

(Published on the Official City of Maize Website, Thursday, September 18, 2026)

ORDINANCE NO. 1126

AN ORDINANCE APPROVING THE CONDITIONAL USE PERMIT FOR A SAND EXCTRACTION OPERATION FOR CERTAIN RESIDENTIALLY ZONED PROPERTY LOCATED IN THE CITY OF MAIZE, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY AS ADOPTED AT SECTION 16-201 OF THE CODE OF THE CITY OF MAIZE, KANSAS AND AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MAIZE, KANSAS:

SECTION 1. After proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City, as adopted at Section 16-201 of the Code of the City of Maize, Kansas, and as amended, the Maize City Council recommends approval of Case No. CU-02-026 and that the zoning district classification of the property legally described herein be changed as follows:

Change of the zoning district classification from the SF-5, Single-Family Residential District with a CU, Condition Use

Legal Description:

Beginning at a point 1320 Feet East of the N.W. Corner of the N.W. 1/4 of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence continuing East along the North Line of said N.W. 1/4, said line having an assumed bearing of N90°00'00"E, a distance of 821.89 Feet, thence S00°11'57"E, a distance of 948.06 Feet; thence S89°36'20"W, a distance of 2137.49 Feet to a point in the West line of said N.W. 1/4; thence N00°27'39"W, along the West line of said N.W. 1/4, a distance of 632.80 Feet; thence N89°36'20"E, a distance of 1320 Feet; thence N00°27'39"W, a distance of 330 Feet to the point of beginning, containing 36.93 Acres, More or Less, the North 30.0 Feet and the West 30.0 Feet of the above described trace being reserved for road purposes,

EXCEPT,

That part of the Northwest Quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Commencing at a point on the West line of said Northwest Quarter, said point being S00°27'29"E, 548.00 feet South of the Northwest corner of said Northwest Quarter; thence N90°E, parallel with the North line of said Northwest Quarter, 1350.00 feet to the Point of Beginning; thence S00°27'39"E, 250.00 feet; thence N90°E, 250.00 feet; thence N00°27'39"W, 250.00 feet; thence S90°W, 250.00 feet to the Point of Beginning.

TOGETHER WITH,

Beginning at the S.W. Corner of the N.W. 1/4 of the N.W. 1/4 of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; Thence N00°27'39"W, along the West Line of said N.W. 1/4, a distance of 407.94 Feet, Thence N89°36'20"E, a distance of 2137.49 Feet, Thence S00°11'57"E, a distance of 407.94 Feet to a point in the South Line of the North Half of the N.W. 1/4 of said Section 16, Thence S89°36'20"W, a distance of 2135.63 Feet to the point of beginning, containing 20.00 Acres, More or Less, the West 30.0 Feet of the above described trace being reserved for road purposes,

TOGETHER WITH,

The North 330 feet of the East 660 feet of the West 1320 feet of the Northwest Quarter of Section 16, Township 26 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas.

General Location:

Southeast corner of 61st Street North on the east side of Tyler Road.

Such Conditional Use Permit is subject to the Maize City Ordinance 1109 and the following conditions:

1. The extraction operation on the site shall proceed in accordance with the operational plan approved by the Planning Commission. The perimeter of the sand pit excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted in the extraction office.
2. The operational plan shall illustrate which area is to be excavated and at what time.
3. The owner of the property shall be responsible for minimizing blowing dust/soil from the site. To minimize blowing dust/soil, overburden shall not be removed more than six (6) months in advance of the lake being expanded into an area, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.
4. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of sod cover to help prevent erosion.
5. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than 5:1 horizontal to vertical.

6. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks, so they are formed with overburden material rather than sand.
7. The property shall be platted prior to the issuance of any zoning or building permits, except those permits necessary for the extraction operation.
8. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the City Attorney, prior to the commencement of any extraction operation, providing that no foreign matter such as rubbish, trees, car bodies, etc. shall be deposited on the application area or within the extraction area.
9. The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.
10. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within sixty (60) days after completion of the extraction operation, the land surrounding the lake shall be properly graded and planted with vegetative cover. Also, all stockpiled sand or overburden and sand pumping and related equipment shall be removed from the subject site.
11. All on-site water and sewage facilities shall be approved by and constructed to the standards of the Sedgwick County Health Department.
12. Any water wells needed to operate the facility must comply with the Water Well Construction Standards contained in Article 30 of the Kansas Department of Health and Environment rules and regulations.
13. The applicant shall make the site available to the Sedgwick County Health Department for the installation and management of groundwater monitoring wells.
14. Any on-site storage of fuels or chemicals must be approved by the Sedgwick County Health Department.
15. A drainage plan shall be submitted to and approved by the City Engineer prior to starting the extraction operation. All of the areas included within the fenced or bermed sand extraction operation shall be graded in accordance with the approved drainage plan. Additional requirements such as a public drainage easement, a floodway reserve or a covenant authorizing the site for use as a detention storage facility for public drainage purposes, may be required as a condition of approval for the drainage plan.

16. All applicable local, state and federal permits necessary for the extraction operation shall be obtained and maintained before extraction operations begin.
17. The Conditional Use shall be valid for ten (10) years plus an optional two- (2) year extension from the date of issuance of applicable permits or from the approval date of the City of Maize, whichever occurs earlier. Such operation is to cease after that period of time with all equipment and material associated with the operation removed from the premises.
18. All operation materials and buildings shall be removed from the site within sixty (60) days of the end of operations or the end of the ten- (10) year period, unless a two- (2) year extension is granted by the Governing Body.
19. Dredging hours and days of operation shall be Monday through Friday, 6 AM to 6 PM.
20. No dredging shall be allowed on Saturdays or Sundays.
21. No commercial sales or operations shall be allowed on Saturdays or Sundays.
22. The distance of the dredge from any residential property not part of the subject property shall be a minimum of 500 feet to the exception of 8727 W 61st St N and 8341 W 61st St N.
23. The Conditional Use shall be reviewed by the Planning Commission one (1) year following commencement of sand extraction operations. Planning Commission may impose additional requirements as needed at this review.
24. All hauling of overburden, sand and heavy equipment referred to as “operational traffic” will utilize the Ridge Road entrance and exit that currently exists within the Mutual Access Easement Agreement that is recorded with the Sedgwick County Register of Deeds as DOC#/FLM-PG: 29461766. The City has not adjudicated or guaranteed private easement rights as to any property outside the boundaries of the property subject to the Conditional Use Permit.
25. If the Mutual Access Easement Agreement is terminated or it is determined that the Ridge Road route designated in Condition 24 is not available, all operational traffic shall be routed through an entrance and exit on W 61st St N. Before this access point is used, it must be reviewed and approved by the City of Maize Governing Body, subject to conditions imposed as part of that approval process. As part of that final governing body approval, those conditions will include, but are not limited to, the following requirements:
 - (a) A traffic study and pavement impact study will be required to be completed by the City of Maize and paid for by the applicant. In addition, the applicant will be required to pay for any required

compensation for necessary improvements for operational traffic and pavement and drainage impact determined by the studies and will be made to the City of Maize to use W 61st St N.

- (b) In the event that W 61st St N is determined to be the only viable route for operational traffic, a right turn only sign will be placed at the entrance directing operational traffic from the 61 St. entrance to the Ridge Road intersection. The sand operation provider will require notification to all drivers that the 61st St. N route is the only access to the operation. Tyler and 61st St. N going to the west will not permit trucking traffic for sand and gravel operations.

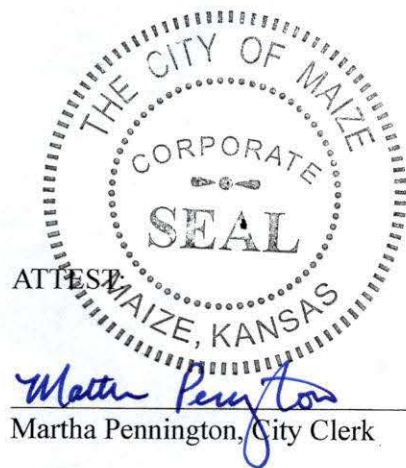
- 26. The site shall be developed in compliance with the submitted Operational Plan to include the addition of requirements outlined above.

SECTION 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication once on the City of Maize, Kansas website, which is the designated official city newspaper.

PASSED by the Maize City Council on September 18, 2026.

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(SEAL)



Pat Stivers
Pat Stivers, Mayor

APPROVED AS TO FORM:

Tom Powell
Tom Powell, City Attorney

APPROVED:

Mitch Young
Mitch Young, City Planning Administrator

Affidavit of On-Line Publication

I, Martha Pennington being duly sworn and say, I am the City Clerk for the City of Maize, published on the City of Maize Official City Website of www.maizeks.gov which has been designated via Charter Ordinance No.34-25 the Official Public Newspaper for the City of Maize; and being the official legal organ of said city, and that the advertisement, a copy of which is attached hereto, was placed on the official city website on the date of September 15, 2026

Martha Pennington
City Clerk Signature

Hereby subscribed and sworn to before me on this 15th day of September, 2026

Darla Jo Terbush
Notary Public

