2. Cornejo will extend the berming north, onto his own property on which the rock crusher is located, to provide a buffer for that use.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The majority of the land west of K-15 Highway is zoned "LI", which allows a wide variety of industrial uses. The proposed fill operation is similar in character to the rock crusher and contractor's yard already existing. Property east of K-15 is zoned "SF-6" and "LC" and developed with residential and commercial uses.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property has been zoned for industrial uses (when zoning was established) and is still appropriate for such uses. The majority of the application area has been used as a depository for the wastewater treatment facility's sludge, and would not be suited for development without filling and leveling the land.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the recommended conditions of approval, including measures to deal with traffic, noise, dust, and other potential impacts, and the berming, rail line, and K-15 as buffers, this use should have a minimal impact on the residential/commercial property east of K-15.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: There is a significant public benefit in the opening of a construction and demolition landfill, by providing a lower cost method to dispose of these materials, and by extending the life of the existing Brooks sanitary landfill.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for industrial uses. The Plan states that the characteristics of the individual use, the surrounding uses and zoning district, and the degree to which the specific use would clash with adjacent uses will be the primary location determinant. The plan calls for efforts to maximize the capacity of the existing landfill site.

6. Impact of the proposed development on community facilities: With the recommended improvements to K-15 and the required maintenance of that roadway by the applicant, this request should not have a negative impact on community facilities.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

CPO(3) February 20, 1997
MAPC February 27, 1997

CASE NUMBER: CU-425

APPLICANT/AGENT: RRM, LLC (applicants); Robert Kaplan (agent)

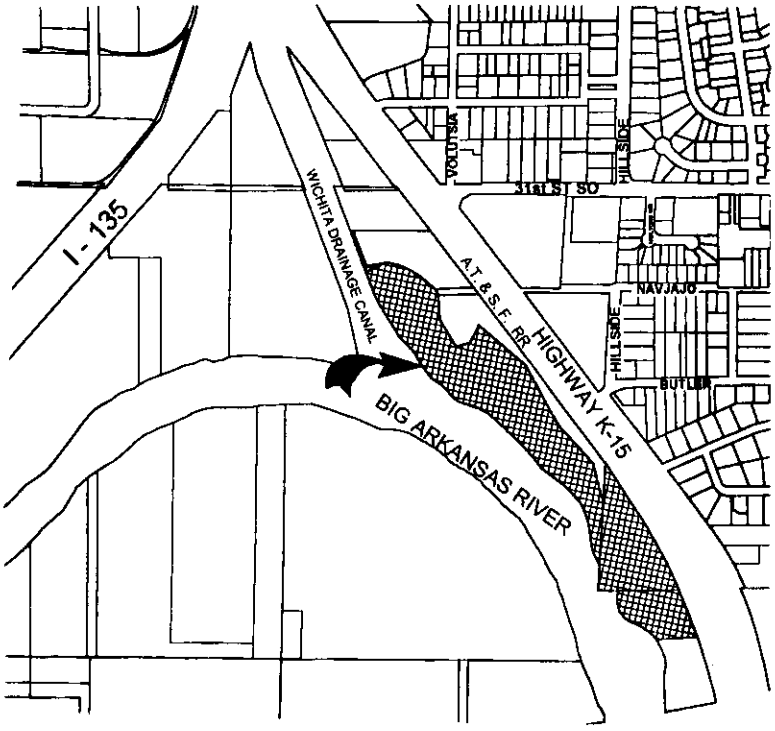
REQUEST: Conditional Use to establish a construction and demolition waste landfill

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 26.14 acres

LOCATION: In an area west of K-15 Highway and south of 31st Street South

PROPOSED USE: C/D landfill



BACKGROUND: The applicant requests a Conditional Use to establish a construction and demolition waste landfill on 26.14 acres zoned "LI" Limited Industrial located in an area west of K-15 Highway and south of 31st Street South. This land is owned by the City of Wichita. The applicant proposes to lease the land from the City until the landfill operation is complete.

The majority of the land to the west of K-15 Highway and north of the proposed fill site is zoned "LI" Limited Industrial and is currently used for construction activities. The Wichita Wastewater Treatment facility and the Chapin Sanitary Landfill are located across the Wichita drainage canal and the Big Arkansas River, to the west of the subject property. Across K-15 to the east are several single-family residences on property zoned "SF-6", a mobile home park at the southeast corner of 31st Street and K-15 on property zoned "LC", and several commercial uses at the northeast corner of 31st Street and K-15 on property zoned "LC". Areas south of the proposed landfill are undeveloped and zoned "LI" and "SF-6".

The applicant has submitted a site plan and a sectional drawing showing two cross-sections of the proposed landfill site. The plans show the existing and "corrected" floodway lines running through the property. The site will be accessed via an entrance/exit at the intersection of 31st Street South and K-15 Highway with a paved drive leading into the site. The plan also shows a scale building to be located near the entrance/exit. The plans show that the applicant will construct berms along the east (railroad) side of the site to screen the fill operations from view to the east.

The sectional drawing shows the existing land elevations, existing water elevations, and the proposed fill area elevations. This plan also shows the relationship between K-15 traffic, the railroad, and filling operations. The proposed final fill elevation will be approximately 10 feet above the vehicular sightline as shown on the plan, therefore the applicant is requesting that temporary berms be constructed along the eastern edge of the fill area at each "lift" in order to protect sightlines, with the eastern slope covered with topsoil, seeded, and mulched to prevent blowing.

The site is located within the FEMA floodplain, and the applicant was asked to have a preliminary engineering study done to determine the potential for relocating the "Regulatory Floodway" on the property. The preliminary report by the engineer outlines the methods of determining that boundary and explains that the Floodway can be adjusted from its present location to the west, with the proposed toe of the western fill slope along the relocated Floodway line. These findings have been submitted to the Department of Public Works for review and approval, and will need to be approved by FEMA.

The applicant's engineer has also addressed the concern of river bank erosion along the west bank of the Big Arkansas River at this site. In a letter, attached, he explains the nature of river-flow erosion and its effect on this property. Specifically, he points

out that the area for potential erosion is along the "outside" of a river bend, which in this case is the east bank. Bank stabilization on the east bank (the Cornejo site) of the river should protect it from additional erosion, while having no eroding effect on the west bank (Chapin Sanitary Landfill) of the river.

The Wichita-Sedgwick County Health Department has indicated that they have detected no pollution or other serious problems at two other construction and demolition waste landfills in the county, the Lusk landfill near Derby and a previous landfill operated by Cornejo near 77th Street North and Broadway.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Rock crushing site; contractor's yard
SOUTH:	"LI"	Undeveloped; Kansas Turnpike
EAST:	"LC" & "SF-6"	Mobile home park; single-family residences; various commercial uses
WEST:	"LI"	Big Arkansas River; Chapin Sanitary Landfill; Wichita Wastewater Treatment plant

PUBLIC SERVICES: Municipal water and sewer service is not necessary for the proposed use. The property has access to K-15, a 4-lane expressway, with existing traffic volume of approximately 28,446 average daily trips (ADT) south of 31st Street 1/4 mile. The 2020 Transportation Plan projects traffic along K-15 to increase to approximately 32,627 ADT for this segment. The latest edition of the Transportation Improvement Program shows K-15 to be repaved between the Kansas Turnpike and I-135 beginning in June 1997 and ending in December 1997.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for industrial uses. The Plan states that the characteristics of the individual use, the surrounding uses and zoning district, and the degree to which the specific use would clash with adjacent uses will be the primary location determinant. The plan calls for efforts to maximize the capacity of the existing (Brooks) sanitary landfill..

The Area Treatment Classification Map of the Plan shows the majority of the application area within the "resource preservation" category because of its being mapped as floodplain and proximity to the river. However, the area in question is not "natural" but has been disturbed by previous sludge dumping and other activities. This category attempts to "recognize environmentally sensitive areas deserving sensitive treatment so they can be incorporated into future development as aesthetic, recreational, and conservation improvements to the man-made environment."

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

A. Demolition and construction wastes as defined by KAR 28-29-3[G] and City Code 7.08.020[8], shall be the only landfill material permitted. Hazardous or toxic wastes, as defined by K.S.A. 65-3430 et. seq. shall not be permitted for disposal at the site.

B. The landfill operation shall obtain all applicable permits and proceed in accordance with all conditions established by the Kansas Department of Health and Environment (KDHE), Wichita-Sedgwick County Health Department, FEMA, the Corps of Engineers, the Department of Wildlife and Parks.

C. The deposit of material on site shall cease by April 1, 2007.

D. The landfill shall not be open to the general public. The landfill shall only be open to solid waste collection vehicles licensed under Chapter 7.08 of the Code of the City of Wichita. A landfill operator shall be on the site during all hours of operation for the purpose of screening incoming trucks for authorization, inventory of the type, size and quantity of loads, and direction of loads to the appropriate cells. Hours of operation shall not exceed 7:00 AM to 6:00 PM Monday through Saturday. Access to the subject property shall be prohibited except during the hours of operation.

E. The delivery of construction and demolition waste to the site shall be only by way of the K-15 entrance.

F. A minimum 6 foot high fence shall be installed on the earthen screening berms along the northeastern property line, if determined to be needed by the Zoning Administrator, to minimize the blowing of any materials onto adjacent properties. The fence shall be either chainlink or welded or woven wire with openings no larger than two inches.

G. Upon written notice of any violation by the City Zoning Administrator or the Wichita-Sedgwick County Health Department, the operation shall cease and the violation shall be corrected within 48 hours.

H. A detailed grading/drainage plan shall be submitted to the Department of Public Works for review and approval prior to commencement of operations. A copy of the approved grading and drainage plan shall be submitted to the Planning Department for filing with other case materials. The operation of the landfill shall be in conformance with the approved grading and drainage plan, and with the "Site Plan" and "Sections on Construction and Demolition Area" attached

as exhibits to these conditions, except that the maximum height of the fill (exclusive of the screening berm) shall be no more than 5 feet higher than the elevation of the Santa Fe railroad track in any cross-section. Landfill operations shall be staged, with berms to be constructed and seeded along the east face of the fill to screen the operations from view in that direction. No more than 6 acres shall be in operation at any one time. Prior to the opening of any new area the previous area shall be graded and seeded in accordance with the approved plan.

I. Prior to commencement of the landfill operation the applicant/owner shall obtain a guarantee acceptable to the City Attorney and payable to the City of Wichita guaranteeing that cover material, final grading, and seeding are performed, as detailed in the approved grading plan. This guarantee shall be in the amount of $100,000.00

J. The applicant/owner shall pay a yearly fee to the City of Wichita to offset the cost of landfill inspection by the Wichita-Sedgwick County Health Department. The fee shall be paid prior to the operation of the landfill and shall be $1,000.00 for the first 12 months of operation. The fee for subsequent periods shall be established after review and recommendation by the Wichita-Sedgwick County Health Department to the City Council. The maximum increase in the fee shall be limited to 100% for any 12 month period. In no event shall said fee exceed the actual direct and indirect cost of such inspection.

K. Prior to commencement of the landfill operation the applicant/owner shall file a restrictive covenant for the application area which shall remain in perpetuity with the property. This covenant shall prohibit the use of the land for human habitation, prohibit the construction of structures which penetrate the final cap or cover, unless authorized by the Health Department; and require approval of the Wichita-Sedgwick County Health Department for use of the land for the production of food crops. The covenant shall be in such form as may be approved by the City Attorney.

L. The applicant/owner shall erect a sign prior to landfill operation. This sign shall be a minimum 8 foot wide by 4 foot high and be prominently displayed at the site entrance. The sign shall display the following message in 4 inch or larger letters that contrast with the background:

NO TRESPASSING - NOT A PUBLIC FACILITY

THIS LANDFILL MAY ONLY ACCEPT DEMOLITION WASTE TRANSPORTED BY LICENSED SOLID WASTE TRANSPORT VEHICLES. GARBAGE, HAZARDOUS WASTE, AND MATERIAL TRANSPORTED BY PRIVATE OR UNLICENSED VEHICLES IS NOT ALLOWED. LANDFILL OPERATES 7:00 AM TO 6:00 PM MONDAY THROUGH SATURDAY.

In addition to the above information, the sign shall contain all information required by state agencies. The sign shall be maintained in good repair and be clearly visible.

M. Prior to the commencement of the landfill operation, the applicant shall remove from the site all surface material which is not defined as demolition or construction waste by KAR 28-29-3[G] and City Code 7.08.020[8].

N. Prior to the commencement of the landfill operation, the applicant shall provide for installation and monitoring of a network of at least four wells which draw water from the uppermost permanent aquifer. These wells will be installed, constructed, operated and sampled to comply with the requirements of the Wichita-Sedgwick County, and shall remain in operation for 10 years from the date landfill closure. Collection and analysis of samples from the wells will be accomplished on a quarterly basis by the Health Department on a quarterly basis, and the actual costs of that monitoring shall be reimbursed by the applicant/owner. Monitoring of runoff and methane shall also be provided for 10 years after closure of the landfill.

O. The applicant shall pave the 31st Street entrance, as well as water all unpaved roadways, as needed, in order to minimize dust. Cover material shall be applied daily to the area being filled. The operator shall be responsible for street sweeping as necessary on K-15 to minimize the accumulation of mud or debris.

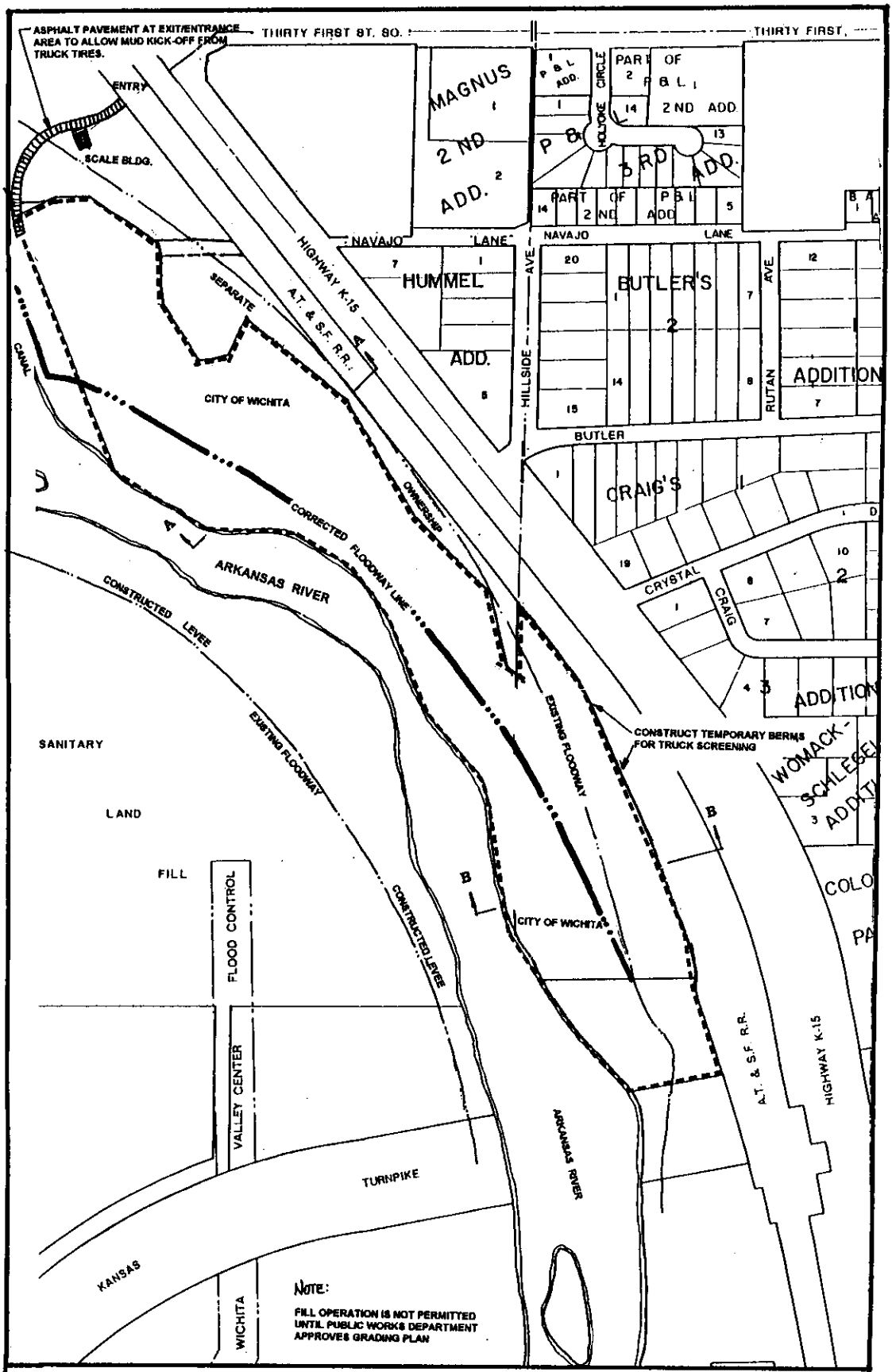
P. The applicant shall install traffic detectors at the time the entrance drive is paved, in accordance with City Engineering specifications.

Q. The applicant shall install a deceleration lane to City Engineering specifications on southbound K-15 at the entrance to the landfill, prior to commencement of the landfill operation.

R. This proposed construction and demolition waste landfill shall be in compliance with all conditions approval by the MAPC, and/or the Governing Body, as specified above, or this conditional use shall be considered null and void.

In addition, we recommend that the following provisions be included in any lease agreement between Cornejo and the City to use this land:

1. Cornejo will assume liability for remediation of any groundwater contamination which, in the opinion of the Health Department, originates at this site as a result of the landfill operation, and will provide adequate financial assurances for that remediation.



SITE PLAN
CONSTRUCTION AND DEMOLITION AREA

CONDITIONAL USE CASE: CU-425

BAUGHMAN COMPANY P. A.
ENGINEERING, SURVEYING, & PLANNING
316-262-7271 • 313 ELLIS • WICHITA, KANSAS 67211

SCALE: 1"=300'