OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON April 10, 2020

ORDINANCE NO. 51-202

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. ZON2020-00002

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

A tract of land beginning at a point 825 feet North of the Southeast corner of the South half of the Southeast Quarter; thence South 220 feet; thence West 545 feet; thence North 220 feet; thence East 545 feet to the point of beginning, Section 34, Township 26 South, Range 1 West of the 6th P.M., Wichita, 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

Resolution No. 20-083

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:

A tract of land beginning at a point 825 feet North of the Southeast corner of the South half of the Southeast Quarter; thence South 220 feet; thence West 545 feet; thence North 220 feet; thence East 545 feet to the point of beginning, Section 34, Township 26 South, Range 1 West of the 6th P.M.; generally located on the west side of North Hoover Road and one-quarter mile north of West 29th Street North. (3101 N Hoover Rd.)

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 February 20, 2020, 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 2.59 acres zoned LI Limited Industrial ("LI") legally described as:

A tract of land beginning at a point 825 feet North of the Southeast corner of the South half of the Southeast Quarter; thence South 220 feet; thence West 545 feet; thence North 220 feet; thence East 545 feet to the point of beginning, Section 34, Township 26 South, Range 1 West of the 6th P.M., Wichita, 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 150-foot setback of any salvage operations from North Hoover Road and the prescribed requirements of the Landscape Ordinance.

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

4. 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.

5. Screening along the north property line abutting SF-5 zoning shall be provided in the form of solid screening wall along the Evergy and access easement and evergreen vegetation located along both sides of the Evergy and access easement.

6. 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.

7. 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.

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

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

10. 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.

11. Employee parking spaces shall be provided per the UZC.

12. 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.

13. 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.

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

15. 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 24 day of March, 2020.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Sec Karen Sublett, City Clerk

(SEAL)

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

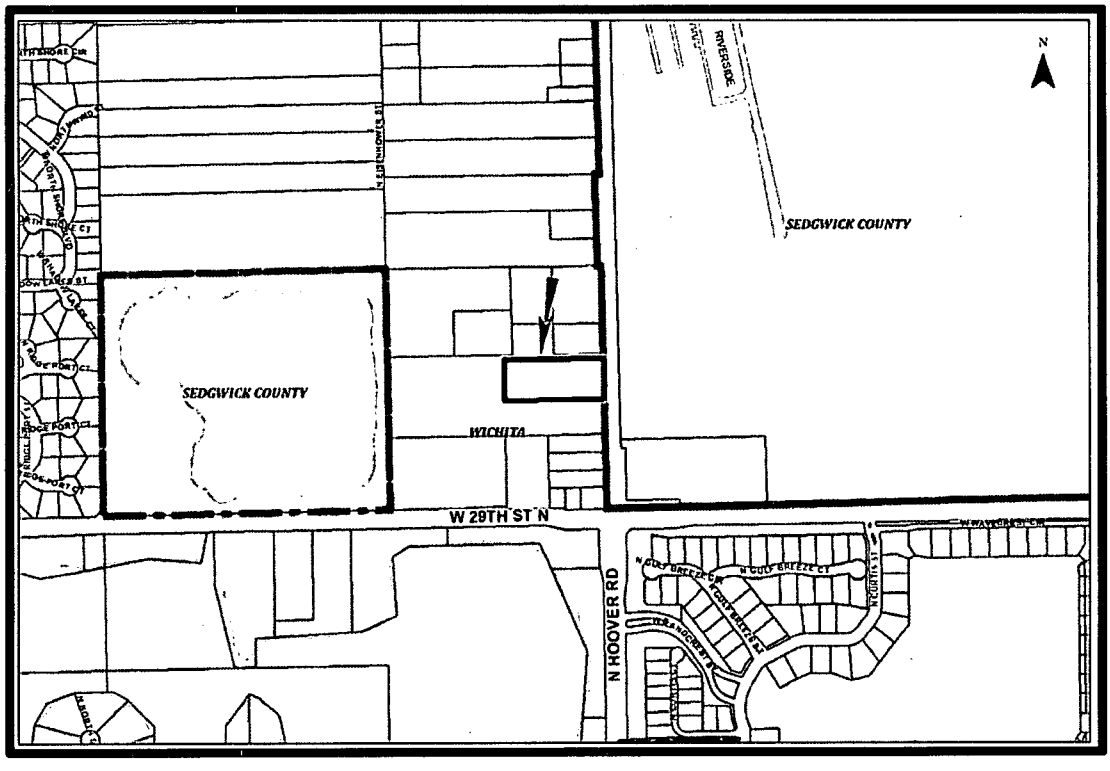
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Consent

AGENDA ITEM NO. 4.5

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC February 20, 2020
DAB V March 3, 2020 — No Quorum
Five members present were in support

CASE NUMBER:	ZON2020-00002 & CON2020-00003
APPLICANT/AGENT:	Sandlian Iron and Metal Works, Donald Sandlian, Jr. (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:	SF-5 Single-family Residential ("SF-5")
SITE SIZE:	2.59 acres
LOCATION:	Generally located north of West 29th Street North and west of North Hoover Rd.
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) to LI Limited Industrial ("LI") and a Conditional Use to permit a wrecking/salvage yard on one unplatted tract (2.59 acres). The site is generally located 625 feet north of West 29th Street North on the west side of North Hoover Road (3101 N. Hoover Rd). The subject property is undeveloped land adjacent to an existing wrecking and salvage operation. The owner wants to expand the current operation to the subject site. In 2014, Sandlian Iron and Metal applied for a zone change with a conditional use (ZON2014-00003 & CON2014-00011) to expand the business operation at 3120 N. Eisenhower Street and 3129 N. Hoover Road, which had an access easement directly to Hoover Road.

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 building (3059 N. Hoover Road). Customer and employee parking is provided in front of the existing 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 150-foot wrecking and salvage setback from North Hoover Road. The applicant will provide landscaping in the setback facing North Hoover and along the Evergy access easement according to the City of Wichita Landscape Ordinance.

The properties to the south and west are zoned LI with a conditional use for Wrecking and Salvage (CON2014-00011). Northwest of the subject site is a non-conforming wrecking and salvage use on SF-5 zoned property. North of the site is SF-5 zoned property, that is separated from the proposed use by an Evergy and access easement. There are no structures on the land. Property to the east is zoned SF-20 Residential agricultural (crop) land, which is located in the unincorporated area of Sedgwick County.

CASE HISTORY: The subject site has an existing house that has been vacant for several years. There are no cases associated with this site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Vacant, no structures
SOUTH:	LI	Wrecking and Salvage yard
EAST:	SF-20	Agricultural use
WEST:	LI	Wrecking and Salvage yard

PUBLIC SERVICES: The subject property has direct access to North Hoover Road, a 2-lane paved arterial street. Municipal utilities are available to the subject site along the west side of North Hoover Road.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as being located within the Wichita City limit that reflects market place demand. Sandlian Iron and Metal has been in business at this location since at least 1968. The Future Growth Map indicates this area as a mix of industrial, commercial and residential 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 150-foot setback of any salvage operations from North Hoover Road and the prescribed requirements of the Landscape Ordinance.

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

4. 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.

5. Screening along the north property line abutting SF-5 zoning shall be provided in the form of solid screening wall along the Evergy and access easement and evergreen vegetation located along both sides of the Evergy and access easement.

6. 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.

7. 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.

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

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

10. 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.

11. Employee parking spaces shall be provided per the UZC.

12. 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.

13. 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.

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

15. 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 south and west are zoned LI with a conditional use for Wrecking and Salvage (CON2014-00011). Northwest of the subject site is a non-conforming wrecking and salvage use on SF-5 zoned property. North of the site is SF-5 zoned property, that is separated from the proposed use by an Evergy and access easement. There are no structures on the land. Property to the east is zoned SF-20 Residential agricultural (crop) land, which is located in the unincorporated area of Sedgwick County.

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

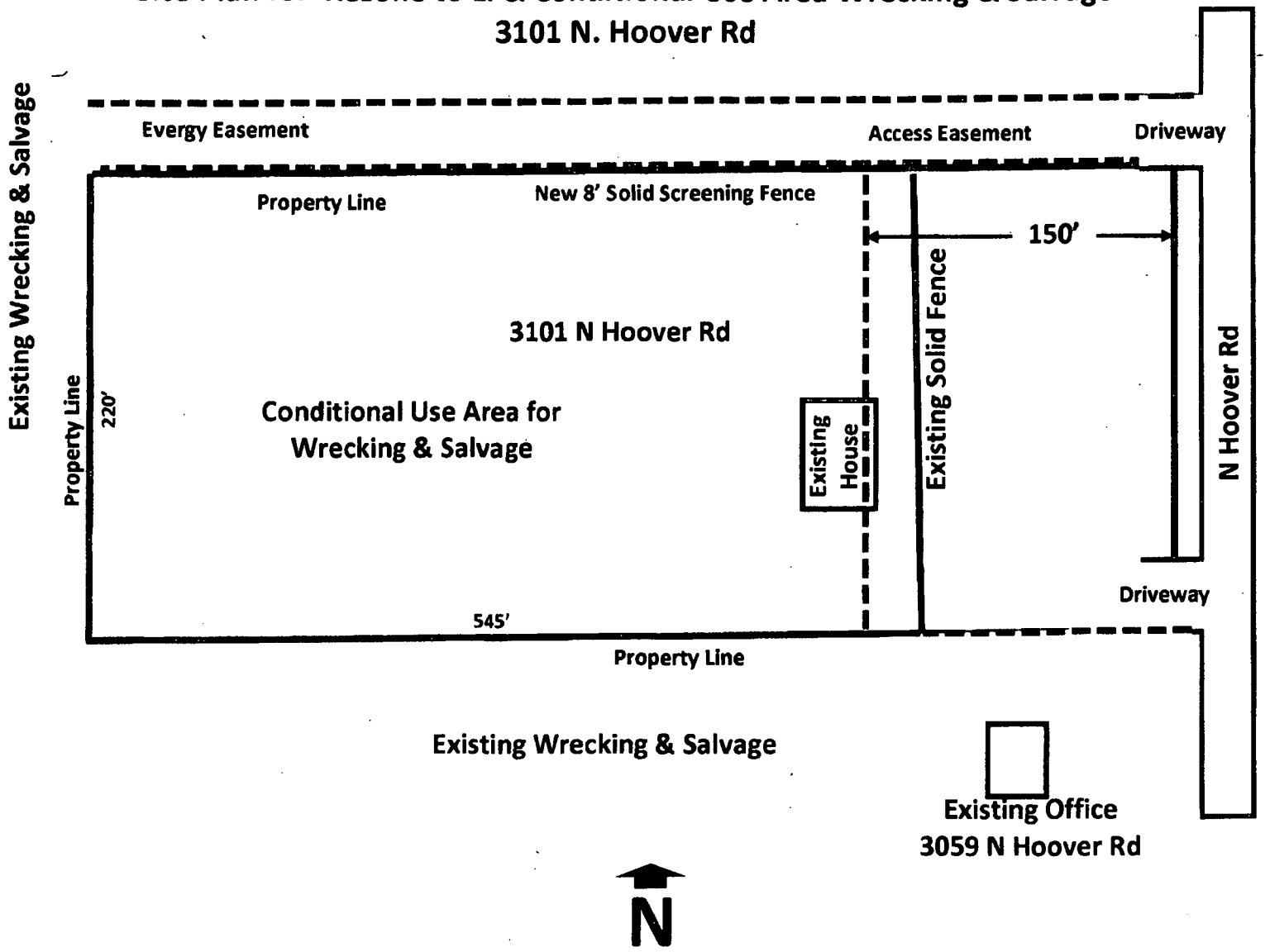
of single-family residences being built on the SF-5 zoned portion of the site is unlikely, given the existing wrecking and salvage yard. Expansion of an existing wrecking and salvage yard may be permitted with a Conditional Use in the LI zoning district.

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.
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 Wichita City limit that reflects market place demand. Sandlian Iron and Metal has been in business at this location since at least 1968. The Future Growth Map indicates this area as a mix of industrial, commercial and residential use.

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.

Attachment: site and landscape plan

Site Plan for Rezone to LI & Conditional Use Area Wrecking & Salvage
3101 N. Hoover Rd



Ferris Consulting
01-06-2020