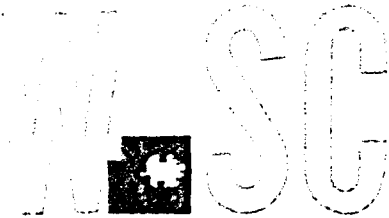


SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 19, 1996

BS Land & Cattle Company
Jim Snook and Scott Bergkamp
3709 S. West Street
Wichita, KS 67217

RE: CU-412 - Conditional Use to allow a temporary rock crushing operation on property zoned "LI" Limited Industrial, located south of I-235 Highway, west of West Street (3709 S. West Street)

Dear Mr. Snook and Mr. Bergkamp:

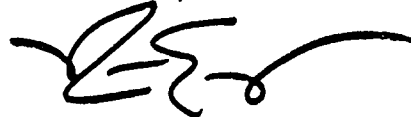
At its regular meeting on October 31, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

- A. This Conditional Use shall permit rock crushing operations for a period of 90 days.
- B. The site shall be developed as indicated on the site plan.
- C. Use of the rock crusher shall be limited to the hours of 7:00 A.M. - 6:30 P.M. Monday through Friday, and 9:00 A.M. - 1:00 P.M. on Saturday. The rock crusher shall not be used on Sunday or official county holidays.
- D. Water, or other dust retardant, shall be used as needed to control blowing dust from stockpiled materials.
- E. 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.

- F. The opacity of the dust from the crusher must not exceed 15 % opacity and emissions of dust from transfer points, i.e. elevators, belts, etc. must not exceed 10% opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.
- G. Stockpiles of raw and finished material shall not exceed 25 feet in height.
- H. Any on-site storage of fuels or chemical must be approved by the Wichita-Sedgwick County Health Department.
- I. The applicant shall submit and receive approval of a drainage plan, if required, from the County Engineer including any needed easements for the temporary storage of run-off prior to commencing operations.
- J. The applicant shall obtain applicable county, state and federal permits prior to beginning rock crushing or excavation operations on this site.
- K. Any violation of the conditions of approval shall render the conditional use permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

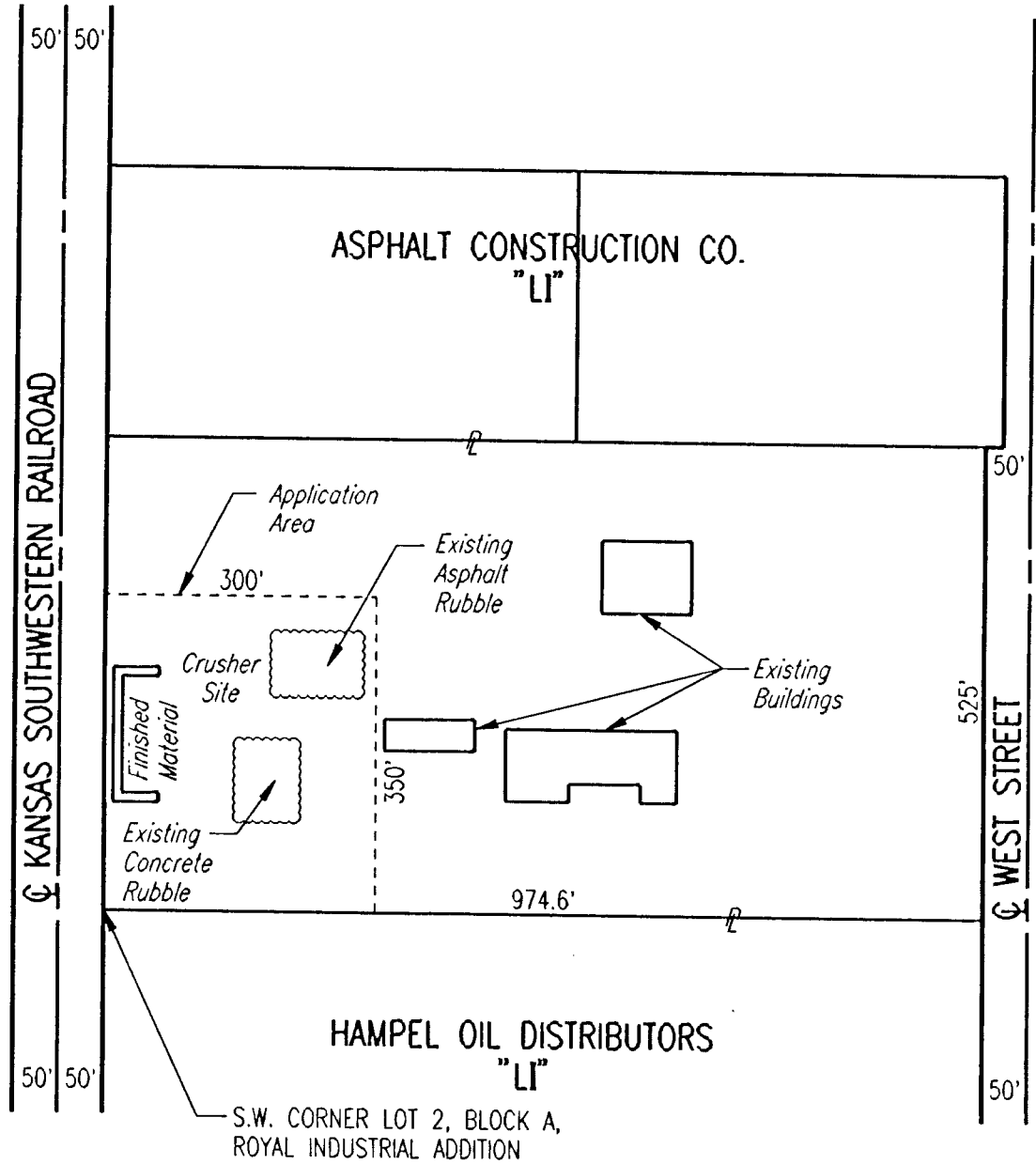
A handwritten signature in black ink, appearing to read 'Russ Ewy', with a long horizontal flourish extending to the right.

Russ Ewy
Associate Planner

cc: Gary Wiley, PEC, 303 S. Topeka, Wichita, KS 67202
Robert & Helen Bergkamp, 3709 S. West Street, Wichita, KS 67217
Kathy Sexton, Sedgwick County Code Enforcement



SCALE: 1"=200'
9-30-96



BOB BERGKAMP CONSTRUCTION CO., INC.
CONDITIONAL USE CU-412



AGENDA ITEM NO. 6

STAFF REPORT

October 31, 1996

CASE NUMBER: CU-412

APPLICANT/AGENT: Robert L. & Helen L. Bergkamp (property owners); BS Land and Cattle Company, c/o James K. Snook and Scott Bergkamp (property owners/applicants); Gary Wiley, P.E.C. (agent)

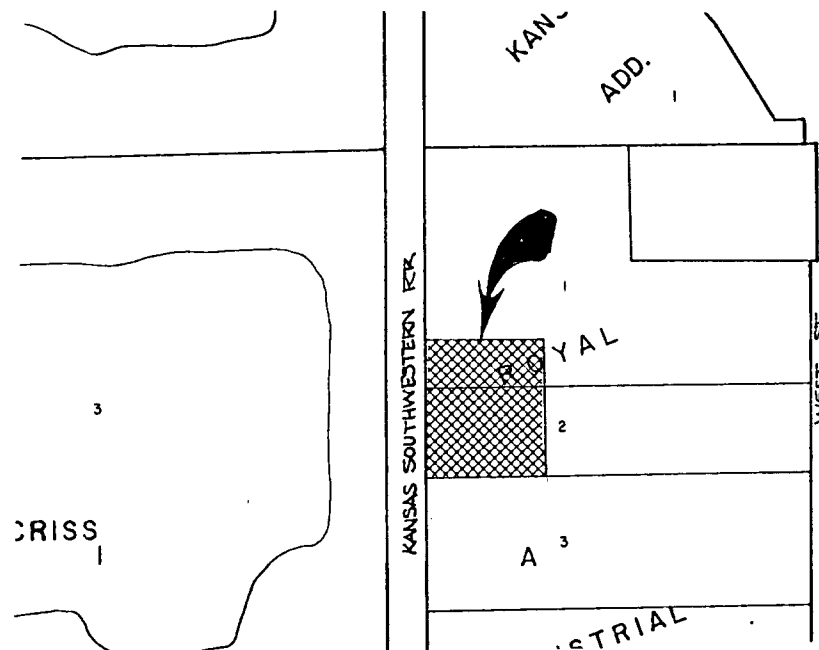
REQUEST: Conditional Use to allow a temporary rock crushing operation

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 2.41 acres

LOCATION: South of I-235 Highway, west of West Street (3709 S. West Street)

PROPOSED USE: To recycle an existing pile of concrete and asphalt pavement rubble for a period of 90 days



BACKGROUND: The applicant requests a conditional use to allow a temporary rock crushing operation on 2.41 acres of platted land located south of I-235 and west of West Street. The application site is at the rear of the Bob Bergkamp Construction Company lot. According to the applicant, the rock crusher will be used to grind down existing piles of asphalt and concrete located within the application site in order to haul the rubble to the applicant's recently approved rock crushing and excavating site approximately 2/3 mile to the southwest.

The site is currently zoned "LI" Limited Industrial, as is property to the north, east, and south. The application area is buffered on the west by the Kansas Southwestern Railroad tracks. Beyond the railroad to the west is "SF-6" Single-Family Residential zoned land with two lakes formed from an old sand and gravel extraction site (CU-259). In May, 1987 the Board of County Commissioners approved a special use permit for a concrete batch plant and a rock crusher (DR 87-5) in an area northwest of the proposed rock crushing site. There is an asphalt plant approximately 400 feet to the north of the application area, and Hampel Oil Distributors to the south. Oatville is located approximately 1000 feet to the southwest.

"Rock crushing" in the "LI" district is allowed only with a conditional use permit. 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 process 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.

The applicant's site plan shows the general location of the rock crusher, the location of the asphalt and concrete piles, and the location of the finished product. Access to the site would be from West Street, through the construction yard.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Limited Industrial, Asphalt plant
SOUTH:	"LI"	Limited Industrial, Hampel Oil Distributors
EAST:	"LI"	Limited Industrial, Bob Bergkamp Construction Company
WEST:	"LI"	Limited Industrial, Railroad tracks, Undeveloped

PUBLIC SERVICES: The property has access to West Street, a 2-lane arterial, with existing traffic volume of approximately 6,675 average daily trips (ADT) between the MacArthur and I-235 Highway. The 2020 Transportation Plan projects traffic along West Street to increase to approximately 12,600 ADT for this segment, and is projected to become a 4-lane arterial. Municipal water is available to this site, while sanitary sewer is approximately 1/2 mile north of the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this site as "low density residential." Given that the area is already zoned "LI", the low density residential designation is an error, and will be addressed in forthcoming revisions. In the Unified Zoning Code, "rock crushing" is categorized as an industrial, manufacturing and extractive use, and is permitted only as a conditional use. Rock crushing is not permitted "by right" in any of the city's or county's districts. The policy guidance section of the comprehensive plan indicates that:

(a) Industrial areas should be located in close proximity to support services and provided good access to major arterials, ... truck routes, belt highways, utility trunk lines, along railroad spurs, near airports and as extensions of existing industrial uses.

(b) [Industrial] traffic ... should not feed directly onto local streets in residential areas.

(c) Industrial uses should be generally located away from existing or planned residential areas, and sited so as not to travel through less intensive land uses.

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

- A. This Conditional Use shall permit rock crushing and excavation operations for a period of 90 days.
- B. The site shall be developed as indicated on the site plan.
- C. When operations cease at this location, all materials and equipment associated with both requested uses shall be removed from the site.
- D. Use of the rock crusher shall be limited to the hours of 7:00 A.M. - 6:30 P.M. Monday through Friday, and 9:00 A.M. - 1:00 P.M. on Saturday. The rock crusher shall not be used on Sunday or official county holidays.

- E. Water, or other dust retardant, shall be used as needed to control blowing dust from stockpiled materials.
- F. 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.
- G. The opacity of the dust from the crusher must not exceed 15 % opacity and emissions of dust from transfer points, i.e. elevators, belts, etc. must not exceed 10% opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.
- H. Stockpiles of raw and finished material shall not exceed 25 feet in height.
- I. Any on-site storage of fuels or chemical must be approved by the Wichita-Sedgwick County Health Department.
- J. The applicant shall submit and receive approval of a drainage plan from the County Engineer including any needed easements for the temporary storage of run-off prior to commencing operations.
- K. The applicant shall obtain applicable county, state and federal permits prior to beginning rock crushing or excavation operations on this site.
- L. 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: The majority of the developed land adjoining the application area is zoned "LI" Limited Industrial. The uses near the application area are similar in character with the proposed use.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "LI" Limited Industrial. Rock crushing is a listed conditional use in the "LI" district. Conditional uses are just that, uses which are appropriate if the applicant can meet all necessary criteria to make that use compatible with surrounding land uses. Given its location and surrounding land uses, this site is properly zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the current zoning, staff's recommended conditions of approval, the temporary nature of the operation, as well as the surrounding land uses, most negative impacts on adjoining property should be minimized.
4. Conformance of the requested change to adopted or recognized Plans/Policies: This site meets the locational criteria for this use as suggested by the Comprehensive Plan.
5. Impact of the proposed development on community facilities: West Street currently has the capacity to handle the traffic generated by this use. This use should not have any other impacts on public facilities.