



Wichita-Sedgwick County Metropolitan Area Planning Department

March 9, 2015

Morgan Koon
800 East 21st Street North
Wichita, KS 67214

RE: CON2014-00033 – City Conditional Use to permit rock crushing on property zoned GI General Industrial on property located east of North Broadway Avenue and north of East 25th Street North (302 East 25th Street).

Dear Ladies and Gentlemen:

At its regular meeting on **March 3, 2015**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request subject to the following conditions:

1. The “conditional use” permits “rock crushing” for three years from the date of final approval. At the end of the three-year time limit the three year time period may be extended by the “administrative adjustment” process.
2. The site shall be developed, maintained and operated in conformance with the approved site plan.
3. The site shall be completely enclosed by solid fencing or block wall a minimum of eight feet in height except at approved access points (as shown on the approved site plan).
4. All internal circulation and points of ingress-egress shall be watered during hours of operation or be treated with a dust control product or be surfaced with an approved all weather surface or some combination of the three to control dust.
5. An updated drainage plan designed to minimizes non-point source contamination of surface and groundwater shall be submitted for review and approval by the city engineer prior to commencing rock crushing.
6. All aggregate piles will be no higher than 20 feet from ground level and watered as necessary to minimize blowing dust. Opacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility associated with rock crushing cannot exceed applicable opacity standards. The site is subject to the “air emissions source construction permit” issued by the Kansas Department of Health & Environment on January 14, 2015, source ID no. 7770871 and any subsequent amendments to the permit.
7. Any stockpiling of fuels or chemicals on this site must be approved by Environmental Health.
8. The applicant shall meet all permitting, reporting and operating requirements as necessary per local, state and federal regulations prior to any crushing activities on this site.
9. The level of noise generated by the rock crusher shall not exceed community standards as specified by chapter 7.41 of the City Code.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

10. If the Zoning Administrator finds that there is a violation of the conditions of approval of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void. Upon receipt of a complaint that is determined to be a violation of the conditions of approval, the applicant shall be notified of the complaint and have 72 hours to contact zoning enforcement to address the complaint. Failure to address the validated complaint may lead to additional enforcement efforts.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Dale Miller
Current Plans Manager
Current Plans Division

Copies to: Aaron's Recycling LLC, 302 East 25th Street North, Wichita, KS 67219
 WCC VI, Janet Miller, Mail Stop 1-13
 Martha Sanchez, C.L. IV, Mail Stop 1-135
 El Pueblo HOA, Rudy Reyes, 1829 Sedgwick, Wichita, KS, 67203
 Paul Hays, OCI, Mailstop 1-72
 J. R. Cox, OCI, Mailstop 1-72
 Jeff Van Zandt, City Law, Mailstop 1-134
 Julianne Kallman, Engineering, Mail Stop 1-71

RESOLUTION No.

15059

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT ROCK CRUSHING ON APPROXIMATELY 2.45 ACRES ZONED GENERAL INDUSTRIAL (GI), GENERALLY LOCATED EAST OF NORTH BROADWAY AVENUE AND NORTH OF EAST 25TH STREET, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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, for a Conditional Use to allow "rock crushing," on approximately 2.45 acres zoned GI General Industrial legally described below:

Case No. CON2014-00033

A Conditional Use to allow "rock crushing," on approximately 2.45 acres zoned GI General Industrial District described as:

Lot 1, Block A, Aaron Goodwin Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The "conditional use" permits "rock crushing" for three years from the date of final approval. At the end of the three-year time limit the three year time period may be extended by the "administrative adjustment" process.
2. The site shall be developed, maintained and operated in conformance with the approved site plan.
3. The site shall be completely enclosed by solid fencing or block wall a minimum of eight feet in height except at approved access points (as shown on the approved site plan).
4. All internal circulation and points of ingress-egress shall be watered during hours of operation or be treated with a dust control product or be surfaced with an approved all weather surface or some combination of the three to control dust.
5. An updated drainage plan designed to minimize non-point source contamination of surface and groundwater shall be submitted for review and approval by the city engineer prior to commencing rock crushing.
6. All aggregate piles will be no higher than 20 feet from ground level and watered as necessary to minimize blowing dust. Opacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility associated with rock crushing cannot exceed applicable opacity standards. The site is subject to the "air emissions source construction permit" issued by the Kansas Department of Health & Environment on January 14, 2015, source ID no. 7770871 and any subsequent amendments to the permit.
7. Any stockpiling of fuels or chemicals on this site must be approved by Environmental Health.
8. The applicant shall meet all permitting, reporting and operating requirements as necessary per local, state and federal regulations prior to any crushing activities on this site.
9. The level of noise generated by the rock crusher shall not exceed community standards as specified by chapter 7.41 of the City Code.
10. If the Zoning Administrator finds that there is a violation of the conditions of approval of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare

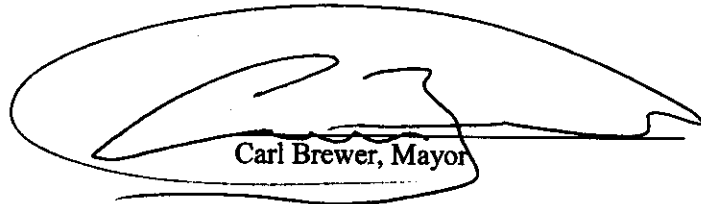
the Conditional Use null and void. Upon receipt of a complaint that is determined to be a violation of the conditions of approval, the applicant shall be notified of the complaint and have 72 hours to contact zoning enforcement to address the complaint. Failure to address the validated complaint may lead to additional enforcement efforts.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit 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.

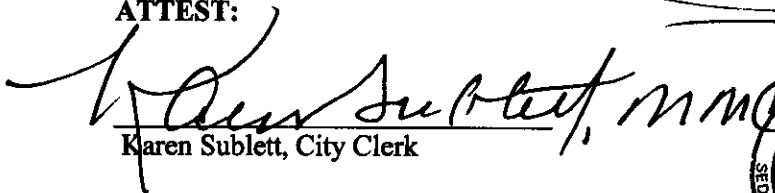
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

MARCH 3, 2015.


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Sharon Dickgraft, Interim City Attorney

DAB App: 8-0

Approved as a 1st to refer to KD145
permit 9-0



STAFF REPORT
DAB VI 1-21-2015
MAPC 1-22-2015

AGENDA ITEM NO. 4

CASE NUMBER: CON2014-00033

APPLICANT/AGENT: Ronald and Michelle Goodwin, Aaron's Recycling, LLC/Koon Law Firm (Morgan B. Koon)

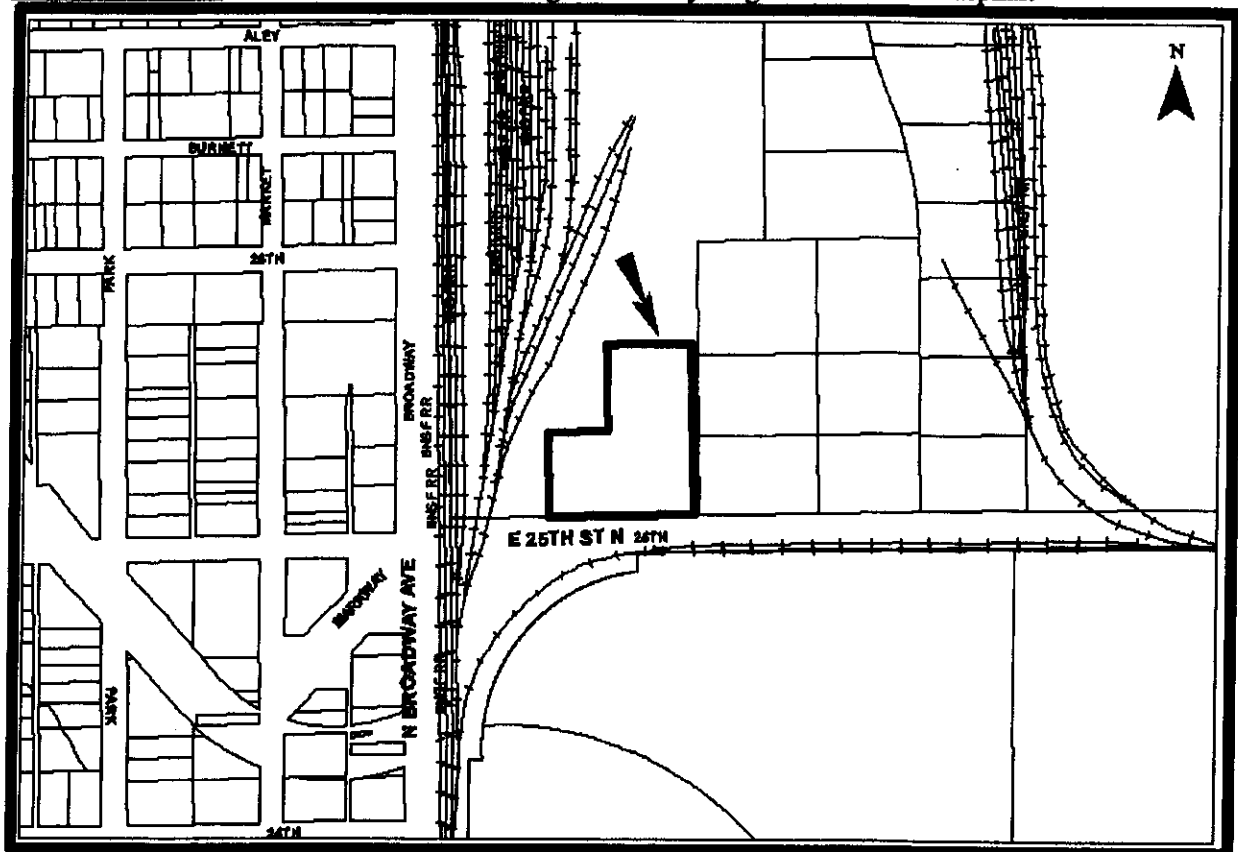
REQUEST: Rock Crushing

CURRENT ZONING: GI General Industrial

SITE SIZE: 2.45 acres

LOCATION: Northeast corner of North Broadway Avenue and East 25th Street North

PROPOSED USE: Rock crushing for the recycling of concrete and asphalt



BACKGROUND: The applicant is seeking “conditional use” approval to permit “rock crushing” on 2.45 General Industrial (GI) zoned and platted acres generally located at the northeast corner of North Broadway Avenue and East 25th Street North. The property is located east of the Atchison Topeka & Santa Fe Railroad (AT&SF) tracks and switching yard that are located just east of North Broadway Avenue and north of East 25th Street. The site is currently enclosed by a concrete block screening wall. Located within the screening wall are piles of asphalt and concrete chunks that come from demolition and construction projects located in the area. The chunks are expected to be crushed into smaller sizes and reused in local construction projects. On a typical day the applicant’s agent indicates that there could be 20 or fewer truck trips; however, the number of trips is dependent upon the needs of the applicant’s customers. The applicant’s aerial/site plan depicts more area than is covered by the conditional use application. Only the area enclosed by the green line and labeled “A” is the application area and the subject of the conditional use request. The application area is only Lot 1, Block A, Aaron Goodwin Addition. Access to the site is located on East 25th Street North via a 26-foot wide driveway. A scale house and a scale are located within the enclosed area. The applicant’s aerial photograph/site plan shows a connection in the northeastern corner of the site to the metal recycling operation located immediately east of the subject property.

In 2003, the site received “conditional use” approval for a “wrecking and salvage yard” (CON2003-00047).

Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).

CASE HISTORY: The subject property was initially platted as part of the Goldstein’s Addition recorded in 1887, which was vacated by an act of the State Legislature in 1895. Case number CON2003-00047 approved use of the site for a “wrecking and salvage yard” subject to twelve development standards. Case number CON2004-00023 was an “administrative adjustment” to replace metal fencing required by CON2003-00047 with a concrete block wall. The property was platted in 2005 as Lot 1, Block A, Aaron Goodwin Addition (SUB2004-00025).

ADJACENT ZONING AND LAND USE:

North: GI; AT&SF railroad switching yard
South: GI; vacant
East: GI; metal recycling
West: GI; AT&SF railroad tracks and switching yard

PUBLIC SERVICES: Public water is adjacent to the site; however, sanitary sewer, at its closest point, is over 430 feet away. East 25th Street North is an unpaved road that has 60 feet of half-street right-of-way abutting the application area. West of the subject site, East 25th Street North appears to have 30 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “processing industry.” The “processing industry” category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts

associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the following conditions:

1. The "conditional use" permits "rock crushing" for three years from the date of final approval. At the end of the three-year time limit the three year time period may be extended by the "administrative adjustment" process.
2. The site shall be developed, maintained and operated in conformance with the approved site plan.
3. The site shall be completely enclosed by solid fencing or block wall a minimum of eight feet in height except at approved access points (as shown on the approved site plan).
4. All internal circulation and points of ingress-egress shall be watered during hours of operation or be treated with a dust control product or be surfaced with an approved all weather surface or some combination of the three to control dust.
5. An updated drainage plan designed to minimize non-point source contamination of surface and groundwater shall be submitted for review and approval by the city engineer prior to commencing rock crushing.
6. All aggregate piles will be no higher than 20 feet from ground level and watered as necessary to minimize blowing dust. Opacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility associated with rock crushing cannot exceed applicable opacity standards.
7. Any stockpiling of fuels or chemicals on this site must be approved by Environmental Health.
8. The applicant shall meet all permitting, reporting and operating requirements as necessary per local, state and federal regulations prior to any crushing activities on this site.
9. The level of noise generated by the rock crusher shall not exceed community standards as specified by chapter 7.41 of the City Code.
10. Any violation of the conditions of approval will allow the "conditional use" to be declared null and void.

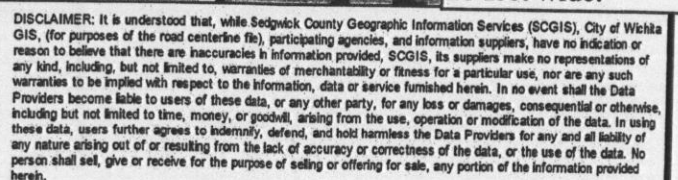
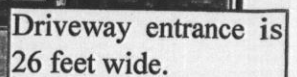
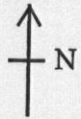
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application area are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GI which permits a wide range of industrial and commercial uses. The site also has a Conditional Use that permits a wrecking and salvage yard. The existing zoning on the site permits opportunity for economic return.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested use would add rock crushing to the uses permitted on the site. The site abuts a major

wrecking and salvage yard and a regional railroad switching yard. The proposed conditions of approval should minimize detrimental impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed use will accept concrete, asphalt or rock from off-site construction and/or demolition projects. The material will be crushed and reused which benefits the community as a whole. Denial would presumably be a loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "processing industry." The "processing industry" category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.
6. Impact of the proposed development on community facilities: None identified.

Lot 1, Block A, Aaron Goodwin Addition



CON 2014-33
MAPC 1-22-15