CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 27, 2020

Don Schmid Salvage, LLC
P.O. Box 789762
Wichita, KS 67278

Copart
Attn: Hilary Negron
14185 Dallas Parkway
Dallas, TX 75254

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

Robert Kaplan
301 N. Main, STE 1600
Wichita, KS 67202

RE: **ZON2019-00051 and CON2019-00051** - City Zone Change from S-5 Single-Family and GC General Commercial to LI Limited Industrial with a Conditional Use (CON2019-00051) to allow wrecking and salvage on 10 acres; generally located south of E 31st and west of S Broadway (225 E. 31st Street)

Dear Applicants:

At its regular meeting on **February 11, 2020**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **APPROVE** the zone change from SF-5 Single-Family Residential and GC General Commercial to LI Limited Industrial, subject to the conditions of CON2019-00051.

Please find attached the signed ordinance, signed resolution and a copy of the legal proof of publication

Sincerely,

Kathy L. Morgan

Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: James Clendenin, WCC III, Mail Stop 1-13
Maddy Campbell, CRS District III, Mail Stop 1-135
Jeff Van Zandt, City Law, Mail Stop 1-72
MABCD
Seth Gotchey, Small Projects Engineer, Mail Stop 1-71

Resolution No. 20-045

A RESOLUTION APROVING CON2019-00051 AUTHORIZING A WRECKING AND SALVAGE YARD, ON APPROXIMATELY 10 ACRES ZONED LIMITED INDUSTRIAL (LI) LOCATED SOUTH OF E 31ST AND WEST OF S BROADWAY (225 E. 31ST STREET), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow Wrecking and Salvage on property zoned LI Limited Industrial (LI) generally located south of East 31st Street South and west of South Broadway Avenue and legally described as:

Beginning 550 feet West of the Northeast Corner of the Northeast Quarter; thence West 275 feet; thence South 792 feet; thence East 275 feet; thence North 792 feet to Point of Beginning; Except North 50 feet for Street; Section 8, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas

And

All of Lots 11, 12, 13, 14, 15, 16, 17, and the East 45 feet of Lot 18, and That Part of Vacated Market Street Beginning at the Northeast Corner of Lot 11: thence East 6.1 Feet; thence South 434.17 Feet, thence East 32.06 Feet; thence South 541.16 Feet to the North Line of Patterson Ave; thence West 77.94 Feet; thence Northwesterly Along the Curve 78.25 Feet; thence North 941 Feet to the Point of Beginning, Bromilow's South Broadway Addition, Sedgwick County, Kansas; generally located generally located 400 feet west of South Broadway Avenue on the south side of East 31st Street South (225 East 31st Street South).

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 August 8, 2019, 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 Wichita City Council that this application be approved to allow a Conditional Use for Wrecking and Salvage on 10 acres zoned LI Limited Industrial ("LI") legally described as:

Beginning 550 feet West of the Northeast Corner of the Northeast Quarter; thence West 275 feet; thence South 792 feet; thence East 275 feet; thence North 792 feet to Point of Beginning; Except North 50 feet for Street; Section 8, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas

And

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32.06 Feet; thence South 541.16 Feet to the North Line of Patterson Ave; thence West 77.94 Feet; thence Northwesterly Along the Curve 78.25 Feet; thence North 941 Feet to the Point of Beginning, Bromilow's South Broadway Addition, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. The site shall be developed in accordance to an approved site plan that includes a 100-foot setback of any salvage operations from East 31st Street and location of the solid screening fence along East 31st Street South. The site plan shall be revised to indicate a landscape street yard per the requirements of the Landscape Ordinance along East 31st Street South.

3. A new site plan shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.

4. Should a new building be constructed, the property is required to be platted before a building permit can be issued.

5. The subject property shall be entirely enclosed by a metal screening fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.

6. Screening along the west property line abutting the SF-5 zoning shall be provided in the form of solid screening wall and evergreen vegetation, which is located on the SF-5 zoning lot. Should the landscape screening on the SF-5 zoned lot be removed, the applicant shall install the required landscape buffer per the requirements of the Landscape Ordinance.

7. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

8. Salvaged vehicle parts are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and salvaged vehicles and materials shall be on an all-weather surface as defined by the Unified Zoning Code.

9. The applicant shall maintain at all times an active program for the eradication and control of rodents.

10. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.

11. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.

12. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.

13. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.

14. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.

15. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

16. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 11th day of February, 2020.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Feb. 21, 2020

ORDINANCE NO. 51-187

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00051

City zone change from SF-5 Single-Family Residential and GC General Commercial to LI Limited Industrial zoning lot described as:

Beginning 550 feet West of the Northeast Corner of the Northeast Quarter; thence West 275 feet; thence South 792 feet; thence East 275 feet; thence North 792 feet to Point of Beginning; Except North 50 feet for Street; Section 8, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas

And

All of Lots 11, 12, 13, 14, 15, 16, 17, and the East 45 feet of Lot 18, and That Part of Vacated Market Street Beginning at the Northeast Corner of Lot 11: thence East 6.1 Feet; thence South 434.17 Feet, thence East 32.06 Feet; thence South 541.16 Feet to the North Line of Patterson Ave; thence West 77.94 Feet; thence Northwesterly Along the Curve 78.25 Feet; thence North 941 Feet to the Point of Beginning, Bromilow's South Broadway Addition, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Brandon J. Whipple, Mayor, City of Wichita
ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4·1

STAFF REPORT
MAPC January 9, 2020
DAB III February 5, 2020

CASE NUMBER: ZON2019-00051 & CON2019-00051

APPLICANT/AGENT: Copart, Hilary Negron (owner/applicant) Ferris Consulting, Greg Ferris (agent)

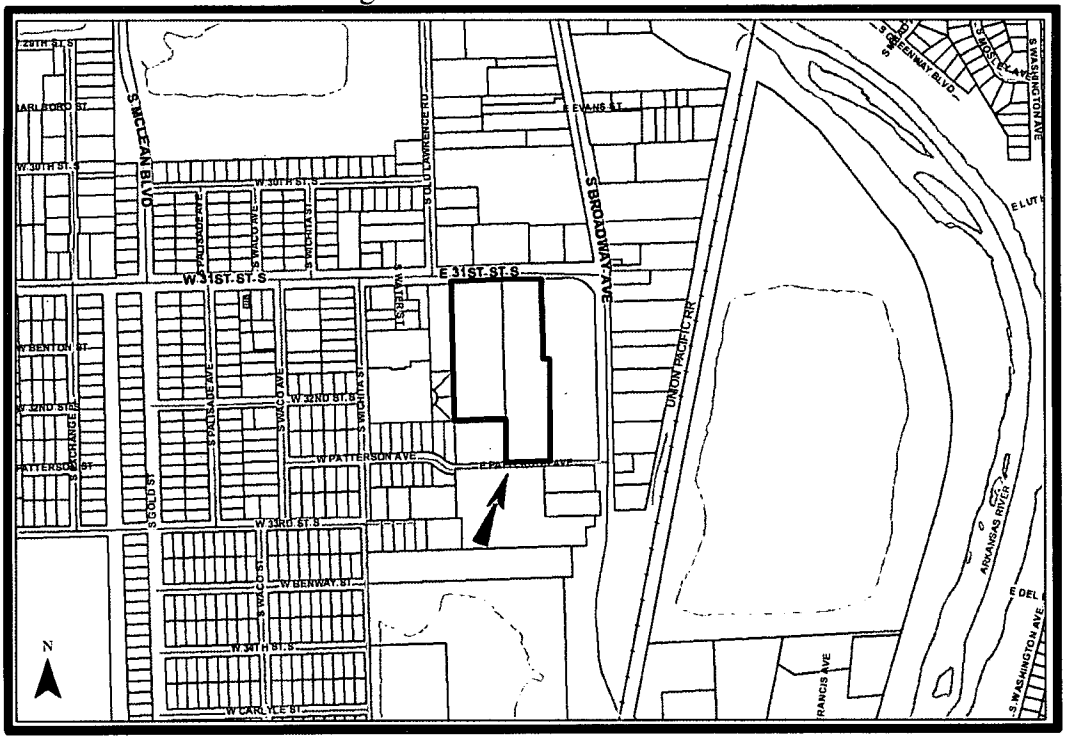
REQUEST: Zone change to LI Limited Industrial ("LI"), and a Conditional Use for a Wrecking/Salvage Yard

CURRENT ZONING: GC General Commercial ("GC") & SF-5 Single-family Residential ("SF-5")

SITE SIZE: 10 acres

LOCATION: Generally located south of East 31st Street South and west of South Broadway Avenue.

PROPOSED USE: Storage and sale of wrecked and impounded vehicles and vehicle salvage sales



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-family Residential ("SF-5") and GC General Commercial ("GC") to LI Limited Industrial ("LI") and a Conditional Use to permit a wrecking/salvage yard on one unplatted tract (4.8 acres) and one platted lot (5.2 acres) that totals approximately 10 acres. The site is generally located 400 feet west of South Broadway Avenue on the south side of East 31st Street South (225 E. 31st Street South). The subject property is developed with one structure at the north end of the property and the remaining land is used for storage of salvage vehicles. The Unified Zoning Code (UZC) definition of a "wrecking and salvage yard" includes the proposed use: "...a lot, land, or structure used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage materials, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards." The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking/salvage yard in the LI zoning district and requires that the use not abut an arterial street.

The site plan (attached) indicates the location of the main office/warehouse building and two smaller outbuildings. Customer Parking is provided in front of the building and paved employee parking is immediately east of the main building. The applicant will provide eight-foot tall metal panel solid screening as shown by the dot and dash line on the site plan. The site plan also shows a 100-foot wrecking and salvage setback from East 31st South. The applicant shall provide landscaping in the 100 foot setback according to the City of Wichita Landscape Ordinance.

The properties to the north and east are zoned GC with a car dealership on the east side and service garages and an apartment complex to the north of the subject property. Property to the west is zoned LC Limited Commercial "LC" and has two buildings used for a civic organization, and vacant SF-5 zoned property. Property south of the site is zoned LI and is used for a warehouse/office for a roofing company.

CASE HISTORY: The subject site has been used for auto salvage and storage from at least 1968 and has been a non-conforming use since 1996.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Service Garages and Apartment Complex
SOUTH:	GC	Salvage yard
EAST:	GC	Salvage Yard
WEST:	LI	Warehouse/office

PUBLIC SERVICES: The subject property has direct access to East 31st Street South, a 4-lane arterial. There are no CIP projects for this street. All utilities are available to the subject site.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as being located within the "Established Central Area" and is the focus of the Wichita Urban Infill strategy. Given the proximity of the site to South Broadway, there are a few auto storage yards and auto salvage

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 27, 2020

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RE: **ZON2019-00051 and CON2019-00051** - City Zone Change from S-5 Single-Family and GC General Commercial to LI Limited Industrial with a Conditional Use (CON2019-00051) to allow wrecking and salvage on 10 acres; generally located south of E 31st and west of S Broadway (225 E. 31st Street)

Dear Applicants:

At its regular meeting on **February 11, 2020**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **APPROVE** the zone change from SF-5 Single-Family Residential and GC General Commercial to LI Limited Industrial, subject to the conditions of CON2019-00051.

Please find attached the signed ordinance, signed resolution and a copy of the legal proof of publication

Sincerely,

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Resolution No. 20-045

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Beginning 550 feet West of the Northeast Corner of the Northeast Quarter; thence West 275 feet; thence South 792 feet; thence East 275 feet; thence North 792 feet to Point of Beginning; Except North 50 feet for Street; Section 8, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas

And

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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 August 8, 2019, 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 Wichita City Council that this application be approved to allow a Conditional Use for Wrecking and Salvage on 10 acres zoned LI Limited Industrial ("LI") legally described as:

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yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1968. The Future Growth Map indicates this area as industrial use.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the requested LI Limited Industrial zoning with a Conditional Use for a wrecking and salvage yard be APPROVED, subject to the following conditions:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. The site shall be developed in accordance to an approved site plan that includes a 100-foot setback of any salvage operations from East 31st Street. The site plan shall be revised to indicate a landscape street yard per the requirements of the Landscape Ordinance along East 31st Street South.

3. A new site plan meeting the requirements of the Landscape Ordinance shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.

4. Should a new building be constructed, the property is required to be platted before a building permit can be issued.

5. The subject property shall be entirely enclosed by a metal screening fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.

6. Screening along the west property line abutting the SF-5 zoning shall be provided in the form of solid screening wall and evergreen vegetation, which is located on the SF-5 zoning lot. Should the landscape screening on the SF-5 zoned lot be removed, the applicant shall install the required landscape buffer per the requirements of the Landscape Ordinance.

7. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

8. Salvaged vehicle parts are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and

salvaged vehicles and materials shall be on an all-weather surface as defined by the Unified Zoning Code.

9. The applicant shall maintain at all times an active program for the eradication and control of rodents.

10. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.

11. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.

12. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.

13. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.

14. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.

15. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.

16. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

17. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties to the north and east are zoned GC with a car dealership on the east side and service garages and an apartment complex to the north of the subject property. Property to the west is zoned LC Limited

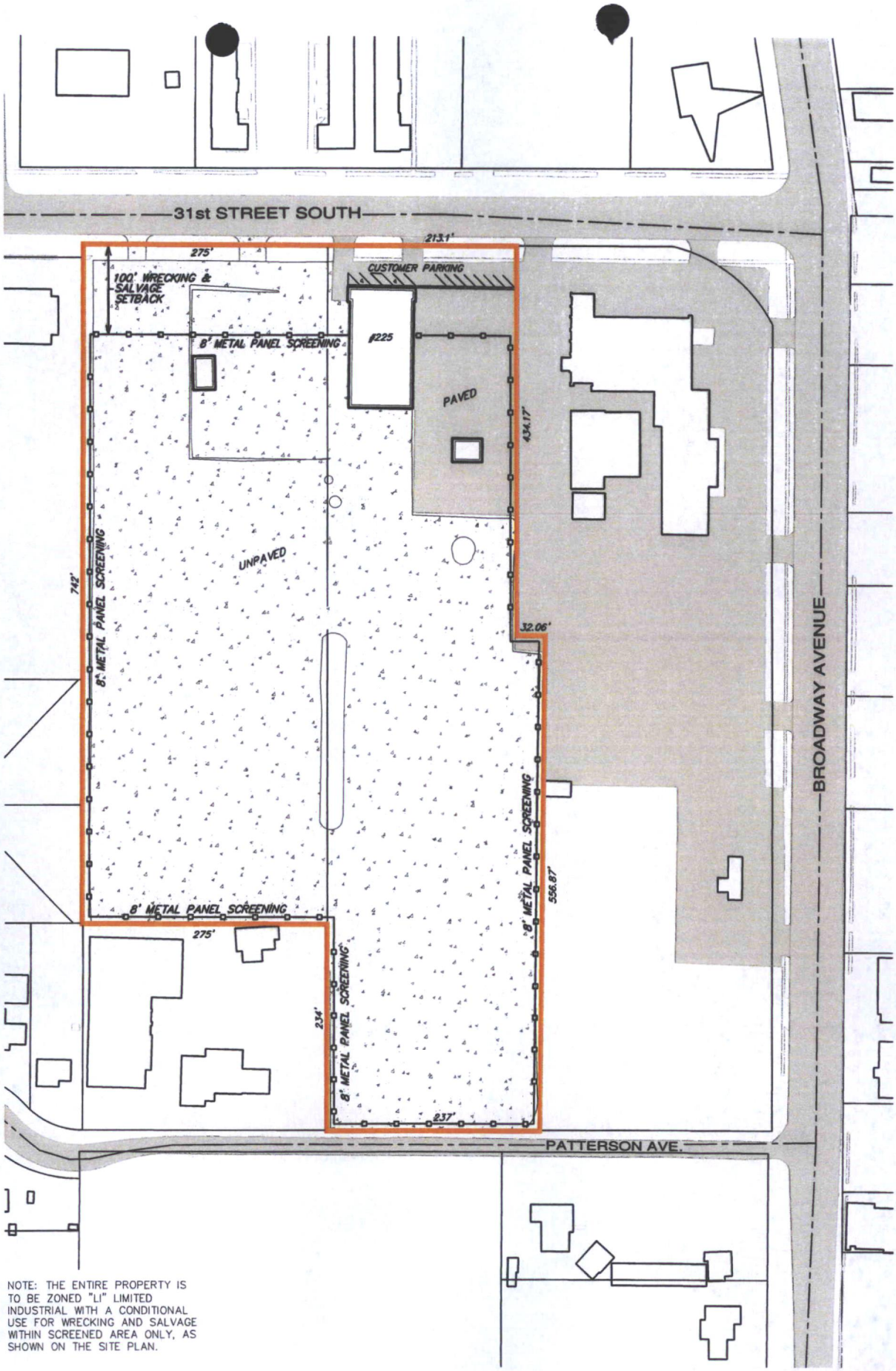
Commercial "LC" and has two buildings used for a civic organization, and vacant SF-5 zoned property. Property south of the site is zoned LI and is used for a warehouse/office for a roofing company.

2. The suitability of the subject property for the uses to which it has been restricted: The LI zoning would allow commercial and industrial uses that allowed outside display, such as a car sales lot, or all types of vehicle repair, motels or many other retail uses. The chance of single-family residences being built on the SF-5 zoned portion of the site is unlikely, given the almost industrial character of the area. A wrecking and salvage yard may be permitted with a Conditional Use in the LI zoning district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on nearby property should be minimized by the recommended conditions of approval, which include screening. Approval of the Conditional Use and its conditions will be correct the non-conforming use of the wrecking and salvage operation.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as being located within the "Established Central Area" and is the focus of the Wichita Urban Infill strategy. Given the proximity of the site to South Broadway, there are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1968. The Future Growth Map indicates this area as industrial development.

5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities, with the possible exception of soil and groundwater contaminants.



NOTE: THE ENTIRE PROPERTY IS TO BE ZONED "LI" LIMITED INDUSTRIAL WITH A CONDITIONAL USE FOR WRECKING AND SALVAGE WITHIN SCREENED AREA ONLY, AS SHOWN ON THE SITE PLAN.

SCALE: 1" = 100'

SITE PLAN - COND2019-51

31st STREET SOUTH AND BROADWAY AVENUE

DATE: 12/10/19

BAUGHMAN

yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1968. The Future Growth Map indicates this area as industrial use.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the requested LI Limited Industrial zoning with a Conditional Use for a wrecking and salvage yard be APPROVED, subject to the following conditions:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. The site shall be developed in accordance to an approved site plan that includes a 100-foot setback of any salvage operations from East 31st Street. The site plan shall be revised to indicate a landscape street yard per the requirements of the Landscape Ordinance along East 31st Street South.

3. A new site plan meeting the requirements of the Landscape Ordinance shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.

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7. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

8. Salvaged vehicle parts are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and

salvaged vehicles and materials shall be on an all-weather surface as defined by the Unified Zoning Code.

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12. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.

13. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.

14. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.

15. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.

16. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

17. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties to the north and east are zoned GC with a car dealership on the east side and service garages and an apartment complex to the north of the subject property. Property to the west is zoned LC Limited

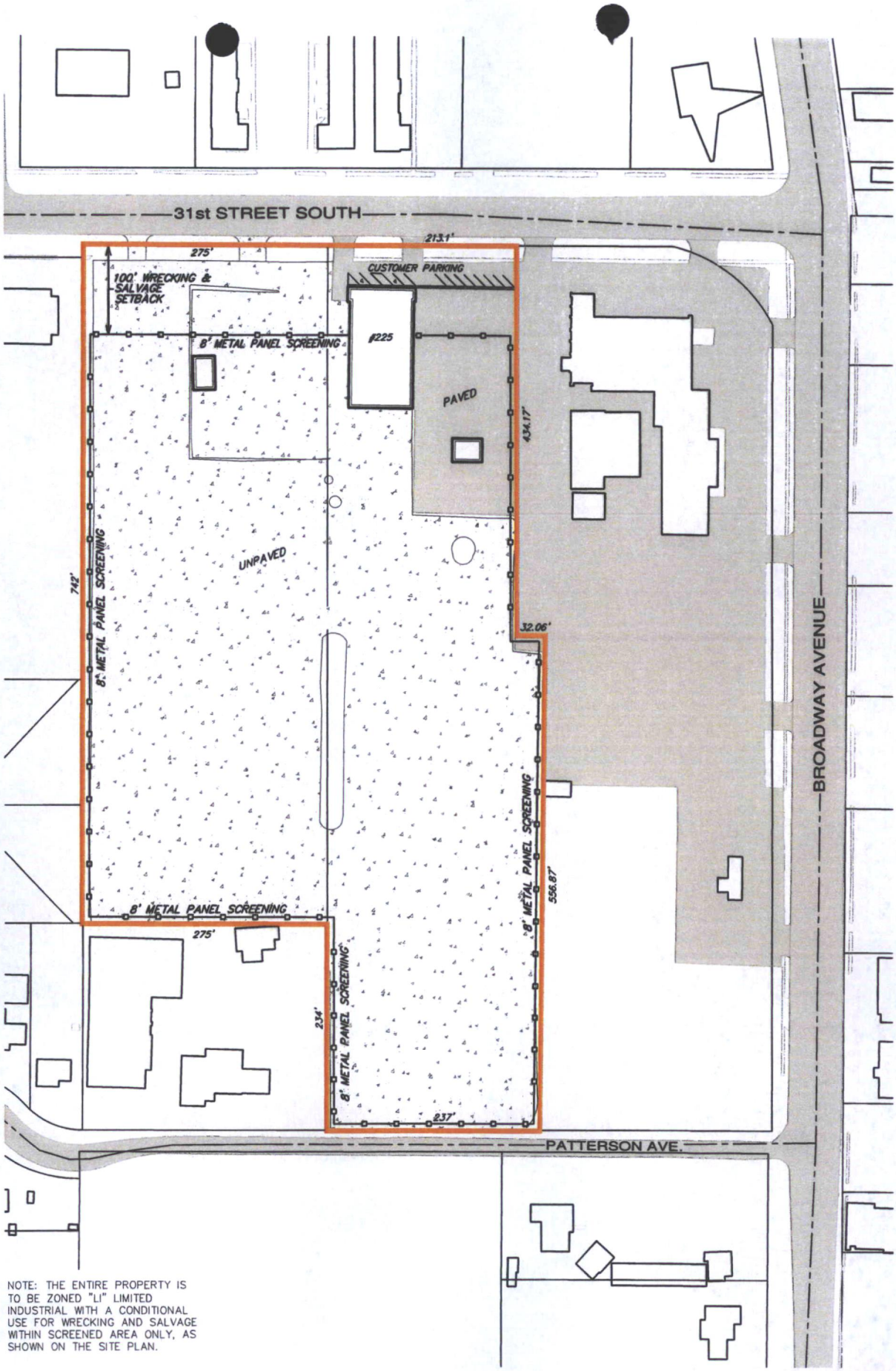
Commercial "LC" and has two buildings used for a civic organization, and vacant SF-5 zoned property. Property south of the site is zoned LI and is used for a warehouse/office for a roofing company.

2. The suitability of the subject property for the uses to which it has been restricted: The LI zoning would allow commercial and industrial uses that allowed outside display, such as a car sales lot, or all types of vehicle repair, motels or many other retail uses. The chance of single-family residences being built on the SF-5 zoned portion of the site is unlikely, given the almost industrial character of the area. A wrecking and salvage yard may be permitted with a Conditional Use in the LI zoning district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on nearby property should be minimized by the recommended conditions of approval, which include screening. Approval of the Conditional Use and its conditions will be correct the non-conforming use of the wrecking and salvage operation.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as being located within the "Established Central Area" and is the focus of the Wichita Urban Infill strategy. Given the proximity of the site to South Broadway, there are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1968. The Future Growth Map indicates this area as industrial development.

5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities, with the possible exception of soil and groundwater contaminants.



NOTE: THE ENTIRE PROPERTY IS TO BE ZONED "LI" LIMITED INDUSTRIAL WITH A CONDITIONAL USE FOR WRECKING AND SALVAGE WITHIN SCREENED AREA ONLY, AS SHOWN ON THE SITE PLAN.

SCALE: 1" = 100'

SITE PLAN - COND2019-51

31st STREET SOUTH AND BROADWAY AVENUE

DATE: 12/10/19

BAUGHMAN