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# Sedgwick County

525 North Main Street 3rd  
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Wichita, KS 67203

## Legislation Details (With Text)

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**File created:** 8/23/2017      **In control:** Board of Sedgwick County Commissioners

**On agenda:** 9/13/2017      **Final action:**

**Title:** ZON2017-00028 AND CON2017-00029- County Zone Change From RR Rural Residential To SF-10 Single-Family Residential And LI Limited Commercial And Conditional Use To Permit Mining Or Quarrying, Specifically The Extraction And Removal Of Sand, And Rock Crushing For The Property Generally Located On The North Side Of West 53RD Street North And Approximately 1,000 Feet East Of K-96 Highway (District 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZON2017-28 CON2017-29 BOCC RESOLUTION.pdf, 2. ZON2017-00028 CON29 - MAP.pdf, 3. revised operational plan.pdf, 4. revised site plan.pdf, 5. EXCERPT MINUTES OF ZON2017-00028 and CON2017-00029 .pdf

Date	Ver.	Action By	Action	Result
9/13/2017	1	Board of Sedgwick County Commissioners	Approved on the Consent Agenda	Pass

**ZON2017-00028 AND CON2017-00029- County Zone Change From RR Rural Residential To SF-10 Single-Family Residential And LI Limited Commercial And Conditional Use To Permit Mining Or Quarrying, Specifically The Extraction And Removal Of Sand, And Rock Crushing For The Property Generally Located On The North Side Of West 53RD Street North And Approximately 1,000 Feet East Of K-96 Highway (District 4)**

**Recommended Action:** Approve the zone change and Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

**Background:** The applicant is requesting a zone change from RR Rural Residential to SF-10 Single-Family Residential (SF-10) and LI Limited Industrial (LI), and a Conditional Use to permit mining or quarrying of sand, and rock crushing. The subject property is located on the north side of West 53rd Street North and approximately 1,000 feet east of K-96 Highway. The property is in unincorporated Sedgwick County, and abuts the City of Maize.

At the conclusion of sand extraction operation, the proposed SF-10 zoning district would allow the construction of approximately 50 single-family homes and a lake as shown on the redevelopment plan. The proposed LI zoning would create two, three acre industrial parcels on the frontage of the property. Please see the attached redevelopment plan related to the application.

The Conditional Use request would allow a sand extraction/mining operation and related gravel crushing on the site, as shown on the attached operational site plan. Details on the operation are as follows:

- The sand extraction operation and rock crusher would have daily hours of operation from 6:00 a.m. to sunset.
- The sand extraction/mining facility and rock crusher will be limited to a 15-year duration.
- Topsoil will be removed from the site, and sand extraction operations will be within the designated area on the operational site plan.
- Material for rock crushing will be clean concrete and asphalt debris. The crushed gravel aggregate from this debris will be used for local construction and road projects. The rock crusher will operate in the designated area on the operational plan.
- The rock crusher will not be used daily; it will operate at times when there is sufficient material for crushing.
- The facility will comply with permit requirements of the Kansas Department of Health and Environment.
- A watering truck will be kept on-site to water all access roads and driveways for the sand extraction operation and rock crusher.
- The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation.
- The sand extraction operation and rock crusher would generate approximately 80 trucks per day.

The Unified Zoning Code (UZC) includes supplementary use regulations for mining and quarrying. Section III-D.6.gg. provides twenty-three standards and regulations for sand extraction operations. These include requirements on perimeter fencing, dust control, minimum water levels, overburden and stockpile locations, drainage requirements, and other important standards.

Analysis: North of the subject property is a large vacant agricultural parcel zoned RR. South of the site is vacant property currently in the City of Maize. East of the site is vacant agricultural land zoned RR. West of the property is a vacant property zoned RR. There is single-family home west of the property on West 53rd Street North. East of the site along West 53rd Street North to the Arkansas River are approximately eight similar sand extraction operations.

Impact on surrounding property due to the request should be minimal. Compliance with required the supplemental use regulations of the UZC will assure that the proposed use is operated in a fashion that will have no adverse impact on nearby property.

The property is in the City of Maize Small City Urban Growth Area, as designated on the Urban Growth Area Map of the Community Investment Plan. The City of Maize was advised of this application on July 18, 2017, and the City has been provided a copy of this staff report and information on the public hearing.

At the public hearing, representatives of the City of Maize stated that they would prefer an OW Office Warehouse District for the property fronting on West 53rd Street North rather than the proposed LI Limited Industrial District.

The request was heard by the Metropolitan Area Planning Commission (MAPC) on August 10, 2017. MAPC recommended approval of the request by an 11-0 vote. No protest petitions were submitted in opposition to the request.

The MAPC recommendation 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.

**Financial Considerations:** There are no additional financial considerations to the County associated with this application.

**Legal Considerations:** Approval is pursuant to K.S.A. 12-757. Board can (1) recommended action (simple majority); (2) override the MAPC's recommendation (4 votes); or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove (simple majority).

**Policy Considerations:** The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.