CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 7, 2016

Dean Chesnut
c/o Martin's Central Sand
5720 N. Broadway
Wichita, KS, 67219

Tom George Investments, LLC
1900 N Red Brush Ct
Wichita, KS, 67206

REFERENCE: CON2016-00002 – County Conditional Use request for a Rock Crusher on SF-20 Single0Family Residential zoned property, generally located on the north side of West 21st Street North and the west side of North West Street (BoCC #3).

Dear Sirs:

At its regular meeting on February 18, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE, 11-0, the request, with the conditions listed on the attached Resolution.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Bill Longnecker
Senior Planner

BL: mc

CONDITIONAL USE RESOLUTION NO. CON2016-00002

WHEREAS, Tom George Investments, LLC, c/o Tom George (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a "Rock Crusher", on approximately 44.9-acres zoned SF-20 Single-Family Residential ("SF-20"), described as:

That part of the South Half of the Southeast Quarter of Section 2, Township 27 South, Range 1 West of the\ 6th P.M., Sedgwick County, Kansas, lying West of the Westerly right of way line of the Wichita-Valley Center Flood Control Project as condemned in District Court Case A-31849 and further described as follows: Beginning at a point on the South line of said Southeast Quarter, 1838.48 feet West of the Southeast Corner of said Southeast Quarter, said point being the intersection of the Flood Control right of way with the South line of said Quarter Section; thence West 791.3 feet to the Southwest Corner of said Southeast Quarter; thence North along the West line of said Southeast Quarter, 1316.5 feet to the Northwest Corner of the South one-half of said Southeast Quarter; thence East along the North line of said South one half, 2108.24 feet to the Flood Control right of way; thence Southwesterly along said right of way to the place of beginning, Sedgwick County, Kansas; generally located on the north side of West 21st Street North and the west side of North West Street.

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 February 18, 2016, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a "Rock Crusher", on approximately 44.9-acres zoned SF-20 Single-Family Residential ("SF-20"), described as:

That part of the South Half of the Southeast Quarter of Section 2, Township 27 South, Range 1 West of the\ 6th P.M., Sedgwick County, Kansas, lying West of the Westerly right of way line of the Wichita-Valley Center Flood Control Project as condemned in District Court Case A-31849 and further described as follows: Beginning at a point on the South line of said Southeast Quarter, 1838.48 feet West of the Southeast Corner of said Southeast Quarter, said point being the intersection of the Flood Control right of way with the South line of said Quarter Section; thence West 791.3 feet to the Southwest Corner of said Southeast Quarter; thence North along the West line of said Southeast Quarter, 1316.5 feet to the Northwest Corner of the South one-half of said Southeast Quarter; thence East along the North line of said South one half, 2108.24 feet to the Flood Control right of way; thence Southwesterly along said right of way to the place of beginning, Sedgwick County, Kansas; generally located on the north side of West 21st Street North and the west side of North West Street.

Approved subject to the following conditions:

A. The rock crusher(s) will be active will be from 7:00 a.m. to 6:00 p.m., Monday through Friday. The rock crusher(s) may be active 8:00 a.m. to 3:00 p.m. on Saturdays

B. The site shall be developed and operated in conformance with the approved revised site plan and 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.
C. Prior to rock crushing operations, the applicant shall get an air permit from KDHE to operate it in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart OOO NSPS for Nonmetallic Mineral Processing Plants.
D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.
E. Rock crushing activities will take place on the south half of the site, unless approved by the Director of Planning. The rock crusher operation will be used only on the concrete found on the subject site, no concrete will stored or crushed on the subject site from other sites. Fill dirt can be brought on the subject site to be used for grading of the site.
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 kept onsite to be used to control dust.
G. Access to the site will be from the current drive located on 21st Street North.
H. All conditions shall be met and operations begun within one year of final approval or the Conditional Use shall be null and void.
I. The rock crushing operation shall cease and all equipment and material shall be removed from the subject site one-year after final approval. This time limit may be extended an additional year with an Administrative Adjustment to the Conditional Use.
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.

Adopted this 18th day of February 2016.

METROPOLITAN AREA PLANNING COMMISSION

For

Carol Chapman Neugent , Chair MAPC

ATTEST:

Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 6

STAFF REPORT
MAPC February 18, 2016
DAB VI February 17, 2016

CASE NUMBER: CON2016-00002

APPLICANT/AGENT: Tom George Investments, LLC (applicant/owner) Dean Chesnut, Martin's Central Sand (agent)

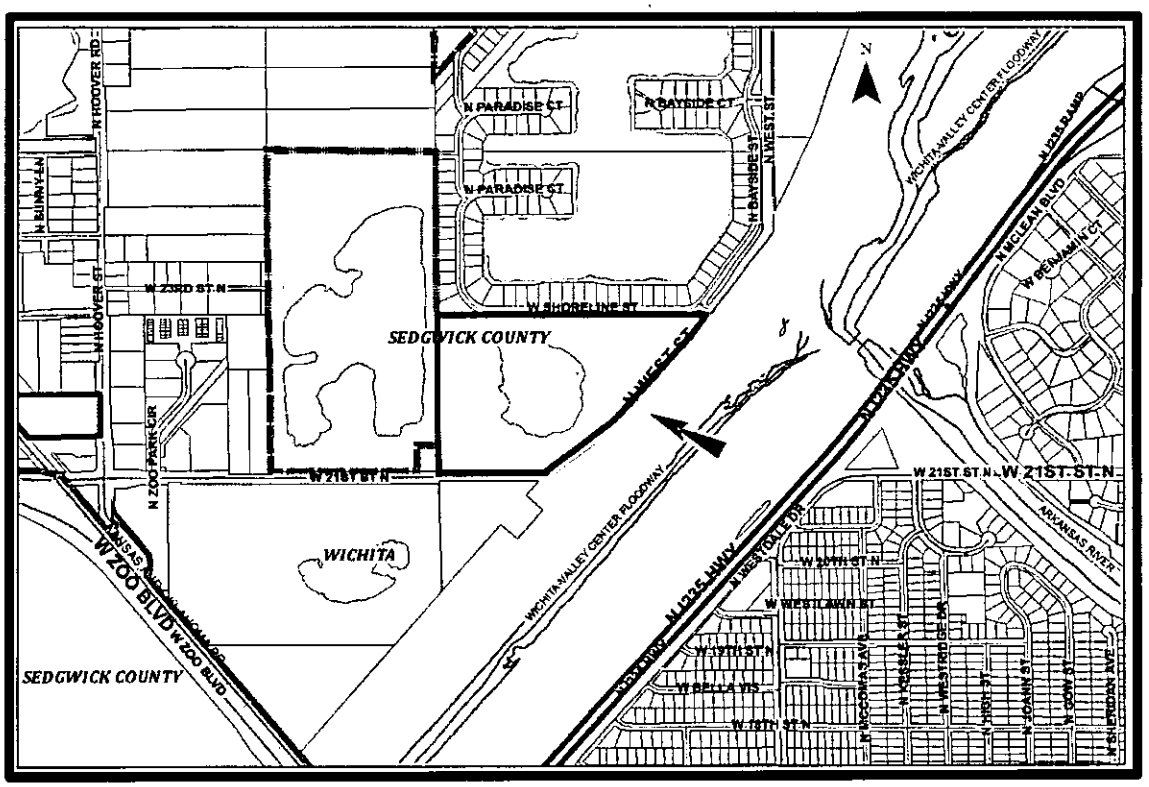
REQUEST: County Conditional Use to permit a Rock Crusher

CURRENT ZONING: SF-20 Single-family Residential

SITE SIZE: 44.9-acres

LOCATION: Generally located on the north side of West 21st Street North and the west side of North West Street (4620 W. 21st St. N. – BoCC 3)

PROPOSED USE: Rock Crusher to be used for recycling, processing and sale of existing concrete on the site



BACKGROUND: The applicant is requesting a "rock crusher" on the 44.9-acre, unplatted SF-20 Single-family Residential (SF-20) zoned county tract located on the north side of West 21st Street North and the west side of North West Street. The Unified Zoning Code (UZC) requires consideration of a conditional use for a rock crusher in the SF-20 zoning district; UZC, Sec.III.D

The county site was approved for sand extraction in 1959 (CU-16, CU-24) and has a spent sand pit located on it. The site also has numerous inoperable trucks, trailers, recreational vehicles, equipment, pallets, barrels, tubs, ties, piles of concrete, concrete pipe, etc., scattered throughout the site. The site currently appears to be a combination of a wrecking/salvage yard and landfill; neither of these uses are permitted in the SF-20 zoning district. For the site to come in compliance with the UZC will require the removal of these materials. The applicant proposes to use two types of rock crushers to break the concrete up and stock pile it on site for sale.

The conditional use for the rock crushers is proposed for one-year. The applicant proposes to use the crushers to clean up the site by removing the metal and concrete for use on construction projects. There may be a need to operate longer than you a year depending on the market for the concrete rubble and the amount of concrete found on the site. The applicant estimates there is 60,000 tons of concrete on the site, but there may be more buried on the site. The applicant has stated that 1,500 tons of concrete can be crushed in a day The concrete is pre-processed using an excavator, loader and other equipment to make piles of the rubble so that when a crushing machine is available it can process this material quickly. The crews normally work 10 hour days during the construction season. The activity will be from 7:00 a.m. to 6:00 p.m., Monday – Friday with Saturdays optional depending on demand. Sundays would be required if the planning to meet the demand requires it. Ten to twenty trucks per day would be coming and going form the site depending on the demand. The crushers have spray bars for adding water during the crushing operation and these will be used to minimize the airborne dust. After the site is cleared of debris the property owner proposes to uses the site as permitted in the SF-20 zoning district.

The Kansas Department of Health and Environment (KDHE) has reviewed the information on the crushers and stated that they are familiar with these crusher models and that they are a "good piece of equipment." KDHE also commented that the applicant may have to put a water dust control system on it to control the dust when crushing on some type of material. The company will also need to get an air permit from KDHE to operate it in the State of Kansas and the equipment will be subject to EPA Regulation 40 CFR 60, Subpart OOO NSPS for Nonmetallic Mineral Processing Plants.

The area is a mix of land uses located in the county and the City of Wichita. The zoning in the area includes SF-20, SF-5 Single-Family Residential (SF-5), LI Limited Industrial (LI), LC Limited Commercial (LC), and IP Industrial Park (IP). The zoning allows a wide range of uses including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill, a concrete plant that has a rock crusher, a sludge pit and its lime piles and small businesses. The partially developed SF-5 zoned Emerald Bay up-scale single-family residential subdivision abuts the north side of the site. Undeveloped lots and large single-family residences (built 2013-2015) in that subdivision face the north side of the site, separated by the residential Shoreline Street. These properties would

be the most negatively impacted by the rock crushers. However, the current derelict condition of the subject site has a negative impact on these abutting residences as well as those other abutting and adjacent properties. A resident living in one of the single-family residences facing the site stated that he could not hear the graders, shovels and trucks currently being used to move, pile materials and remove materials on the site. That resident also commented that he regularly hears construction noise from his residence, the result of Emerald Bay still being developed. Sludge from Wichita's sewage plants is stored on the SF-5 zoned property located north of Emerald Bay, resulting in lime piles that generate dust throughout the area. A SF-5 zoned single-family residence abuts the west side of the site as does a SF-20 zoned sand pit. Another SF-5 zoned single-family residence is located further west as are LI and IP zoned warehouses, a machine shop and a paint and body shop. A SF-5 zoned spent sand pit and a vacant commercial building are located south of the site, across 21st Street North, as is the Wichita-Valley Center Floodway and its levee. The Wichita-Valley Center Floodway and its levee are also located east of the site, across West Street. SF-5 zoned single-family residences and a LC Limited Commercial (LC) zoned commercial strip building and convenience store are separated from the site by the Wichita-Valley Center Floodway and its levee.

CASE HISTORY: Conditional Use CU-16 was approved to allow sand extraction on the site on October 8, 1959. CU-24 allowed an expansion of the sand extraction. The property was zoned R-1 Suburban Residential in 1958, which was converted to SF-20 zoning in 1996.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residences, farmland, lime pit
SOUTH: SF-5, levee	Vacant commercial building, sand pit, Wichita-Valley Floodway
EAST: Levee, SF-5, LC	Wichita-Valley Center Floodway, single-family residences, commercial strip building, convenience store
WEST: SF-20, SF-5, IP, LI	Sand pit, single-family residences, offices, warehouse, machine shop

PUBLIC SERVICES: The site currently has access onto 21st Street North, a paved two-lane local street that functions like a collector. The east-west 21st Street becomes West Street as it curves to the north. West Street is a paved two-lane arterial. Staff found no visible access from the site onto West Street. Public water is available to the site. Public Sewer would have to be extended to the site. More than the east half of the site is located in a FEMA Flood Zone.

CONFORMANCE TO PLANS/POLICIES: The "Community Investment Plan's" (Plan, adopted November 19, 2015) "2035 Wichita Future Growth Map" depicts the site as "industrial." The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

In this case the industrial designation seems to be a recognition of the SF-20 zoned site's past use

of sand extraction and its current derelict and noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. The Plan also shows the site to be located in the City of Wichita's "2035 Urban Growth Area." The site's SF-20 zoning restricts development pretty much too single-family residential development, which has more in common to the most recent development in the area, the north abutting Emerald Bay single-family residential development

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

A. The activity will be from 7:00 a.m. to 6:00 p.m.
B. The site shall be developed and operated in conformance with the approved revised site plan and 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.
C. Prior to rock crushing operations, the applicant shall get an air permit from KDHE to operate it in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart OOO NSPS for Nonmetallic Mineral Processing Plants.
D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.
E. Rock crushing activities will take place on the south half of the site, unless approved by the Director of Planning.
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 kept onsite to be used to control dust.
G. Access to the site will be from the current drive located on 21st Street North.
H. All conditions shall be met and operations begun within one year of final approval or the Conditional Use shall be null and void.
I. The rock crushing operation shall cease and all equipment and material shall be removed from the site one-year after final approval. This time limit may be extended an additional year with an adjustment to the Conditional Use.
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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of land uses located in the county and the City of Wichita. The zoning in the area includes SF-20, SF-5, LI, LC, and IP. The zoning allows a wide range of uses including up-scale single-family residential subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill, a concrete plant that has a rock crusher and small businesses.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20, which permits agricultural activities, larger lot residential uses

and a limited set of nonresidential uses by right. The site could be used as presently zoned if not for its derelict state, the result of it being used as nonconforming construction and demolition land fill and a wrecking and salvage yard.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the neighboring properties would have a year of rock crushers (the noise, dust and truck traffic) being used to clean up the site in the removing of a long time nonconforming construction and demolition land fill and a wrecking and salvage yard. The long term benefit of the rock crushers being used is the SF-20 zoned property would be in compliance allowing the possibility of single-family residential development.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's" (Plan, adopted November 19, 2015) "2035 Wichita Future Growth Map" depicts the site as "industrial." The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

   In this case the industrial designation seems to be a recognition of the SF-20 zoned site's past use of sand extraction and its current derelict state and noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. The Plan also shows the site to be located in the City of Wichita's "2035 Urban Growth Area." The site's SF-20 zoning restricts development pretty much too single-family residential development, which has more in common to a more recent development in the area, the north abutting Emerald Bay single-family residential development.

5. **Impact of the proposed development on community facilities:** The conditions of approval and other regulations should minimize impacts on community facilities. Traffic on 21st Street North and West Street could increase due to the rock crushing operations. Demand for other County services such as inspections and fire prevention may temporarily increase, but a time limit on the rock crushing use should ensure future development on the site is compatible with community facilities.

Formerly "Vic's Sand Pit"

4620 W 21 ST



Sedgwick County GIS

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