

RESOLUTION NO. 186-2017

Published on: _____

A RESOLUTION CHANGING THE ZONING CLASSIFICATION AND GRANTING A CONDITIONAL USE FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

WHEREAS, THIS RESOLUTION REPEALS AND REPLACES RESOLUTION NO. 158-2017, DUE TO SAID RESOLUTION INCLUDING THE INCORRECT LEGAL DESCRIPTION FOR THE APPLICATION AREA.

WHEREAS, THE UNANIMOUS (5-0) VOTE FROM THE COUNTY COMMISSIONERS ON RESOLUTION NO. 158-2017 APPLIES TO THIS RESOLUTION, AS THE SUBJECT MATTER IS IDENTICAL TO WHAT WAS IN FRONT OF THE BOARD ON SEPTEMBER 13, 2017.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

Case No.ZON2017-00028 and CON 2017-00029

A Zone Change from RR Rural Residential to SF-10 Single-Family Residential on property legally described as follows:

The East Half of the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part of said East Half described as follows: Beginning at the southeast corner of said Southwest Quarter; thence west, 561 feet, more or less, to a point 750 feet east of the southwest corner of the East Half of said Southwest Quarter; thence north parallel with the east line of said Southwest Quarter, 661 feet; thence east parallel with the south line of said Southwest Quarter, 561 feet, more or less, to a point on the east line of said Southwest Quarter; thence south along the east line of said Southwest Quarter, 665 feet, more or less, to the point of beginning, and EXCEPT that part of said East Half described as follows: Beginning at the southwest corner of said East Half; thence east along the south line of said Southwest Quarter, 750 feet; thence north parallel with the east line of said Southwest Quarter, 592.27 feet; thence west 419.46 feet; thence northwesterly, 776.68 feet to a point on the west line of said East Half; thence south along the west line of said East Half, 1306.1 feet, more or less, to the point of beginning.

A Zone Change from RR Rural Residential to LI Limited Industrial on property legally described as follows:

That part of the East Half of the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the southeast corner of said Southwest Quarter; thence west, 561 feet, more or less, to a point 750 feet east of the southwest corner of the East Half of said Southwest Quarter; thence north parallel with the east line of said Southwest Quarter, 661 feet; thence east parallel with the south line of said Southwest Quarter, 561 feet, more or less, to a point on the east line of said Southwest Quarter; thence south along the east line of said Southwest Quarter, 665 feet, more or less, to the point of beginning, subject to road rights-of-way of record.

A Conditional Use to permit mining or quarrying, specifically the extraction and removal of sand and rock crushing on property legally described as follows:

A tract of land in the Southwest Quarter of Section 17, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: The East 1/2 of the Southwest 1/4; EXCEPT Beginning at the Southwest Corner of the East 1/2; thence East 750 feet; thence North 592.27 feet; thence West 419.46 feet; thence Northwest 786.68 feet; thence South 1306.1 feet to the Point of Beginning; and EXCEPT all subject to road rights-of-way of record.

SECTION II. That application ZON2017-00028 and CON2017-00029 is hereby approved and the Conditional Use is subject to the following conditions:

1. The mining/sand extraction operation shall meet all the supplementary use provisions of UZC Section III-D.6.gg.
2. The facility shall be operated as shown on the Operational Site Plan for CON2017-00029, prepared by Baughman Company.
3. The sand extraction operation and rock crusher shall have daily hours of operation from 6:00 a.m. to sunset.
4. The sand extraction/mining facility and rock crusher will have a 15-year duration. This time period shall begin from the start of mining activities. The applicant shall notify MAPD of the start date.
5. Topsoil will be removed from the site, and sand extraction operations will be within the designated area on the operational site plan.
6. Material for rock crushing shall be clean concrete and asphalt debris. The rock crusher will operate in the designated area on the operational plan.
7. The rock crusher shall not be used daily, it will operate at times when there is sufficient material for crushing.
8. The facility will comply with permit requirements of the Kansas Department of Health and Environment.
9. A watering truck will be kept on-site to water all access roads and driveways for the sand extraction operation and rock crusher.
10. The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation.
11. Dedication of right of way to provide a total of 60 feet across the West 53rd Street North frontage.
12. Dedication of access controls on the West 53rd Street North frontage limiting access to one point, preferably near the center of the property.
13. Provide a drainage plan meeting the requirements of the Wichita-Sedgwick County Stormwater Manual.
14. Dedication of drainage easements as needed to accept runoff from off site and convey it through the site as indicated by the approved drainage plan.

- 15. Dedication of reserves to protect areas of the property that are covered by floodplain.
- 16. 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.

SECTION III. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION IV. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH
 MICHAEL B. O'DONNELL, II
 DAVID T. DENNIS
 RICHARD RANZAU
 JAMES M. HOWELL

Ave
Ave
Ave
Ave
Ave

Dated this 8th day of November, 2017.

BOARD OF COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
 KELLY B. ARNOLD, Clerk



[Signature]
 DAVID M. UNRUH, Chairman
 Commissioner, First District

[Signature]
 MICHAEL B. O'DONNELL, II, Chair Pro Tem
 Commissioner, Second District

APPROVED AS TO FORM:

[Signature]
 JUSTIN M. WAGGONER,
 Assistant County Counselor

[Signature]
 DAVID T. DENNIS
 Commissioner, Third District

[Signature]
 RICHARD RANZAU
 Commissioner, Fourth District

[Signature]
 JAMES M. HOWELL
 Commissioner, Fifth District