CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

RDX Rental Properties, LLC
2055 N. Mosley St.
Wichita, KS 67214

June 8, 2020

RE: CON2020-00009 - City Conditional Use to permit Wrecking and Salvage (tow yard) on property zoned General Industrial (GI). Generally located on the west side of North Mosley Avenue and approximately 700 feet south of East 21st Street North (2055 N. Mosley).

Dear Applicant;

At its regular meeting on **May 21, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution..

No protests were received; therefore, the MAPC's approval is final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Matt Williams
Associate Planner

Copies to: Romualdo Lopez, 1521 W. 35th St. N., Wichita, KS 67204
Francisco Cobos, P.O. Box 4081, Wichita, KS 67204
Stephen Magdaleno, 2638 W. Hood, Wichita, KS 67204
MABCD
Cindy Claycomb, Council Member District VI
Ana Lopez, CSR District VI
El Pueblo – Mary Reyes-Alcala, 2105 N. Broadway, Wichita, KS 67214

CONDITIONAL USE RESOLUTION NO. CON2020-00009

WHEREAS, RDX Rental, Francisco Cobos, Stephen Magduleno, and Romualdo Lopez (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Wrecking/Salvage Yard, on property zoned General Industrial, legally described as:

> A tract in the Northeast Quarter of the Northwest Quarter of Section 9, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, describes as follows: Commencing 150 feet North of the North line of Viola Addition to the City of Wichita, Sedgwick County, Kansas, and 396 feet West of the East line of the Northwest Quarter of said Section 9; thence North 150 feet; thence West to the East line of the right-of-way of the Chicago, Kansas & Nebraska Railroad; thence South along the East line of said right-of-way to a point 150 feet North of the North line of said Viola Addition; thence East to the point of beginning.

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 May 21, 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Wrecking/Salvage Yard, on property zoned General Industrial, legally described as:

> A tract in the Northeast Quarter of the Northwest Quarter of Section 9, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, describes as follows: Commencing 150 feet North of the North line of Viola Addition to the City of Wichita, Sedgwick County, Kansas, and 396 feet West of the East line of the Northwest Quarter of said Section 9; thence North 150 feet; thence West to the East line of the right-of-way of the Chicago, Kansas & Nebraska Railroad; thence South along the East line of said right-of-way to a point 150 feet North of the North line of said Viola Addition; thence East to the point of beginning.

Subject to the following conditions:

1. The site is to be developed as shown on the submitted Site Plan.

2. Any changes to the site shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.

3. 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.

Adopted this 21st Day of May 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair

ATTEST:

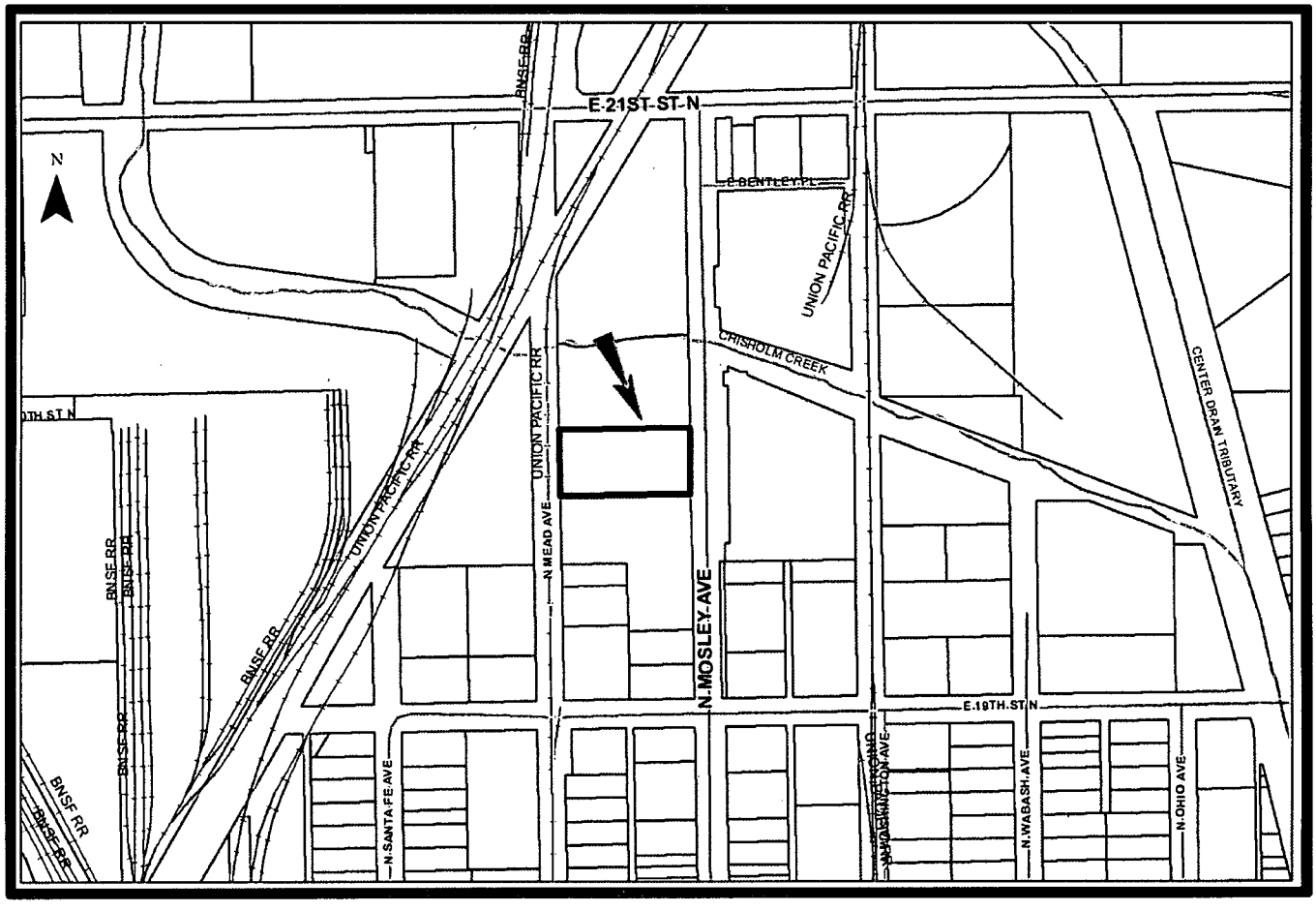
Scott Wadle, Secretary

AGENDA ITEM NO. 5.5

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC May 21, 2020
DAB VI June 1, 2020

CASE NUMBER:	CON2020-00009
APPLICANT/AGENT:	RDX Rental, Francisco Cobos, Stephen Magduleno
REQUEST:	Conditional Use for Wrecking/Salvage Yard
CURRENT ZONING:	GI General Industrial
SITE SIZE:	0.95 acres
LOCATION:	Generally located west of North Mosley Avenue and one quarter-mile south of East 21st Street North (2055 North Mosley Avenue).



BACKGROUND: This application was filed to request a Conditional Use permit to allow for a Wrecking/Salvage Yard on property generally located west of North Mosley Avenue and one quarter-mile south of East 21st Street North (2055 North Mosley Avenue). The property currently contains a pair of buildings will remain on site. The site is zoned GI General Industrial. The applicant intends to use the site as a Tow Yard where vehicles are stored after being towed there and awaiting sale. The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines "Wrecking/Salvage Yard" as a lot, land or structure, or part thereof, used for the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards. "Wrecking/Salvage Yard" can be permitted by Conditional Use in GI zoning.

Surrounding Development: All properties surrounding the site are zoned GI General Industrial and include various industrial uses.

CASE HISTORY: The site has not been platted.

ADJACENT ZONING AND LAND USE:

NORTH:	GI	Industrial
SOUTH:	GI	Industrial
EAST:	GI	Industrial
WEST:	GI	Industrial

PUBLIC SERVICES: The subject property has access to North Mosley Avenue, a two-lane, paved arterial road. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for "new employment". With current industrial uses nearby and the previous use of this property as industrial, adding a tow yard to the area will conform to the vision of *The Community Investments Plan.*

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED,** subject to the following conditions:

a. The site is to be developed as shown on the attached Site Plan.
b. Any changes to the site shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.
c. 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:** All properties surrounding the site are zoned GI General Industrial and include various industrial uses.

(2) **The suitability of the subject property for the uses to which it has been restricted:** This property is zoned GI and is surrounded by industrial uses. The property is suitable for the uses to which it has been restricted.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site has been used for industrial purposes for many years and has not had an adverse effect on nearby property. The nearby uses should not be negatively impacted by this new use.

(4) **Conformance of the requested change to adopted or recognized Plans/Policies:** The *Community Investment Plan* depicts the subject site as appropriate for "new employment". With current industrial uses nearby and the previous use of this property as industrial, adding a tow yard to the area will conform to the vision of *The Community Investments Plan.*

(5) **Impact of the proposed development on community facilities:** The new use will have little to no new impacts on community facilities when compared to its previous use. The subject property has access to North Mosley Avenue, a two-lane, paved arterial road. Municipal water and sewer services and all other utilities are currently provided to the subject property.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Conditional Use Site Plan
5. Photos

SITE PLAN

APPROVED 6/8/2020 BY MW