CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 12, 2010

Charles Edwardson
4631 W. 47th St., South
Wichita, KS 67215

RE: ZON2010-00020 and CON2010-00025 - County zone change from SF-20 Single-Family Residential to LI Limited Industrial and release of PO #57 on property zoned LI Limited Industrial and County Conditional Use for C&D Landfill, generally located south of 47th Street South and 1/2 mile east of Hoover Road (4631 West 47th Street South).

Dear Ladies and Gentlemen:

At its regular meeting on **August 11, 2010**, the Sedgwick County Commission considered the above captioned request. The action of the Commission was to **APPROVE** the request, subject to the following conditions:

1. The Conditional Use shall permit those uses as permitted in the original protective overlay (PO #57) and those authorized by this Conditional Use, for a period of 15 years from the date of approval. The extension of this time limit would require approval of an amendment to the Conditional Use.

2. Permitted uses on the property zoned LI Limited Industrial shall be limited to those uses permitted in SF-20 Single-Family Residential, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business.

   Storage/baling of accessory materials collected as part of the tree service business may be stored onsite but shall be periodically removed when the amount of material reaches 100 cubic yards or at least annually, whichever occurs first, removed to an offsite approved transfer station facility or landfill facility. These uses shall be stored on gravel or hard-surfaced areas and shall not be stored or located on the unplatted tract except within the area identified as the non-combustible storage area to the west of the primary tree burning area, or stored or located within 100 feet of east property line and 500 feet of the south property line of the platted tract.

RESOLUTION NO

A RESOLUTION FOR A CONDITIONAL USE FOR LANDFILL (CONSTRUCTION AND DEMOLITION) ON 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 RESOLUTION NO. 84-01, AS 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 Landfill (Construction and Demotion) on 24.31 acres of property zoned LI Limited Industrial ("LI").

Case No. CON 2010-00025

Legally described below:

Lot 1, Block 1, Alfred's Superior Tree Service Addition, an addition to Sedgwick County, Kansas, EXCEPT, Beginning at a point on the south line of the Missouri Pacific Railroad right-of-way and the west line of the Big Ditch Cowskin Floodway; thence southeasterly along the west line of the Big Ditch Cowskin Floodway 260.0 feet; thence southwest at 90°, 125.0 feet; thence northwest 90°, 190 feet more or less to the south line of the Missouri Pacific Railroad right-of-way; thence northeast along the south line of said Missouri Pacific Railroad right-of-way to the Point of Beginning.
TOGETHER WITH,
That part of the Northwest Quarter, Section 23, Township 28 South, Range 1 West, of the Sixth Principal Meridian, Sedgwick County, Kansas, lying southeasterly of the Missouri and Pacific Railroad and north of the Big Ditch Cowskin Floodway as recorded in Condemnation Case A-31849, generally located south of 47th Street South and one-half mile east of Hoover Road (4631 West 47th Street South).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall permit those uses as permitted in the original protective overlay (PO #57) and those authorized by this Conditional Use, for a period of 15 years from the date of approval. The extension of this time limit would require approval of an amendment to the Conditional Use.

2. Permitted uses on the property zoned LI Limited Industrial shall be limited to those uses permitted in SF-20 Single-Family Residential, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business.

   Storage/baling of accessory materials collected as part of the tree service business may be stored onsite but shall be periodically removed when the amount of material reaches 100 cubic yards or at least annually, whichever occurs first, removed to an offsite approved transfer station facility or landfill facility. These uses shall be stored on gravel or hard-surfaced areas and shall not be stored or located on the unplatted tract except within the area identified as the non-combustible storage area to the west of the primary tree burning area, or stored or located within 100 feet of east property line and 500 feet of the south property line of the platted tract.

No actual landfill activities or burying of any waste materials and including any activities that would require permitting by the Kansas Department of Health and Environment and/or Sedgwick County Environmental Resources shall be permitted on the site.

3. Outside storage of combustible materials shall comply with requirements of state and local fire code and air quality regulations. The applicant shall maintain a current open burn permit to be able to continue disposing of approved tree materials in this manner.

4. All activities shall be screened in compliance with the Unified Zoning Code and the Sedgwick County Nuisance Code.

5. Open burning shall be restricted to the burn area as shown in the southwest corner on the site plan; limiting burning to other parts of the site, as allowed by County, railroad right-of-way and roads.

6. The site plan shall be revised to designate those areas meeting the distance criteria for and as designated for the storage, open burning and stockpiling activities. No storage or stockpiling shall be allowed within the platted floodway. The revised site plan shall be submitted within 30 days.

7. The site shall be developed and operated in compliance with all of the conditions of UZC, and other state and local regulations.

8. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.

9. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Resources to prevent rodent harborage and breeding.

10. The applicant shall maintain at all times an active program for the eradication and control of rodents.

11. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.

12. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by the appropriate permitting agency and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the appropriate permitting agency.

13. Notification shall be given to the appropriate permitting agency of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with the appropriate permitting agency. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the appropriate permitting agency.

14. The applicant shall implement a drainage plan approved the County Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.

15. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.

16. All conditions of the Conditional Use shall be met within one year of approval.

17. If the Zoning Administrator finds that there is a violation of any of the 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 that the Conditional Use is null and void.

18. If approved, the conditions of PO #57 shall be rescinded pertaining only to the property in this zone case zoned LI.

19. No storage of materials, brush piles or trees shall be allowed in the floodway.

SECTION II. 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 III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KELLY PARKS _____
GWEN WELSHIMER _____
KARL PETERJOHN _____

DATED this _____ day of _____, 2010

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

_____
Karl Peterjohn, CHAIRMAN
Third District

ATTEST:

_____
KELLY B. ARNOLD
County Clerk

No actual landfill activities or burying of any waste materials and including any activities that would require permitting by the Kansas Department of Health and Environment and/or Sedgwick County Environmental Resources shall be permitted on the site.

3. Outside storage of combustible materials shall comply with requirements of state and local fire code and air quality regulations. The applicant shall maintain a current open burn permit to be able to continue disposing of approved tree materials in this manner.

4. All activities shall be screened in compliance with the Unified Zoning Code and the Sedgwick County Nuisance Code.

5. Open burning shall be restricted to the burn area as shown in the southwest corner on the site plan; limiting burning to other parts of the site, as allowed by County, railroad right-of-way and roads but not within 500 feet of the existing residence.

6. The site plan shall be revised to designate those areas meeting the distance criteria for and as designated for the storage, open burning and stockpiling activities. No storage or stockpiling shall be allowed within the platted floodway. The revised site plan shall be submitted within 30 days.

7. The site shall be developed and operated in compliance with all of the conditions of UZC, and other state and local regulations.

8. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.

9. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Resources to prevent rodent harborage and breeding.

10. The applicant shall maintain at all times an active program for the eradication and control of rodents.

11. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.

12. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by the appropriate permitting agency and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the

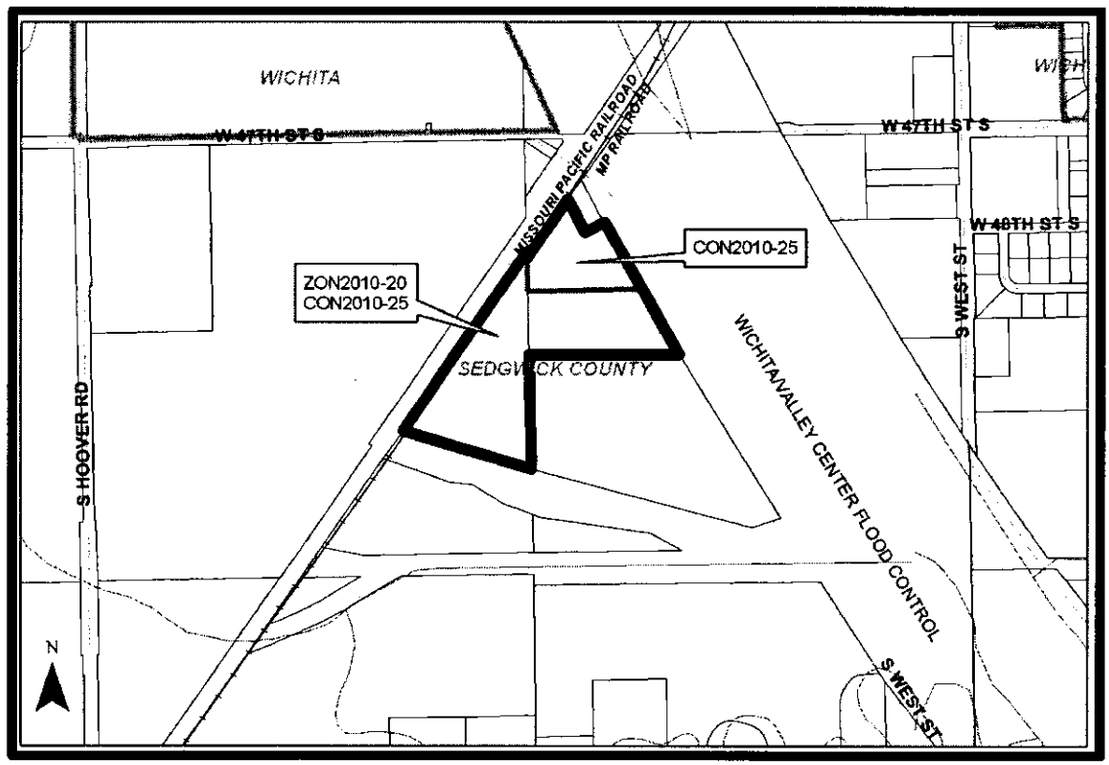
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC July 8, 2010

CASE NUMBER:	ZON2010-00020 and CON2010-00025
APPLICANT/OWNER:	Charles Edwardson d/b/a Alfred's Superior Tree Service (owner); MKEC Engineering Consultants, Inc., c/o Gene Rath (agent)
REQUEST:	LI Limited Industrial ("LI") and Conditional Use for Construction and Demolition Landfill
CURRENT ZONING:	SF-20 Single-Family Residential ("SF-20")
SITE SIZE:	Zone change: 18.92 acres; Conditional Use: 24.31 acres
LOCATION:	South of 47th Street South and 1/2 mile east of Hoover Road (4631 West 47th Street)
PROPOSED USE:	Construction and Demolition Landfill



BACKGROUND: This is a request for a zone change from SF-20 Single-Family ("SF-20") to LI Limited Industrial ("LI") for 18 acres and a Conditional Use for Construction and Demolition Landfill, and the removal of Protective Overlay #57 from the LI property, to be replaced with the conditions of the Conditional Use. The purpose of the request, according to the applicant is to store tree waste and other items collected as part of a tree service business and to burn tree waste brought to the site that is collected as part of the tree service business. The business obtains an annual open burn permit granted through the local agency on behalf of the state agency for activity. The applicant's business has had open burn permits in the vicinity for over 10 years, but changed location to the area in this request between 2006 and 2008. According to the applicant, he disposes of other items collected at the site obtained from operating the tree service by periodically taking it to other transfer stations or landfill disposal sites. No actual landfill involving the removal of soil and filling of materials from the waste collected will be done. The applicant filed the permit as a Construction and Demolition Landfill request due to the intention of disposing, by burning, of the tree waste but also to allow stockpiling of the non-tree waste brought to the site until periodic disposal.

The 24-acre site is located south of 47th Street South and 1/2 mile east of Hoover Road (4631 West 47th Street South). Approximately five acres of the site already is zoned LI and two acres are zoned GO General Office (GO) subject to PO #57 (SCZ-0793). On the LI zoned land, the allowed uses are: the tree service business, other similar low traffic and low sewage generating uses as may be approved by the Director Planning, but not including any landfill operations or any storage/baling as prohibited in Sec. III-D(6)(dd), and those uses permitted by right in the SF-20 zoning district. This includes residential uses otherwise prohibited on LI zoning. The tree service business included associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business. The north part of the property is where the owner's house and office is located, and is zoned GO General Office ("GO"), subject to PO #57.

Upon visiting the site, piles of wood and several trucks were visible onsite. Also, a pile of tires were stored along the fence, triggering a conflict with the outdoor baling/storage requirements, perhaps leading to the request for the construction and demolition landfill. The owner has indicated he intends to continue this practice. As visible from the 2008 aerial photography, onsite burning of a woodpile was occurring in the southwest corner of the unplatted tract subject to this LI rezoning request.

To the staff's knowledge, other similar low traffic and low sewage generating uses requiring specific approval by the Director of Planning have not be requested since approval of the case in 1999. Instead, the activity beyond the tree service business has been confined to the storing of other types of waste periodically removed from the site but in conflict with the originally approved protective overlay conditions. A modification of uses would be to remove this vague reference to other similar uses and define the type of storage allowed.

The property borders the Wichita-Sedgwick County Flood Control Project, with the levy forming a common east property line. A 20-foot ingress-egress easement was granted by Sedgwick County to provide access to the subject property and the bordering property to the south as part of

the land condemnation for the flood control project. In 2008, a new residence was constructed on the land to the south on property zoned SF-20. Access to this residence is via the ingress-egress easement. A maintenance agreement was executed for the easement in 2007. The Union Pacific tracks form the western property line and the land west of the railroad line is zoned SF-20 and in agricultural use. The property to the north of 47th Street South has been annexed to the City of Wichita. It is zoned SF-5 Single-Family Residential ("SF-5"). Trinity Point Addition, a single-family subdivision is platted to within 1,000 feet of 47th Street.

South of the application area, the Cowskin Creek flows into the Big Ditch. The application area is protected by a levy on the east and south; therefore, the land is not in the FEMA floodplain, but an area is shown as platted floodway on the plat from 2001. The area used as the burn site was approximately 150 feet north and west of the edge of the FEMA floodplain.

CASE HISTORY: The eastern tract (13.38 acres) is platted as Alfreds Superior Tree Service Addition, recorded July 11, 2001, and the western tract is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	GO, SF-20, SF-5	Residence and office for the tree service business (GO-zoned tract), agriculture, vacant residential land
SOUTH:	SF-20-	Single-family residence
EAST:	Unzoned, SF-20	Wichita-Sedgwick County Flood Control Project, single-family residential
WEST:	SF-20	Agriculture

PUBLIC SERVICES: The application area has access to 47th Street South, an unpaved county section line road maintained by the township. The nearest paved road is Hoover Road, one-half mile to the west. It is a two-lane county standard section line road, maintained by the City of Wichita north of 47th and by Sedgwick County south of 47th. Traffic counts are not available for 47th Street South east of Hoover Road (2008 counts were 303 vehicles per day on 47th west, between Hoover and Ridge); traffic volumes for Hoover Road were estimated at 4,539 vehicles per day north of 47th Street South (2007 counts) and 3,302 vehicles per day south of 47th Street South (2008 counts). Public water and sewer service is not unavailable.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for "urban development mix" and within the 2030 growth area. This classification is intended to encourage predominately urban residential uses, with certain areas devoted to employment industry center such as along rail corridors. The Comprehensive Plan also suggests that industrial development may be appropriate in rural areas if it is an expansion of an existing industrial area, and should be located where there is good access and away from existing or planned residential areas. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses.

RECOMMENDATION: The original case in 1999 was designed to keep the frontage of the use near 47th Street South in character with a residential use with a home occupation, which explains the GO zoning along the road. However, the LI zoning was required to accommodate the trees service business use. Most of the heavy equipment and storage is located in a cleared lot to the south of the house. Currently, several trucks, some woodpiles and a pile of tires are stored along the wire fence along the access road. The applicant's site plan does not designate a method of screening the tires and other debris collected in the course of the business or designate parking and storage of vehicles and equipment to the cleared parking lot. The use is located within an area heavily constrained with flood control structures. A large lot residence is located to the south and the land to the west is agricultural. Land to the northwest of 47th Street is urbanizing as a low-density (single-family) residential neighborhood. This trend is expected to continue as the Wichita urbanized area expands. Within ten years it is likely the urban fringe will have reached the vicinity. This is the growth pattern supported by the Comprehensive Plan. But within two miles to the southwest, the area has several intensive industrial type uses, including a power plant, a grain elevator, a transfer station and several chemical companies. Based information available prior to the public hearing and on the current zoning and the original protective overlay that allowed the trees service business, the presence of other industrial type uses within a two-mile radius, but contradicted by the growing trend to developing residential neighborhoods nearer to the property, staff is recommending the request be APPROVED subject to the following conditions:

1. The Conditional Use shall permit those uses as permitted in the original protective overlay (PO #57) and those authorized by this Conditional Use, for a period of ten years from the date of approval. The extension of this time limit would be require approval of an amendment to the Conditional Use.

2. Permitted uses on the property zoned LI Limited Industrial shall be limited to those uses permitted in SF-20 Single-Family Residential, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business. Storage/baling of accessory materials collected as part of the tree service business may be stored onsite but shall be periodically, and at least monthly, removed to an offsite approved transfer station facility or landfill facility. These uses shall be stored on gravel or hard-surfaced areas and shall not be stored or located on the unplatted tract or stored or located within 100 feet of east property line and 500 of the south property line of the platted tract. No actual landfill activities or burying of any waste materials and including any activities that would require permitting by the Sedgwick County Solid Waste Committee shall be permitted on the site.

3. Outside storage of combustible materials shall comply with requirements of state and local fire code and air quality regulations. The applicant shall maintain a current open burn permit to be able to continue disposing of approved tree materials in this manner.

4. All activities shall be screened in compliance with the Unified Zoning Code and the Sedgwick County Nuisance Code.

5. No open burning shall be located or be allowed within 500 feet of a property zoned SF-5 Single-Family Residential or zoned SF-20 with a residence located on the property.

6. The site plan shall be revised to designate those areas meeting the distance criteria for and as designated for the storage, open burning and stockpiling activities. The revised site plan shall be submitted within 30 days.

7. The site shall be developed and operated in compliance with all of the conditions of UZC, and other state and local regulations.

8. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.

9. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.

10. The applicant shall maintain at all times an active program for the eradication and control of rodents.

11. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.

12. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by the appropriate permitting agency and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the appropriate permitting agency.

13. Notification shall be given to the appropriate permitting agency of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with the appropriate permitting agency. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the appropriate permitting agency.

14. The applicant shall implement a drainage plan approved the County Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.

15. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.

16. All conditions of the Conditional Use shall be met within one year of approval.

17. If the Zoning Administrator finds that there is a violation of any of the 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 that the Conditional Use is null and void.

18. If approved, the conditions of PO #57 shall be rescinded pertaining only to the property in this zone case zoned LI.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property borders the Wichita-Sedgwick County Flood Control Project, with the levy forming a common east property line. A 20-foot ingress-egress easement was granted by Sedgwick County to provide access to the subject property and the bordering property to the south as part of the land condemnation for the flood control project. In 2008, a new residence was constructed on the land to the south on property zoned SF-20. Access to this residence is via the ingress-egress easement. A maintenance agreement was executed for the easement in 2007. The Union Pacific tracks form the western property line and the land west of the railroad line is zoned SF-20 and in agricultural use. The property to the north of 47th Street South has been annexed to the City of Wichita. It is zoned SF-5 Single-Family Residential ("SF-5"). Trinity Point Addition, a single-family subdivision is platted to within 1,000 feet of 47th Street. South of the application area, the Cowskin Creek flows into the Big Ditch. The application area is protected by a levy on the east and south; therefore, the land is not in the floodplain. The area used as the burn site was approximately 150 feet north and west of the edge of the floodplain.

2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as approved by the LI zoning with the PO #57 by removal of materials other than the woody tree waste. The original case in 1999 was designed to keep the frontage of the use near 47th Street South in character with a residential use with a home occupation, which explains the GO zoning along the road. However, the LI zoning was required to accommodate the trees service business use. Most of the heavy equipment and storage is located in a cleared lot to the south of the house. Currently, several trucks, some woodpiles and a pile of tires are stored along the wire fence along the access road. The applicant's site plan does not designate a method of screening the tires and other debris collected in the course of the business or designate parking and storage of vehicles and equipment to the cleared parking lot. The use is located within an area heavily constrained with flood control structures. A large lot residence is located to the south and the land to the west is agricultural. Land to the

northwest of 47th Street is urbanizing as a low-density (single-family) residential neighborhood. This trend is expected to continue as the Wichita urbanized area expands to the southwest. Within ten years it is likely the urban fringe will have reached the vicinity. This is the growth pattern supported by the Comprehensive Plan. But within two miles to the southwest, the area has several intensive industrial type uses, including a power plant, a grain elevator, a transfer station and several chemical companies.

3 Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on nearby property are lessened by the recommended conditions of approval, which include buffer distances, screening of storage, and monitoring of environmental impacts. These are particularly important due to the proximity of the site to the residence to the south and the streams in the vicinity. The burning activity already is permitted by an open burn permit exemption granted on an annual basis to the operator. Limiting the applicant to storing but not burying any materials and/or waste and requiring removal of non-tree waste on a periodic, and at least quarterly, basis will reduce the volume of material collected onsite.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for "urban development mix" and within the 2030 growth area. This classification is intended to encourage predominately urban residential uses, with certain areas devoted to employment industry center such as along rail corridors. The Comprehensive Plan also suggests that industrial development may be appropriate in rural areas if it is an expansion of an existing industrial area, and should be located where there is good access and away from existing or planned residential areas. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses.

5. Impact of the proposed development on community facilities: No public water and sewer utilities are available to the site. The use of this property should have limited impact on community facilities. No paved road is available, therefore a low traffic generation use is desired.

SITE PLAN

CDN 2010-00025

APPROVED 11-23-10 BY DG

MAP D6 10 of 22

LEGAL DESCRIPTION

Lot 1, Block 1, Alfred's Superior Tree Service Addition, a addition to Sedgwick County, Kansas, EXCEPT, Beginning at a point on the south line of the Missouri Pacific Railroad right-of-way and the west line of the Big Ditch Cowskin Floodway; thence southeasterly along the west line of the Big Ditch Cowskin Floodway 260.0 feet; thence southwest at 90°, 125.0 feet; thence northwest 90°, 190 feet more or less to the south line of the Missouri Pacific Railroad right-of-way; thence northeast along the south line of said Missouri Pacific Railroad right-of-way to the Point of Beginning.
TOGETHER WITH,
That part of the Northwest Quarter, Section 23, Township 28 South, Range 1 West, of the Sixth Principal Meridian, Sedgwick County, Kansas, lying southeasterly of the Missouri and Pacific Railroad and north of the Big Ditch Cowskin Floodway as recorded in Condemnation Case A-31849.

Said part CONTAINS, 1,059,017 sq.ft. or 24.31 acres of land more or less.

NOTES

1. GEOGRAPHY: Located in Sedgwick County in a rural agricultural area. The property has access to Hoover Rd. via 47th Street South and abuts the Big Ditch Cowskin Floodway. Existing surrounding land uses include agriculture production, and a suburban residential home.
2. ANNEXATION: Not incorporated
3. EXISTING/PROPOSED USES: Agriculture production, temporary storage of tree/yard waste and construction demolition landfill.
4. ZONING: Limited Industrial with C.U. overlay
5. AREA: Gross - 24.31 acres

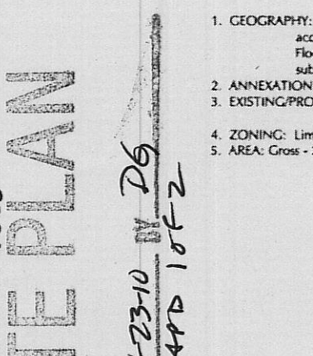
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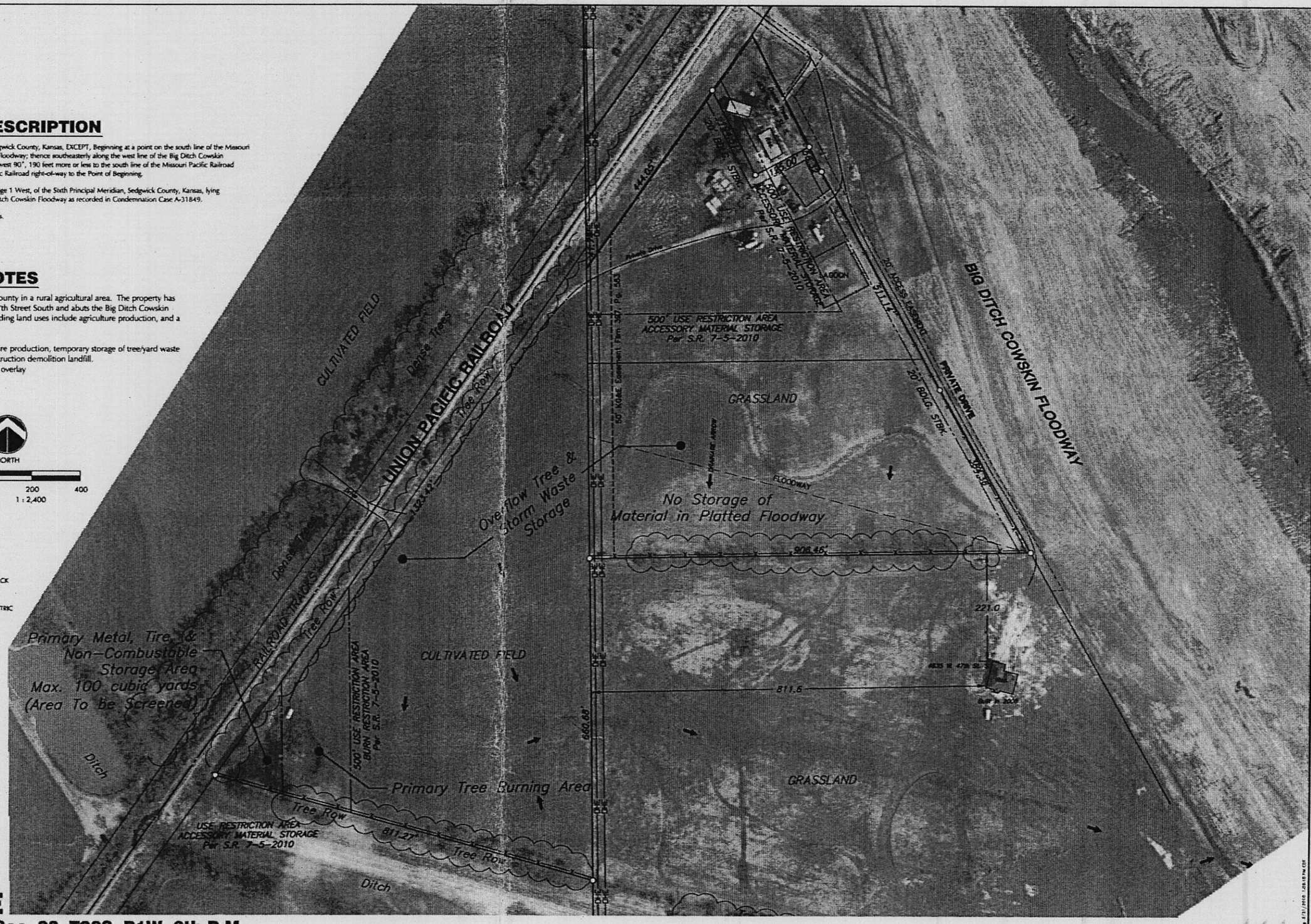
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LEGEND

- EASEMENT
- BUILDING SETBACK
- FENCE
- WATER LINE
- OVERHEAD ELECTRIC



VICINITY MAP



CONDITIONAL USE

A portion of the NW. ¼, & NE. ¼, Sec. 23, T26S, R1W, 6th P.M.

ALFRED'S SUPERIOR TREE SERVICE

OWNERS: Charles A. & Bonnie L. Edwardson 4631 W. 47th St. S. Wichita, KS 67215 (316) 522-9458

MKEC ENGINEERING CONSULTANTS, INC.

411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 684 - 9600