

RESOLUTION NO. 88-99

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR 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-C AS ADOPTED BY RESOLUTION NO. 178-1997.

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. SCZ- 0786
and CU-512

Zone change request from "SF-20" Single-family Residential to "LI" Limited Industrial and a Conditional Use permit to allow a transfer station on property described as:

Commencing at the SE corner of the SE 1/4 of Section 26, Twp. 26-S, R-1-W of the 6 P.M., Sedgwick County Kansas; thence west along the south line of said SE 1/4, 600 feet for a point of beginning; thence continuing west along the south line of said SE 1/4, 1200 feet; thence north at right angles to the last described line, 660 feet; thence east parallel with the south line of said SE 1/4, 1200 feet; thence south at right angles to the last described line, 660 feet to the point of beginning, subject to road rights-of-way of record (containing a net area of 732,000 square feet or 16.8 acres). Generally located north of 37th Street North and west of West.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Prior to beginning operation of a solid waste transfer station, all applicable local, state and federal permits shall be acquired.
2. This Conditional Use for the establishment of a solid waste transfer station shall be subject to all applicable local, state, and federal regulations and laws.
3. The use of the site as a solid waste transfer station shall proceed and be maintained in general conformance with the site plan submitted with and made a part of this permit, except as indicated in #4 of these conditions. The tipping floor area shall be completely enclosed except for openings with operable doors

for loading as indicated on the site plan and pedestrian/emergency doors.

4. The applicant shall submit a revised drawing, prior to review of this application by the County Commission, showing additional berming and landscaping along the northeast portion of the property to the west past the scales and on the northwest side extended to the western exit of the convenience center. A 10 foot chain line fence with slats shall be constructed around the convenience center.
5. During the period the subject property is in use as a solid waste transfer station, all sand and gravel extraction operations as permitted by CU-115 shall be prohibited on the property which has been granted the Conditional Use and rezoning for use as a solid waste transfer station.
6. At the time of platting, the applicant shall guarantee the following improvements to 37th Street North and West Street, to an "industrial" standard paving thickness as specified by the Sedgwick County Department of Public Works: southbound right turn lane on West Street at 37th Street, and continuous decel lane and 2-lane pavement on 37th Street from West Street to the main driveway entrance.
7. At the time of platting, the applicant shall submit a drainage plan to the Health Department and Sedgwick Count Department of Public Works for approval. All runoff within the tipping facility shall drain to a holding facility and not to the storm water system. All outside runoff shall be properly controlled to prevent contamination, as deemed appropriate by the County departments.
8. The solid waste transfer station shall guarantee the extension of municipal water and/or sewer service through and/or across the frontage of the subject property as it becomes available to the site.
9. A landscape plan shall be submitted to the Planning Director for approval prior to issuance of a building permit, indicating the number, location, size and type of plantings and method of watering. Landscaping shall be installed in conformance with this plan prior to operation of the facility and maintained in conformance with the plan.
10. Temporary outside waste storage of trash, not otherwise enclosed in a transfer trailer shall be confined to the "convenience center" area, and paper and plastic goods shall be stored in receptacles that have lids which can be closed to prevent waste from being blown beyond the site.
11. Outside building wall and roof surfaces shall be predominantly muted in color intensity, with bright white or colors limited to a maximum of 10 percent of the total surface area.
12. No off-site signs are permitted on the property. Building signs are limited to a

maximum of 10 percent of any wall surface.

13. Violation of any of the conditions of approval shall render the Conditional Use 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. 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	<u>aye</u>
BILL HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 7th day of April, 1999.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

ATTEST:

James Alford
JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:

Rich Euson
RICH EUSON
County Counselor

STAFF REPORT

MAPC March 11, 1999

CASE NUMBER: SCZ-0786 and CU-512

APPLICANT/AGENT: BFI Waste Systems of North America, Inc. (Owner) c/o Jim Spencer and Harv Ebers); Robert H. Epstein (Agent); Terry C Pilgreen (Agent); and Baughman Co. c/o Phil Meyer (Agent)

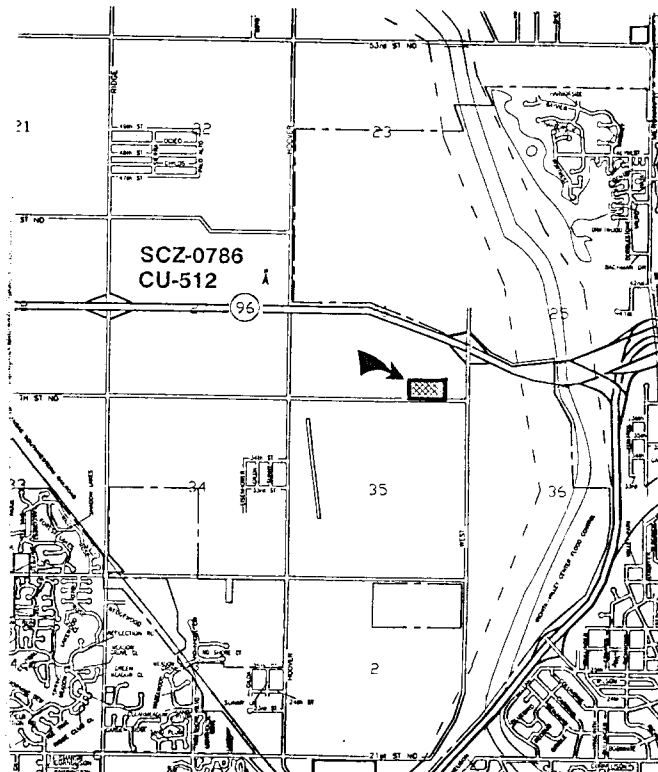
REQUEST: Rezone to "LI" Limited Industrial and Conditional Use to allow a transfer station

CURRENT ZONING: "SF-20" Single-family

SITE SIZE: 16.8 acres

LOCATION: North of 37th Street North and west of West Street

PROPOSED USE: Transfer station



BACKGROUND: The applicant is requesting to rezone a 16.8 acre tract of unplatted property from "SF-20," Single-family residential to "LI" Limited Industrial and a Conditional Use to allow a transfer station. This property is located north of 37th Street North and west of West Street. There is undeveloped property located on all four sides of this property. The property north of this site was approved for a Conditional Use to allow sand extraction. The property east is zoned "LC." All other land is zoned "SF-20." The nearest homes are 2,600 feet to the west of the site and 900 feet to the east. An asphalt plant is in operation about 1,100 feet to the southeast, on land zoned "LI".

The applicant has submitted a site plan which shows traffic entering the complex at a single access point off of 37th Street North. The traffic will then travel north and west to the scales and, once weighed, will then proceed a building enclosing to the tipping floor (150 feet by 250 feet), which has six overhead doors. Trash trucks will back into the tipping floor and dump the trash on the floor. If the haulers have materials which are not supposed to be dumped into the tipping floor, such as white goods, tires, glass, yard wastes and tree limbs, the attendant will direct these materials to the convenience center located elsewhere on the site or to another facility, depending on the type of material. Once the trucks complete dumping the trash, the vehicles retrace their route to the scales to be weighed once again. All vehicles will exit at the same location they entered.

The trash after it is dumped onto the tipping floor will then be loaded into transfer trailers, which enter the tipping floor through an overhead door on the west side of the tipping floor and exit through another overhead door on the east side. The applicants have stated that the trailers are located on a five percent slope which would place the trailers below the tipping floor. The trucks exit the site via 37th Street North or are parked in the parking area located just east of the complex. No trash is allowed to be on the property longer than 48 hours, according to state regulations.

An office is located at the northeast corner of the tipping floor and will have an education center in this area. A parking lot is located east of the tipping floor and is shown to have 21 parking spaces and two bus parking spaces.

This site will use a well for bathroom facilities and wash down water. The waste water will be collected and stored in tanks and then transported off-site. The waste water from the bathroom facilities will be stored in one tank and the waste water from washing down the site will be stored in another tank. Bottled drinking water will be provided to employees and visitors.

An outside "convenience center," located north of the tipping floor, has six drop bins for items such as tires, glass, yard waste, tree limbs, and white goods. Materials placed in these bins would be permitted to be on-site for a maximum of seven days, according to County regulations.

Along the north property line there is a six foot drop in elevation between the area to be used as the transfer center and the land located north of the site. The southern boundary of the excavated area, a borrow pit remaining from the construction of K-96, is shown on the site plan as a squiggly line. A portion of this excavated area will have to be filled north of the convenience center.

The applicant is proposing to have a six foot chain link fence around the perimeter of the property. Along the west, south and east property lines there will be an earth berm with trees and shrubs planted on the top of this berm. No landscaping other than the existing volunteer trees in the excavated area is shown on the north; however, staff is recommending some landscaping be provided north of the facility.

The Sedgwick County Solid Waste Management Committee approved this application on January 25, 1999 (See minutes attached). The Committee's approval letter is in the BFI Solid Waste Transfer Station Proposal packet.

Attached is a resolution approved by the Sedgwick County Commission, which details the requirements of transfer stations in Sedgwick County. (See attached resolution). This Conditional Use application has been evaluated against the applicable regulations in the resolution and found to be consistent with those regulations; minimum site acreage; distance to roads, property lines, and buildings on other properties; landscaping (if landscaping is added on the north side of the site, where the deciduous scrub vegetation in the excavated area is unattractive and inadequate, and may easily die, be altered or removed in the future); in an enclosed building; having one common gate; having a facility for educational activities; having a facility to temporarily store banned wastes; and providing adequate parking areas. The County's regulations, along with other applicable local and state regulations and requirements, address numerous other operational issues for transfer stations.

Also attached is a copy of a City Council referral sheet where the City's concerns about the impacts of transfer stations, regardless of location, are stated. The City's Public Works Director may address the MAPC at the public hearing regarding some or all of these issues. County staff will also be in attendance to respond to any questions that MAPC members may have about solid waste management. Planning staff would suggest to the MAPC that the issues raised in the referral sheet are substantive, but for the most part, they are not germane to the "land use" decision on the rezoning and Conditional Use applications.

County staff indicates that they are intending to address two of the City's issues -- radioactive screening and unsecured loads -- in their regulations. The County is developing a plan for disposal of household hazardous wastes. An "emergency plan" currently is required as a part of an overall operation plan submitted to KDHE.

The City's suggestion that yard waste be stored inside at a transfer station may be

appropriate at some transfer stations locations, but given the pattern of existing and likely future uses in the 37th/West Street area, it seems unnecessary in this case. Regarding infrastructure impacts, the County Public Works Department has evaluated this issue and made recommendations for road improvements, taking into consideration the other uses and traffic existing and expected in this area in the future.

CASE HISTORY: A Conditional Use (CU-115) was approved by the Board of County Commissioners in 1968 to allow for a sand extraction operation on this application area and the area to the north, east and west. There was no time limit associated with the approval.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Undeveloped land approved for sand extraction
SOUTH:	"LC"	Undeveloped land
EAST:	"SF-20"	Undeveloped land approved for sand extraction
WEST:	"SF-20"	Undeveloped land approved for sand extraction

PUBLIC SERVICES: This site has access to 37th Street North, an unimproved two-lane township road with no available traffic volumes. West Street is a two lane roadway, paved and maintained by the County, with extra depth of paving to accommodate the existing truck traffic. 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 estimates are available for 37th Street North. No municipal water or sewer services are reasonably available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Wichita/Sedgwick County Development Guide identifies this area as appropriate for agricultural and related uses. The Unified Zoning Code in 1996 established solid waste transfer stations as uses conditionally permitted in both the Rural Residential and the two industrial zoning districts. The implication is that at least some locations that have a rural as well as industrial character should be suitable for these operations.

The Comprehensive Plan presumed the expansion of the Brooks Landfill as the manner of future solid waste disposal, and that has been supplanted by many events and decisions. Sedgwick County's official Solid Waste Plan identifies transfer stations as the appropriate method of waste disposal, and includes a section on "site selection." The plan recommends that transfer stations be approximately 20 acres in size (refined to 15 acres in the regulations adopted later); appropriately zoned; adjacent to a major highway to minimize the impact of truck traffic on neighborhood roadways; away from or shielded from residential areas; and centrally located to increase efficiency for haulers.

Finally the Comprehensive Plan suggests that industrial development may be appropriate in rural areas if an expansion of an existing industrial area, and should be located where there is good access and away from existing or planned residential areas.

RECOMMENDATION: Planning staff considers the rezoning and Conditional Use applications to be reasonable, but we do recommend some additions, one deletion, and some modifications to the conditions of approval suggested by the applicant. These changes include: additional landscaping on the north side of the site, clarification that the building is to be enclosed, recommended street improvements, local review of drainage plans to ensure against contamination from spilled wastes outside the building, minimizing the blowing of temporarily stored materials in the outside "convenience area," and controls on building signage and color. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and the following conditions:

1. Prior to beginning operation of a solid waste transfer station, all applicable local, state and federal permits shall be acquired.
2. This Conditional Use for the establishment of a solid waste transfer station shall be subject to all applicable local, state, and federal regulations and laws.
3. The use of the site as a solid waste transfer station shall proceed and be maintained in general conformance with the site plan submitted with and made a part of this permit, except as indicated in #4 of these conditions. The tipping floor area shall be completely enclosed except for openings with operable doors for loading as indicated on the site plan.
4. The applicant shall submit a revised drawing, prior to review of this application by the County Commission, showing additional berming and landscaping along the north property line to the east and west of the convenience center, as well as landscaping just north of the convenience center which will require additional filling of the depression area.
5. During the period the subject property is in use as a solid waste transfer station, all sand and gravel extraction operations as permitted by CU-115 shall be prohibited on the property which has been granted the Conditional Use and rezoning for use as a solid waste transfer station.
6. At the time of platting, the applicant shall guarantee the following improvements to 37th Street North and West Street, to an "industrial" standard paving thickness as specified by the Sedgwick County Department of Public Works: southbound right turn lane on West Street at 37th Street, northbound left turn lane on West Street at 37th Street, and 2-lane pavement on 37th

Street from West Street to the main driveway entrance.

7. At the time of platting, the applicant shall submit a drainage plan to the Health Department and Sedgwick Count Department of Public Works for approval. All runoff within the tipping facility shall drain to a holding facility and not to the storm water system. All outside runoff shall be properly confined, filtered, and/or treated to prevent contamination, as deemed appropriate by the County departments.
8. The solid waste transfer station shall guarantee the extension of municipal water and/or sewer service as it becomes available to the site.
9. A landscape plan shall be submitted to the Planning Director for approval prior to issuance of a building permit, indicating the number, location, size and type of plantings and method of watering. Landscaping shall be installed in conformance with this plan prior to operation of the facility and maintained in conformance with the plan.
10. Temporary outside waste storage of trash shall be confined to the "convenience center" area, and all such waste that is capable of being wind-blown (including lawn clippings, tree branches, plastic goods, newspapers and other similar materials) shall be stored in receptacles that have lids which can be closed to prevent waste from being blown beyond the site.
11. Outside building wall and roof surfaces shall be predominantly muted in color intensity, with bright white or colors limited to a maximum of 10 percent of the total surface area.
12. No off-site signs are permitted on the property. Building signs are limited to a maximum of 10 percent of any wall surface.
13. Violation of any of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There is undeveloped land located in the immediate area surrounding the subject property. This land and the land surrounding to the north, east and west is approved for a sand extraction operation. The larger vicinity is characterized by industrial-type uses with heavy truck traffic: landfill, sandpits, and asphalt plant, and there is commercial and industrial zoning established along West Street.
2. The suitability of the subject property for the uses to which it has been

restricted: The property is currently zoned "SF-20" and has been approved for a sand extraction operation. The subject property is probably not desirable for residential uses due to the industrial and extraction-type uses in the vicinity and approved.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: There is undeveloped property located on four sides of the application area. The area to the north, east and west is approved for a sand pit operation. The area south of this property is undeveloped and could be used for residential uses. However, it seems unlikely that this area is appropriate for residential uses due to reasons stated in the previous paragraph. It seems more likely that the property surrounding the application area will become industrial in nature, and therefore this use should have very little impact on the surrounding uses. With proper controls, the potential for groundwater contamination from this site, affecting nearby properties, should be minimized.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan identifies this area as appropriate for agricultural and related uses. The treatment of this use in the Zoning Code suggests it would be appropriate in some rural as well as industrial settings. The site appears to conform to the locational policies for industrial uses in the Comprehensive Plan, and with the recommendations of the County's Solid Waste Management Plan, and is consistent with the County's regulations for transfer stations.
5. Impact of the proposed development on community facilities: This site will generate a significant amount of (about 700 trips in and out per day) traffic on 37th Street and West Street, but the applicant will be required to fund road improvements which should alleviate the potential impacts. No municipal water or sewer services are available, and these services should not be impacted by this development.
6. Relative gain to the public health, safety and welfare: As the applicant's report indicates, the imminent closing of the Brooks Landfill makes the establishment of a new means of waste disposal imperative; Sedgwick County's plan for solid waste management mandates the utilization of transfer stations; there are no other transfer stations that are in operation or permitted in the County; and this location appears very suitable for such a use.