
**Kaw Sand Company and Penny's Concrete, Inc
Amend Condition B of Special Use Permit
Allow Portable Material Crushing on Site**

Committee Members: Mary Guntert, Toni Caldwell, Dave Servos, Charlie McNemee
Absent: Doug Weis

Staff: Linda Bohnsack, City Planner

Penny's Concrete, Inc.: Bill Penny (B. Penny) and Jon Penny (J. Penny)

The meeting began with a brief description of the proposed use and the desire of the applicants to amend Condition B of their Special Use Permit concerning 'rock crushing activities' without changing any other aspects of the permit. Applicants are currently meeting all conditions of the permit.

The applicants would like to use a portable machine similar to those used on highway projects to remove concrete and asphalt to crush up leftover concrete from their business. They have an average 4% waste material that is returned to them. They would also want to crush up asphalt and other such materials as well for recycling. When asked if the company would accept material for crushing from the general public, B. Penny noted that it may be possible at some point in time, when the site is manned on a regular basis.

The intent of the use of a crusher at the site at this point is to find a viable use for their concrete waste product and to be able to produce material for LEED credits on projects. Also, since the unit will be portable, it would not be a permanent use at the site. They would be able to take it to other locations, or to construction sites and use it directly in crushing demolition materials. The use would also reduce the amount of natural materials being taken from the site because recycled material could be used in some applications instead. All government contracts now required the use of at least 10% LEED materials on all projects. B. Penny noted that sale of materials to the general public may be considered when the site is busier.

B. Penny explained that the ban on rock crushing in the existing permit stemmed from the fact that most of such activity involves drilling and blasting. The proposed use will not involve blasting of materials. They would collect materials to be crushed until a reasonable amount is available, bring in the crusher and work through the material, sorting it into various stockpiles depending upon size and quality of product. The material is only suitable for a limited number of uses—base material for driveways or gravel for county roads. Ms. Guntert inquired about whether the material would be placed directly on the ground and if bins may be erected to keep material in a defined area and for screening. B. Penny noted that bins may be possible as a type of buffer between the material and the surrounding property.

When asked about foreign material in the stone—metals, rebar, etc.—B. Penny pointed out that the machine is equipped with a large magnet that will draw the metal out of the crushed rock so it can be separated prior to stockpiling.

The specifications on the machine that were submitted for review indicated that it would produce a sound level of 80 dB(A) at 200 feet when the machine is running. Sound may be louder when operating/crushing, but B. Penny indicated that the material to be crushed will be contained within a hopper on the machine and that would muffle the sound. Staff noted that the nearest residence to the Penny property is approximately 900 feet away, but all agreed that sound travels farther in rural areas. Discussion concerning a setback for location of the machine ensued. B. Penny also noted that they may get a smaller machine depending upon their needs and the portability of the machine.

There was also discussion concerning the increased amount of traffic to and from the site that this use may produce. Staff noted that the conditions of the permit still prevail that address maintenance of Gardner Road, limits on trips to and from the site (115/day), and the construction of acceleration and deceleration lanes on 23rd Street when the northern area of the Kaw Sand portion of the site begins. Committee was concerned that the new use may increase traffic to the point that the lanes will need to be constructed sooner.

J. Penny noted that there are other sites where this type of recycling is taking place, such as the plant in southeast Lawrence.

On other issues, Ms. Guntert noted the presence of weeds on the site. B. Penny stated that with increased activity at the site it would begin to look better. In addition to this use, he expects construction activity to increase significantly over the next 1-1/5 years and the site would be used more often. He is not adverse to doing some weed control at the site as well. Ms. Guntert and Ms. Caldwell were also concerned about the large amount of concrete material dumped on the west side of the Penny property along the riverbank. B. Penny noted that at some point in time, they could crush that up as well to give it a better appearance.

The Site Plan Review Committee recommends that the Planning Commission consider the following in regard to this request:

1. Provision of a minimum 200 foot setback from the property line for placement of the machinery.
2. Weed control measures to prevent a negative appearance and also to prevent spread to adjacent properties.
3. Screening of the site and containment of stockpiles through the use of concrete blocks.
4. Construction of the acceleration/deceleration lanes on 83rd Street may be needed if traffic increases too much.
5. Notification of City Hall when they are scheduling crushing activities so the City can field complaint calls from surrounding neighbors.