

- E. A minimum 6-foot high fence shall be installed around the perimeter of the site to minimize the blowing of any materials onto adjacent properties. The fence shall be either chain link or welded or woven wire with openings no larger than two inches. The fence shall be installed prior to the beginning of filling operations.
- F. Upon written notice of any violation by the appropriate zoning administrator or any agency authorized to permit, review or evaluate operations, operations shall cease and the violation shall be corrected within 48 hours.
- G. A detailed grading/drainage plan shall be submitted to the Sedgwick County Department of Public Works for review and approval prior to commencement of operations. As part of that review, the Department may require that easements be dedicated for drainage purposes. 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". Landfill operations shall be conducted so as to minimize the area that could blow. In order to minimize the potential for blowing material, a maximum of 3 acres at any one time may be utilized as fill area. Prior to the opening of any new area, the previous area shall be graded and seeded with at least 18 inches of clean cover material. All fill, work or drive areas shall be maintained in a manner that minimizes blowing dust or fugitive material.
- H. Material is to be piled no higher than 70 feet. A 10-foot berm shall be constructed along the K-96 Highway frontage.
- I. A landscape plan shall be submitted for review and approval by the Director of Planning. All plant materials shall be maintained in good condition and shall be replaced as necessary. Trees shall be installed in the buffer areas between the boundaries of the Conditional Use and the right-of-way lines along K-96, West Street and 37th Street at a rate of at least one tree per thirty feet of frontage. The landscaping is to be installed within one year of publication of the resolution making this rezoning effective.
- J. Right-of-way dedications commensurate with those required by the Subdivision regulations shall be required if existing rights-of-way are substandard.
- K. The C&D landfill shall developed and operated be in compliance with all conditions of approval or this Conditional Use shall be considered null and void.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Dale Milley
Chief Planner

DLM/rms

Cc: Baughman Company, %Russ Ewy, 315 Ellis, Wichita, KS 67211
Carolyn McGinn, County Commissioner, District IV, Mail Stop County Room 320
County Code Enforcement, %Glen Wiltse, 1144 S. Seneca, Wichita, KS 67213



Wichita-Sedgwick County Metropolitan Area Planning Department

January 25, 2002

FILE COPY

Asphalt Paving
%H. T. Ritchie, Ritchie Corp.
P O Box 7717
Wichita, KS 67277-7717

RE: CON2001-63 (ZON2001-68) – Sedgwick County Zone Change from “SF-20” Single-Family Residential and “LC” Limited Commercial to “LI” Limited Industrial. Associated with a Conditional use to develop a construction and demolition waste landfill. Generally located on the northwest corner of 37th Street North and West Street.

Dear Mr. Tom Ritchie:

At its regular meeting on January 23, 2002, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE subject to the following conditions:

- A. Demolition and construction solid waste resulting from the construction, remodeling, repair, repair and demolition of structures, roads, sidewalks and utilities as further defined in K.S.A. 65-3402(u) shall be the only landfill material permitted. Household solid waste, hazardous or toxic wastes, as defined by K.S.A. 65-3430 et. seq. shall not be permitted for disposal at this site.
- B. The landfill operation shall obtain all applicable permits or licenses. Operations shall 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 or any other agency having jurisdiction or oversight authority for the activities conducted on the application area.
- C. A landfill operator shall be on the site during all hours of operations for the purpose of screening incoming loads for authorization, inventory of the type, size and quantity of loads, and direction of loads to the appropriate cells. Access to the subject property shall be prohibited except during the hours of operation.
- D. The delivery of construction and demolition waste to the site shall be only by way of West Street to 37th Street and west to the entrance drive.

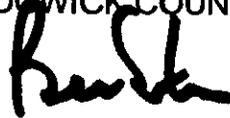
SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

BETSY GWIN	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN McGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 23rd day of January, 2002

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



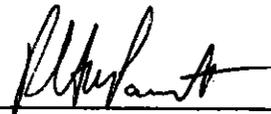
BEN SCIORTINO, Chair
Fifth District

ATTEST:



DON BRACE
County Clerk

APPROVED AS TO FORM ONLY:



ROBERT W. PARNACOTT
Assistant County Counselor



A RESOLUTION FOR A CONDITIONAL USE TO DEVELOP A CONSTRUCTION AND DEMOLITION WASTE LANDFILL 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.

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 to develop a construction and demolition waste landfill.

Case No. CON 2001-00063

Legally described below:

A tract of land lying within the SE 1/4, Sec. 26, Twp. 26-S, R-1-W, of the 6th P.M., Sedgwick County Kansas, described as commencing at the SE corner of said SE 1/4; thence N90 degrees 00'00"W, along the south line of said SE 1/4, 600.00 feet; thence N00 degrees 00'00"E, 50.00 feet to the southeast corner of Lot 1, BFI Addition, Sedgwick County, Kansas, also the point of beginning; thence N00 degrees 00'00"E, 610.00 feet to the NE corner of said Lot 1; thence N90 degrees 00'00"W, 1200.00 feet, to the NW corner of said Lot 1; thence N00 degrees 00'00"E, 1260.20 feet; thence S65 degrees 32'32"E, 936.74 feet; thence S57 degrees 56'33"E, 120.62 feet; thence S47 degrees 18'56"E, 492.68 feet; thence S43 degrees 00'32"E, 307.91 feet; thence S00 degrees 10'57"E, along the north right of way line of 37th St. North, 834.18 feet; thence N90 degrees 00'00"W, along the north right of way line of 37th St. North, 80.00 feet; thence S00 degrees 10'57"E, along the north right of way line of 37th St. North, 25.00 feet; thence N90 degrees 00'00"W, along the north right of way line of 37th St. North, 249.84 feet to the point of beginning (contains 1,502,064.6 Square Feet, or 34.483 Acres). Generally located on the northwest corner of 37th Street North and West Street.

SUBJECT TO THE FOLLOWING CONDITIONS:

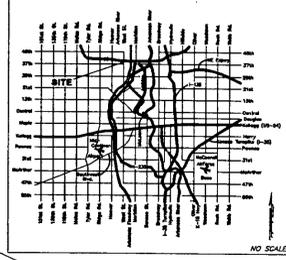
- A. Demolition and construction solid waste resulting from the construction, remodeling, repair, repair and demolition of structures, roads, sidewalks and utilities as further defined in K.S.A. 65-3402(u) shall be the only landfill material permitted. Household solid waste, hazardous or toxic wastes, as defined by K.S.A. 65-3430 et. seq. shall not be permitted for disposal at this site.
- B. The landfill operation shall obtain all applicable permits or licenses. Operations shall 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 or any other agency having jurisdiction or oversight authority for the activities conducted on the application area.
- C. A landfill operator shall be on the site during all hours of operations for the purpose of screening incoming loads for authorization, inventory of the type, size and quantity of loads, and direction of loads to the appropriate cells. Access to the subject property shall be prohibited except during the hours of operation.

- D. The delivery of construction and demolition waste to the site shall be only by way of West Street to 37th Street and west to the entrance drive.
- E. A minimum 6-foot high fence shall be installed around the perimeter of the site to minimize the blowing of any materials onto adjacent properties. The fence shall be either chain link or welded or woven wire with openings no larger than two inches. The fence shall be installed prior to the beginning of filling operations.
- F. Upon written notice of any violation by the appropriate zoning administrator or any agency authorized to permit, review or evaluate operations, operations shall cease and the violation shall be corrected within 48 hours.
- G. A detailed grading/drainage plan shall be submitted to the Sedgwick County Department of Public Works for review and approval prior to commencement of operations. As part of that review, the Department may require that easements be dedicated for drainage purposes. 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". Landfill operations shall be conducted so as to minimize the area that could blow. In order to minimize the potential for blowing material, a maximum of 3 acres at any one time may be utilized as fill area. Prior to the opening of any new area, the previous area shall be graded and seeded with at least 18 inches of clean cover material. All fill, work or drive areas shall be maintained in a manner that minimizes blowing dust or fugitive material.
- H. Material is to be piled no higher than 70 feet. A 10-foot berm shall be constructed along the K-96 Highway frontage.
- I. A landscape plan shall be submitted for review and approval by the Director of Planning. All plant materials shall be maintained in good condition and shall be replaced as necessary. Trees shall be installed in the buffer areas between the boundaries of the Conditional Use and the right-of-way lines along K-96, West Street and 37th Street at a rate of at least one tree per thirty feet of frontage. The landscaping is to be installed within one year of publication of the resolution making this rezoning effective.
- J. Right-of-way dedications commensurate with those required by the Subdivision regulations shall be required if existing rights-of-way are substandard.
- K. The C&D landfill shall developed and operated be in compliance with all conditions of approval or this Conditional Use shall be considered null and void.

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.

BROOKS

SITE LOCATION MAP



BENCHMARK:
Railroad spike located on powerpole 50 feet SE of the SE corner of the SE 1/4, Sec. 26, Twp. 26-S, R-1-W, of the 6th P.M., Sedgwick County Kansas.

Elevation: 1329.61 MSL

LEGAL DESCRIPTION:

A tract of land lying within the SE 1/4, Sec. 26, Twp. 26-S, R-1-W, of the 6th P.M., Sedgwick County Kansas, described as commencing at the SE corner of said SE 1/4; thence N90°00'00"W, along the south line of said SE 1/4, 600.00 feet; thence N00°00'00"E, 50.00 feet to the southeast corner of Lot 1, BFI Addition, Sedgwick County, Kansas, also the point of beginning; thence N00°00'00"E, 610.00 feet to the NE corner of said Lot 1; thence N90°00'00"W, 1200.00 feet, to the NW corner of said Lot 1; thence N00°00'00"E, 1260.20 feet; thence S65°32'32"E, 936.74 feet; thence S57°56'33"E, 120.62 feet; thence S47°18'56"E, 492.68 feet; thence S43°00'32"E, 307.91 feet; thence S00°10'57"E, 834.18 feet; thence N90°00'00"W, along the north right of way line of 37th St. North, 80.00 feet; thence S00°10'57"E, along the north right of way line of 37th St. North, 25.00 feet; thence N90°00'00"W, along the north right of way line of 37th St. North, 249.84 feet to the point of beginning. Contains 1,502,064.6 Square Feet, or 34.483 Acres.

- = #4 Baughman Rebar Set
- = #4 Baughman Rebar Found
- = 1/2" Iron Pipe Found
- △ = 3/4" Iron Pipe Found
- ⊙ = KDOT Capped Rebar Found
- ⊗ = Railroad Spike Found
- ⊕ = #4 Anderson Rebar Found
- × = #4 Rebar Found
- (D) = Described
- (M) = Measured
- (P) = Platted

#4 Rebar Found
4.5" South &
0.2" West
of True Corner

K-96

Zoned "SF-20"
Single-Family Residential

LANDFILL

HIGHWAY

STREET

WEST

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PHASE 6

PHASE 7

PHASE 8

Proposed C&D Recyclers of Kansas, Inc.
C&D Recycling and Disposal Center
Zoned "LI" Limited Industrial

STORMWATER
RETENTION POND

Landfill Boundary

Lot 1, BFI Addition
Zoned "LI" Limited Industrial

WASTE CONNECTIONS
TRANSFER STATION

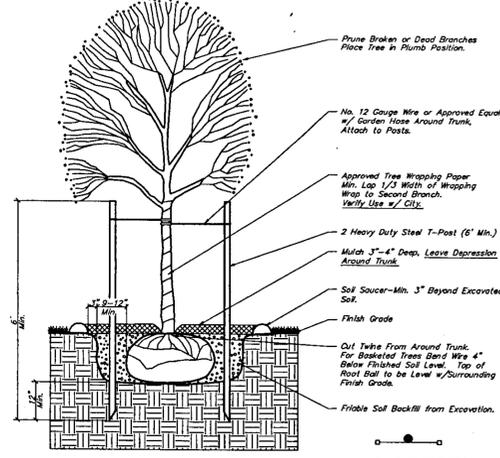
37TH STREET NORTH

LANDSCAPE NOTES:

- All landscape work shall be done in accordance with industry standards.
- Trees with broken leaders or no central leader will not be accepted.
- Mulch all tree saucer wells with shredded Cypress mulch of uniform consistency.
- Topsail hauled onto site shall be fertile, friable, natural loam topsail, of uniform quality characteristic of representative local soils which produce heavy growth of crops, grass, or other vegetation. It shall be free trash, or other matter toxic to plant growth.
- Topsail shall be delivered in an unfrozen and non-muddy condition and shall be subject to approval by the Landscape Architect.
- Prior to any excavation for landscaping purposes the location of underground utilities shall be determined by calling Kansas One Call at 1-800-344-7233. Contractor shall be responsible for any damage done to existing utilities.
- Report any discrepancies in the planting plan to the Landscape Architect, prior to starting construction.
- The landscape contractor is to be responsible for all permits required and is to see that all work is performed in accordance with state and local codes.
- The landscape contractor is responsible to coordinate with the owner to install the plants and maintain the grounds, until final acceptance from the owner.
- The landscape contractor shall submit bid with unit prices for all plants, which include mulch, installation, 1 year guarantee, bed preparation, fertilizer, etc.
- Fall planting season shall be September 1 thru end of October. Spring planting season shall be April 1 thru end of June.

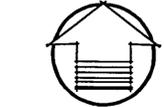
PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
102	<i>Platanus Occidentalis</i>	American Sycamore	1 1/2" cal.	B&B or Cont.	Single Stem Only



TREE PLANTING AND STAKING DETAIL
Deciduous Trees Larger than 2" Cal. No Scale

LANDSCAPE PLAN

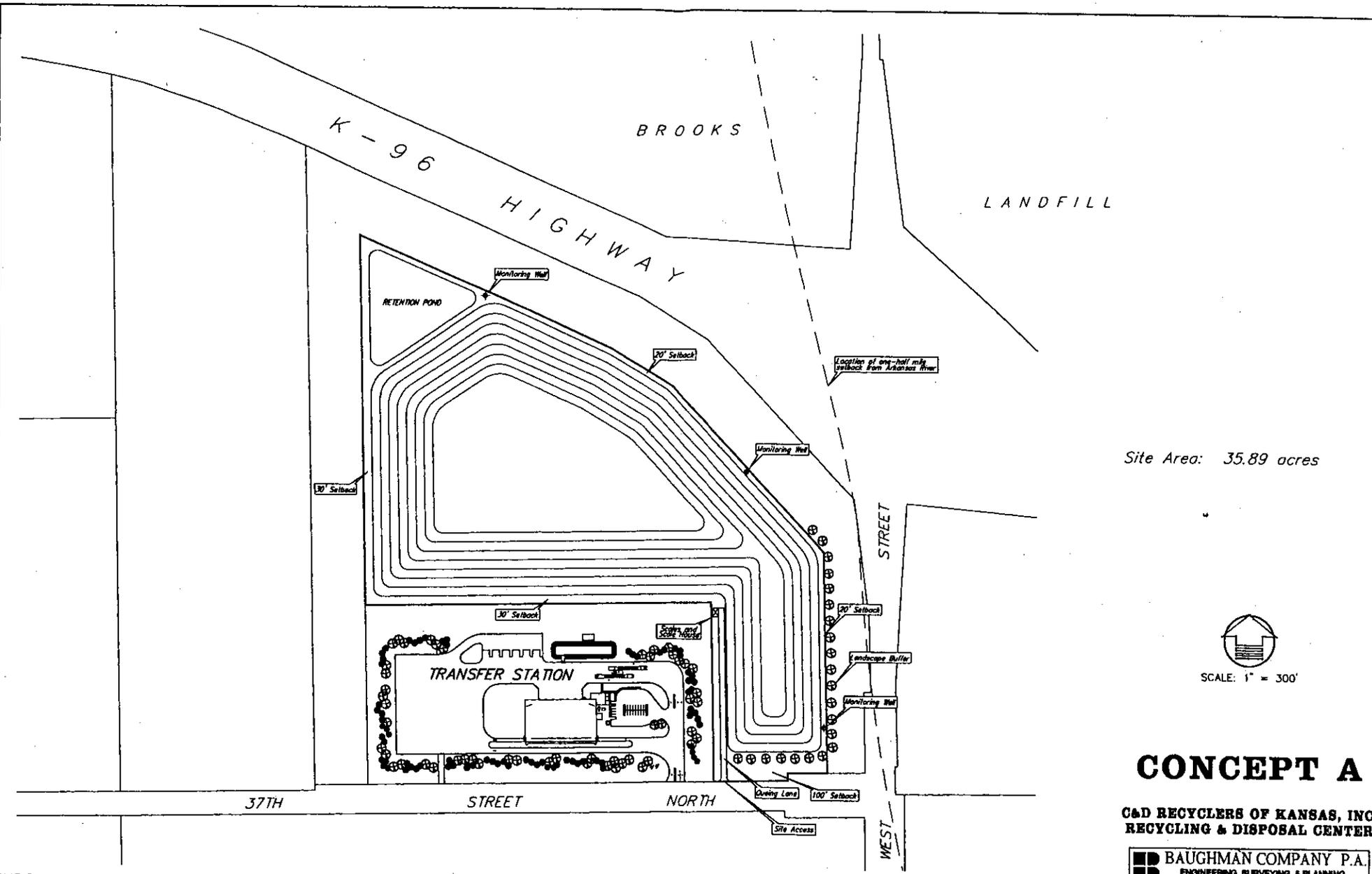


SCALE: 1" = 100'

LANDSCAPE PLAN

C&D RECYCLERS OF KANSAS, INC.
RECYCLING & DISPOSAL CENTER

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
316-282-7271 • 315 ELLIS • WICHITA, KANSAS 67211



Site Area: 35.89 acres



SCALE: 1" = 300'

CONCEPT A

C&D RECYCLERS OF KANSAS, INC.
RECYCLING & DISPOSAL CENTER

BAUGHMAN COMPANY P.A.
 ENGINEERING, SURVEYING, & PLANNING
 216-882-1271 • 216 BLVD • NORTH, DALLAS, TEXAS 75201

NOT FOR CONSTRUCTION

- B. Newly permitted C&D facilities shall maintain a minimum 150-foot buffer from the edge of the C&D landfill's property line. (The current plan does not comply with entirely comply these design requirements along the east and south sides where the setback ranges between 135 and 30 feet. The site plan will need to be revised in the event the County Commission does not grant a reduction in the size of buffer required.)
- C. Surface water drainage and control systems shall divert surface water away from areas where waste is present or from operational areas.
- D. Discharge of pollutants is prohibited.
- E. C&D facilities shall be reasonably screened from adjacent roads, streets, and commercial or residential properties except at points of ingress and egress, to a minimum height of 8 feet by the use of berms, walls, fences or plantings. (Landscaping is shown along the east and south line of the project, but not along K-96. Unless a waiver is obtained, or the perimeter fill area is to act as the required screen, the site plan will need to be revised.)
- F. Landscaping shall be maintained in proper order.
- G. Facility property and property within one-half mile from the facility shall be kept reasonably free of debris, litter or vectors resulting from the C&D facility.
- H. Access roads to the facility shall be all-weather and negotiable at all times. Load limits on bridges and access roads shall be sufficient to support traffic generated by the facility.

Location restrictions include:

- A. C&D facilities shall not be located within the 100-year floodplain unless protected by flood control levees.
- B. C&D facilities will not cause significant degradation of wetlands. (Applicant states they have a letter from the Corps of Engineers stating that this is not a wetland area.)
- C. C&D facilities will not result in the destruction of critical habitat of endangered or threatened species nor contribute to the taking of same.
- D. The vertical separation between the lowest point of the lowest cell and the predicted maximum water table elevation shall be sufficient to maintain a five foot vertical distance between deposited material and the water table elevation.
- E. No permit for a C&D facility shall be issued on or after the effective date of this resolution if such area is located within 1 mile of an intake point for any public water supply system. (Staff is unaware of any public wells within a mile of this location.) The owner may petition the County Commissioners for an exception based upon proof of protection of the public water supply.

Given this site's proximity to K-96 Highway and the massive landform that Brooks landfill already creates, it is critical to evaluate this request with respect to the landform this project will ultimately create – a 70 foot high mound – adjacent to Brooks and K-96 Highway. K-96 is a true “gateway” to and from northwest Wichita. The final grades on the site should be “less engineered” looking and more sculptural in appearance. There should also be tree plantings along the base of the fill area with an appropriate setback.

Analysis: The MAPC heard this case on December 20, 2001; their recommendation was to approve both request. The Conditional Use request; subject to 11 conditions. These conditions: Limit dumping to only C & D material; require the application to obtain all required permits prior to commencing operation; Establishment of hours of operation; Delivery routing via West Street; Fencing; Time limit to correct violations; Approval of a drainage plan; Maximum height of 70 feet, berming and landscaping and dedication of right-of way.

Two people spoke at MAPC: One person expressed concern regarding drainage and the potential for increased flooding if this area is filled. The other person was opposed to the uses as he thought housing was a better land use choice.

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2001-00068, CON2001-00063 Sedgwick County Zone Change from "SF-20" Single-Family Residential and "LC" Limited Commercial to "LI" Limited Industrial. Associated with a Conditional Use to develop a construction and demolition waste landfill.

Presented By: Marvin Krout, MAPD Director

Recommended Action:

1. Adopt the findings of fact of the MAPC and approve the zone change and the Conditional Use permit subject to conditions; adopt the resolution and authorize the Chairman to sign; or
2. Return to the Planning Commission for reconsideration.

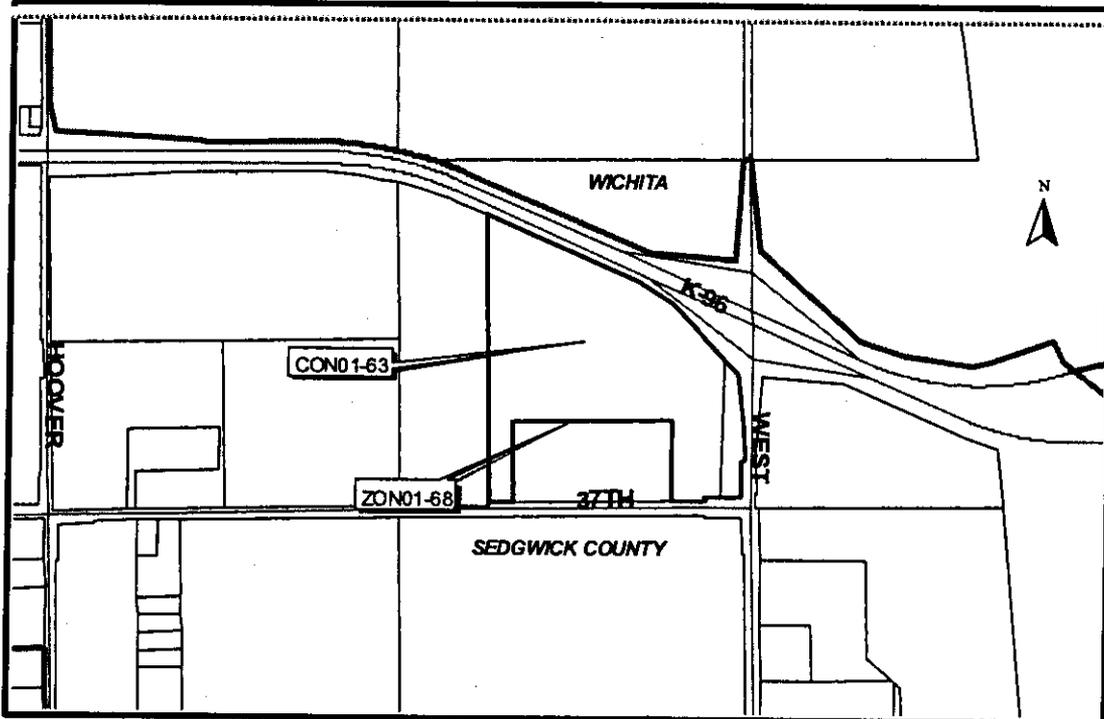
(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Proposed Agenda Date: January 23, 2002

Outside Attendees: Asphalt Paving, c/o H. T. Ritchie Corp., P. O. Box 7717, Wichita, KS 67277-7717

Multimedia Presentation: PowerPoint

Donations: n/a



BACKGROUND: The site is located at the southwest corner of K-96 Highway and West Street. The applicant is seeking "LI" Limited Industrial zoning on the entire application area of 57 acres, and a Conditional Use permit to allow a construction and demolition waste landfill on 35.89 acres of the total 57 acre site. The site is currently zoned "SF-20" Single-family residential and "LC" Limited Commercial. The application area is an upside down "U" shaped tract of un-platted ground. The open end of the "U" shaped

application area encloses an existing solid waste transfer station (Waste Connections) on all sides except the south.

This same applicant has previously received zoning to operate a C&D landfill across the street diagonally from this application area – southeast corner of West and 37th Street. However, the Kansas Department of Health and Environment (KDHE) has withheld the issuance of their permit. At issue is the question: Is the Arkansas River/Wichita-Valley Center Floodway at this location considered to be a navigable river? There is a prohibition on locating landfills within a ½ mile of a navigable river. The applicant has filed legal action against KDHE in the hope that the court will order KDHE to issue the permit for the earlier site. If that were to happen, the applicant states they would not use the site covered by this current application for a C&D landfill while the other site is in operation. The site under consideration today is just over a ½ mile from the river removing that issue from consideration for this application.

The site is currently vacant, and has been used for sand extraction. There is a highway interchange at the K-96 and West Street intersection that provides convenient access to the site for the greater Wichita area. The site plan submitted with the application indicates the access road to the landfill would be located off of 37th Street, approximately 175 feet east of the entrance to the solid waste transfer station. Scales and a scale house are to be located at the end of the access road that would parallel the east line of the transfer station property. Setbacks from the proposed toe of the landfill material to the property line vary in distance from 200 feet to 100 feet. A landscape buffer is depicted along the easternmost frontage of the application area located along 37th Street and along West Street. Three ground water monitoring wells are shown along the east and northern property lines. Based on comments made at a recent County Solid Waste Management Committee meeting: the disposal area would be built up to a height of 70 feet; they expect to receive between 100 to 300 tons of material per day; anticipate a life expectancy between 15 and 45 years; and they expect to recycle 60% or more of the material received. The applicant states they will have crews who sort through the material and divert recyclable and inappropriate material from the C&D landfill to more appropriate facilities (e.g. loads of concrete or asphalt would be sent to Ritchie's asphalt plant across the street; municipal solid waste would be sent to the transfer station).

This site does not need approval for a "transfer station" as the sorting and diverting of inappropriate material from this site is considered to be incidental to the primary C&D landfill operation. The applicant's are not advertising this as an appropriate place to deliver all types of waste, nor do they encourage or want inappropriate materials to be delivered to the site. In order to minimize the number of errant loads, the applicant works with contractors, and others who are likely to be regular customers, to ensure that loads are properly directed to the appropriate disposal facility as they leave the job site.

Surrounding land uses include: the City's closed municipal solid waste landfill and proposed C&D landfill, asphalt processing, sand extraction, rock crushing, C&D landfill (Ritchie property located east of West Street that denied a permit by KDHE), spent sand pits and farm ground. Surrounding properties are zoned "SF-5" Single-family Residential (old landfill which is part of the City of Wichita), "SF-20" Single-family Residential and "CU" to permit a C&D landfill (Ritchie property noted earlier). This same applicant also currently operates a C&D transfer station located at the northeast corner of 29th Street and West.

The project has been reviewed by Sedgwick County's Solid Waste Management Committee and has received their approval. Licensing by the County is required as is conformance with the County's C & D landfill design and operation requirements. Pertinent site design requirements include:

- A. No operations shall be located closer than 500 feet of an occupied dwelling, school, or hospital that was occupied on the date when the owner first applied for a permit, unless the owner of such dwelling, school or hospital consents in writing. (A residential structure exists on the northeast corner of 37th and West, but it does not appear to be occupied or used as a dwelling.)