

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.

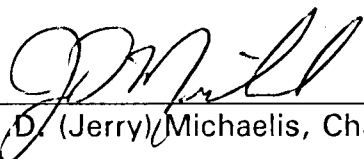
subject to the following conditions:

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.

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.

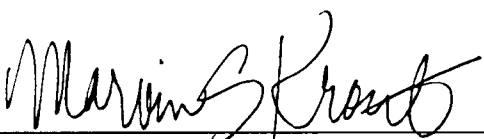
Adopted this 8th day of November, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

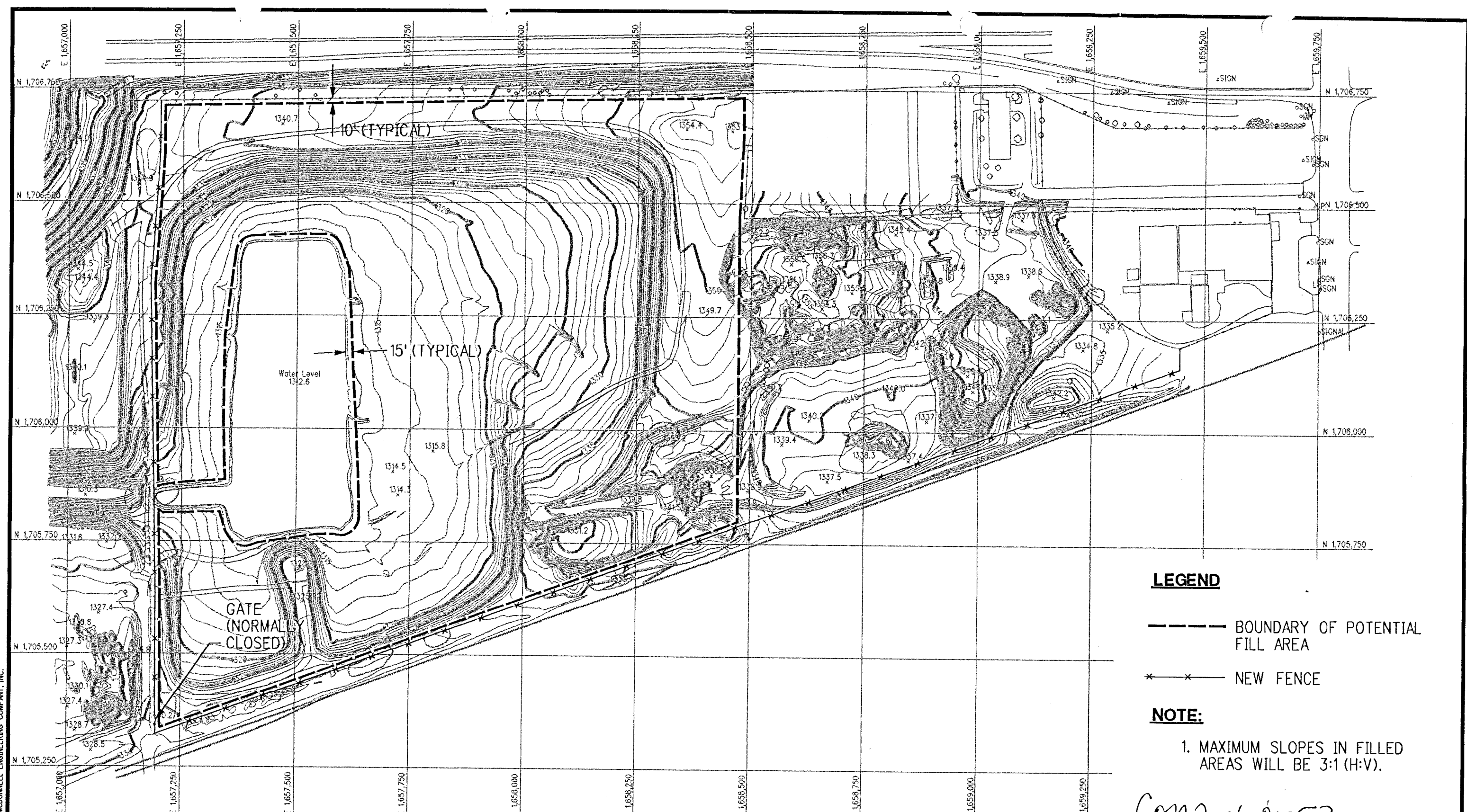


J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary



LEGEND

----- BOUNDARY OF POTENTIAL
FILL AREA

--* NEW FENCE

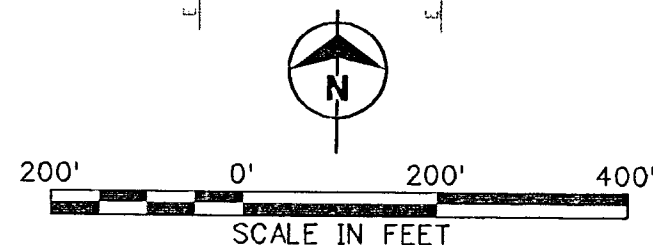
NOTE:

1. MAXIMUM SLOPES IN FILLED
AREAS WILL BE 3:1 (H:V).

SITE PLAN

APPROVED 11/29/01 BY DG
CON 2001-00053 APPROVED BY MAPC 11/08/01

MAPB COPY 1 OF 2



CON 2001-00053



CITY OF WICHITA, KANSAS
K-96 SITE
PRELIMINARY SITE PLAN

STAFF REPORT

MAPC November 8, 2001

DAB I November 5, 2001

CASE NUMBER: CON2001-00053

APPLICANT/AGENT: City of Wichita (owner); Burns & McDonnell c/o Brian Meier (agent)

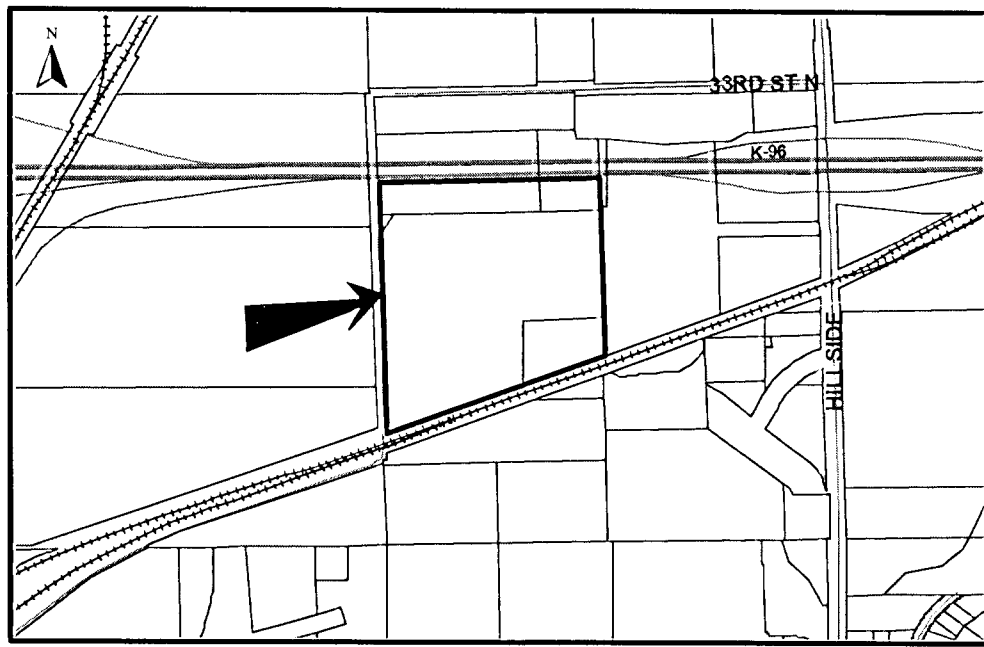
REQUEST: Conditional Use for clean rubble and construction and demolition landfill

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 31 acres

LOCATION: South of K-96 and ¼ mile west of Hillside

PROPOSED USE: Clean rubble and/or construction and demolition landfill for the City of Wichita



BACKGROUND: The City of Wichita is requesting a Conditional Use for a clean rubble/construction and demolition landfill for property located approximately one-fourth mile west of Hillside south of K-96. The site is an existing borrow pit created for construction of K-96. If approved, the land would be filled up to its original elevation except for the pond area that would be retained as a pond for future recreation purposes, and except for topographic feature modifications to enhance the open space use. The landfill activities would be kept at least 15 feet from the edge of the pond. The proposed final reuse of the site is as a passive recreation site as part of the K-96 Lake, formerly known as Cruiser Lake.

A clean rubble landfill is allowed without a permit from the Kansas Department of Health and Environment. Clean rubble is defined by the state as inert uncontaminated construction and demolition waste that includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock. The City also is making application to the KDHE for a construction and demolition landfill permit and, if approved, would operate a C&D landfill on the site. The City intends to operate a clean rubble landfill if this Conditional Use is approved, regardless of whether the C&D permit is granted.

The adjoining land to the east also is owned by the City of Wichita and is the current location of a concrete recycling center (rock crusher) (DR93-21). In fact, the southeast corner of the current application area was included in the DR93-21 approved site. If this application is approved and the C&D permit is received by KDHE, the City may move the rock crusher onto this site. Then the land to the east could be reclaimed and incorporated into the K-96 Park. Architectural Art Manufacturing, Inc., a manufacturing facility, is located farther east toward Hillside. The animal shelter is located to the northeast of the application area. K-96 runs along the northern property line.

The property to the south of the application area is a railroad right-of-way and Grove Park. It is zoned "GI" General Industrial, "LI" Limited Industrial, "SF-5" Single Family, and "MH" Manufactured Home. The land zoned "MH" was the location of a drive-in theatre closed in the 1980s, and is planned for park expansion.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	K-96, City of Wichita street maintenance facility
SOUTH:	"LI"; "SF-5"; "MH"	Grove Park and Chisholm Creek
EAST:	"LI"; "SF-5"	Recycling center, manufacturing firm, animal shelter
WEST:	"GI"	K-96 (Cruiser Lake)

PUBLIC SERVICES: The property is located one-fourth mile west of Hillside immediately

south of the K-96 interchange. Traffic counts were not available for 2000, but projected traffic on Hillside south of K-96 was projected to be 11, 426 ADT (average daily traffic) in 2030. Since clean rubble is already being transported to the abutting property (DR93-21), the increase in truck traffic would be after major storm events and to deposit street sweepings.

Public water and sewer services are available nearby, but will not be required for the project.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "park land and open space." *Parks and Pathways, Park and Open Space Master Plan Wichita-Sedgwick County, Kansas* (September 1996) designates it as part of the Grove Park complex and as a regional park. The *Sedgwick County Solid Waste Management Plan* provides for the establishment of construction and demolition landfills within Sedgwick County for the disposal of C&D wastes.

RECOMMENDATION: The requested ~~rezone~~ Conditional Use would allow the City to operate a clean rubble landfill and, potentially a construction and demolition landfill on this site, until the property is filled to an elevation equal or below the elevation prior to use of the site as a borrow pit for K-96 construction, or to the level desired for open space recreational purposes. This interim use of the property benefits the Public Works Department of the City with a site for its clean rubble and C&D materials. The potential relocation of the rock crusher to the site would move it farther away from the manufacturing firm to the east. It also holds two potential benefits for future park development: (1) providing a road connection that could link the K-96 Lake property and Grove Park south of Chisholm Creek, and (2) restoring the property to nearer its original topography.

Based on these considerations and upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, 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.
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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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property adjoining the application area is zoned "LI" Limited Industrial and "GI" General Industrial and includes parkland, industrial uses, the concrete recycling use (DR93-21), and an animal shelter. These uses are compatible with a landfill that is designed to be converted to future park and open space use. The site is buffered well by a major highway (K-96) on the north and a railroad right-of-way and Chisholm Creek on the south.
2. The suitability of the subject property for the uses to which it has been restricted: The property is not suitable for the range of "LI" uses for which it is currently zoned. It is designated as open space on both the Comprehensive Plan and the Parks and Open Space Master Plan; and most industrial uses are incompatible with this designation.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this application would enhance the nearby properties so long as the operation of the site is conducted to allow its reclamation for future park use. It also provides a potential link between K-96 park facilities on the north and Grove Park on the south of Chisholm Creek if a bridge were constructed over the creek.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: 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: The main traffic impact would be an increase in C&D vehicles on the adjacent streets. The indirect future impact would be to enhance the open space recreational facilities upon conversion of the site to these uses and to provide the potential for better connectivity between K-96 and Grove Park.