW ¼; thence North parallel with the West line of said SW ¼, 705-feet; thence East parallel with the South line of said SW ¼, 200-feet; thence South parallel with West line of said SW ¼, 200-feet; thence East parallel with the South line of said of said SW ¼, 75-feet; thence South parallel with the West line of said SW ¼, 505-feet; thence West parallel with the South line of said SW ¼, 275-feet to the point of beginning. Generally located approximately north of 53rd Street North and east of Ridge Road, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The extraction operation on the site shall proceed in accordance with the approved site and redevelopment plans (including any modifications to limitations on the scope of excavations required by other regulating agencies), and be subject to the supplementary use regulations found in the Unified Zoning Code at Article III, Section III-D.6.gg, unless specifically modified by conditions contained in this conditional use. If limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions. The perimeter of the lake excavation shall conform to the approximate size and

shape indicated on the approved plan. The applicant shall provide a date when the approximately (+)14-acre site will begin to be used as part of the sand and gravel extraction operation.

2. In order to assist in the enforcement of the operational plan, the applicant shall post a copy of the approved operational plan in the sand and gravel extraction office.
3. Adjacent to the south, east and west property lines of the application area, as indicated on the approved operational plan, a minimum 60-inch-high fence shall be constructed prior to the beginning of any extraction operation. A minimum 60-inch-high fence shall be constructed adjacent to the western portion of the property, where the applicant's has a farmstead and its out buildings, prior to the beginning of any extraction operation. The fence and all existing hedgerows/trees along the property's edge shall be maintained at the locations depicted on the approved 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 or higher 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 1600 facing away from the excavation.

4. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than five horizontal to one vertical.
5. 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.
6. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel and Public Works Department, prior to the commencement of any sand and gravel 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.
7. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the Unified Zoning Code and amendments thereto.
8. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.

9. 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.
10. The storage of equipment or stockpiling of sand is not permitted closer than within 50-feet of the site's west line, 100-feet of the east property lines and 150-feet of the south property line. The property lines are per CON2007-22's site and do not replace the "no stockpiling areas" of CON2000-12.
11. 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.
12. The approval of the Conditional Use is for a period not to exceed 6-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. The approved 6-year operation period for the site does not extend the operation period for CON2000-12. As part of the required operational plan, the applicant shall combine the site with CON2000-12's site and show the combined areas as 3 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.
13. Hours of operation for the sand extracting business shall be limited to 6:00 a.m. to sunset.
14. All on-site water and sewerage facilities shall be approved by and constructed to the standards of the Sedgwick County Office of Central Inspection.
15. Any water wells needed to operate the facility must comply standards as determined by the Kansas Department of Health and Environment rules and regulations.
16. The applicant shall make the site available to KDHE and the Sedgwick County Office of Central Inspection/Public Works for the installation and management of groundwater monitoring wells.
17. Any on-site storage of fuels or chemicals must be approved by the Sedgwick Fire Department.
18. A drainage plan shall be submitted to and approved by the Sedgwick County Public Works Department 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 the approved drainage plan.
19. 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 minimize blowing dust. The south 705-feet of the existing drive onto 53rd Street North shall be maintained as it currently is, paved with asphalt millings.
20. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the sand and gravel extraction operation.

21. The applicant shall dedicate by separate instrument additional street right-of-way for 53rd Street North and Ridge Road, as determined by Sedgwick County Public Works.
22. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel and Public Works, prior to the commencement of any sand and gravel extraction operation, providing an area for temporary detention storage of drainage water drainage.
23. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 6th day of September, 2007.

METROPOLITAN AREA PLANNING COMMISSION



Darrell Downing, Chair MAPC

ATTEST:



John L. Schlegel, Secretary



AGENDA ITEM NO. _____

STAFF REPORT

Maize July 19, 2007
MAPC July 19, 2007

CASE NUMBER: CON2007-00022

APPLICANT/AGENT: Scott Hoskinson (Owner/Applicant)
Baughman Company, PA c/o Russ Ewy (Agent)

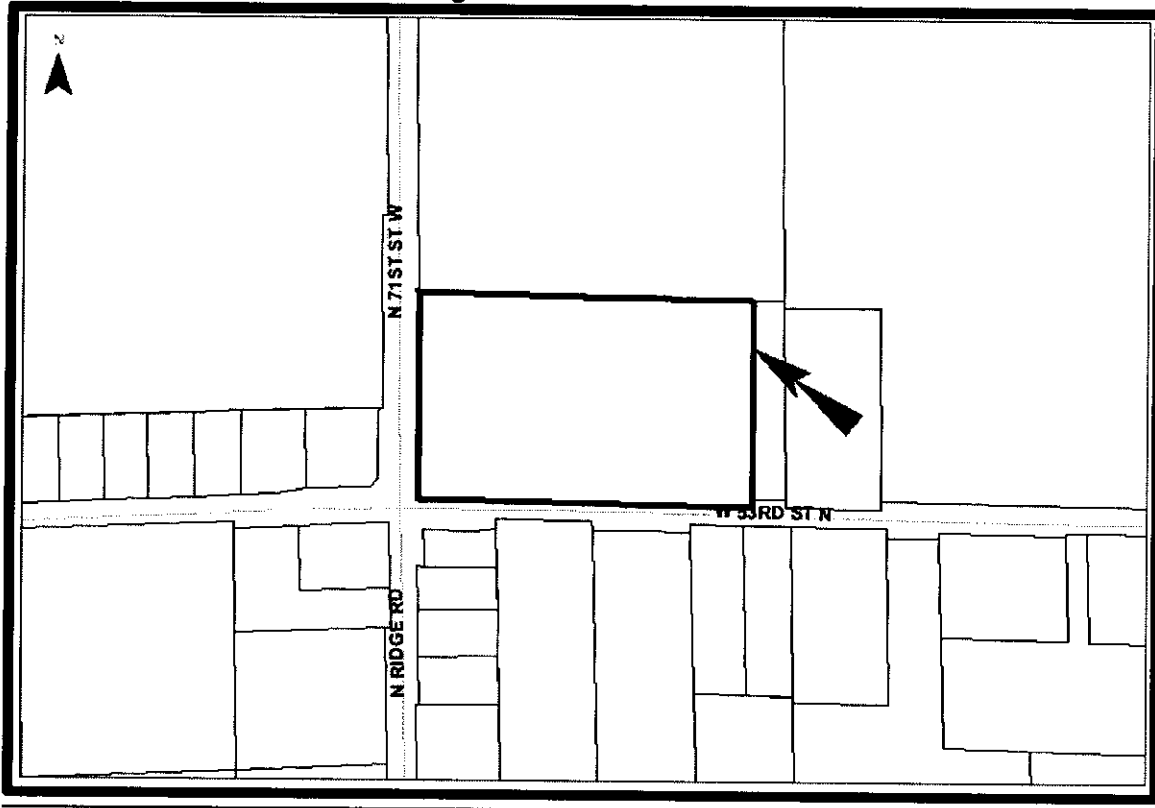
REQUEST: County Conditional Use to expand a sand and gravel extraction site:
CON2000-12 (BoCC #4)

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 18-acres

LOCATION: North of 53rd Street North and east of Ridge Road

PROPOSED USE: Sand and gravel extraction



BACKGROUND: The applicant is requesting a Conditional Use to allow an 18-acre expansion of an existing unplatted 58.3-acre sand and gravel extraction operation; CON2000-12. The proposed expansion would extend the existing operation south, down to 53rd Street North and east to Ridge Road. The proposed expansion would not increase the size of the 40-acre sandpit lake of CON2000-12, but instead reconfigure it and extend it 8-acres to the south. The applicant is asking for a 6-year extension of the current CON200-12 site to allow operations on the proposed expansion to begin and finish. The subject property and the existing sand pit are zoned "RR" Rural Residential.

CON2007-22's site plan shows CON2000-12's existing operational area which includes a shed, an office, scale, plant, existing fencing, a gate on the northwest corner, 150, 200 and 100-foot setbacks, the limits of its 40-acre lake and its drive/circulation. The CON2007-22 site plan also shows the proposed 18-acre expansion area, which including the expansion of CON2000-12's 40-acre sandpit lake, a second plant site, proposed fencing, 300-foot maximum and 150-foot minimum setbacks along 53rd, what appears to be a 70-foot setback along its east side, an undetermined setback along its west side and a sign of undetermined size and type. CON2007-22's plant is located behind the 150-foot setback. The sit plan also shows the relocated security gate across the site's drive, just before it intersects 53rd. A farmhouse and its out buildings, owned by the applicant, are also shown on the site plan, with the farmhouse area fenced off from the existing and expanded operational area. The redevelopment plan shows the site as one commercial tract. Commercial uses on the site would require a zone change. The redevelopment plan also includes CON2000-12's redevelopment plan, which shows 5-7 large single-family sites on its west side and one large single-family site on its east side.

From 1975 to the present, sand and gravel extraction operations have created 9 active or spent sandpit lakes (including the applicant's current active site) in this area located along the north and south sides of 53rd, east from the Arkansas River and west to Tyler Road. Properties abutting and adjacent to the east side of the site are zoned "RR" and "SF-20" Single-family Residential and are developed as working sand and gravel extraction sites (CU-328 and CU 346). There are 7-8 single-family residences or farmsteads located in front of these sandpits, along the north side of 53rd, from Ridge to the Arkansas. There are another 10-11 single-family residences and farmsteads on "SF-20" zoned properties, located south/southeast of the site, across 53rd Street. There are also another 3 sand and gravel extraction sandpit lakes located in this area, south of 53rd. There is one small, undeveloped "LC" Limited Commercial zoned site located on the southeast corner of 53rd and Ridge. West of the site, across Ridge, properties are zoned mostly "RR", with an isolated "SF-20" zoned area. An "RR" zoned spent sand and gravel extraction sandpit lake is located west, across Ridge, from the site. There is a single-family residence on this sandpit lake site. West of this sandpit lake there is also a cluster of two "LI" Limited Industrial zoned properties; two "GO" General Office zoned properties and a small "LC" zoned property. Properties north of the site are zoned "RR" and are developed as large tract single-family residences, farmsteads or are agricultural fields.

The subject property is within a zone likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Also, information pertaining to wetlands from the Sedgwick County Soil Conservation District and Soil Survey of Sedgwick County indicates that the site does not contain soil commonly associated with wetlands. Storage of equipment and material would not be permitted within 100 feet of the south property line and 50 feet of the west and east property lines.

CASE HISTORY: The site is unplatted. The site is proposed to be an expansion of CON2000-12, a Conditional Use for a sand and gravel extraction operation that was approved June 29, 2000. Additional conditions of approval include a restrictive covenant designating CON2000-12's 40-acre sandpit lake for use as temporary detention storage of drainage water. Another restrictive covenant prohibited depositing of foreign matter on CON2000-12's site and required the use of certain types of bank stabilization materials and their final surface projection for grading on the site. Dedications of additional street right-of-ways were also required. CON2000-12 is permitted to operate for 10-years.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture, Single-family residential
SOUTH:	"SF-20"	Single-family residential, operating and used sand and gravel extraction operations/sandpits
EAST:"	"RR"	Sand and gravel extraction operations, single-family residences
WEST:	"RR"	Sand and gravel extraction sandpits, single-family residences

PUBLIC SERVICES: This site when combined with CON2000-12, has access to 53rd Street North and Ridge Road, both two-lane paved section line roads. Access to the site will be from 53rd Street North. 53rd Street North has current traffic volumes of approximately 2,500 average daily trips, and Ridge Road has current traffic volumes of approximately 3,800 average daily trips. The 2030 Transportation Plan estimates that these volumes will increase to approximately 8,500 and 6,200 average daily trips, respectively. Municipal water and sewer services are not currently available to serve this site, and the site is located outside the 30-year urban service area. Use of the site for sand and gravel extraction and, subsequently, single-family residences can be supported by on-site water and sewer service. The proposed commercial redevelopment of the site could be problematic because of the lack of municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide classifies this area as "Rural." This classification encompasses land outside the 2030 urban growth areas for Wichita and the small cities. The site, located on the north side of 53rd Street North, is just outside the 2030 urban growth area. The south side of 53rd Street, at this location is inside 2030 urban growth area. The "Rural" classification is intended to accommodate agricultural and rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately large lot residential sites or subdivisions with provisions for individual, or community water and sewer services. Sand and gravel extraction operations are a common development in areas of rural Sedgwick County that are in close proximity to the Arkansas River.

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 extraction operation on the site shall proceed in accordance with the approved site and redevelopment plans (including any modifications to limitations on the scope of excavations required by other regulating agencies), and be subject to the supplementary use regulations found in the Unified Zoning Code at Article III, Section III-D.6.gg, unless specifically modified by conditions contained in this conditional use. If limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved plan. The applicant shall

provide a date when the 18-acre site will begin to be used as part of the sand and gravel extraction operation.

2. In order to assist in the enforcement of the operational plan, the applicant shall post a copy of the approved operational plan in the sand and gravel extraction office.
3. Adjacent to the south, east and west property lines of the application area, as indicated on the approved operational plan, a minimum 60-inch-high fence shall be constructed prior to the beginning of any extraction operation. A minimum 60-inch-high fence shall be constructed adjacent to the western portion of the property, where the applicant's has a farmstead and its out buildings, prior to the beginning of any extraction operation. The fence and all existing hedgerows/trees along the property's edge shall be maintained at the locations depicted on the approved 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 or higher 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^o facing away from the excavation.

4. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than five horizontal to one vertical.
5. 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.
6. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County's legal counsel and Public Works Department, prior to the commencement of any sand and gravel 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.
7. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the Unified Zoning Code and amendments thereto.