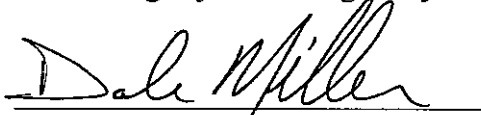


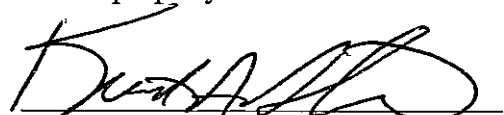
- 2) Impact on existing uses in surrounding areas: The rock crusher would be closer to K-96 (approximately 250 feet south of the right-of-way line instead of 500 feet south) but would be sited 20 feet below the top of the berm separating the use from K-96. The crusher would be nearer to the park to the west, and farther from an industrial use to the east and a public use to the north.
- 3) Compatibility with existing or permitted uses on abutting sites: Shifting the rock crusher to the new location will benefit the uses located to the north and east of the existing DR93-21 site. The placement of a rock crusher on the CON2001-00053 site was allowed by the original conditions of approval.
- 4) Effect on public health, safety or welfare: Since the requested change is a shift in location and replaces an existing crusher nearby; the change should not have a significant effect on the public health, safety or welfare beyond current conditions.

Our signatures below indicate that an administrative adjustment to the site plan of CON2001-00053 is hereby granted as shown on Exhibit A.

- 1) The site shall be developed in general conformance with the site plan as revised.
- 2) All conditions of approval, as modified by this adjustment, for CON2001-00053 shall be met.
- 3) Any violation of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.


Dale Miller
Acting Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2003

City of Wichita
c/o Department of Public Works
Attn: Patrick Pruitt, Supt. of Street Maintenance
455 N Main
Wichita, KS 67202

FILE COPY

Re: CON2003-00002: An administrative adjustment to the site plan for CON2001-00053.

Legal Description: A tract of land lying in the Southeast Quarter of Section 34, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

The west 1,330 ft. of a tract of land generally lying east of the centerline of Grove, North of the Union Pacific Railroad Right-of-Way and South of K-96 Highway, including the West 464.35 ft. of Lot 2, the Northeast Substation Addition, the tract contains approximately 42 acres, more or less. Generally located south of K-96 and ¼ mile west of Hillside.

Dear Mr. Pruitt:

We have reviewed your request for an administrative adjustment to the Conditional Use for CON2001-00053. You state in your application that you desire to adjust the site plan to indicate the placement of a rock crusher as shown on Exhibit A and labeled "New Location for Rock Crusher". The existing rock crusher, located within DR93-21 and as shown on Exhibit A and labeled "Old crushing area" will be removed. The placement of a rock crusher within the area governed by CON2001-00053 was allowed per Condition #9 of the Conditional Use.

The Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to a Conditional Use conditions of approval as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that adjusting the site plan in the manner requested to accommodate the placement of the rock crusher on the CON2001-00053 site meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: No definable impact.

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10. Water or other forms of dust retardant shall be used as needed to control blowing dust from the stored concrete and asphalt, the entrance and driveways leading to and around the rock crusher and any other areas where there is truck traffic.
11. The berm along the K-96/northern property line shall be maintained for screening the site. Should the berm not provide adequate screening of trucks or piles of materials, landscaping shall be added to provide screening as required by Section III-B.3.b of the Unified Zoning Code.
12. The Conditional Use for clean rubble and construction and demolition landfill and the accessory rock crusher shall expire upon conversion of the application area for the purposes of park expansion.
13. The landfill shall developed and operated be in compliance with all conditions of approval or this Conditional Use shall be considered null and void.

Adopted this 8th day of November, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

Marvin S. Krout, Secretary

CONDITIONAL USE RESOLUTION NO. CON-2001-00053

WHEREAS, City of Wichita (owner); Burns & McDonnell c/o Brian Meier (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for clean rubble and construction and demolition landfill on 31 acres zoned "LI" Limited Industrial described as:

A tract of land lying in the Southeast Quarter of Section 34, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

The west 1,330 ft. of a tract of land generally lying east of the centerline of Grove, North of the Union Pacific Railroad Right-of-Way and South of K-96 Highway, including the West 464.35 ft. of Lot 2, the Northeast Substation Addition, the tract contains approximately 42 acres, more or less. Generally located south of K-96 and ¼ mile west of Hillside.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of November 8, 2001, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use for clean rubble and construction and demolition landfill on approximately 31 acres zoned "LI" Limited Industrial described as:

A tract of land lying in the Southeast Quarter of Section 34, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

The west 1,330 ft. of a tract of land generally lying east of the centerline of Grove, North of the Union Pacific Railroad Right-of-Way and South of K-96 Highway, including the West 464.35 ft. of Lot 2, the Northeast Substation Addition, the tract contains approximately 42 acres, more or less. Generally located south of K-96 and ¼ mile west of Hillside.

subject to the following conditions:

1. Clean rubble and 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 materials 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.
2. 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, Sedgwick County Environmental Resources, 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.
3. The landfill shall not be open to the general public. Access shall be restricted to those users authorized by the Department of Public Works.
4. The delivery of construction and demolition waste to the site shall be via Hillside or Grove Circle.
5. A minimum 6-foot high fence shall be installed. The fence shall be either chain link or welded or woven wire with openings no larger than two inches.
6. Upon written notice of any violation by the appropriate zoning administrator or the Wichita-Sedgwick County Health Department, the operation shall cease and the violation shall be corrected within 48 hours.
7. A detailed grading/drainage plan shall be submitted to the Department of Public Works and Parks and Recreation Department 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". Prior to the opening of any new area the previous area shall be graded and seeded in accordance with approved plans, with at least 18 inches of clean cover material.
8. Material shall be piled no higher than as shown on the approved grading and drainage plan.
9. If moving the rock crusher onto this parcel, the opacity of dust from the crusher mechanism and transfer points must not exceed 40 percent opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.

