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RESOLUTION NO. 183A-1999

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A ROCK CRUSHER LOCATED EAST OF WEST STREET AND SOUTH OF 37TH STREET NORTH EXTENDED ON PROPERTY ZONED "SF-20", AND "LC" ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

FILE COPY

BE IT RESOLVED BY THE GOVERNING BODY 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-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. CU-525

Conditional use request for a rock crusher on property zoned "SF-20" Single-Family Residential and "LC" Limited Commercial on property described as:

Commencing at the NW corner of the NW ¼ of Section 36, T-26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas; thence south along the west line of said NW ¼, 455 feet; thence east parallel with the north line of said NW ¼, 250 feet for a point of beginning; thence south parallel with the west line of said NW ¼, 400 feet; thence east parallel with the north line of said NW ¼, 600 feet; thence north parallel with the west line of said NW ¼, 400 feet; thence west parallel with the north line of said NW ¼, 600 feet to beginning. Generally located west of West Street and south of 37th Street North extended.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The site shall be developed as indicted on a revised site plan indicating internal circulation, with the berm and landscape buffer maintained along West Street and with aggregate storage areas placed north of the rock crusher as long as the house on the property to the north remains occupied, to buffer the noise from the crusher.

2. Water, or other dust retardant, shall be used as needed to control blowing dust from stockpiled materials.

from stockpiled materials.

3. The applicant shall be responsible for maintaining all operational roads in a sand or graveled condition and shall apply water or other acceptable dust retardant so as to minimize blowing dust.

4. The opacity of the dust from the cursher must not exceed 15 percent opacity and emission of dust from transfer points, i.e. elevators, belts, etc. must not exceed 10 percent opacity as determined by the Wichita-Sedgwick County Department of community Health, Air Quality Control staff.

5. Stockpiles of raw and finished material shall not exceed 25 feet in height.

6. Any on-site storage of fuels or chemicals must be approved by the Wichita-Sedgwick County Health Department.

7. The applicant shall obtain applicable county, state and federal permits prior to beginning rock crushing oeprations on this site.

8. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. This resolution is enacted to correct the legal description in Resolution #183-1999

SECTION IV. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN Aye
BILL HANCOCK Aye
THOMAS G. WINTERS Aye
CAROLYN McGINN Aye
BEN SCIORTINO Aye

DATED this _____ day of _____, 1999.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

BILL HANCOCK, Chairman

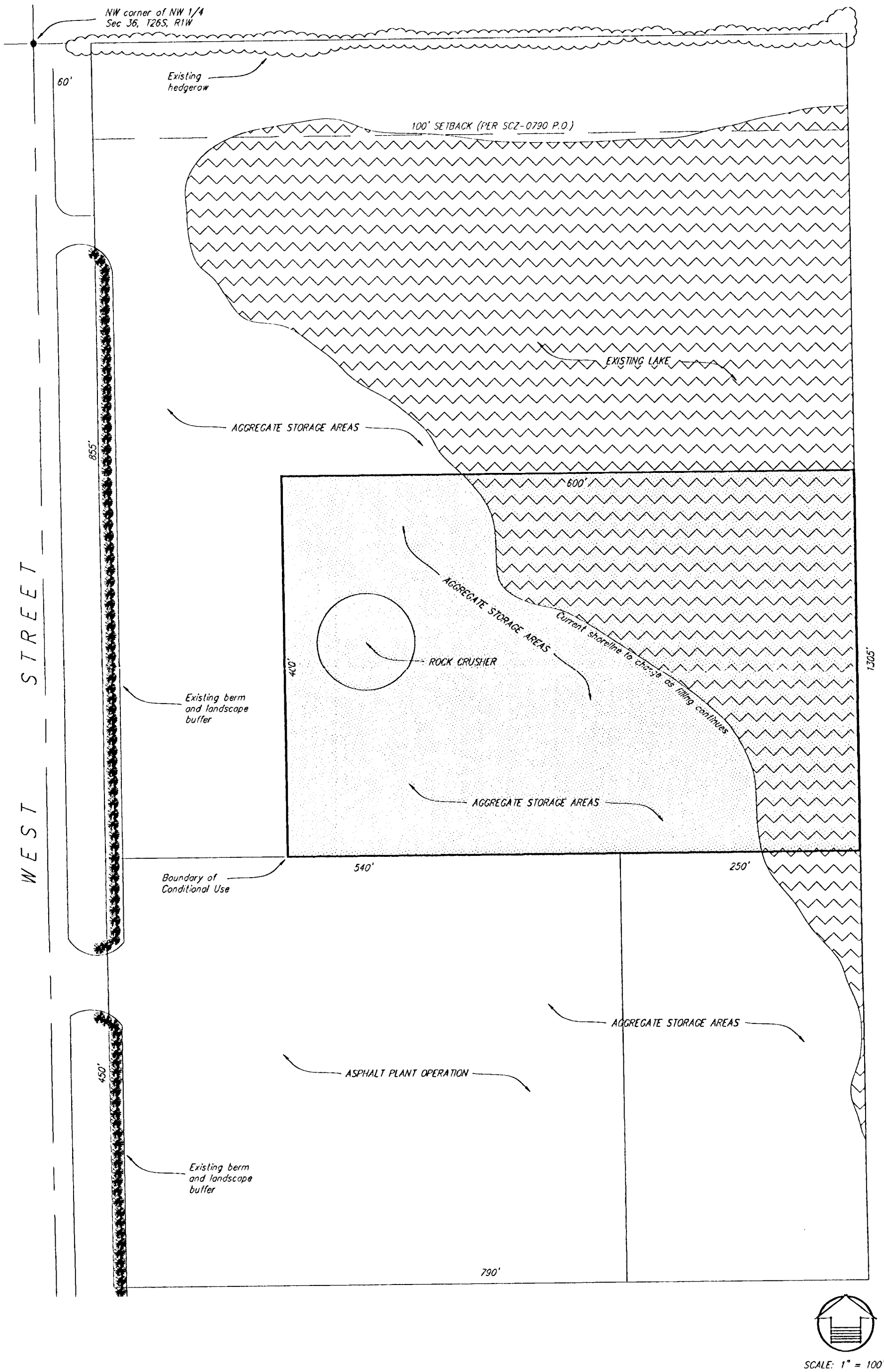
ATTEST:

JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

MICHELLE DAISE
Assistant County Counselor

RITCHIE PAVING CONDITIONAL USE
CU-525



SCALE: 1" = 100'

BAUGHMAN COMPANY P.A.
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316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC June 10, 1999

CASE NUMBER: CU-525

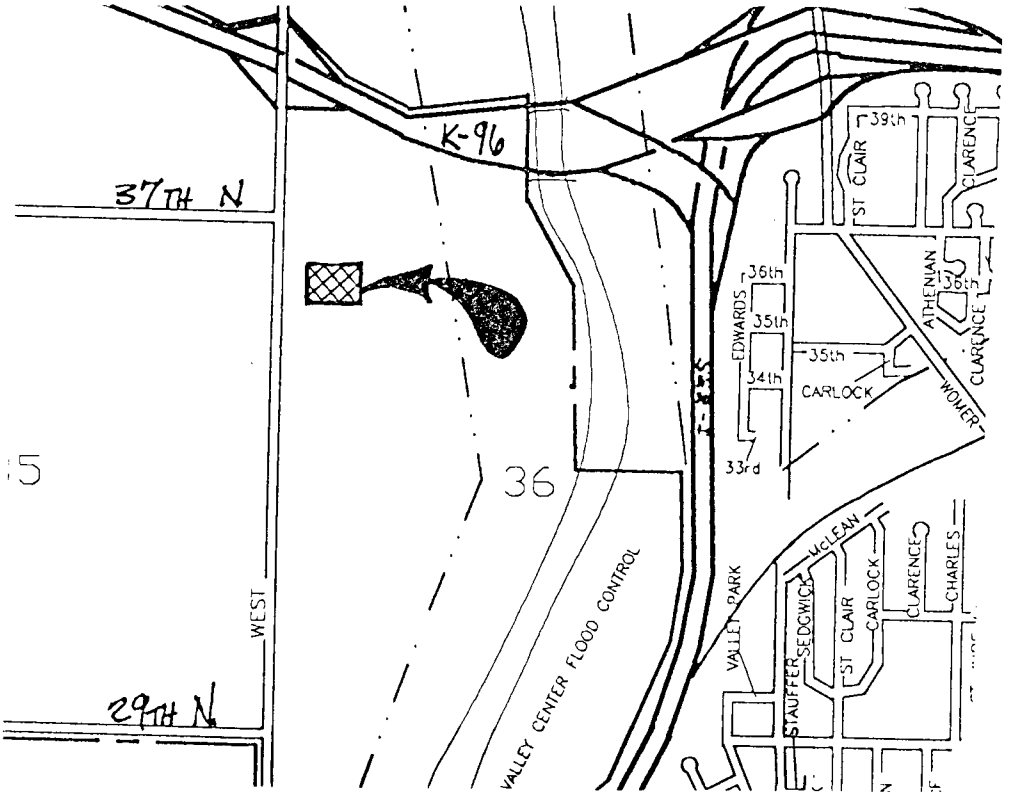
APPLICANT/AGENT: Ritchie Corporation, Inc., c/o H.T. Ritchie (applicant/owner); Baughman Company, P.A., Russ Ewy (agent)

REQUEST: Conditional Use to allow a rock crusher

CURRENT ZONING: "SF-20", Single-family Residential, "LC", Limited Commercial, "GI", General Industrial and "LI", Limited Industrial

SITE SIZE: 20.9 acres for rezone

LOCATION: East of West Street and south of 37th Street North extended



BACKGROUND: Ritchie Corporation owns an unplatted tract of land bounded by West Street, 37th Street North extended, the Wichita-Valley Center Floodway and 29th Street North extended. Over the years, this property has been zoned for "SF-20", Single-family Residential, "LC", Limited Commercial, "LI", Limited Industrial, "GI", General Industrial uses, as well as received approval of a Conditional Use for sand extraction. In recent years, an asphalt plant and related activities, rock crushing and sand extraction have occurred on this site. There are also material stockpiles on site. The existing asphalt plant has reached the end of its production effectiveness. The applicant would like to replace the existing plant with a newer asphalt plant which will have improved operating characteristics (reduced emissions), and which necessitates re-arrangement of the site layout, including the re-location of the rock crusher and asphalt plant.

Prior to 1996, asphalt and concrete batch plants were "permitted uses" in the "LI" district. With the adoption of the Unified Zoning Code in 1996, such uses now require Conditional Use permits, so the asphalt plant is currently, a legal use. However, County Code Enforcement has determined that, with the plant's relocation further into the site, the plant site will have to meet current code.

To accomplish the re-configuration of the site, the applicant requested and was approved for "LI", Limited Industrial and "GI", General Industrial zoning at the May 27th Planning Commission meeting. The application area is 790 feet wide by 1,305 feet long.

The applicant is requesting a Conditional Use permit to allow a rock crusher on property approved for "LI" Limited Industrial zoning on May 27th. The Conditional Use request is for a 600 foot by 400 foot area located in the middle of the rezoning application area. With approval of the "GI" zoning on the south, the asphalt plant can be moved north and east. The applicant has installed a berm and evergreen landscaping along West Street.

"Rock crushing" is allowed only with a Conditional Use permit by the Unified Zoning Code. Rock crushing is defined as an establishment engaged in crushing rock or stone milling. The rock crusher breaks chunks of concrete and asphalt into smaller pieces which are screened into different size aggregates. The aggregate is then used by paving contractors on local paving projects. Dust from the proscess depends on the type of material being crushed. Concrete tends to produce more dust than asphalt. The crusher is equipped with systems to reduce the amount of dust produced. Rock crushers must be licensed by the State and follow regulations regarding air pollution. Perceptions of noise generated by rock crushing operations are different at each site, depending on the age of equipment, material being crushed, wind direction, background noise levels generated from adjacent uses, etc.

Property to the northeast and west of the site part of the Ritchie Corporation

ownership and plant operations and is recommended for "LI" zoning. Land north of 37th Street North is zoned "LC", Limited Commercial and "SF-20", Single-family Residential and is used for single-family residential and agricultural purposes. Ritchie Corporation owns the Limited Industrial zoned land to the south and uses it for their sand plant operations. Ritchie Corporation also owns the vacant Limited Commercial and "SF-20", Rural Residential zoned land located west of West Street. On land further west, a Conditional Use permit has been approved for a solid waste transfer station.

CASE HISTORY: In association with SCZ-0546, CU-278 approved sand extraction operations in 1985. SCZ-0546 approved "LI", Limited Industrial zoning. In 1993, SCZ-0657 approved "GI", General Industrial zoning for 80,000 square feet located 340 feet east of West Street and south of 37th Street extended.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial, "LC", Limited Commercial and "SF-20", Single-family Residential; residence, agriculture
SOUTH:	"LI", Limited Industrial and CU-278 (sand extraction); asphalt plant and old sand pit
EAST:	"SF-20", Single-family Residential; sand pit Wichita-Valley Center Floodway
WEST:	"LC", Limited Commercial, "SF-20", Single-family Residential and CU-91 (sand extraction); CU-512 (approved for solid waste transfer station); vacant and sand extraction.

PUBLIC SERVICES: West Street is a paved two-lane arterial roadway. County Public Works indicates the paving is thicker than normal due in part to the higher than usual volume of truck traffic due to the landfill being located further north of this application area. The application area has two access points to West Street. Current traffic volumes along West Street are 1,715 vehicles north of 37th Street North and 1,271 vehicles south of 37th Street North. The 30 year projections indicate that traffic on West Street north of 37th Street North will increase to 7,000 trips per day. No public services (sewer or water) are available.

CONFORMANCE TO PLANS/POLICIES: Locational guidelines contained in the Comprehensive Plan indicates that industrial uses should be located near support services and be provided with good access to major arterials and as extensions of existing industrial uses. Traffic from such uses should not feed directly onto local streets in residential areas. Industrial areas should be generally located away from residential areas, and be sited so industrial traffic does not travel through less intensive land uses. With the application of a Protective Overlay, additional considerations include the characteristics of the intended uses, the surrounding uses and zoning districts and the degree to which the specific use would clash with adjacent uses. The land use map shows this as being agricultural. The Planning Commission has an

unwritten policy of supporting the expansion or improvement of existing businesses. Industrial land use strategies include a recommendation that expansions of existing industrial area in rural area is should be expanded where appropriate.

RECOMMENDATION: Staff is recommending that the request be APPROVED, subject to the following conditions:

1. The site shall be developed as indicted on a revised site plan indicating internal circulation, with the berm and landscape buffer maintained along West Street and with aggregate storage areas placed north of the rock crusher as long as the house on the property to the north remains occupied, to buffer the noise from the crusher.

2. Water, or other dust retardant, shall be used as needed to control blowing dust from stockpiled materials.

3. The applicant shall be responsible for maintaining all operational roads in a sand or graveled condition and shall apply water or other acceptable dust retardant so as to minimize blowing dust.

4. The opacity of the dust from the crusher must not exceed 15 percent opacity and emissions of dust from transfer points, i.e. elevators, belts, etc. must not exceed 10 percent opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.

5. Stockpiles of raw and finished material shall not exceed 25 feet in height.

6. Any on-site storage of fuels or chemicals must be approved by the Wichita-Sedgwick County Health Department.

7. The applicant shall obtain applicable county, state and federal permits prior to beginning rock crushing operations on this site.

8. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There is a mix of zoning in the area – "LC", Limited Commercial, "LI", Limited Industrial, "SF-20", Single-family Residential and Conditional Use permits that allow sand extraction and a solid waste transfer station.

2. The suitablility of the subject property for the uses to which it has been

restricted: The site could continued to be used for its approved uses. However, the applicant indicates that he needs the additional zoning in order to install an improved plant. The new plant should operate more efficiently with improved operating characteristics.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently being used for the same purpose as is being requested with this application. This request is necessary in part due to a change in 1996 Unified Zoning Code - changing asphalt plants from a use by right in "LI" to a Conditional Use in "LI". The original Conditional Use permit for the rock crusher does not cover the area where the applicant now needs the crusher to be located, so the requested "LI" zoning on the north is required to enable the applicant to request a Conditional Use for the rock crusher. The net result of this request , if approved, will be the expansion "LI" zoning in place of "LC" and "SF-20" zoning, increased "GI" zoning in place of "LI" zoning and the relocation of the rock crusher and asphalt plant.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The request is consistent with the Planning Commission's unwritten policy of supporting the expansion of existing businesses and the facility is located within one-half mile of K-96 Highway. This use is highly dependent on good truck access to major traffic routes. This site provides that and is at the same time is not in a developed setting where truck traffic will impact a significant number of adjoining property owners.

5. Impact of the proposed development on community facilities: West Street has already been improved to account for truck traffic. No public sewer or water services are available in this area.