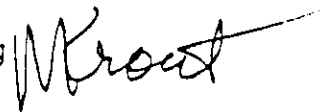


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2001-00010 – Zone change from “LC” Limited Commercial and “SF-20” Single-family residential to “LI” Limited Industrial; and

CON2001-00008 – Request for a Conditional Use to permit a Solid Waste Transfer Station, located on the northeast corner of 55th Street South and Hoover.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: March 28, 2001

COMMISSION DISTRICT #2

MAPC Recommendation: Deny (9-3).

Staff Recommendation: Approve “LI” Limited Industrial zoning and a Conditional Use to permit a Solid Waste Transfer Station, subject to platting within 1 year and subject to conditions.

Background/Discussion: The applicant has an “option to purchase” agreement for 48 acres located at the northeast corner of 55th Street South and Hoover Road. The applicant is seeking a Conditional Use and “LI” Limited Industrial zoning with the intention of developing a municipal solid waste transfer station at this location. The application area is currently zoned “LC” Limited Commercial and “SF-20” Single-family Residential and is used for crop production. The site has a mature hedgerow on all sides except for the west property line. Railroad tracks cross the northwest corner of the property. FEMA maps indicate the application area is not part of a designated floodplain. The application area is located 3.5 miles south of K-42 and 1.5 miles west of the 55th Street South bridge crossing of the Wichita-Valley Center Floodway. The 55th Street crossing is one of two east-west “section line road “Big Ditch” crossings in southwest Sedgwick County.

As depicted on the applicant’s site plan, all buildings and transfer activities are to be located in the center of the 48-acre application area. A four-bay 80-foot by 100-foot transfer station would be located 554 feet south of the north property line and 907 feet west of east property line. Other activities noted on the site plan include: trailer storage, roll-off box storage, cardboard bailing, re-cycleable material drop off, office, scales, scale house and drive ways. This transfer station and associated facilities would be fenced at the property line and have gated access from 55th Street South. An 8-foot high landscaped berm is proposed to be located

along the west property line, south of the railroad tracks. The site plan indicates approximately 100 trees would be planted along the berm.

The applicant has stated that he intends to develop a facility that could process 500 to 600 tons of waste per day. Initial regular hours of operations would be 6 A.M. to 5:00 P.M. but they are seeking permission to operate 24 hours per day six days a week (Monday-Saturday). The applicant has a commitment to accept 330-400 tons per day from a local waste collection firm. (The Waste Connection transfer station is a 1500 tons per day facility.) No medical or hazardous waste will be accepted at this site. Waste delivered to the facility would be hauled to Topeka for final disposal. The scale house would be built large enough to provide meeting space for 40 people. Leachate collected from the tipping floor would be collected in a tank and removed in an appropriate manner. Water is to be trucked in and placed in storage tanks for domestic and wash down use. At this point in time, they do not intend to drill a well on-site. The applicant's also proposes a lagoon to handle on-site waste treatment.

Traffic generation rates for the facility are estimated to be 50 residential and commercial truck trips hauling waste into the facility, and approximately 15 semi-trailer loads hauling waste out of the facility on a daily basis. Thus minimum projected additional average daily trips generated by this use are estimated to be 130.

Land uses and zoning for the property surrounding the application area is mixed. To the west, land is zoned "LI" Limited Industrial and developed with a Township maintenance building and a power generation plant pond. Further west is a power generation plant. To the southwest the property is zoned "LC" Limited Commercial and is undeveloped. Further southwest is an industrial park zoned "LI" Limited Industrial and a grain elevator zoned "GI" General Industrial. To the south is farm ground zoned "LC" Limited Commercial and "SF-20" Single-family Residential. There is a single-family home located approximately a ¼ mile to the south, along Hoover. Land to the east is zoned "SF-20" Single-family Residential and is pastureland. There are several single-family residences located further east, approximately 660 feet, along 55th Street. Property to the north is zoned "SF-20" Single-family Residential. This property is developed with a residence and a kennel. Because of the industrial uses already existing west of Hoover, Hoover carries a significant volume of truck traffic, especially during harvest time. An elementary school is located 1.5 miles north of the application on Hoover. Campus High is located 1.75 miles east of the application area.

The County's Solid Waste Management Committee has reviewed this request and has recommended approval. There were approximately 30 to 40 citizens at the meeting asking questions regarding: hours of operation, impact on drainage, impact on property values, concerns over traffic, what other sites had been

considered, will roadside dumping increase, a requirement to pick up fugitive debris, hours of operation, noise and odor, etc.

According to state regulations, no trash is allowed to remain at the transfer station in excess of 48 hours. Material put in the roll off boxes – material that is inappropriate to go through the transfer station such as tires, yard waste, white goods – is permitted to be on-site a maximum of seven days.

The Conditional Use application has been evaluated against the applicable regulations contained in the County's resolution regarding Municipal Solid Waste Transfer Stations. Those regulations address: minimum site acreage; distance to roads, property lines, and buildings on other property; landscaping; activities conducted in an enclosed building; one common entrance; room for educational activities; temporary storage for banned wastes; and adequate parking. The County's regulations, along with other applicable local and state requirements, address the complete range of operational issues for transfer stations.

The MAPC heard this request on February 28, 2001 and recommended denial 9-3. Their recommendation was based in part upon comments made by the 24 people who spoke in opposition citing: potential for 24-hour operations, impact on area drainage, reduction in property values, increased traffic will be a hazard to school traffic, failure to adequately explain why this site was chosen over others, fear that roadside dumping will increase, fugitive debris will not be effectively managed, increased noise and odor will diminish enjoyment of property, existing road network is not adequate for the proposed use, site is located too far from major highways and the fact that two other transfer stations have been permitted whose combined capacity is adequate to address the county's solid waste needs. Protest petitions representing 36.17% have been filed.

With the MAPC recommendation for denial and the 36% protest, it will take a 4 out of 5 vote to override the protest and the MAPC vote.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and deny the rezoning and Conditional Use Permit applications; or
2. Adopt the findings of fact of the Planning Department staff and approve the rezoning and Conditional Use permit applications, subject to the recommended conditions and to platting the property within one year; or

3. 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).

Applicants:

James Hagan-Gutherie Wilkens Trailer Co 198 N Highway 281 Great Bend KS 67530
Floyd Cotter-Burns & McDonnell Engineering 3839 Dora Wichita KS 67213

Protestors:

Sue Davis 2233 W 46th St So Wichita KS 67217
Buford George 3651 S Gilda Wichita 67215
Jed Janssen 4201 S Boyd Wichita 67215
Lori Yarbrough 3918 Brunnett Cir Wichita 67215
Angel Acosta 5612 Wyoth Wichita 67215
Clay Magana 3925 S Brummett Cir Wichita 67215
Jackie Palmer 2250 W 46th St South Wichita 67215
Susan McCoy 3910 S Eisenhower Wichita 67215
Duane Ramsey 3820 S. Hoover Rd Wichita 67215
John McQuillan 4729 Bennett Wichita 67217
Billy J Gray 204 N Woodchuck Wichita 67212
Marty Nevil 6307 W 35 Street S Ct Wichita 67215
Dennis Clough 319 Lockwood Wichita 67217
James Chessher 5811 W 40th St S Wichita KS 67215
Russell Mills 343 N Market Wichita 67202
Dorman Blake 827 Wallingford Wichita 67217
Bob Carroll 1524 Boxwood Haysville KS 67060
Steve Stout 3831 Brummett Wichita 67215
Kevin McLaughlin 3814 S Dugan 67215
Bill Compton 1000 W 55th St So Wichita 67215
Bill Vanderhoff 6220 W 47th St So Wichita 67215
Janet Baptist 3656 Dugan Wichita 67215
Clint Renollet 3245 W 47th St So Wichita 67215
Bruce Armstrong City of Haysville Haysville KS 67060
Linda Patnaude 125 Ranger Haysville KS 67060
Terry Faelber 5300 S Hoover Wichita 67215

RESOLUTION NO. _____

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 THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

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-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.ZON2001-00010

Zone change request from "LC" Limited Commercial and "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as:

Beginning at the Southwest corner of Lot 1, Woodhaven Addition, Sedgwick County, Kansas, thence North 89 degrees 27'08" East a distance of 175.00 feet, thence South 82 degrees 00'38" East a distance of 101.12 feet, thence North 89 degrees 27'08" East a distance of 297.78 feet to the point of beginning, thence North 0 degrees 0'05" West a distance of 219.84 feet, thence South 89 degrees 59'59" West a distance of 373.01 feet, thence North 0 degrees 00'07" West an distance of 471.28 feet, thence North 89 degrees 05'18" East a distance of 130.02 feet, thence North 0 degrees 00'07" East a distance of 366.61 feet, thence North 89 degrees 59'56" East a distance of 704.99 feet, thence South 0 degrees 00'07" West a distance of 839.97 feet, thence South 89 degrees 59'59" West a distance of 391.98 feet, thence South 0 degrees 00'05" East a distance of 219.17 feet, thence South 89 degrees 27'08" West a distance of 70.00 feet, to the point of beginning, said tract containing 15.93 acres, more or less. Generally located on the northeast corner of 55th Street south and Hoover.

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.

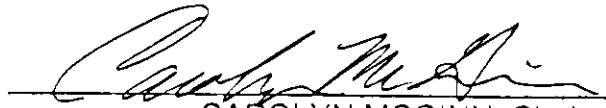
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication.

Commissioners present and voting were:

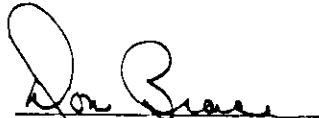
BETSY GWIN	<u>aye</u>
TIM R. NORTON	<u>no</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

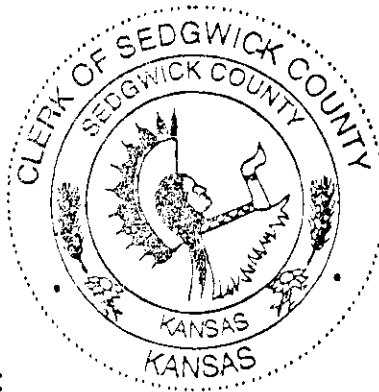
DATED this 28th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS


CAROLYN MCGINN, Chair
Fourth District

ATTEST:


DON BRACE
County Clerk



APPROVED AS TO FORM ONLY:


ROBERT W. PARNACOTT
Assistant County Counselor



AGENDA ITEM NO. _____

STAFF REPORT

MAPC, 2/22/01

CASE NUMBER: CON2001-00008 and ZON2001-00010

OWNER/APPLICANT: James and Sharon Hagan (Owner/Co-Applicant) Guthrie Wilkens Trailer Company, Kent or Nancy L. Wilkens (Contract Purchaser/Co-Applicant)

AGENT: Waste Disposal, LLC (Kent or Nancy Wilkens)
Burns & McDonnell (Brian J. Meier)
Peter John Orsi II

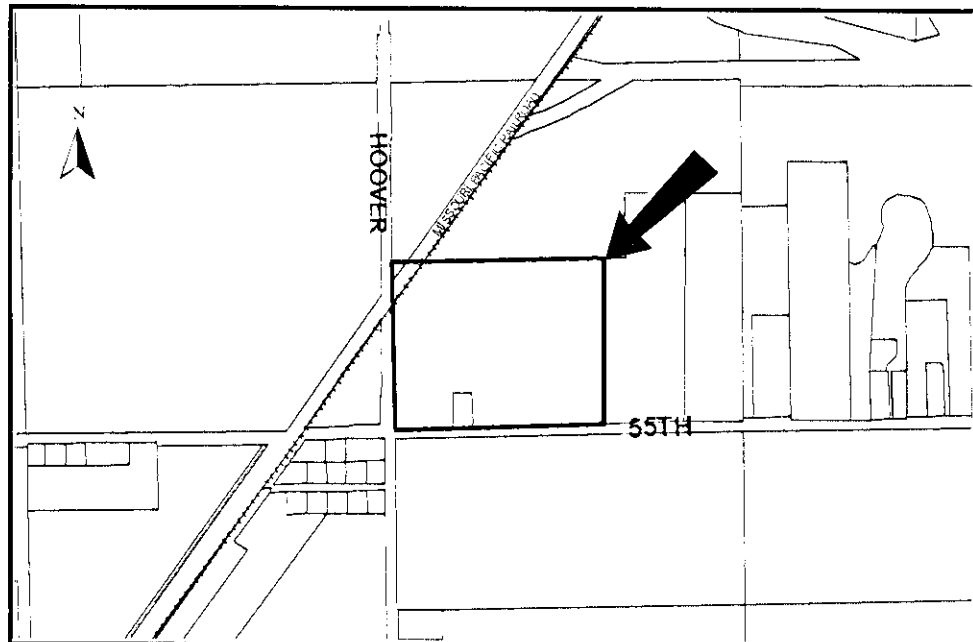
REQUEST: Conditional Use to permit a solid waste Transfer station and "LI" Limited Industrial zoning

CURRENT ZONING: "LC" Limited Commercial and "SF-20" Single-family Residential

SITE SIZE: 48 acres

LOCATION: Northeast corner of 55th Street South and Hoover

PROPOSED USE: Solid Waste Transfer Station



BACKGROUND: The applicant has an "option to purchase" agreement for 48 acres located at the northeast corner of 55th Street South and Hoover Road. The applicant is seeking a Conditional Use and "LI" Limited Industrial zoning with the intention of developing a municipal solid waste transfer station at this location. The application area is currently zoned "LC" Limited Commercial and "SF-20" Single-family Residential and is used for crop production. The site has a mature hedgerow on all sides except for the west property line. Railroad tracks cross the northwest corner of the property. FEMA maps indicate the application area is not part of a designated floodplain. The application area is located 3.5 miles south of K-42 and 1.5 miles west of the 55th Street South bridge crossing of the Wichita-Valley Center Floodway. The 55th Street crossing is one of two east-west "section line road "Big Ditch" crossings in southwest Sedgwick County.

As depicted on the applicant's site plan, all buildings and transfer activities are to be located in the center of the 48-acre application area. A four-bay 80-foot by 100-foot transfer station would be located 554 feet south of the north property line and 907 feet west of east property line. Other activities noted on the site plan include: trailer storage, roll-off box storage, cardboard bailing, recycleable material drop off, office, scales, scale house and drive ways. This transfer station and associated facilities would be fenced at the property line and have gated access from 55th Street South. An 8-foot high landscaped berm is proposed to be located along the west property line, south of the railroad tracks. The site plan indicates approximately 100 trees would be planted along the berm.

The applicant has stated that he intends to develop a facility that could process 500 to 600 tons of waste per day. Initial regular hours of operations would be 6 A.M. to 5:00 P.M. but they are seeking permission to operate 24 hours per day six days a week (Monday-Saturday). The applicant has a commitment to accept 330-400 tons per day from a local waste collection firm. (The Waste Connection transfer station is a 1500 tons per day facility.) No medical or hazardous waste will be accepted at this site. Waste delivered to the facility would be hauled to Topeka for final disposal. The scale house would be built large enough to provide meeting space for 40 people. Leachate collected from the tipping floor would be collected in a tank and removed in an appropriate manner. Water is to be trucked in and placed in storage tanks for domestic and wash down use. At this point in time, they do not intend to drill a well on-site. The applicant's also proposes a lagoon to handle on-site waste treatment.

Traffic generation rates for the facility are estimated to be 50 residential and commercial truck trips hauling waste into the facility, and approximately 15 semi-trailer loads hauling waste out of the facility on a daily basis. Thus

minimum projected additional average daily trips generated by this use are estimated to be 130.

Land uses and zoning for the property surrounding the application area is mixed. To the west, land is zoned "LI" Limited Industrial and developed with a Township maintenance building and a power generation plant pond. Further west is a power generation plant. To the southwest the property is zoned "LC" Limited Commercial and is undeveloped. Further southwest is an industrial park zoned "LI" Limited Industrial and a grain elevator zoned "GI" General Industrial. To the south is farm ground zoned "LC" Limited Commercial and "SF-20" Single-family Residential. There is a single-family home located approximately a ¼ mile to the south, along Hoover. Land to the east is zoned "SF-20" Single-family Residential and is pastureland. There are several single-family residences located further east, approximately 660 feet, along 55th Street. Property to the north is zoned "SF-20" Single-family Residential. This property is developed with a residence and a kennel. Because of the industrial uses already existing west of Hoover, Hoover carries a significant volume of truck traffic, especially during harvest time. An elementary school is located 1.5 miles north of the application on Hoover. Campus High is located 1.75 miles east of the application area.

The County's Solid Waste Management Committee has reviewed this request and has recommended approval. There were approximately 30 to 40 citizens at the meeting asking questions regarding: hours of operation, impact on drainage, impact on property values, concerns over traffic, what other sites had been considered, will roadside dumping increase, a requirement to pick up fugitive debris, hours of operation, noise and odor, etc.

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The Conditional Use application has been evaluated against the applicable regulations contained in the County's resolution regarding Municipal Solid Waste Transfer Stations. Those regulations address: minimum site acreage; distance to roads, property lines, and buildings on other property; landscaping; activities conducted in an enclosed building; one common entrance; room for educational activities; temporary storage for banned wastes; and adequate parking. The County's regulations, along with other applicable local and state requirements, address the complete range of operational issues for transfer stations.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "SF-20" Single-family Residential; large-lot residence, kennel, agriculture
SOUTH: "LC" Limited Commercial and "SF-20" Single-family Residential; agriculture
EAST: "SF-20" Single-family Residential; agriculture
WEST: "LI" Limited Industrial; Waco Township building; power generation station pond

PUBLIC SERVICES: Both 55th Street and Hoover Road are paved two-lane county highways. Current traffic volumes on these roads are 3200 average daily traffic (ADT) on Hoover and 2400 ADT on 55th Street. Hoover Road provides a primary connection to K-42 to the north while 55th Street provides a key southern crossing to the "Big Ditch." No municipal sewer or water services are available. At the time of platting, it is likely that the following improvements will need to be guaranteed: southbound left turn on Hoover at the intersection of 55th Street; improved corner radii at the 55th Street and Hoover intersection; an east bound left-turn lane on 55th Street at the entrance and a right-turn decel lane at the entrance on 55th Street. Currently, these two county highways are built to county highway standards.

CONFORMANCE TO PLANS/POLICIES: The Wichita/Sedgwick County Development Guide identifies this area as appropriate for "rural" uses. The rural designation includes land outside the 30 year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. 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.

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 15 acres in size; 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.

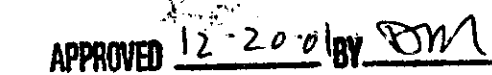
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that "Li" Limited Industrial zoning be APPROVED for only the area enclosed by the fence and driveway (as indicated on the site plan), subject to platting within 1 year and the following conditions.

- A. Prior to the beginning of operation of a solid waste transfer station, all applicable local, state and federal permits shall be acquired.
- B. 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.
- C. The use of the site as a solid waste transfer station shall proceed and be maintained in general conformance with the approved site plan and made a part of this permit. The tipping floor area shall be completely enclosed except for openings with operable doors.
- D. At the time of platting, the applicant shall guarantee the following improvements:
- E. At the time of platting, the applicant shall submit a drainage plan for approval by Sedgwick County Department of Public Works, Department of Environmental Resources and the Health Department. 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 appropriate County departments.
- F. 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 plants 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.
- G. Temporary outside waste storage, not otherwise enclosed in a transfer trailer shall be confined to the "roll-off box" area depicted on the site plan, 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.
- H. Outside building walls 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.
- I. No off-site signs are permitted on the property. Building signs are limited to a maximum of 10 percent of any wall surface.
- J. If a well is drilled on this site, the applicant shall submit water samples for water quality analysis by the City-County Health Department, and the applicant shall underwrite the cost of said analysis.
- K. 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. The area is a mix of "LI" Limited Industrial, "GI" General Industrial, "LC" Limited Commercial and "SF-20" Single-family Residential. Uses range from agricultural, single-family residences, maintenance buildings, industrial park and power generation pond. The area to the west is primarily industrial with residential uses located to the east of Hoover. Heavy truck traffic exists today in the area due to existing industrial development.
2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned "SF-20" and could be developed for permitted uses. However, proximity of this site to industrial zoning and existing industrial uses makes it less desirable for residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Anticipated detrimental impacts will be mitigated by the setbacks, landscape buffers, minimum lot size requirements and other development and operational requirements. Projected traffic volume will increase, but projected increases can be addressed by required improvements.
4. Conformance of the requested change to the adopted or recognized plans and policies: The Comprehensive Plan identifies this area as appropriate for rural uses. The treatment of this use in the Zoning Code suggests it would be appropriate in some rural as well as well as industrial settings. The County's Solid Waste Management Plan relies upon the use of transfer stations to facilitate the removal of municipal solid waste. The County's Solid Waste Committee reviewed this application and found it to be consistent with the County's regulations for transfer stations.
5. Impact of the proposed development on community facilities: The site will generate additional traffic, but the applicant will be required to fund road improvements which should address potential traffic 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: With the imminent closing of Brooks Landfill, it 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 is only one other transfer station currently under construction with one other location approved for a transfer station. It is important for the community to have a choice of facilities in order to maintain a

competitive balance between service providers. Since it also appears that the ultimate disposal locations are different for the two previously approved stations and this proposed station, approval of this request would provide additional security that there would likely always be a landfill to which the community's trash could be hauled. Finally, with a transfer station under construction in the north part of the county, a site in the southwest part of the county will provide increased convenience and reduce total vehicle miles traveled.



project	26383	contract	
drawing	LS1	rev.	0
sheet	10	of	10 sheets
file	W:\L01LS1.DGN/ 9-19-2001 9:28/BKK		