

A RESOLUTION TO APPROVE A CONDITIONAL USE A TEMPORARY ROCK CRUSHER ON SF-20 SINGLE-FAMILY RESIDENTIAL, 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-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

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-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. CON2021-00036:

Generally located on the east side of North 135th Street West and within one-half mile north of West 13th Street North on property zoned SF-20 Single-Family Residential.

A tract located in the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas being described as follows: Beginning at a point approximately 455 feet South of the Northwest corner of the Southwest Quarter; thence East perpendicular to the West line of said Southwest Quarter, 350 feet; thence North parallel with the West line of said Southwest Quarter, 210 feet; thence East perpendicular to the West line of said Southwest Quarter, 900 feet; thence South parallel with the West line of said Southwest Quarter, 290 feet; thence West perpendicular to the West line of said Southwest Quarter, 1,250 feet; thence North along the West line of said Southwest Quarter, 80 feet to the point of beginning, subject to all road rights-of-way of record.

This conditional use is granted subject to the following conditions:

- A. The hours of operation shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The rock crusher may not be operated on Saturdays, Sundays or legal holidays.
- B. The site shall be developed and operated in conformance with the approved site plan.
- C. All applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing operations and material storage shall take place within the designated site plan area, unless an adjusted site plan is approved by the Director of Planning.
- D. Prior to rock crushing operations, the applicant (or applicant's hired rock crushing company) shall get an air permit from KDHE to operate in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants.
- E. Rock crushing operations on the site shall not create dust which travels on to surrounding properties. A dust suppression/watering system shall be used during all rock crushing operations.

- F. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be available and used to control dust at the site for the duration of this Conditional Use.
- G. Access to the site will be from the drive access on the east side of North 135th Street West.
- H. The rock crusher shall operate no more than 90 days total. The rock crusher Conditional Use shall be authorized for a period of twelve (12) months from the approval date of this application. The piles and all materials must be removed from the site at the end of the twelve (12) months.
- I. Any request for extension of timing for this Conditional Use must be submitted to the Planning Commission for consideration.
- J. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change 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 III. 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.

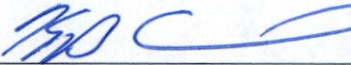
Commissioners present and voting were:

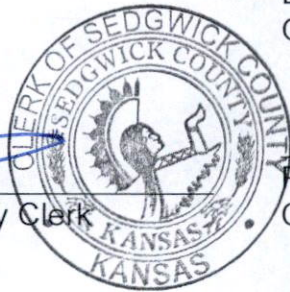
PETER F. MEITZNER	<u>Age</u>
SARAH LOPEZ	<u>Age</u>
DAVID T. DENNIS	<u>Age</u>
LACEY D. CRUSE	<u>Age</u>
JAMES M. HOWELL	<u>Age</u>

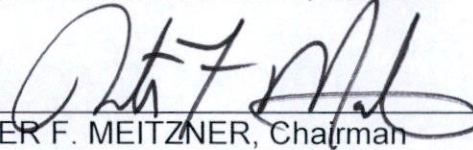
Dated this 6th day of October, 2021.

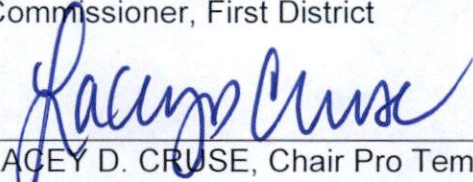
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

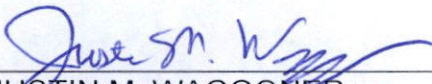

KELLY B. ARNOLD, County Clerk




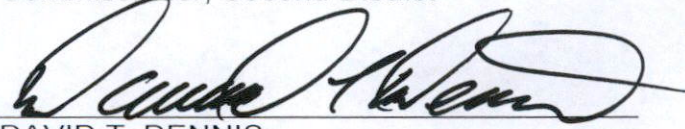

PETER F. MEITZNER, Chairman
Commissioner, First District

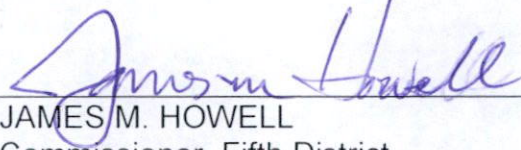

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

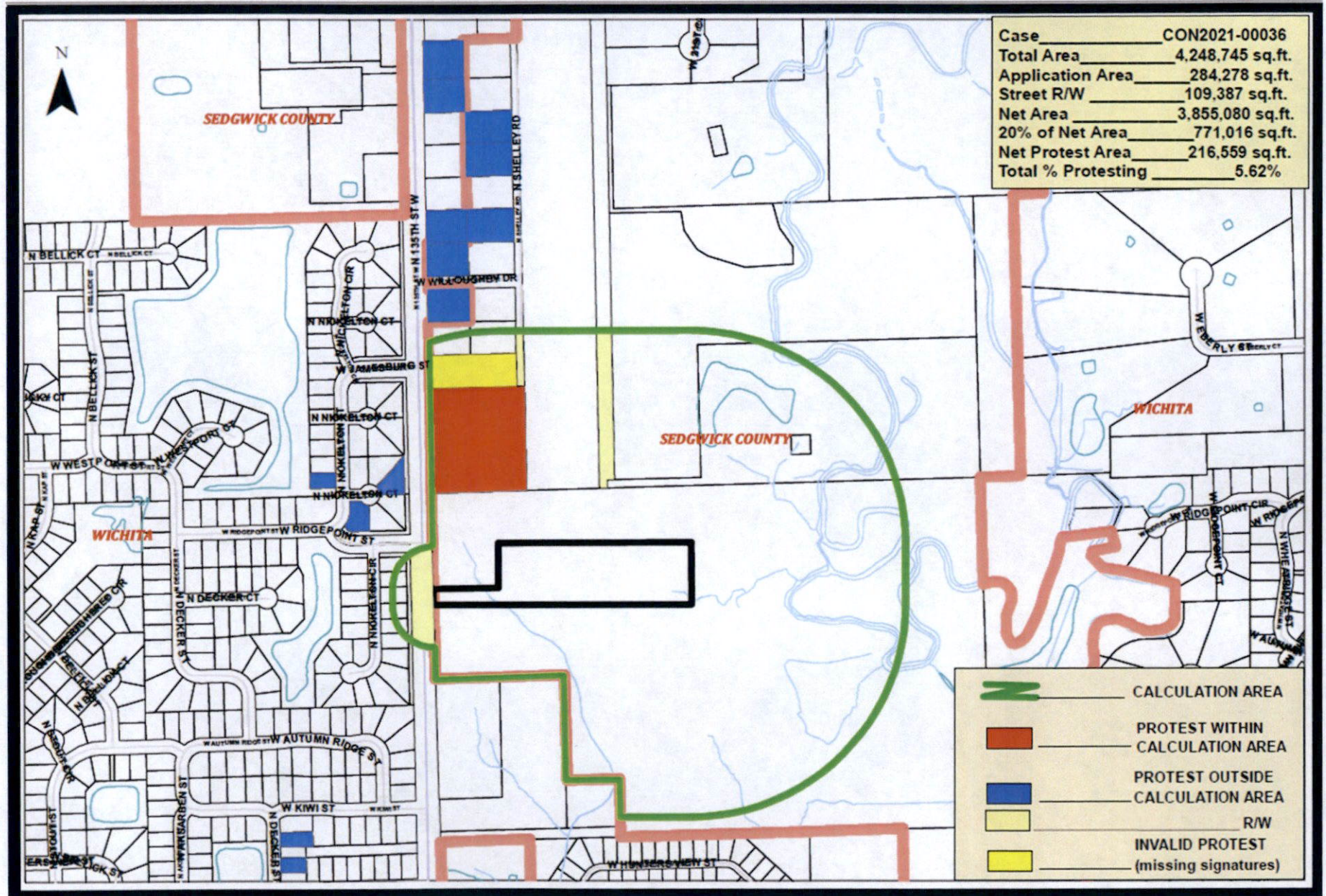

JUSTIN M. WAGGONER
Assistant County Counselor


SARAH LOPEZ
Commissioner, Second District

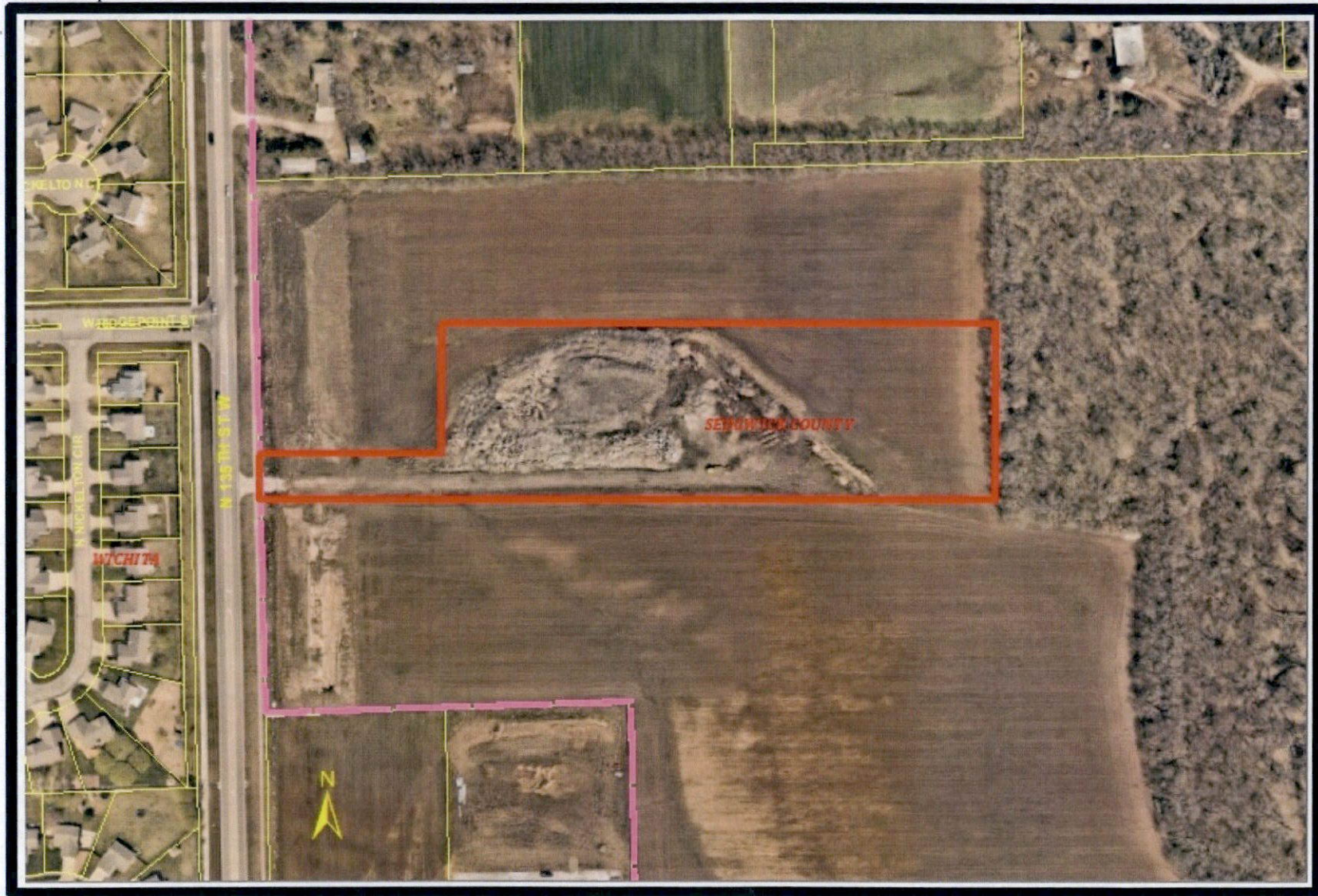

DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

Protest Map










Aerial Map






2035 Wichita Future Growth Concept Map









Legend

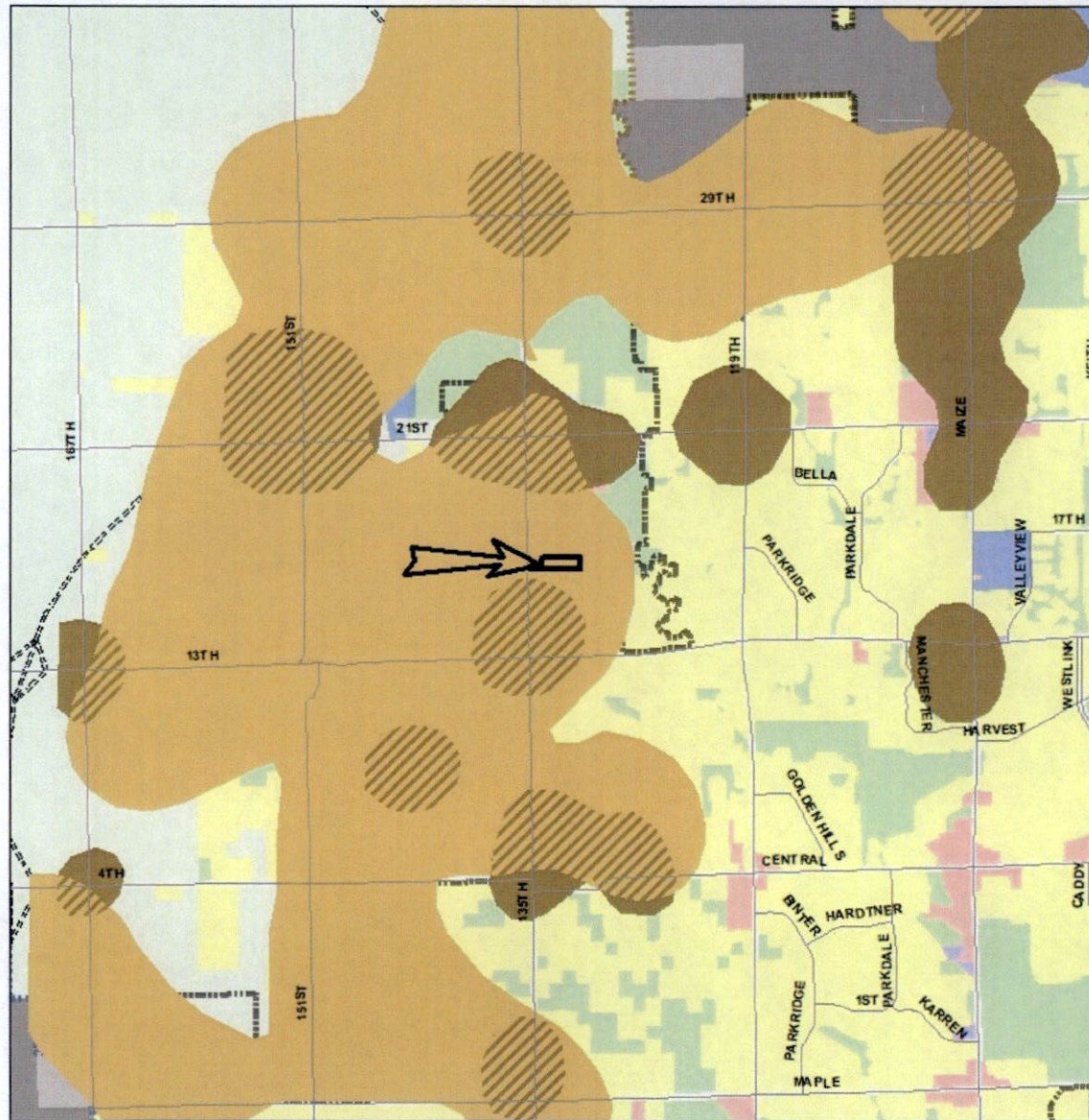
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

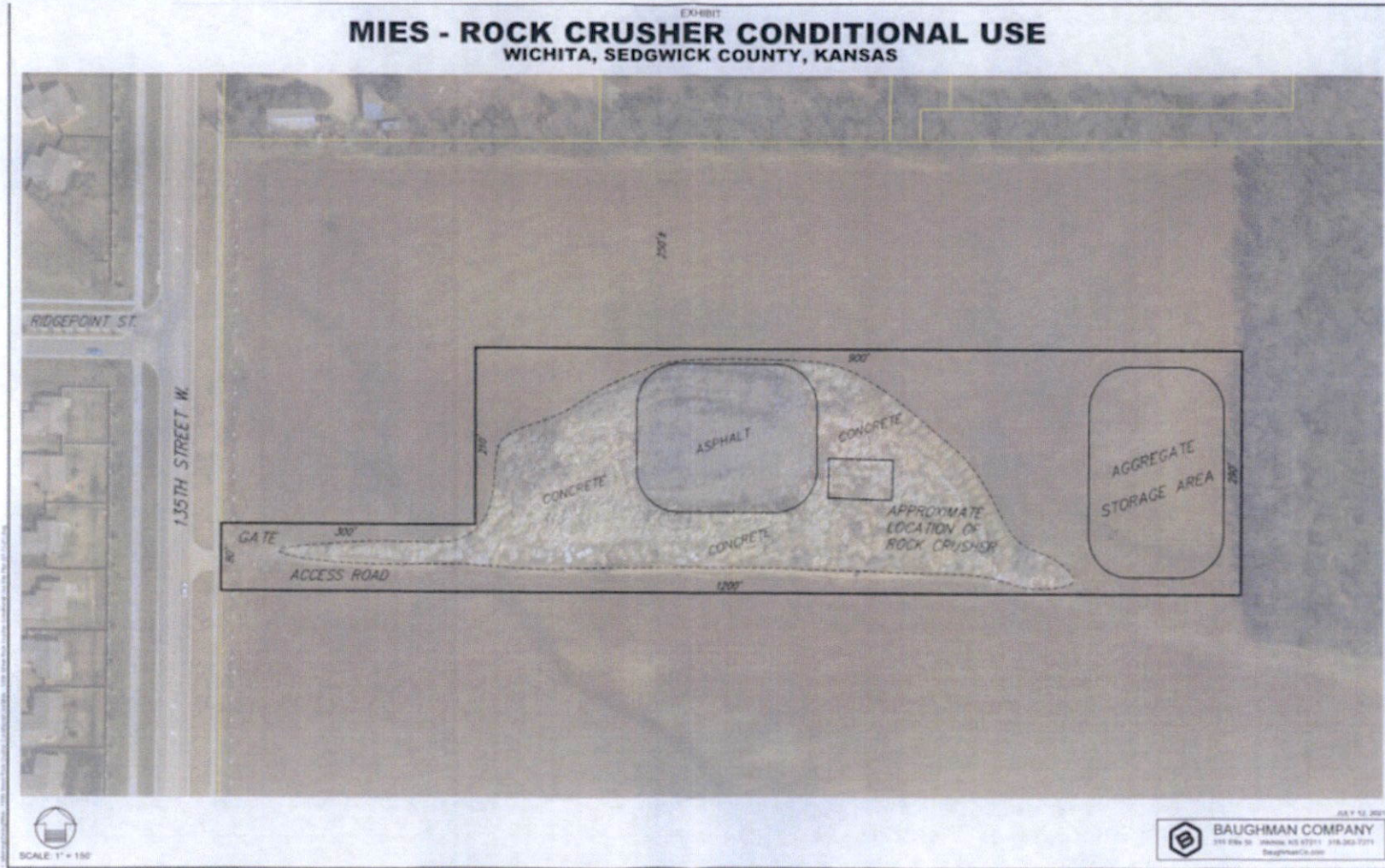
-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Site Plan



**UNIFORM COMPLAINT
AND NOTICE TO APPEAR**


COMPLAINT DATE:	1/9/19
COMPLAINT NUMBER:	102756
CEO NUMBER:	KDIXON

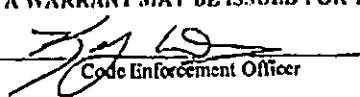
State of Kansas)
County of Sedgwick)
PM

The undersigned complains that on the 8th day of January 2019, at 10:29 o'clock AM

NAME: Ronald Goodwin dba Goodwin Properties., LLC		STREET ADDRESS: 10300 W Central			
CITY: Wichita	STATE: KS	ZIP: 67219	BIRTH DATE: Unknown		
HOME PHONE: Unknown	EMPLOYER: Unknown		ADDRESS/PHONE: Unknown		
D.L.: Unknown	SEX: Male	RACE: Unknown	HEIGHT: Unknown	WEIGHT: Unknown	SSN: Unknown

DID UNLAWFULLY ON PROPERTY LOCATED AT 1540 N 135th ST W:	
Count	1 Operate or allow to be operated as a Landfill on property zoned RR-Rural Residential contrary to the Wichita/Unified Zoning Code.
Count	2
Count	3
ALL IN SEDGWICK COUNTY, KANSAS, AND IN VIOLATION OF THE PROVISIONS OF SEDGWICK COUNTY CODES OR RESOLUTIONS.	

SIGNATURE OF OFFICER OR COMPLAINANT: , No. KDIXON
Kelly Dixon, Code Enforcement Officer

<u>NOTICE TO APPEAR</u>	
The County of Sedgwick, Kansas, to the above-named person: You are hereby summoned to appear before the Sedgwick County Court, 3rd Floor, Historic County Courthouse, 510 N. Main, Wichita, Kansas, on the 28 th day of January, 2019, at 1:30 o'clock P.M., to answer the above complaint. IF YOU FAIL TO APPEAR A WARRANT MAY BE ISSUED FOR YOUR ARREST.	
Dated this 9 th day of January 2019.	Signature of Official: <u></u> Code Enforcement Officer
I agree to appear in the Court at the stated time and place.	
Signature of Accused Person: _____ (You do not admit guilt by signing)	

READ CAREFULLY THE REVERSE SIDE OF THIS COMPLAINT

NAME	CASE#	CITATION#	VIOLATION ADDRESS	NEXT HEARING DATE	STATUS
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (2ND VIOLATION)	19CC051	102697	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	01/28/19: a/d did not appear - no payment made; FTA ordered; cost to 2/11/19; 01/14/19: rescheduled hearing date due to not having been received; 06/02/18: cost to 06/26/18 - waiting on FTA to be returned; 03/19/18: a/d DID NOT appear nor make payment - FTA ordered, cost to 04/02/18
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC013	102756	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	01/28/19: a/d did not appear - no payment made; FTA ordered; cost to 2/11/19;
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC014	102757	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	01/28/19: a/d did not appear - no payment made; FTA ordered; cost to 2/11/19;
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC015	102758	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/4/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC016	102759	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/4/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC017	102760	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/4/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC018	102761	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/4/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC019	102762	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/4/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC024	102763	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC025	102764	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC026	102765	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	
RONALD GOODWIN DBA GOODWIN PROPERTIES, LLC (3RD VIOLATION)	19CC027	102766	SITE: 1540 N 135TH W MAIL: 10300 W CENTRAL, WICHITA, KS	2/11/2019	

