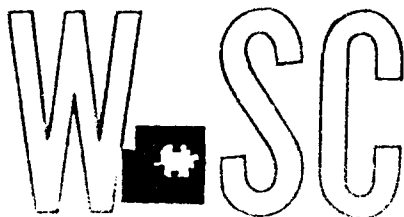


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 14, 1997

Franklin N. Simon
Route 1
Colwich, KS 67030

RE: CU-442 - Conditional use to allow a temporary rock crusher on property zoned "RR" Rural Residential and generally located on the east side of 151st Street West, north of K-96 Highway

Dear Mr. Simon:

At its regular meeting on June 26, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated June 30, 1997.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lawrence P. Mitchell
Senior Planner

LPM/sh

cc: Bob Bergkamp Construction Co., Inc., c/o Jim Snook, 3709 S. West Street, Wichita, KS 67217
PEC, PA, c/o Gary Wiley, 303 S. Topeka, Wichita, KS 67202
Glen Wiltse, Sedgwick County Code Enforcement

N.W. Corner (Lot 9
(N.W. Corner, S.W. 1/4, S.W. 1/4
Sec. 35, T25S, R2W)

FRANKLIN N. SIMON

620'±

70'

40'

151ST STREET WEST (BENTLEY ROAD)

665'±

*Finished
Product*

*Finished
Product*

*Rock Crusher
Location*

*Existing
Raw
Material*

*Finished
Product*

*Existing
Raw
Material*

*Existing
Raw
Material*

665'±

FRANKLIN N. SIMON

70'

40'

620'±

S.W. Corner N. 1/2
Gov. Lot 9

FRANKLIN N. SIMON

*SIMON PROPERTY CONDITIONAL USE
CU-442*

SCALE: 1" = 100'

STAFF REPORT

June 26, 1997

CASE NUMBER: CU-442

APPLICANT/AGENT: Franklin N. Simon (owner); Bob Bergkamp Construction Co., Inc. (lessee); Gary Wiley, P.E.C. (agent)

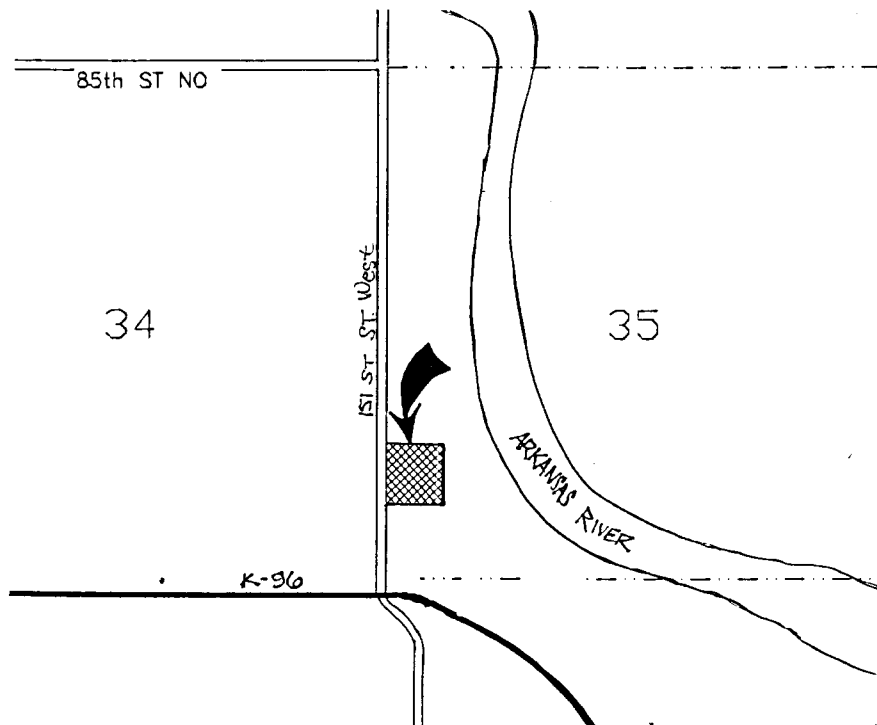
REQUEST: Conditional Use to allow a temporary rock crushing operation

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: On the east side of 151st Street West, 1/4 mile north of K-96 Highway

PROPOSED USE: To recycle an existing pile of concrete and asphalt pavement rubble for a period of 90 days



BACKGROUND: The applicant requests a conditional use to allow a temporary rock crushing operation on 10 acres of unplatted land located north of K-96 and east of 151st Street West. The application area is a portion of a 20 acres site which was granted a special use permit, DR 95-6, in April, 1995, for a temporary concrete batch and sand plant associated with the State Paving of Highway K-96. The special use permit expired in December, 1995. According to the applicant, the rock crusher will be used to grind down existing piles of asphalt and concrete located within the applicant's site in order to haul finished material to construction projects throughout the county.

The site is currently zoned "RR" Rural Residential, as is property to the north, east, and south. The surrounding area is characterized by agricultural uses, with a single family home located directly south of the application area. The single family home is approximately 230 feet south of the applicants south property line.

"Rock crushing" in the "RR" district is allowed only with a conditional use permit. Rock crushing is defined as an establishment engaged in crushing rock or stone milling. The rock crusher breaks chunks of concrete and asphalt into smaller pieces which are screened into different size aggregates. The aggregate is then used by paving contractors on local paving projects. Dust from the process depends on the type of material being crushed. Concrete tends to produce more dust than asphalt. The crusher is equipped with systems to reduce the amount of dust produced. Rock crushers must be licensed by the State and follow regulations regarding air pollution. Perceptions of noise generated by rock crushing operations are different at each site, depending on the age of equipment, material being crushed, wind direction, background noise levels generated from adjacent uses, etc.

The applicant's site plan shows the general location of the rock crusher, the location of the asphalt and concrete piles, and the location of the finished product. The rock crusher unit will be located in the center of the site, with finished products to be placed along the north and east property lines. The existing raw material piles will buffer the rock crusher from the south and west. Access to the site would be from 151st Street West.

CASE HISTORY: In April, 1995, a special use permit (DR 95-6) was approved for this site for a temporary concrete batch plant and sand plant. This special use permit expired in December, 1995.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Agricultural
SOUTH:	"RR" Single-Family Residence
EAST:	"LI" Limited Industrial, Bob Bergkamp Construction Co.
WEST:	"RR" Agricultural

PUBLIC SERVICES: Municipal water and sewer services are not required for the proposed use. The site has access to 151st Street West (Bentley Road), which is a 2-lane paved section line arterial.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for agricultural uses. The Comprehensive Plan does not specifically address the siting of temporary rock crushing operations. In the Unified zoning Code, "rock crushing" is categorized as an industrial, manufacturing and extractive use, and is permitted only as a conditional use. Rock crushing is not permitted "by right" in any of the city's or county's districts. The policy guidance section of the comprehensive plan indicates that:

- (a) Industrial areas should be located in close proximity to support services and provided good access to major arterials, ... truck routes, belt highways, utility trunk lines, along railroad spurs, near airports and as extensions of existing industrial uses.
- (b) [Industrial] traffic ... should not feed directly onto local streets in residential areas.
- (c) Industrial uses should be generally located away from existing or planned residential areas, and sited so as not to travel through less intensive land uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use shall permit rock crushing operations for a period of 90 days once the crusher is brought to the site.
2. The site shall be developed as indicated on the site plan.
3. When operations cease at this location, all materials and equipment associated with both requested uses shall be removed from the site within one year from the approval of the Conditional Use.
4. Use of the rock crusher shall be limited to the hours of 7:00 a.m. to 6:30 p.m., Monday through Friday, and 9:00 a.m. to 1:00 p.m. on Saturday. The rock crusher shall not be used on Sunday or official county holidays.
5. Water, or other dust retardant, shall be used as needed to control blowing dust from stockpiled materials.

6. The applicant shall be responsible for maintaining all operational roads in a sand or graveled condition and shall apply water or other acceptable dust retardant so as to minimize blowing dust.
7. The opacity of the dust from the crusher must not exceed 15% opacity and emissions of dust from transfer points, i.e. elevators, belts, etc., must not exceed 10% opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.
8. Stockpiles of raw and finished material shall not exceed 25 feet in height.
9. Any on-site storage of fuels or chemical must be approved by the Wichita-Sedgwick County Health Department.
10. The applicant shall submit and receive approval of a drainage plan from the County Engineer including any needed easements for the temporary storage of run-off prior to commencing operations.
11. The applicant shall obtain applicable county, state and federal permits prior to beginning rock crushing or excavation operations on this site.
12. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by agricultural uses, with the residence located to the south. Except for the residence, the proposed temporary use will have a minimal impact upon surrounding properties.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: With staff's recommended conditions of approval, the temporary nature of the operation, as well as the surrounding land uses, most negative impacts on adjoining property should be minimized.
3. Conformance of the requested change to adopted or recognized Comprehensive Plans/Policies: This site meets the locational criteria for this use as suggested by the Comprehensive Plan.
4. Impact of the proposed development on community facilities: 151st Street West currently has the capacity to handle the traffic generated by this use. This use should not have any other impacts on public facilities.