

WHEREAS, R E M LLC, (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request Conditional Uses for Rock Crushing and Mining and Quarrying in the County, on property zoned LI Limited Industrial District, legally described as:

That part of the Southeast Quarter of Section 14, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Wichita-Valley Center Flood Control Right-of-Way and also east of the Missouri Pacific Railroad Right-of-Way, as established by Deed filed in Book 1230, Page 344; except that part described as:

Beginning at the point on the south line and 300.00 feet west of the Southeast corner of the Southeast Quarter of Section 14, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence west along the south line of said Southeast Quarter, and with an assumed bearing of S 89°43'26" W, a distance of 809.00 feet to a point on the easterly line of the Wichita-Valley Center Flood Control Right-of-Way; thence N 26°46'26" W, along said flood control right-of-Way, a distance of 478.93 feet; thence N 25°33'26" W, along said flood control right-of-way, a distance of 456.14 feet to a point on the easterly line of the Missouri Pacific Railroad Right-of-Way; thence along said railroad right-of-way, the following bearings and distances: N33°14'30"E, 80.38 feet; N 30°49'30" E, 76.96 feet; N 29°04'30" E, 102.61 feet; N 27°04'30" E, 102.61 feet; N 25°58'15" E, 9.88 feet to a point in the west line of the East Half of the Southeast Quarter of said Section 14; thence N 00°22'45" W, along said west line, a distance of 6.50 feet; thence N 89°30'19" E, a distance of 1,026.56 feet; thence S 00°29'41" E, parallel with the east line of said Section, a distance of 299.50 feet; thence N 89°30'19" E, a distance of 300.51 feet to a point in the east line of said Section 14, thence S 00°29'41" W, along the east line of said Section a distance of 440.19 feet to a point 435.31 feet north of the Southeast corner of said Section 14, thence S 89°43'26" W, a distance of 300.00 feet; thence S 00°29'41" E, a distance of 435.31 feet to the point of beginning; and except that part described as the South 435.31 feet of the East 300 feet of said Southeast Quarter.

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 March 28, 2024, consider said application; and

WHEREAS, the Board of County Commissioners has authority to permit Conditional Uses, 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow Conditional Uses for Rock Crushing and Mining and Quarrying in the County, on property zoned LI Limited Industrial District, legally described as:

That part of the Southeast Quarter of Section 14, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Wichita-Valley Center Flood Control Right-of-Way and also east of the Missouri Pacific Railroad Right-of-Way, as established by Deed filed in Book 1230, Page 344; except that part described as:

Beginning at the point on the south line and 300.00 feet west of the Southeast corner of the Southeast Quarter of Section 14, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence west along the south line of said Southeast Quarter, and with an assumed bearing of S 89°43'26" W, a distance of 809.00 feet to a point on the easterly line of the Wichita-Valley Center Flood Control Right-of-Way; thence N 26°46'26" W, along said flood control right-of-Way, a distance of 478.93 feet; thence N 25°33'26" W, along said flood control right-of-way, a distance of 456.14 feet to a point on the easterly line of the Missouri Pacific Railroad Right-of-Way; thence along said railroad right-of-way, the following bearings and distances: N33°14'30"E, 80.38 feet; N 30°49'30" E, 76.96 feet; N 29°04'30" E, 102.61 feet; N 27°04'30" E, 102.61 feet; N 25°58'15" E, 9.88 feet to a point in the west line of the East Half of the Southeast Quarter of said Section 14; thence N 00°22'45" W, along said west line, a distance of 6.50 feet; thence N 89°30'19" E, a distance of 1,026.56 feet; thence S 00°29'41" E, parallel with the east line of said Section, a distance of 299.50 feet; thence N 89°30'19" E, a distance of 300.51 feet to a point in the east line of said Section 14, thence S 00°29'41" W, along the east line of said Section a distance of 440.19 feet to a point 435.31 feet north of the Southeast corner of said Section 14, thence S 89°43'26" W, a distance of 300.00 feet; thence S 00°29'41" E, a distance of 435.31 feet to the point of beginning; and except that part described as the South 435.31 feet of the East 300 feet of said Southeast Quarter.

Approval of Mining or Quarrying 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 Site Plan including the installation of solid screening as indicated on the approved site plan.
3. Any modifications to roads, including but not limited to entrances to and from the sand pit, shall be constructed to applicable City or County Standards.
4. Dedication of access controls on the South West Street frontage limiting access to those areas specified on the operational site plan.
5. The following hours of operation shall be in place:
 - a. Trucking: 8:00 a.m. to 5:00 p.m.
 - b. Dredging Operations: 8:00 a.m. to sunset
6. The sand extraction/mining facility shall not exceed a 10-year duration. This time period shall begin from the start of mining activities. The applicant shall notify the Planning Department of the start date.
7. Topsoil and sand extraction operations will be within the designated area on the operational site plan. The applicant shall provide a revised site plan indicating areas where topsoil and sand are to be stored on-site.
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.
10. Provide a drainage plan meeting the requirements of the Wichita-Sedgwick County Stormwater Manual.
11. 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.

Approval of Mining and Quarrying is subject to the following conditions:

1. The facility shall be operated as shown on the Site Plan including the installation of solid screening as indicated on the approved site plan.
2. Any modifications to roads, including but not limited to entrances to and from the sand pit or rock crushing operation, shall be constructed to applicable City or County Standards.
3. Dedication of access controls on the South West Street frontage limiting access to those areas specified on the operational site plan.
4. The following hours of operation shall be in place:
 - a. Trucking: 8:00 a.m. to 5:00 p.m.
 - b. Dredging Operations: 8:00 a.m. to sunset
 - c. Rock Crushing: 8:00 a.m. to 5:00 p.m.
5. Rock Crushing shall not exceed a 10-year duration. This time period shall begin from the start of mining activities. The applicant shall notify the Planning Department of the start date.
6. The rock crusher shall only be used 50 days per year and no more than five consecutive days in a row.
7. The rock crusher shall operate in the designated area on the operational site plan. The applicant shall provide a revised site plan locating the rock crusher along the far west property line.
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 rock crusher.
10. The rock crusher will be equipped with a dust suppression/watering system to reduce dust from the crusher operation. The dust suppression shall be used at any time the rock crusher is being used.
11. Provide a drainage plan meeting the requirements of the Wichita-Sedgwick County Stormwater Manual.
12. 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.
13. The rock crushing area shall not be within seven hundred and fifty (750) feet of S. West Street.

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 be effective upon publication in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye


Dated this 8 day of May, 2024.

ATTEST:


KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



RYAN BATY, Chairman
Commissioner, Fourth District



SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:


KIRK W. SPONSEL
Deputy County Counselor


PETER F. MEITZNER
Commissioner, First District


DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District