

RESOLUTION NO. 013-2018

Published on: _____

A RESOLUTION 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.

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. CON 2017-00037

A Conditional Use request to allow a Borrow Pit in a RR Rural Residential District and legally described as follows:

Part of the SE ¼ of Section 13, and part of Government Lot 4 in the NW ¼ of Section 24, beginning of the south line of the SE ¼ at the west line of the ATSF right-of-way, thence west 1,370 feet; thence 340 feet northeasterly; thence 810 feet northeasterly; thence 190 feet northerly; thence 190 feet easterly; thence 70 feet southerly along said ATSF right-of-way to the point of beginning; in the SE ¼ of Section 13, Township 29 South, Range 1 East, and in the NW ¼ of Section 24, Township 29 South, Range 1 East; Sedgwick County, Kansas.

SECTION II. That application CON2017-0037 is hereby approved and the Conditional Use is subject to the following Conditions:

1. The excavation activity shall be restricted to the area shown on the site plan submitted by the applicant/agent and shall not be perpetuated beyond the agreement to provide dirt for the project(s) within the City of Derby, with all excavation activity to be completed by the end of December, 2018.
2. The performance standards and requirements specified in the Supplementary Uses, Article III, Section III(d)(6)(gg) of the Unified Zoning Code shall be followed, with the exception of those included within Article III, Section III(d)(6)(gg)(4) through (9), which are waived.
3. All permits and approvals that might otherwise be identified and needed shall be obtained, with copies placed on file with the Metropolitan Area Planning Department, including documentation from KDOT, Burlington Northern/Santa Fe Railroad, and appropriate State and Federal agencies, if any.

4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and 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:

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|--------------------------|------------|
| DAVID M. UNRUH | <u>Aye</u> |
| MICHAEL B. O'DONNELL, II | <u>Aye</u> |
| DAVID T. DENNIS | <u>Aye</u> |
| RICHARD RANZAU | <u>NO</u> |
| JAMES M. HOWELL | <u>Aye</u> |

Dated this 17th day of January, 2018.

ATTEST:

Karen S. Baird
KELLY B. ARNOLD, Clerk of Sedgwick County



APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

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