



Wichita-Sedgwick County Metropolitan Area Planning Department

January 31, 2001

Ritchie Corporation
% H. T. Ritchie, President
P. O. Box 7717
Wichita, KS 67277-7717

FILE COPY

RE: ZON2000-00051 (Associated with CON2000-00052) – Zone change from “SF-20” Single Family Residential to “LI” Limited Industrial and Conditional Use to permit a Construction and Demolition Landfill.

Dear Ladies and Gentlemen:

At its regular meeting on December 9, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission to APPROVE the application subject to the following conditions:

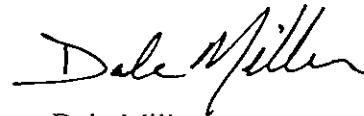
At its regular meeting on January 17, 2001, Board of County Commissioners considered the above-captioned request. The action of the County Commissioners was to APPROVE the application subject to the following conditions:

- 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), Sedgwick County Environmental Resources, 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 the West Street entrance.
- E. A minimum 6-foot high fence shall be installed 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.
- F. Upon written notice of any violation by the appropriate zoning administrator or the the Sedgwick County Environmental Resources or the Wichita-Sedgwick County Health Department, the operation shall cease and the violation shall be corrected within 48 hours.
- G. A detailed grading/drainage plan shall be submitted to the County 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". Landfill operations shall be staged as indicated on the site plan. Only one phase may be in operation at one time. 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.
- H. Material is to be piled no higher than 70 feet.
- I. Landscaping will be maintained as required by previously approved Conditional Use and zoning cases.
- J. A guarantee for a decel and/or an accel lane on West Street shall be provided prior to commencing operations. County Public Works using accepted traffic analysis standards indicating the improvements are warranted would trigger activation of the guarantee.
- 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 matter, please contact our office at 268-4421.

Sincerely,



Dale Miller
Chief Planner

DM/rs

Cc: Environmental Concepts and Designs, %Allan G. Chappell, 4448 W. Coach Drive,
Battlefield, MO 65619
Baughman Company, %Russ Ewy, 315 Ellis, Wichita, KS 67211
Carolyn McGinn, County Commissioner, District IV, Mail Stop County Room #320
Glen Wiltse, Director, Sedgwick County Code Enforcement

RESOLUTION NO. 09-01

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A CONSTRUCTION AND DEMOLITION LANDFILL ON APPROXIMATELY 67.66 ACRES ZONED "SF-20", 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. 57-1997 AND SUBSEQUENTLY AMENDED.

FILE COPY

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, a Conditional Use to allow a construction and demolition landfill on 67.66 acres zoned "SF-20", legally described below:

Case No. CON 2000-00052

A Conditional Use Permit to allow a construction and demolition landfill, located south of 37th Street North extended and east of West Street. Described as:

That part of the NW 1/4 of Section 36, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas lying west of the Arkansas River Levee (Condemnation Case CC-C-30467 and Condemnation Case A-33666), except the west 850 feet thereof.

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. -The landfill shall not be open to the general public. The landfill shall be open to solid waste collection vehicles licensed to collect C&D material. 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 the West Street entrance.
- E. A minimum 6-foot high fence shall be installed 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.
- F. 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.
- G. 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". Landfill operations shall be staged as indicated on the site plan. Only one phase may be in operation at one time. 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.
- H. Material is to be piled no higher than 70 feet.
- I. Landscaping will be maintained as required by previously approved Conditional Use and zoning cases.
- J. A guarantee for a decel and/or an accel lane on West Street shall be provided prior to commencing operations. County Public Works using accepted traffic analysis standards indicating the improvements are warranted would trigger activation of the guarantee.
- K. The C&D landfill shall developed and operated be in compliance with all conditions of approval of this Conditional Use shall be considered null and void.

SECTION II. That the minimum buffer requirements in Article X, Section 24-303 of the Sedgwick County Code be reduced to reflect the setbacks as specified on the site plan accompanying the Conditional Use Permit.

SECTION III. That upon the taking effect of this Resolution, the notation of such Conditional Use Permit 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.

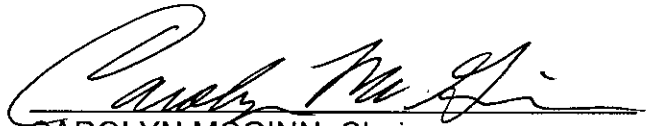
SECTION IV. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>absent</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 17th day of January, 2001.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

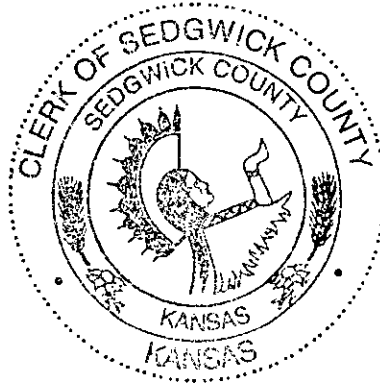


CAROLYN MCGINN, Chair
Fourth District

ATTEST:



DON BRACE
County Clerk



APPROVED AS TO FORM ONLY:



RICHARD A. EUSON
County Counselor

15A
+
15B

AGENDA ITEM NO.

STAFF REPORT

MAPC, 12/7/00

CASE NUMBER: ZON2000-00051 and CON2000-00052

OWNER/APPLICANT: Ritchie Corporation (H.T. Ritchie, owner / applicant)

AGENT: Baughman Company, P.A. (Russ Ewy) and Environmental Concepts and Design (Allan G. Chappell)

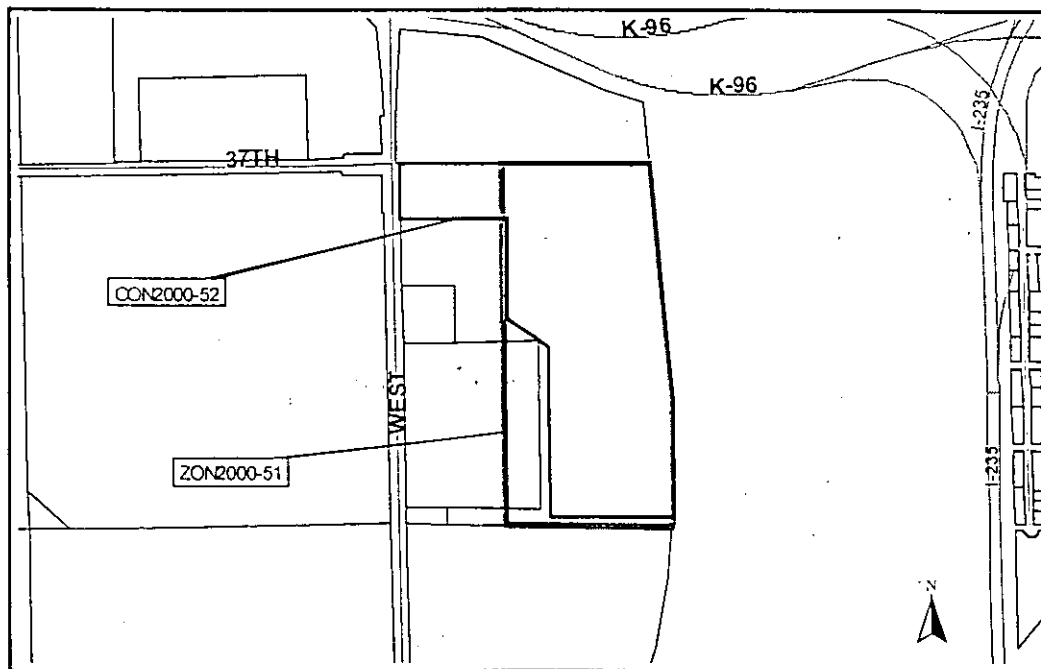
REQUEST: "LI" Limited Industrial and Conditional Use (Construction and Demolition Landfill)

CURRENT ZONING: SF-20, Single-family Residential

SITE SIZE: LI - 72.41 acres; CU - 67.66 acres

LOCATION: South of 37th Street North extended and east of West Street

PROPOSED USE: Construction and demolition landfill



BACKGROUND: The applicant is seeking two actions – “LI” Limited Industrial zoning on 72.41 acres and a Conditional Use for a “construction and demolition landfill” (C&D landfill) on 67.66 acres. The 67.66 acres (C&D landfill) are mostly contained within the larger 72.41 acre “LI” request. The site is located south of 37th Street North (extended) and east of West Street. The Arkansas River is located to the east. The applicant owns the land located immediately south and west of the application area, and operates a sand plant and asphalt plant on that adjoining property. The applicant also owns the land west across West Street. Nearly all of the land under consideration has been excavated for sand and is a lake today. The additional acreage proposed for “LI” zoning is located west of the existing lake and would be used for the existing sand plant operations. Most of the application area is currently zoned “SF-20” Single-family Residential, with Conditional Use 525 to permit sand extraction. The western most portion of the C&D application area (identified as Phase I on the site plan) is already zoned “LI” (SCZ-0790).

The site plan submitted by the applicant depicts an irregular upside down “L” shaped parcel that would be used for the C&D landfill. Before landfill operations can occur, clean rubble, as defined by KDHE, will be used to fill the lake as County regulations require a 5-foot separation between groundwater and C&D fill material. The existing lake averages 35 feet in depth. Fill operations would be divided into seven stages. Based upon testimony provided at the County’s Solid Waste Committee meeting the applicant anticipates that most of the material brought to the site will be recycled. Increased recycling is expected because the applicants will institute an aggressive education and pricing program with contractors and others expected to use the facility that will encourage “clean” loads. Loads of clean concrete, asphalt, wood, sheet rock will be diverted from the landfill and recycled.

Initially, Phase 1 will contain a staging/sorting area (not indicated on the site plan, but indicated at the Solid Waste meeting). Phase on will also contain scales and scale house. As the site is filled, the staging/sorting area will move. A drainage pond would be retained at the southern end of the application area. Access to the facility is located approximately 200 feet south of 37th Street. A 30-foot wide private access road is depicted along the southern and western line of the fill area. A 30-foot wide buffer is shown along the river levee. City-County Flood Control has reviewed and approved this distance. As indicated on the site plan, material would be piled to a height of 40 to 70 feet, depending on the area being filled.

A rectangular tract of land not covered by the “CU” would be left located west of the fill area that would be zoned “LI”. From the site plan it appears this tract would be used to support the existing asphalt and sand plant operations.

Property to the north is zoned "LC" Limited Commercial and "SF-20" Single-family Residential. This property is used for residential and agricultural uses. A house is located on this property and will trigger the need for the waiver in A below. The Arkansas River is located to the east. Land to the south is zoned SF-20 and Conditional Use 278 and "LI" Limited Industrial. This land is a lake created by past sand extraction operations and sand and asphalt plant operations. Land to the west is zoned "LC" Limited Commercial, SF-20 Single-family Residential and Conditional Use 91. This land is mostly a lake created by past sand extraction. Approximately ¼ mile west, along 37th Street, land has been approved for a solid waste transfer station. It may be mutually beneficial for the solid waste facility and a C&D facility to be located in close proximity to each other. The solid waste transfer station can not accept C&D material and the C&D facility can not accept solid waste. It would be convenient for customers to be re-directed to the appropriate facility if they found themselves at the wrong facility.

The project has been reviewed by Sedgwick County's Solid Waste Management Committee and has received their approval. The Solid Waste Committee also approved a draft resolution that contains regulations that require licensing and which outlines design and operation requirements. The Board of Sedgwick County Commissioners on November 10, 2000 approved these regulations. 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. (There is a dwelling located north across 37th Street. Staff can not verify if it is occupied; however the applicant's agent indicates that it is not occupied. If it is occupied, a waiver will be required.)
- 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 County Commissioner may grant a reduction in the size of buffer required. (Flood Control has reviewed and approved the buffer distance, but a waiver will be 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. (The applicant was required to install landscaping along the north and west as part of previous cases)

- 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.

Pertinent 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.
- 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. The owner may petition the County Commissioners for an exception based upon proof of protection of the public water supply.

CASE HISTORY: SCZ-0546 ("LI") and CU-278 approved in 1985 granted permission for sand extraction. CU-278 covered most of the land under the current application, while SCZ-0546 was mostly restricted to the western 800 feet. SCZ-0790 approved in 1999 granted "LI" zoning for a portion of the area covered by the Conditional Use request.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Limited Commercial and "SF-20" Single-family Residential; residence and farm ground
 SOUTH: "SF-20" Single-family Residential and CU-278; Sand pit and sand and asphalt plants
 EAST: "SF-6" Single-family Residential; Arkansas River and I-235
 WEST: "LI" Limited Industrial; Sand and asphalt operations

PUBLIC SERVICES: West Street is a paved two-lane arterial roadway. County Public Works indicates the paving is thicker than normal due in part to the higher than usual volume of truck traffic due to the landfill being located further north of the application area. No public sewer or water is currently available.

CONFORMANCE TO PLANS/POLICIES: Location guidelines contained in the Comprehensive Plan indicate that industrial uses should be located near support services and be provided with good access to major arterials and should be extensions of existing industrial uses. Traffic from such uses should not feed directly onto local streets in residential areas. Industrial areas should be located away from residential areas. The plan does not have location guidelines for C&D landfills. However, plan objectives recognize the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of solid waste generated within the county.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED. One issue that staff wrestled with was the appropriateness of creating a 67-acre site that will be virtually un-useable (when filling operations cease) for any other use except for open space that is located so close to Brooks Landfill. A more efficient use of land would be to fill in the gaps or voids of Brooks with C&D material, as the City Public Works Department has suggested and is exploring. Use of the Brooks site is already restricted by past landfill activities. Lake front property makes highly desirable building sites. When the sand and asphalt operations are completed, the application area could be a prime re-development site; or, the lake can be filled as proposed to the surrounding grade and then put to other use. Filling the site with 40-70 foot high mounds will eliminate any development potential other than open space.

The approval recommendation is 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.
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- 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The area is a mix of "SF-20" Single-family Residential, "LI" Limited Industrial, "GI" General Industrial zoning and Conditional Uses to permit rock crushing and sand extraction. Land uses are primarily sand extraction, agricultural and two farm homes. The character of the area is one of agricultural, mining and industrial with sand plants, asphalt plants and truck traffic headed up West Street to the land fill.
2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned "SF-20" Single-family Residential with a Conditional Use to permit sand extraction. The "SF-20" district is primarily intended for large-lot residential uses. The site has been mined for sand and is currently a man-made lake with industrial type uses (sand plant, rock crusher and asphalt plant) adjacent to the application area.

Given nearby zoning –“LI”, “GI” and Conditional Use to permit a rock crusher- the current zoning is not suitable.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The applicant owns the land located south, and west of the application area. The Arkansas River is located to the east. The land to the north is agricultural with a farm residence. There is “LC” zoning located on the land to the north as well as “SF-20” zoning. The screening, buffering, and restrictions contained in the Conditional Use minimize detrimental impacts on adjoining **Properties**.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The “Wichita Land Use Guide” depicts the site as appropriate for “industrial” uses. Industrial location guidelines indicate that industrial uses should be located in close proximity to support services and have good access to major arterials, belt highways and as extensions of existing industrial uses. Industrial uses should not feed directly onto local streets serving industrial uses. Industrial uses should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The plan does not have location guidelines for C&D landfills. However, plan objectives recognize the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of solid waste generated within the county.

Sedgwick County’s solid waste plan promotes recycling and separation of the waste stream as much as practicable in order to minimize the amount of material that will have to be processed by a transfer station and shipped to a municipal solid waste landfill.

5. Impact of the proposed development on community facilities: None identified.

RITCHIE C&D RECYCLING & DISPOSAL CENTER PRELIMINARY SITE PLAN

