

ACTION

DATE

COMMITTEE _____

M.A.P.C. Approved 8-22-74

B.C.C. ~~B.C.C.~~ Approved by 9-3-74
recommended

DR 74-25 - Kansas Waste Disposal
requests a special permit to
operate storage or baling of
waste or scrap paper business at
NW corner of Walker & McComas.

October 1, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Request for a special permit for the operation of a storage or baling of waste or scrap paper business on Lot 1, Bond Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Walker and McComas.

On this date Mr. Jay Esco, the attorney for subject case, inquired as to whether or not your office had ever been advised as to the approval of this request by the Board of City Commissioners. In checking the file I find no correspondence directed to you.

The Metropolitan Area Planning Commission at its regular meeting on August 27, 1974 recommended that the special permit request for the operation of a storage or baling of waste or scrap paper business be approved subject to the following conditions:

- A. Approval shall be for only that 55x70 foot fenced area and the 45x65 foot area for the proposed building as indicated on the plot plan submitted with the application.
- B. A solid or semi-solid fence, to prevent the passage of debris or light, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed around the perimeter of the storage area for the baled compacted material, except for those areas screened by existing or proposed buildings. The plans for subject fence shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
- C. The height of storage piles shall be limited to 8 feet and only baled, compacted material shall be stored outdoors.

Robert Feldner
October 1, 1974
Page Two

- D. Baled materials shall be piled and/or stored in an orderly manner, such as would be provided by bins, and shall be elevated to a height sufficient to reduce rodent potential as may be determined by the Department of Community Health .
- E. The applicant shall maintain at all times an active program for rodent control and elimination.
- F. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 - a. Failure to comply with the conditions within 90 days after the approval of the special permit.
 - b. Abandonment of the area for 6 months.
 - c. Failure to comply with the conditions of approval.

The Board of City Commissioners considered this matter on September 3, 1974, and their action was to approve the request subject to the above conditions as recommended by the Planning Commission. Attached for your information and files is a copy of their site development plan with the approved area outlined in red.

If you have any questions concerning this case, please contact our office.

JHG:js

cc: Jay Esco, Attorney, 620 Century Plaza Building 67202
Jay Bond, Kansas Waste Disposal, Inc., 3920 Walker 67213

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 22, 1974:

10. DR 74-25 - Kansas Waste Disposal, Inc. requests special permit for the operation of a storage or baling of waste or scrap paper business. Generally located at the north-west corner of Walker and McComas.

GALBRAITH pointed out the area on the map and reviewed the following revised staff report:

Comments

1. Kansas Waste Disposal, Inc. is requesting a special permit to operate a storage and baling of waste or scrap paper business located at 3920 Walker, on property zoned "E" Light Industrial, and described as Lot 1, Bond Addition to Wichita, Sedgwick County, Kansas.
2. In accordance with Section 28.04.184 of the zoning ordinance, storage or baling of waste or scrap paper may be authorized in the "E" Light Industrial Districts by the Governing Body under a special permit, provided that such operation is not on a main thoroughfare, and in the opinion of the Governing Body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than 8 feet in height and having cracks or openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the Governing Body, and that all waste paper, rags or other materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the Board of Commissioners may impose such additional conditions to protect the health, safety, and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond.
3. The City Manager, in accordance with City Commission policy, has referred the applicant's request to the Planning Commission for recommendation after a public hearing.
4. It should be pointed out that the applicant owns the abutting properties to the south, east and west of the 55'x70' and the 45'x65' areas proposed for the storage and baling operation. To the north is storage of heavy equipment and signs.
5. The applicant has stated that all waste paper will be hauled in a completely covered van, unloaded in a completely closed building, compacted within said building and stored immediately adjacent thereto.
6. Should the Planning Commission consider this an appropriate use and recommend that the City Commission grant the special permit, the following conditions should be considered:
 - A. Approval shall be for only that 55'x70' fenced area and the 45'x65' area for the proposed metal building as indicated on the plot plan submitted with the application.
 - B. A solid or semi-solid fence, to prevent the passage of debris or light, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed around the perimeter of the storage area for the baled compacted material, except for those areas screened by existing or proposed buildings. The plans for subject fence shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
 - C. The height of storage piles shall be limited to 8 feet and only baled, compacted material shall be stored outdoors.

- D. Baled materials are to be piled and stored in an orderly manner, such as would be provided by racks, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- E. The applicant shall maintain at all times an active program for rodent control and elimination.
- F. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 - a. Failure to comply with the conditions within 90 days after the approval of the special permit.
 - b. Abandonment of the area for 6 months.
 - c. Failure to comply with the conditions of approval.

GALBRAITH said that Condition D. above has always been considered a standard requirement by the Health Department, but in this case, it has been indicated that paper will be stored in metal bins 12 inches off the ground, and this would be acceptable. GALBRAITH said the staff would recommend approval, subject to the above conditions and revised wording for Condition D.

GRACERT referred to the fact that the newspaper recently had indicated this matter had already been considered by the City Commission. GALBRAITH explained that such a request under the present procedure is submitted to the City Manager, who then refers it to the Planning Commission for a recommendation prior to submitting the case to the City Commission.

GALBRAITH said a letter had been received from Audio Visual Products, Inc., 1050 McComas, indicating they had no objections as long as the following possibilities are considered: unsightliness or messiness; foul odors; obstruction at the corner to prevent clear view of traffic.

GARDENHIRE, member of the Zoning Committee, said the Committee was impressed with the appearance of the existing operation and would recommend approval. ARNHOLZ, also a member of the Zoning Committee, commented that it appeared to be well maintained.

JAY ESCO, attorney for the applicant, said that a building will be constructed where the material would be brought in a covered van and unloaded inside the closed building; the paper will be compacted and baled and stored in an area just west of the proposed building. He said it would be stored in steel bins on skids and covered, and the development will represent considerable capital outlay and mean additional employment, as well as that much less material to be delivered to the landfill site. He pointed out that it would serve a real purpose in recycling waste materials, and indicated agreement with conditions as suggested by the staff.

In further discussion, it was brought out that there would be no unpleasant odors and that material for baling would be from this community, and that the general public could bring papers to this facility.

GARDENHIRE was concerned with whether or not the Boy Scouts or similar organizations which sell newspapers for various projects, might be handicapped because they don't usually have access to a covered vehicle in delivering papers.

JAY BOND, representing the applicant, said that they propose to locate steel containers at various parking lots throughout the City where papers could be collected, such containers being closed, and then hauled by the company to the recycling site. He said they are anxious to keep the place looking decent the same as others, and if a customer brings material in an undesirable manner, they do not want to accept it; however, any unloading will be inside the building.

It was brought out in the discussion that this operation will be in competition with the existing recycling plant on St. Francis, and that it is expected to be a profitable operation with financing entirely by the company.

ARNHOLZ commented that the reason for requiring closed containers is obvious when one observes Zoo Boulevard (route to the City dump), and the scattered debris which has fallen from unenclosed vehicles on the way to the dump.

GRAGERT spoke favorably for the activity proposed and the need to increase the amount of paper recycled.

MOTION: That the Planning Commission recommend to the City Commission that a special permit be approved subject to the following conditions:

- A. Approval shall be for only that 55x70-foot fenced area and the 45x65-foot area for the proposed building as indicated on the plot plan submitted with the application.
- B. A solid or semi-solid fence, to prevent the passage of debris or light, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed around the perimeter of the storage area for the baled compacted material, except for those areas screened by existing or proposed buildings. The plans for subject fence shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
- C. The height of storage piles shall be limited to 8 feet and only baled, compacted material shall be stored outdoors.
- D. Baled materials shall be piled and/or stored in an orderly manner, such as would be provided by bins, and shall be elevated to a height sufficient to reduce rodent potential as may be determined by the Department of Community Health.
- E. The applicant shall maintain at all times an active program for rodent control and elimination.
- F. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 - a. Failure to comply with the conditions within 90 days after the approval of the special permit.
 - b. Abandonment of the area for 6 months.
 - c. Failure to comply with the conditions of approval.

Hennessy moved, Hill seconded and it carried unanimously. (Blakey absent.)

ETHEL KERR, 1233 Pearce, expressed interest in knowing something of the operation - what will be done with the papers - will they buy newspapers. She pointed out that often the sale of newspapers is something the poor people depend on. BOND assured her that if brought to the facility, newspapers would be purchased.

August 23, 1974

Mr. Jay Esco, Attorney
620 Century Plaza Building
Wichita, Kansas 67202

Re: DR 74-25 - Request for
Special Permit - Northwest
corner of Walker and McComas

Dear Mr. Esco:

At the regular meeting of the Metropolitan Area Planning Commission on August 22, 1974, the above-captioned request was considered. It was the action of the Commission to recommend that the special permit be approved subject to the following conditions:

- A. Approval shall be for only that 55x70 foot fenced area and the 45x65-foot area for the proposed building as indicated on the plot plan submitted with the application.
- B. A solid or semi-solid fence, to prevent the passage of debris or light, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed around the perimeter of the storage area for the baled compacted material, except for those areas screened by existing or proposed buildings. The plans for subject fence shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
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Page 2 - Mr. Jay Esco
August 23, 1974

- E. The applicant shall maintain at all times an active program for rodent control and elimination.
- F. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 - a. Failure to comply with the conditions within 90 days after the approval of the special permit.
 - b. Abandonment of the area for 6 months.
 - c. Failure to comply with the conditions of approval.

This matter will be forwarded to the Board of City Commissioners for consideration on Tuesday, September 3, 1974, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main, Wichita, Kansas.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Jay Bond, Kansas Waste Disposal, Inc., 3920 Walker 67213
Ethel Kerr, 1233 Pearce 67203
City Manager's Office

METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPEPTY OWNERS:

August 8, 1974

The Wichita-Sedgwick County Metropolitan Area Planning Commission in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m., on August 22, 1974, will consider a referral from the Board of City Commissioners as to whether or not Kansas Waste Disposal, Inc. should be granted a special permit for the operation of a storage or baling of waste or scrap paper business as provided in Section 28.04.184 of the City Zoning Ordinance, on the following described property:

Lot 1, Bond Addition to Wichita,
Sedgwick County, Kansas. Generally
located at the northwest corner of
Walker and McComas.

You may appear either in person, or by agent or attorney if you so desire.

JACK H. GALBRAITH
Chief Planner

WE HAVE NO OBJECTIONS AS LONG AS THE FOLLOWING ARE CONSIDERED:

1. DOES NOT BECOME UNSIGHTLY OR MESSY
2. NO FOUL ODERS
3. NO OBSTRUCTION AT THE CORNER TO PREVENT CLEAR VIEW OF TRAFFIC

WE WILL COMPLAIN IF ANY OF THE ABOVE BECOME A PROBLEM

ADMO VISUAL PRODUCTS, INC.
1050 S. McCOMAS
WICHITA, KANSAS 67213



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: August 22, 1974

Case No. DR 74-25

Request: Special Permit for storage
or baling of waste paper

Location: Northwest corner of Walker and McComas

Reason: Operation of a storage or baling
of waste or scrap paper business.

Acres: 1.7

Size: 150 ft. by 489 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Office & storage	"E"
North	Heavy equipment & sign storage	"E"
East	Heavy equipment storage	"E"
South	Manufacturing & undeveloped	"E"
West	Heavy equipment sales & storage	"E"

Street rights-of-way are adequate.	Platted: Yes History: None
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Comments

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2. In accordance with Section 28.04.184 of the zoning ordinance, storage or baling of waste or scrap paper may be authorized in the "E" Light Industrial Districts by the Governing Body under a special permit, provided that such operation is not on a main thoroughfare, and in the opinion of the Governing Body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than 8 feet in height and having cracks or openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the Governing Body, and that all waste paper, rags or other materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the Board of Commissioners may impose such additional conditions to protect the health, safety, and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond.

3. The City Manager, in accordance with City Commission policy, has referred the applicant's request to the Planning Commission for recommendation after a public hearing.
 4. It should be pointed out that the applicant owns the abutting properties to the south, east and west of the 55'x70' area proposed for the storage and baling operation. To the north is storage of heavy equipment and signs.
 5. The applicant has stated that all waste paper will be hauled in a completely covered van, unloaded in a completely closed building, compacted within said building and stored immediately adjacent thereto.
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 - c. Failure to comply with the conditions of approval.
-

METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPEPTY OWNERS:

August 8, 1974

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Sedgwick County, Kansas. Generally
located at the northwest corner of
Walker and McComas.

You may appear either in person, or by agent or attorney if you so desire.

JACK H. GALBRAITH
Chief Planner

W. JAY ESCO

820 CENTURY PLAZA BUILDING - WICHITA, KANSAS 67202 - PHONE 262-5033

ATTORNEY AT LAW

August 8, 1974

Mr. Ralph Wulz
City Manager of the City of Wichita
City Building
Wichita, Kansas

Dear Mr. Wulz:

Re: Special Permit

Please be advised that I represent Kansas Waste Disposal, Inc., a subsidiary of Browning-Ferris Industries, the contract purchasers of Lot One, Bond Addition to Wichita, Sedgwick County, Kansas, who desire a special permit to recycle selected scrap paper into bales on their property located at 3920 Walker, in an area zoned E Light Commercial, in accordance with Ordinance No. 28.04.184.

Upon the approval of said permit, a new metal building will be constructed at an approximate cost of \$40,000; the purchase and installation of equipment will be made at an approximate cost of \$60,000; and this operation will mean the hiring of four additional employees.

The recycling of the waste material will be done by hauling the material in a completely covered van and unloading the same in a completely closed building; further, the compacting of said material will be done in said closed building. The baled, compacted product will be stored in an area surrounded by an eight foot high wood fence and will likewise be screened by an existing building on the west and the proposed new building on the east. The stored bales will not extend beyond the height of the fence. The aforesaid recycling operation will initially bale approximately seven tons per day and will have a maximum capacity of 12 to 15 tons per day. This means that much less waste material will go to the dump; thereby correspondingly extending the life span of the dump.

Mr. Ralph Wulz
August 8, 1974
Page Two

The foregoing has been discussed with Mr. Jack Galbraith of the Planning Commission, and he will be handed a statement of ownership from an abstract company in order that the Planning Commission may send the required notice to adjoining owners.

Hopefully, this matter may be set for hearing on the 22nd day of August, 1974.

Very truly yours,

LAW OFFICE OF

W. Jay Esco

WJE:jm

cc: Mr. James Baker
Kansas Waste Disposal, Inc.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All of the owners within 200 feet of Lot 1 Bond Addition to Wichita Sedgwick County, Kansas.


Fidelity
Title
Company,
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lot 1 Bond Addition	Lois A. Hart ✓ Janet K. Dalton Ellen K. Schei 2541 Columbine 67204
Lots 6 & 13 Los Coyas Add.	✓ J. I. Case Company 1010 S. West St. 67213
Lot 7 Los Coyas Add.	✓ Jack Freeman Zina Freeman 7830 E. Douglas 67206
Lot 8 Excthe East 149 feet Los Coyas Add.	Lois A. Hart D Janet K. Dalton Ellen K. Schei 2541 Columbine 67204
N 150 feet of Lots 9 & 10 Los Coyas Add.	X Milne Machine & Tool Co. Inc. (unknown)
S 84 feet of Lots 9 & 10. Los Coyas Add.	✓ Margaret Ernstmann C/O Ernstmann Machine Co. 1110 S. West St. 67213
Lot 12 Los Coyas Addition	✓ H.R. Padley Evelyn G. Padley 1027 S. McComas 67213



Lot 19 Exc the South 100
Feet Los Coyas Add.

✓ Triple R. Inv. Inc.
P.O. Box 547
Wichita, Ks. 67201

S 100 feet of Lot 19
Los Coyas Add.

✓ Byron M. Radcliff
P.O. Box 547
Wichita, Ks. 67201

Lot 21 Los Coyas Add.

✓ Love Building Co. Inc.
700 E. 37th St. North
Wichita, Ks. 67219

Lot 20 Los Coyas Add.

✓ Audio Visual Products Inc.
1050 S. McComas
Wichita, Ks 67213

Dated at Wichita Kansas this 17th day of July
1974 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

By C. E. Bud Kilde
VP

Order No. 25026

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
SEDGWICK COUNTY) SS

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All of the owners abutting Lot 1 Bond Addition to Wichita, Sedgwick County Kansas.


Fidelity
Title
Company,
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lot 1 Bond Addition	Lois A. Hart Janet K. Dalton Ellen K. Schei 2541 Columbine	67204
Lot 8 Except the East 149 Feet Los Coyas Additon.	" " " " "	
Lot 12 Los Coyas Addition	H.R. Padley Evelyn G. Padley 1027 S. McComas	67213

Dated this 17th day of July 1974 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

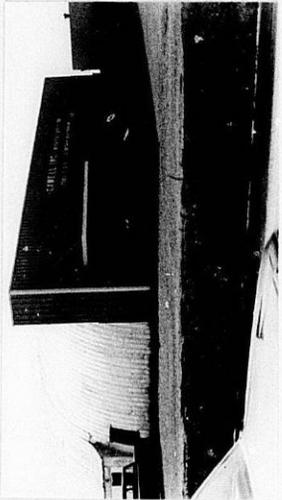
By 
VP

Order No. 25026





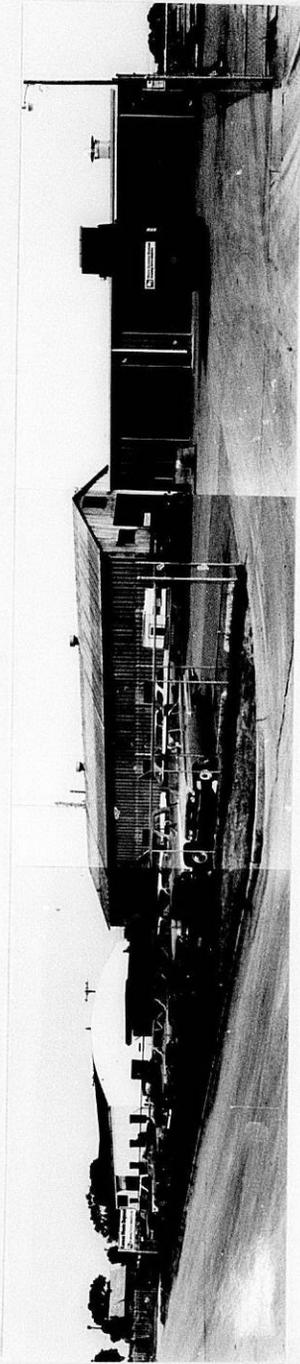
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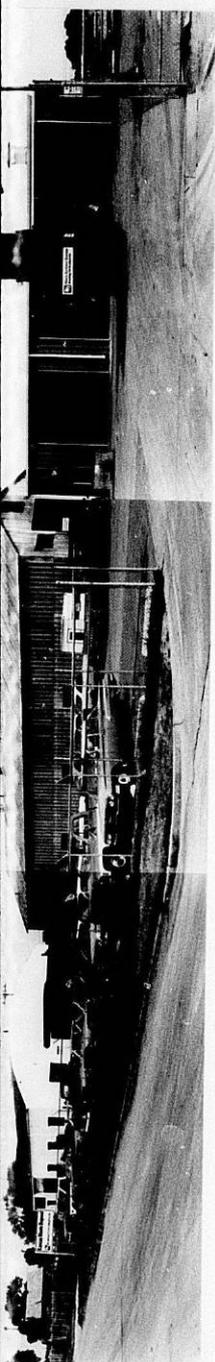
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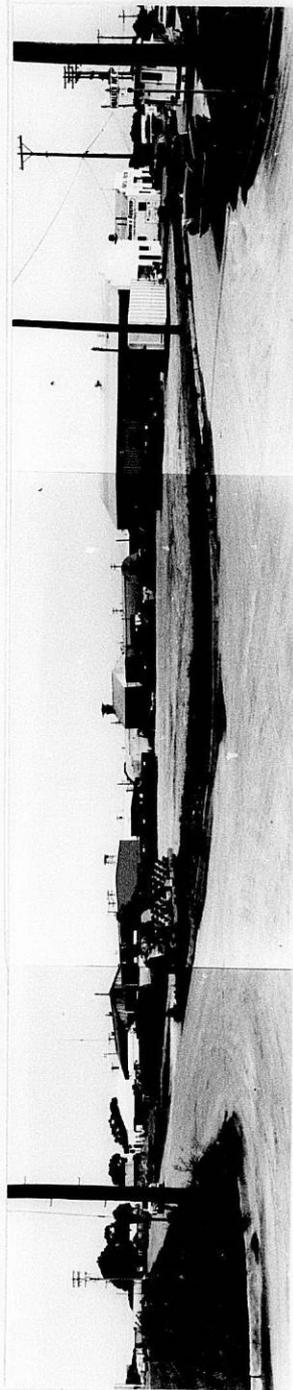
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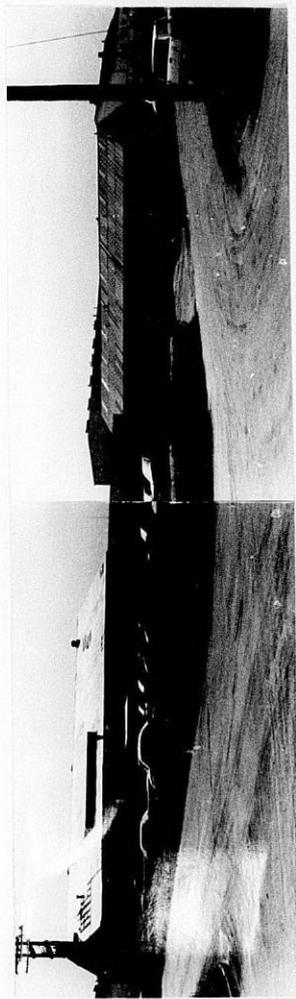
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Map No. 5246
 Sec. 25
 Twp. 27
 Range 1W

~~DR-74-25~~ DR-74-25
 SCZ- _____
 CU- _____
 Filed _____

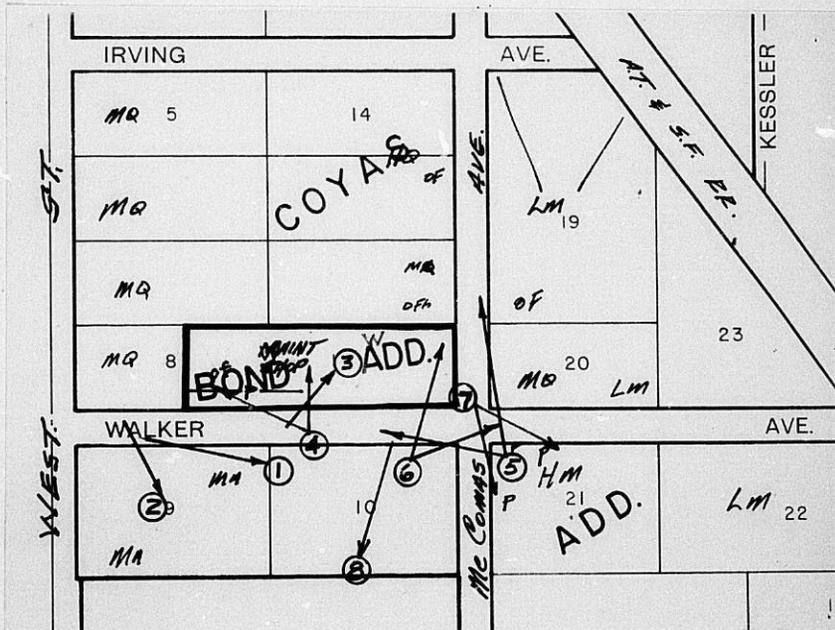
AREA DATA:

1. Acres: 1.7 (150 ft. by 489 ft.)
2. Adjoining Zoning: E "E" S "E" W "E" N "E"
3. Land Use: East MACHINE BUILDING EQUIPMENT South MACHINE SHOP
 West MACHINE BUILDING EQUIPMENT North Sign Storage, Heavy Equipment
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: Office + warehouse
6. Area (is) (~~is not~~) platted.

PHOTO DATA:

Take by _____ Date _____ Time _____

7.



KANSAS WASTE DISPOS

LOT 1, BOND ADDITION, WICHITIA, KANSAS.

