

Exhibit A

SPECIAL USE PERMIT APPLICATION

Return Form to:

City of De Soto Planning Department
P.O. Box C, 32905 W. 84th Street
De Soto, KS 66018
(913) 583-1182 ext. 115
Fax: (913) 583-3123

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: David M. and Carmietta Penny Revocable Trust PHONE: 913-583-3335
E-MAIL: davidpenny@theaquaticgroup.com FAX: n/a
ADDRESS: 643 Tennessee St., Lawrence, Kansas ZIP: 66044

OWNER(S): David M. and Carmiletta Petty Revocable Trust PHONE: 913-583-3335
E-MAIL: davidpenny@theaquaticgroup.com FAX: n/a
ADDRESS: 643 Tennessee Street, Lawrence, Kansas ZIP: 66044

TO BE COMPLETED FOLLOWING CONSULTATION WITH PLANNING STAFF

Location of Property: East and West of Gardner Road and North of 83rd Street
Legal Description: NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 lying North of BNSF RR all in Section 26, Township 12 South, Range 22 East, in the City of DeSoto, Johnson County, Kansas.

Proposed Land Use Activity: Interim uses are gravel extraction operation; final use is recreational lake.

Adjacent Zoning and Land Use:

	<u>Zoning</u>	<u>Land Use</u>
North	<u>M-1 (SUP)</u>	<u>AG Vacant</u>
South	<u>R-0 R-1</u>	<u>AG Vacant BNSF Railroad</u>
East	<u>R-0 (SUP)</u>	<u>AG Vacant</u>
West	<u>R-0</u>	<u>AG Vacant - City of Olathe</u>

Present Use of Property: AG Vacant

IMPORTANT: Review Zoning Regulations, Articles 10 & 11 and Procedures Manual, Articles 12 & 14 available at www.desotoks.us, Online Documents and Regulations

Does the proposed special use meet the following standards?
If no, attach a separate sheet explaining why.

Yes No

- | | | |
|---|----------------------------------|-----------------------|
| 1. There is a need in the community for the proposed use. | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, and there will be little or no detrimental impact to nearby property. | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. Is found to be generally compatible with the character of the neighborhood in which it is proposed to be located. | <input checked="" type="radio"/> | <input type="radio"/> |
| 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. Off-street parking and loading areas and landscape buffering/screening will be provided in accordance with the standards set forth in the regulations. | <input checked="" type="radio"/> | <input type="radio"/> |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <input checked="" type="radio"/> | <input type="radio"/> |
| 7. The proposed use will not create any harmful environmental impacts such as excessive stormwater runoff, nighttime lighting, or air/noise/water pollution. | <input checked="" type="radio"/> | <input type="radio"/> |
| 8. The proposed use will have an overall positive economic impact on the community. | <input checked="" type="radio"/> | <input type="radio"/> |

Should this special use be valid only for a specific time period?

Yes No

If Yes, what length of time? Indefinite

Attachments Required: Property deed with owners and legal description

Copies of site plan in accordance with the City's Application and Review Schedule and the requirements of Article 11, Site Plan Review, showing existing and proposed structures on the property in question, and adjacent property, off-street parking, driveways, and other information.

SIGNATURE: David Penny

DATE: 12/27/2016

BY: David Penny

TITLE: Owner/Applicant

SIGNATURE: _____

DATE: _____

BY: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

BY: _____

TITLE: _____

IMPORTANT: Review Zoning Regulations, Articles 10 & 11 and Procedures Manual, Articles 10 and 14 on the city website at www.desotoks.us under Online Documents and Regulations

Send to City Administrator/City Engineer Mike Brungardt, P.E.
 via email: mbrungardt@desotoks.us, or at 32905 W. 84th St., P.O. Box C, De Soto, KS

Kaw Sand Narrative

Location

The property is uniquely situated between the BNSF railroad, City of Olathe property, and the Kansas River.

Land Use

The future land use map indicates this area to be suitable for heavy industrial. This site is the only area in De Soto with this land use designation. The configuration and location of this land use designation suggests that the intent was to allow sand and gravel extraction to occur in the area. The proposed activity is a permitted use with a special use permit.

Adjacent Property

To the north of the property is the Kansas River. The BNSF railroad is located along the south property line between the proposed activity zone and nearest residential. There are a few residential zoned properties south of the BNSF railroad. To the west of the proposed project is the City of Olathe water facility. To the east is an existing sand and gravel operation.

There is an existing SUP for an extraction operation to the east and north. Along the south boundary there would be 300 feet between the nearest residential property line and the proposed activity zone for the eastern parcel. Along the south boundary there would be 600 feet between the nearest residential property line and the proposed activity zone for the western parcel.

Project Description

The growth of the region requires a good source of local aggregate. The site is unique in that it contains high quality material needed for construction of infrastructure and buildings in the region. The current owner purchased the property because of this resource. The proposed use is an expansion of the existing sand and gravel extraction facility and the operation of a sand and gravel plant along with associated auxiliary maintenance and sale operations. Based on the existing operation to the east, the owner of the property believes the proposed expansion site has sand and gravel which will be an asset to the area. The subject parcel is 92.27 acres. The removal of the sand and gravel is already an established activity in the area. There are Special Use Permits to allow the extraction of the sand and gravel on the properties to the north and east.

The topsoil layer will be removed using typical wheeled construction equipment and placed along the perimeter to create a berm. Once the topsoil layer is removed, the sand and gravel on the site will be removed using dredge equipment and sorted using screen equipment. No rock crushing activities or asphalt or concrete mixing plants are to be permitted except that occasional rock crushing activities incidental to state highway projects may be permitted subject to prior authorization from the Planning Department. The proposed outdoor uses are as follows:

- Sand dredging operation
 - Extraction of material from water-filled pit and pumping of slurry material to plant location using a floating dredge and pipeline system.
- Sand plant operation
 - Classification, sorting, and stacking of sand and gravel material supplied by dredge
- Loading operation
 - Use of front-end loaders and skid steers to fill customer's vehicles with sand or gravel
- Scaling operations
 - Weighing of customer's vehicles on truck scale for determining sale amounts
- Maintenance and Fabrication
 - Occasional welding, cutting and grinding of metal. Also, general maintenance of vehicles and equipment such as changing oil, fueling, etc.
- Excavation of Overburden
 - Periodic stripping of 10-15 feet of soil/silt of areas prior to expansion of pit through the use of excavators, loaders, haul trucks, and bulldozers
- Mowing
 - Periodic cutting of grass, weeds, and small trees using a pull behind mower for tractor and/or brush hog attachments for equipment
- Agricultural
 - Plowing, seeding, and harvesting of agricultural products on any land area currently unused by dredging or plant operation

It is estimated that there will be 25 full/part time Employees, 50 trucks/customers (trips limited to average 115 visits per day), and 10 delivery vehicles per day. Customer truck traffic to and from the operation shall be restricted to the period from on half hour before sunrise to on half hour after sunset. Such truck traffic to and from the operation shall be subject to all posted weight, speed and vehicle restrictions. Sand hauling truck visits will be limited to an average of 115 visits per day. A hauling truck: in and out shall be considered one visit. The hauling operation is allowed six days a week year round. Proposed hours- Monday-Saturday: 7 am - 5 pm (open to customers), 24 hrs operation Sunday: Closed

Number of Shifts- 3 (max)

Employees per shift- 10 (max)

The proposed maximum occupancy is

Office Trailer- 5 persons (proposed), 20 persons (maximum)

Plant Control Room- 3 persons (proposed), 15 persons (maximum)

The proposed activity is highly regulated. The operator follows all regulations and best management practices on the existing facility and will do the same for this site.

All sand and gravel dredging operations shall, at all times, be in conformity with all applicable federal, state and local laws governing such business activity. Permittees will at all times comply with applicable local, state and federal ordinances, statutes and regulations which prescribe and regulate the construction, operation and maintenance of fuel storage facilities including regulations governing spillage prevention and containment.

Timber and ground cover will be maintained along the river to provide erosion protection. The proposed use includes a buffer 100 feet in width along the west and south boundaries and 50' buffer north and east.

PROOF OF OWNERSHIP AFFIDAVIT

STATE OF Kansas)
COUNTY OF Johnson) ss.

(1) (FILL IN IF APPLICANT IS THE LEGAL OWNER OR OWNER'S REPRESENTATIVE)

David M. Penny (print name), being first duly sworn upon his/her oath, deposes and states he/she is the legal owner or the authorized official of the legal owner of the property that is the subject of a Special Use Permit application.

Signature of Owner: David Penny, Trustee

Name & Title: Trustee David M. Penny & Carmillette Penny Trust
(Name of owner signing Affidavit. If owner is a corporation or business—exact name of individual signing Affidavit, capacity and exact name and legal status of said corporation or business)

(2) (FILL IN ONLY IF APPLICANT IS A CONTRACT PURCHASER)

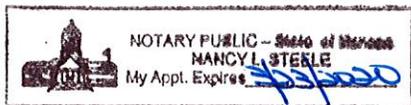
That: _____
is/are the holder of a contract to purchase the property that is the subject of a Rezoning or Special Use Permit application from the owner(s) and is therefore a "landowner" within the meaning of the Zoning Code. (IF APPLICATION IS BEING FILED BY AN AGENT, THE AGENT'S PORTION OF THE AFFIDAVIT MUST BE COMPLETED ALSO.)

Signature: _____

Title: _____
(Name of contract purchaser signing Affidavit. If owner is a corporation or business--exact name of individual signing Affidavit, capacity and legal status of said corporation or business)

Subscribed and sworn to before me this 27 day of Dec, 2016

Nancy L. Steele
Notary Public



My Appointment Expires: 3/31/2020

(EACH OWNER OF RECORD MUST FILE AN AFFIDAVIT)

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