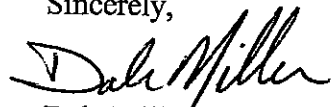


7. All on-site water and sewer facilities shall be approved by the agency charged with administering the applicable codes. Any on-site storage of fuels or chemicals shall be in compliance within code requirements, and must be approved by the appropriate regulating agency.
8. The rock crusher shall be operated in compliance within applicable air quality standards.
9. Material stockpiles shall be limited to 25 feet in height. Stockpiled materials shall be stored and handled in a manner to minimize infestation by vermin and to avoid fire hazard.
10. The rock crusher and the tub grinder shall be operated only during the hours of 7:00a.m.-6:30p.m. Monday through Friday. The rock crusher and tub grinder shall not be used on Saturday, Sunday or official Sedgwick County holidays.
11. In addition to any other enforcement measures available, the appropriate code enforcement officer and the director of planner, after a determination that a violation of the conditions of approval has occurred, may render this conditional use null and void and order the uses authorized by this permit to cease.

The action of the County Commissioners will be considered final.

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

Sincerely,



Dale Miller, Manager  
Current Plans Division

Cc: Milo M. Unruh, Jr., Attorney at Law, 300 W. Douglas Ste 300, Wichita, KS 67202  
Paul Gray & Bill Gray, Gray Construction, 204 N. Woodchuck, Wichita, KS 67212  
Robert W. Kaplan, Attorney At Law, 430 N. Market, Wichita, KS 67202  
Jim Wood, New Home Marketing, 9103 W. Central, Wichita, KS 67212  
Patricia Yorkinson, Principal Oatville School, 4335 S. Hoover, Wichita, KS 67215  
Randy McCarty, 5924 W. Kemper, Wichita, KS 67215  
Patricia Helmuth, 4552 W. MacArthur, Wichita, KS 67215  
Bob Bergkamp Construction Company, 3709 S. West Street, Wichita, KS 67217-3803  
Katherine Rocky, Terracon, 1815 S. Eisenhower, Wichita, KS 67209  
Charles Becker, Waco Township, 6741 S. Maize Rd., Wichita, KS 67206  
Ernest Webb, 5501 W. 44th St, S., Wichita, KS 67215  
Francis White, 4528 W. MacArthur, Wichita, KS 67215  
Melodie McDonald, 4448 Doris Ct., Wichita, KS 67215  
Jenny Morris, 338 W. 35th S, Wichita, KS 67217  
Mike and Melisa Shetlar, 4522 Doris Ct., Wichita, KS 67215  
Phil Bressler, 5314 W. 44th Ct. S., Wichita, KS 67215  
Todd R. Giddings, 5254 W. 44th Ct S., Wichita, KS 67215  
Victor Leis, 4601 S. West Street, Wichita, KS 67217

Susan Erlenwein, Director Department of Environmental Services, 2625 S. Tyler,  
Wichita, KS 67215

Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Bob Parnacott, County Law Dept., Mail Stop County Ste 359

Bill Buchanan, County Manager, Mail Stop County Ste 343

Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

Tim Norton, BOCC II, Mail Stop, County Ste. 320

# AGENDA ITEM REQUEST

**Proposed Agenda Item:** CON2006-00009 – Conditional use to request an extension of time (2012) to operate CU-403, which permits rock crushing and concrete recycling, and allow the recycling of trees. Generally located south of MacArthur and east of the Wichita-Valley Center Floodway. (District #2)

**Presented By:** John L. Schlegel, Planning Director *JLS*

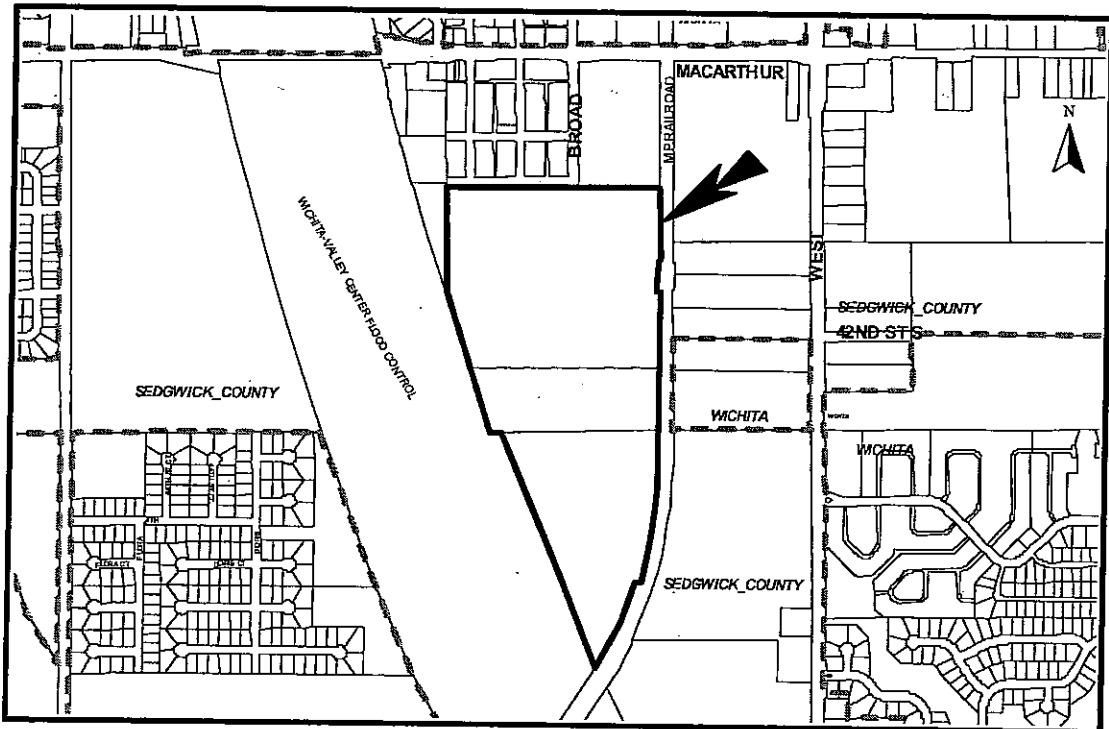
**Recommended Action:** Deny the conditional use request and adopt the findings of the Metropolitan Area Planning Commission.

**Proposed Agenda Date:** August 23, 2006

**Outside Attendees:** Mike Unruh, agent for James Snook, applicant.

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable.



**Background:** On April 20, 2006, the Metropolitan Area Planning Commission (MAPC) reviewed a request for a "conditional use" to allow the establishment of a construction and demolition debris landfill, and extension of time for those uses permitted by CU-403. CU-403 permits the operation of a rock crusher, rock and concrete recycling and soil mining. According to the existing conditions of approval, CU-403 activities are to cease on August 28, 2006, and the height of both raw and finished materials piles is limited to 25 feet. Crushing activities are prohibited on Sundays and County holidays. The applicant was and is seeking approval to continue rock crushing and rock recycling operations to 2012. The MAPC recommended denial (11-0) of the request. *(C&D landfill and extension of time ...)*

On June 7, 2006, the Board of County Commissioners (BoCC) considered the applicant's request and the MAPC recommendation. At that meeting, the BoCC denied the request for the construction and demolition landfill, but referred the issue of the time extension for CU-403 back to the MAPC for additional consideration.

*One other Cond. Use,*

CON2002-12 covers the southern 24.74 acres (the southern approximately 1,600 feet of the original 82.35 acre application area) and permits mining and quarrying operations through May 15, 2012. CON2002-12 will continue to May 15, 2012 regardless of the outcome of this request. The deadline for this conditional use is the basis for the request to have the deadline for CU-403 activities extended to 2012. That way both conditional uses would expire the same year.

**Analysis:** The MAPC re-heard the case on July 20, 2006. Prior to that meeting the applicant modified his request in two ways. The applicant initially asked for a time extension of 10 years instead of six for the rock crushing and recycling, but at the MAPC meeting of July 20 the request was modified back to the originally requested six-year extension (2012) to have the deadlines for both conditional uses, CON2002-12 and CU-403 expire in the same year. The applicant also added tree recycling to the list of permitted uses. One of the original conditions of approval of CU-403 prohibited the placement of trees, and other debris, on the site. The applicant is aware of a landscaping business that can use tree mulch, and the applicant would like to be able to mulch trees on the site. The applicant indicates mulching would not be open to the public.

To address the concerns neighbors expressed at earlier hearings regarding dust, the applicant is proposing to have a water truck on-site dedicated to dust suppression every day the site is open. He will also eliminate crushing activities on Saturdays. (Currently he cannot crush on Sundays or County holidays.)

Opponents of the request again cited concern with dust and what they perceive as ineffective dust control measures. See the attached memorandum of July 20, 2006, for more analysis on the dust issue.

On July 20, 2006, the MAPC voted 9-3-1 to deny the request to extend the time frame for rock crushing and tree mulching. Protest petitions equaling 36.46 percent have been received.

*Again, the recommendation of the MAPC is to deny the request.*

Alternatives:

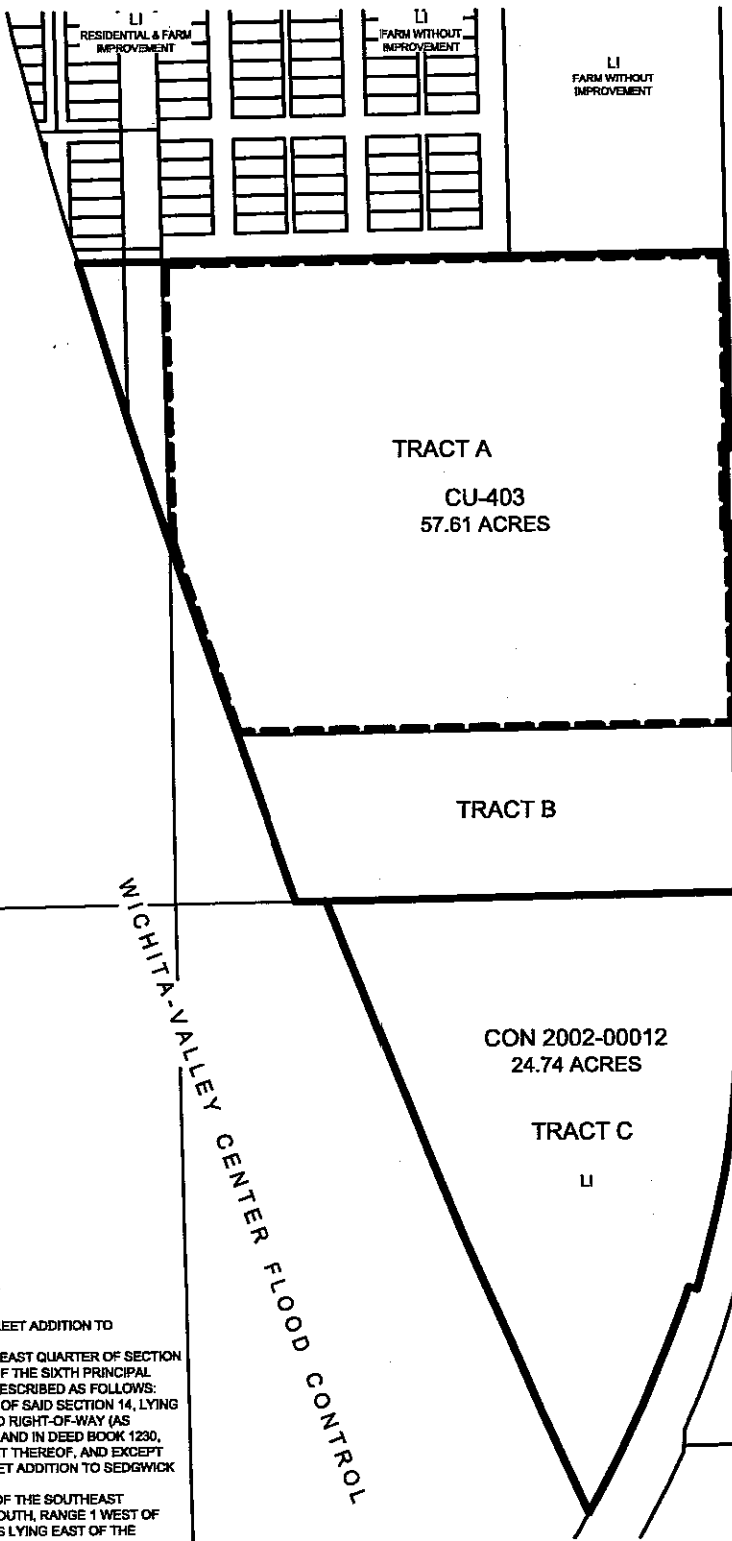
- 1) Deny the request and adopt the findings of the Metropolitan Area Planning Commission.

- 2) Approve the request subject to conditions the Commission finds appropriate; adopt the findings of the Board of County Commissioners and authorize the Chairman to sign the resolution. (Approval requires a 3/4 vote of the entire Governing Body to override the neighborhood protest.)

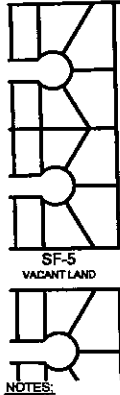
**Financial Considerations:** Not applicable.

**Policy Considerations:** The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

**Legal Considerations:**   <sup>MAPC</sup> *Approved as to form and signed by County Counselor's Office*



SF-20

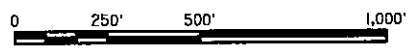


WICHITA-VALLEY CENTER FLOOD CONTROL



**LEGEND**

- LI LIMITED INDUSTRIAL
- SF-5 SINGLE FAMILY - 5,000
- SF-20 SINGLE FAMILY - 20,000



MAP IS INTENDED FOR GENERAL USE ONLY, NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE



1815 S. Eisenhower  
Wichita, Kansas 67209  
Tel: (316) 262-0171  
Fax: (316) 262-6997

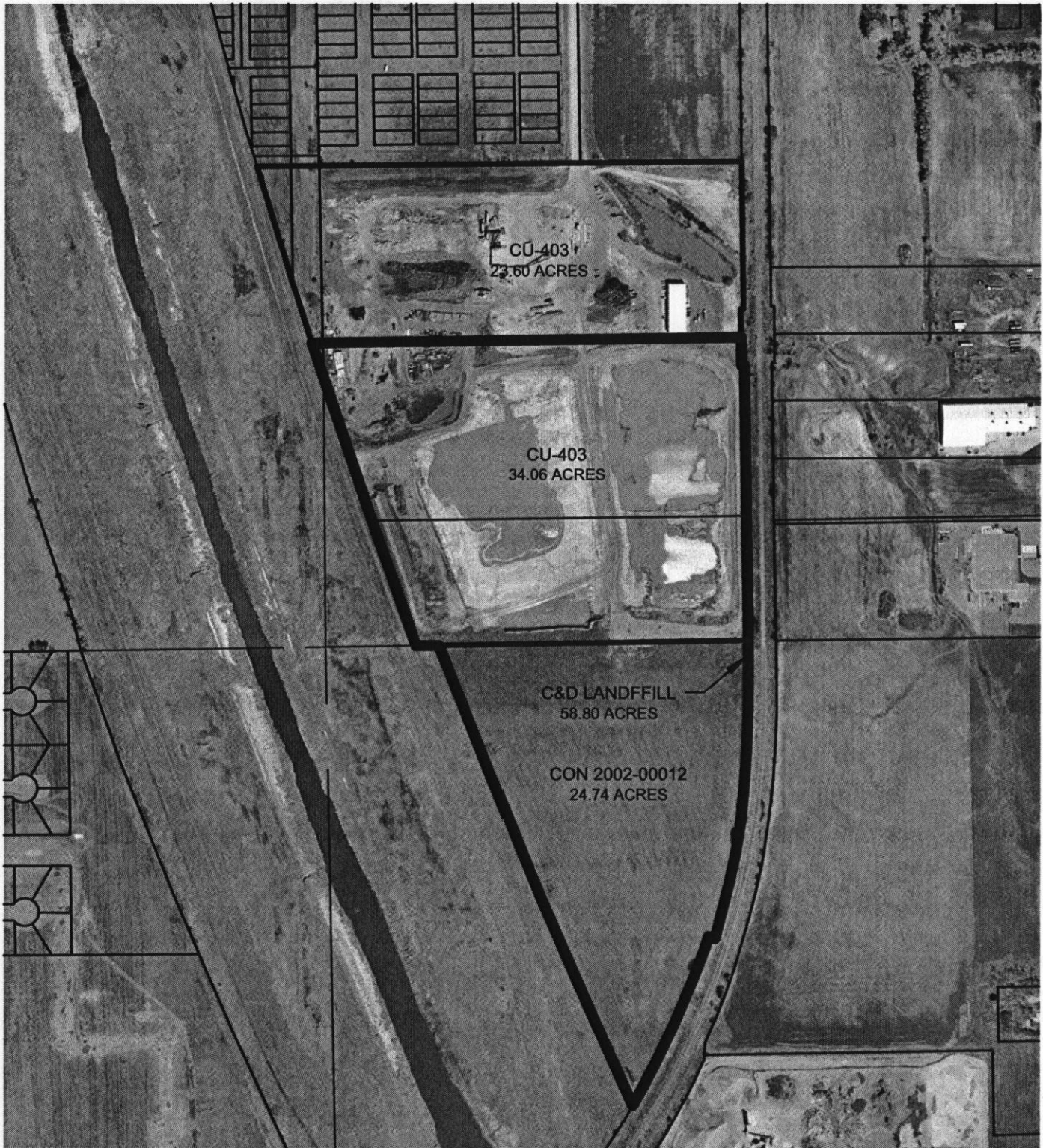
**PROPOSED MODIFICATION TO CONDITIONAL USE PERMITS CU-403 & CON2002-00012**

**ADDITION OF C&D LANDFILL CWR LLC**

**MACARTHUR & BROAD STREET WICHITA, KANSAS**

MARK	DATE	DESCRIPTION
PROJECT NO:	01047058	
CAD DWG FILE:	7058FL.DWG	
DRAWN BY:	BCB	
CHK'D BY:	CJR	
DATE:	03/08/06	

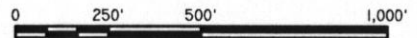
SHEET TITLE
EXISTING SITE PLAN
<b>FIGURE 1</b>



2003 AERIAL PHOTOGRAPH PROVIDED BY SEDGWICK COUNTY GEOGRAPHIC INFORMATION SERVICES.



CU-403 (NORTH) - ROCK CRUSHING, STORAGE AND RECYCLING OF CONCRETE AND ASPHALT, AND EXCAVATION OF A BORROW PIT. (23.60 ACRES)  
 CU-403 (SOUTH) - EXISTING USE AS DESCRIBED FOR (NORTH) AND C&D LANDFILL (34.06 ACRES)  
 CON2002-00012 - MINING, QUARRYING, AND C&D LANDFILL (24.74 ACRES)



MAP IS INTENDED FOR GENERAL USE ONLY. NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE

**Terracon**

1815 S. Eisenhower  
 Wichita, Kansas 67209  
 Tel: (316) 262-0171  
 Fax: (316) 262-6997

CWR C&D LANDFILL

MACARTHUR & BROAD STREET  
 WICHITA, KANSAS

MARK	DATE	DESCRIPTION
PROJECT NO:	01047058	
CAD DWG FILE:	7058ED.DWG	
DRAWN BY:	BCB	
CHK'D BY:	CJR	
DATE:	03/06/06	

SHEET TITLE

PROPOSED LANDFILL AND CUP LAYOUT

EXHIBIT D



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 30, 2006

James K. Snook  
Snook Trust Agreement  
14800 W. Maple  
Wichita, KS 67235-8747

**RE: CON2006-09 –Conditional Use for C and D Landfill; extension of time for CU-403 to operate a rock crusher, extension of time for CON2002-12 to conduct sand and gravel extraction and allow tree recycling. Generally located south of MacArthur, east of Wichita-Valley Center Floodway, west of West Street. (District II)**

Dear Ladies and Gentlemen:

At its regular meeting on August 23, 2006, the Board of Sedgwick County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE the request, subject to the conditions listed below:

1. In addition to uses permitted by the base zoning, the applicant is permitted to operate a rock crusher to recycle rock, asphalt, concrete and other material suitable for a rock crusher, and a tub grinder to recycle trees and other woody material.
2. Within 30 days of final approval, a revised site plan shall be submitted depicting how the various areas of the site are to be used.
3. Uses permitted by the Conditional Use shall cease on August 28, 2008.
4. The applicant shall be responsible for maintaining all roadways in an all-weather condition and shall have a water truck on-site when the site is open for use that is dedicated to the suppression of dust from the site, especially with respect to roads and stockpiled material. The applicant shall apply water or other effective dust retardant to stockpiled materials and any other areas of the site creating dust so as to minimize dust escaping from the site.
5. When operations cease at this location, all materials and equipment permitted by the conditional use shall be removed from the site within 90 days.
6. Within 60 days of approval, the applicant shall obtain all applicable county, state or federal permits or provide proof that applications for such permits have been made and are in the approval process.