Wichita-Sedgwick County Metropolitan Area Planning Department

Greg Hephner
2055 N. Mosley St.
Wichita, KS 67214

July 13, 2020

RE: CON2020-00012 and ZON2020-00010 – City Conditional Use to permit wrecking/salvage use (associated with zone change to LI Limited Industrial) on property generally located on the east side of South Washington Avenue and 1,200 feet south of East Kellogg (716 and 722 S. Washington).

Dear Applicant;

At its regular meeting on **July 7, 2020,** the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request subject to the recommendations of the Metropolitan Area Planning Commission. The approval was subject to the attached conditions:

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR District I
F&R Investments, PO Box 9023, Wichita, KS 67277
Crown Heights North, Maureen Wilson, 234 N Ridgewood Dr., Wichita, KS 67208
College Hill, Trish Hileman, 139 S Fountain, Wichita, KS 67218

Resolution No. 20- 187

CONDITIONAL USE NO. CON2020-00012

WHEREAS, Lonnie E. Hephner, Margaret J. Hephner, and Gregory A. Hephner (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 Limited Industrial, legally described as:

Lot 1, on Washington Avenue, Hephner 2nd Addition, Wichita, Sedgwick County, Kansas.
AND
Lots 1 and 2, on Washington Avenue, Wollman's Addition to the City of Wichita, Sedgwick County, Kansas.

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 June 4, 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 Limited Industrial, legally described as:

Lot 1, on Washington Avenue, Hephner 2nd Addition, Wichita, Sedgwick County, Kansas.
AND
Lots 1 and 2, on Washington Avenue, Wollman's Addition to the City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. Uses for the subject property are limited to those permitted by right in GC General Commercial, in addition to Wreckage/Salvage as permitted the requested Conditional Use.

2. The Conditional Use shall permit the proposed Wrecking and Salvage restricted to electronics, appliances, household or yard equipment, business items, and medical items that are not hazardous. No hazardous waste shall be stored on the site. The site shall not store any wreckage or salvage material related to vehicles.

3. The Conditional Use is contingent upon a waiver of supplemental use regulation Section III-D.6.e.(1) stating wreckage/salvage yards shall not abut an arterial street, expressway or freeway. This waiver must be approved by City Council upon recommendation of the Metropolitan Area Planning Commission. If the waiver is not obtain, the Conditional Use shall not be permitted.

4. The applicant shall submit a site plan within 60 days of approval of the Conditional Use, if granted, that is in compliance with both the Unified Zoning Code and the Landscape Ordinance.

5. The subject property shall be entirely enclosed by a 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 materials stored on-site shall be permitted to be used 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, Sec. III-D.6.e:

6. The height of any material stored on-site 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. The applicant shall maintain at all times an active program for the eradication and control of rodents.

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

9. 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.

10. 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.

11. On-site storage of fuels, oils, chemicals, or hazardous wastes or materials shall be prohibited.

12. The applicant shall install parking blocks or some other device at the access points to prohibit access to the site from South Washington Avenue. The applicant shall consult City Traffic Engineering on the approved device and location of installation. The access off of South Washington Avenue shall be prohibited as along as the current use present on the site.

13. 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.

14. The site shall be maintained and operated in general conformance with the approved site plan and conditions of approval.

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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 7th Day of July 2020

Brandon J. Whipple, Mayor, City of Wichita

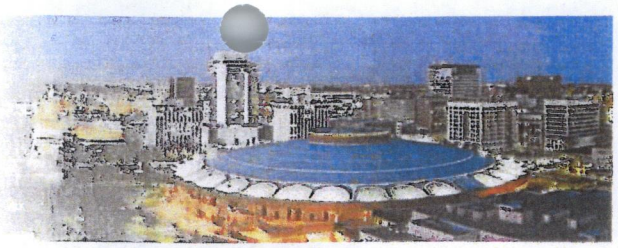
ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004643420			$151.20	1	252

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON MAY 14, 2020
(ONE TIME ONLY)

MAPC JUNE 4, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 4, 2020 no earlier than 1:30 p.m.,** the Wichita-Sedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316)268-4421.**

CON2020-00012 City Conditional Use to permit wrecking/salvage use (associated with ZON2020-00010 to rezone to LI Limited Industrial) on property generally located on the east side of South Washington Avenue and 1,200 feet south of East Kellogg (716 & 722 S Washington Ave).

CON2020-00013 City Conditional Use to allow Personal Care Service on property zoned GO General Office, generally located south of W. 13th Street North and 0.4 miles east of N. West Street (3401 W. 13th Street).

CON2020-00015 City Conditional Use to allow Safety Services including a future Police Station on SF-5 Single Family Residential zoned property; generally located approximately 930 feet north of E. Kellogg Drive on the east side of South Edgemoor Drive (300 S. Edgemoor)

DER2020-00001 Amendments to Article 8-103(D)(4) and Article 8-105(B) of the Wichita-Sedgwick County Subdivision Regulations pertaining to safe yield analysis and the term of special assessment petitions.

VAC2020-00009 City Vacation of Right-of-Way to prevent dumping between two lots zoned Single-Family (SF-5) and Two-Family (TF-3), Generally located within one quarter mile south of West 21st Street North and one quarter mile West of North Arkansas Avenue.

VAC2020-00010 City Vacation of a portion of North Kansas Avenue and a portion of an alley on property zoned B Multi-Family and generally located on the east side of North Hydraulic Avenue and one block south or East 13th Street North (1270 N Kansas).

VAC2020-00012 City vacation of portion of platted easement on side yard to allow construction of in-ground pool on property zoned SF-5 generally located west of North Maize Road and south of West 29th Street North (2930 North Parkdale Court).

VAC2020-00014 City vacation of north/south alley and east/west alley to allow for a commercial parking lot; to allow for a commercial parking lot; generally located west of S. Sycamore Street on the south side of West Texas Ave (613-619-625 W. Texas Ave) Delano Overlay Associated with ZON2020-14.

ZON2020-00010 City Zone Change from B Multi Family and GC General Commercial to LI Limited Industrial (associated with CON2020-00012) to permit a wrecking/salvage yard on property generally located on the west side of South Washington Avenue and 1,200 feet south of East Kellogg (716 & 722 S Washington).

ZON2020-00011 City zone change from SF-5 Single-Family Residential to GC General Commercial on property located 150 feet south of West 31st Street South, 1500 feet west of South Broadway Avenue (3218 South Waco).

ZON2020-00012 City Zone Change from NR to LC for commercial uses on property generally located on the north side of East Central west of North Edgemoor (5400 East Central)

ZON2020-00014 City zone change from SF-5 Single-Family Residential, MF-18 Multi-Family and LC Limited Commercial to GC General Commercial to allow for a commercial parking lot; generally located west of S. Sycamore Street on the south side of West Texas Ave (613-619-625 W. Texas Ave) associated with VAC2020-14.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA- SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate:
1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316-858-7764

Participate Remotely
You can participate remotely either by phone, mobile device, or computer by using the following link or phone number.

Please join the meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/856680853

You can also dial in using your phone.

United States: +1 (872)240-3212

Access Code:856-680-853

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND ON MAY 11, 2020
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 05/14/2020

Ending issue of: 05/14/2020

STATE OF KANSAS)
.SS
County of Sedgwick)

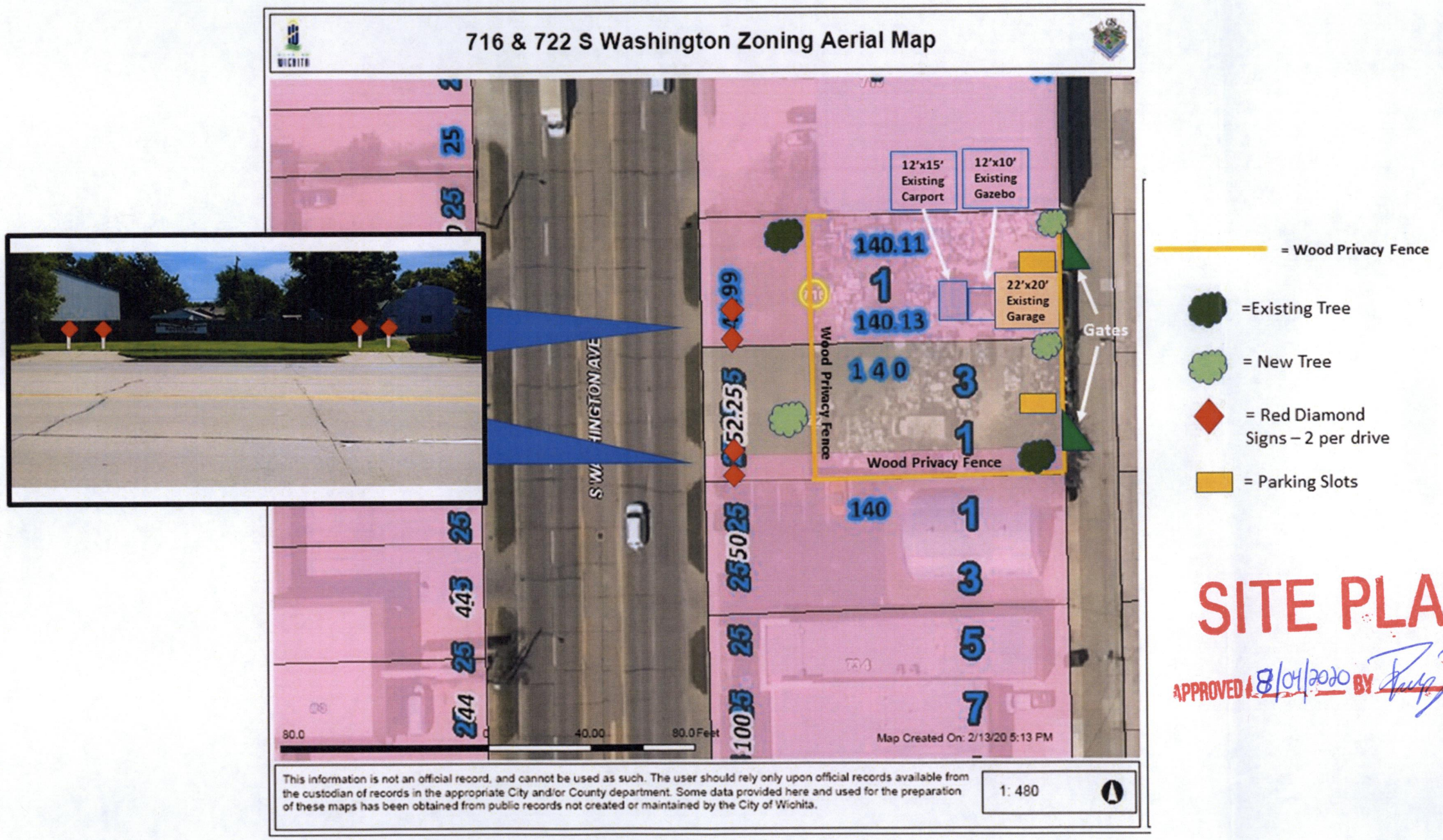
Tony Berg, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from **5/14/2020** to **05/14/2020**.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Tony Berg
(Signature of Principal Clerk)
DATED: 5/18/2020

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021



SITE PLAN

APPROVED 8/04/2020 BY