

DR 74-18 - Request by Carl Pinaire
for Special Permit to allow a
truck wrecking and salvage yard
at 4501 W. Esthner.

POSTED
4-21-74

ACTION

DATE

COMMITTEE

M.A.P.C. *App. subject to 6-13-74
condition 8 thru F*

~~B.C.C./E.C.C.~~ *Returned to 2-2-74
MAPC*

MAPC *Approved subject 7-11-74
to condition*

B.C.C. *Approved as
recommended 7.30-74*

DR 74-18 - SPECIAL PERMIT TO OPERATE A TRUCK WRECKING AND SALVAGE YARD ON THE SOUTH SIDE OF ESTHNER IN AN AREA WEST OF TRACY.

The permit would permit operation of a truck wrecking and salvage yard in the central area of the property of Truck Parts & Equipment, Inc., 4501 West Esthner. Planning Commission recommends approval subject to requirements relative to storage of materials, rodent control, and weed control.

ACTION: from attached.

7-2-74

RETURNED TO MAPC TO DETERMINE WAY SCREENING CAN BE DONE WITHIN ORDINANCE.

Bruck

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

PHONE 262-0811 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

ROUTING:	
<input type="checkbox"/> RW	_____
<input checked="" type="checkbox"/> RGE	<i>[Signature]</i>
JUN 14 1974	
<input type="checkbox"/> EK	_____
<input type="checkbox"/> FILE	<input checked="" type="checkbox"/> <i>[Signature]</i>

June 14, 1974

Mr. Leonard Kane
Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67213

Re: DR 74-18 - Request for
special permit for a truck
wrecking and salvage yard
operation

Dear Mr. Kane:

At the regular meeting of the Metropolitan Area Planning Commission on June 13, 1974, the above-captioned case was considered. The action of the Commission was to recommend that the City Commission grant a special permit as requested, subject to Conditions B. through F. as shown in the Planning Department report. The Commission deleted Condition A.

This matter will be forwarded to the City Commission for consideration on July 2, 1974, the meeting to be held in Room 201 City Building, 204 South Main, starting at 9:00 a.m.

If you have any questions, please call.

Sincerely,

[Signature]
Jack H. Galbraith
Chief Planner

JHG:ber

cc: Carl J. Pinaire, 4501 West Esthner 67213
Joseph A. Dondlinger, Secretary, Wichita Builders, Inc.
P. O. Box 398 67201
X City Manager's Office

WICHITA-SEDFWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: June 13, 1974

Case No. DR 74-18

Request: Approval of Special
Permit for a truck wrecking and
salvage yard operation

Location: South side of Esthner in an area west of Tracy

Acres: 2.34

Size: 300 ft. by 340 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"E"
North	Office & Warehouse	"E"
East	Equipment storage	"E"
South	Undeveloped	"E"
West	Truck chassis storage	"E"

Platted: Yes

Comments

1. Truck Parks and Equipment, Inc. is requesting a special permit to operate a truck wrecking and salvage yard at 4501 West Esthner on property zoned "E" Light Industrial, and described as beginning at a point 274.7 feet west of the southeast corner of Lot 1, Block 1, Pinaire Addition, thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.
2. In accordance with Section 28.04.184 of the Zoning Ordinance, "a truck wrecking and salvage yard may be authorized in the "E" Light Industrial District by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and such additional special conditions to protect the health, safety and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond."

3. On April 30, 1974, the Board of City Commissioners considered the applicant's request and referred the application to the Planning Commission for recommendation after a public hearing in accordance with City Commission policy.
4. It should be pointed out that all abutting lands are owned by the applicant. To the north are office and warehouse facilities, east and west is equipment storage with the land to the south being undeveloped.
5. Should the Planning Commission consider this an appropriate use and recommends that the City Commission grant the special permit, the following should be considered as conditions of approval.
 - a. A solid or semi-solid wall, to screen the salvage operation, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed along the south line of the application area and along the east and west lines of the application area to the south side of existing buildings, as indicated on the plot plan submitted with the special permit request. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
 - b. The height of salvage material piles shall be limited to 8 feet.
 - c. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
 - d. The applicant shall maintain at all times an active program for the eradication and control of rodents.
 - e. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
 - f. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

CITY MANAGER

May 2, 1974

5/

Robert A. Lakin, Director of Planning

Robert G. Finch, Assistant City Manager

Request for Salvage Permit

The request of Truck Parts and Equipment Company, 4501 West Esthner, was referred to the Planning Commission for recommendation by the City Commission at the meeting of April 30, 1974. The request to the City Commission was made under provisions of Section 28.04.184 of the City Code.

A copy of the request from Mr. Carl J. Pinaire is attached. Please present this request to the Planning Commission for their recommendation.



Robert G. Finch
Assistant City Manager

RGF/kmp

Attachment

4/5 - On FILE 66-74 as usual

TRUCK PARTS and EQUIPMENT, INC.

4501 West Esthner
Wichita, Kansas · 67209
(316) 942-4251

4/30



"Over 35 Years Serving Truckers"

April 23, 1974

ROUTING:	
<input type="checkbox"/> RW	_____
<input checked="" type="checkbox"/> R	<u>B.</u>
APR 24 1974	
<input checked="" type="checkbox"/> EK	_____
<input type="checkbox"/> FILE	<input type="checkbox"/> _____

Mr. Ralph Wulz, City Manager
204 S. Main St.
Wichita, Kansas, 67202

Dear Mr. Wulz:

We hereby request a special permit to operate a truck wrecking and salvage yard at 4501 W. Esthner, Wichita, Kansas 67209.

This operation is not on a main thoroughfare or business street and does not adversely effect the character of the neighborhood.

Your very truly

Truck Parts & Equipment Inc.

By Carl J. Finaire
Carl J. Finaire, President

CJP:lk

"The Home Of A Million Parts"
"Call Us First — If We Don't Have It, We Will Find It."

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE April 16, 1974

ZERO
ON SAFETY
PHASE II

TO Gene Brown, Deputy City Treasurer
FROM Joe Donnelly, Maintenance Inspection Supervisor

SUBJECT 4501 Esthner

ROUTING:	
<input type="checkbox"/> RW	
<input type="checkbox"/> [initials]	
APR 17 1974	
<input checked="" type="checkbox"/> EK 8K	
<input type="checkbox"/> FILE	

The Auto Wrecking application at the above address is disapproved. This type operation in the "E" Light Industrial Zoning District requires Commission approval, as per 28.04.184 which states in part: "28.04.184 Same - Auto wrecking and salvage yards. Auto wrecking, salvage yards, used material yards, storage or bailing of waste or scrap paper, rags, scrap metals, bottles or junk may be authorized in the "E" Light Industrial districts by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, . . . and provided further, that the board of commissioners may impose such additional special conditions to protect the health, safety and welfare of the neighborhood as the board of commissioners may deem proper, including (but not limited to), the posting of a performance bond."

JD:rs

cc: Robert B. Feldner, Superintendent of Central Inspection
John Dekker, Director of Law
Elmer Karstensen, Executive Assistant to City Manager
W. McLuen, Zoning Inspector
Don Cross, Assistant Director Environmental Health

4/30.

April 25, 1974

Mr. Carl J. Pinaire
Truck Parts & Equipment Company
4501 West Esthner
Wichita, Kansas 67209

Dear Mr. Pinaire:

Mr. Wulz has asked me to acknowledge your letter requesting a special permit to operate a truck wrecking and salvage yard at 4501 West Esthner.

The City Commission has adopted the policy of referring requests of this type to the Metropolitan Area Planning Commission for recommendation. Your request is being placed on the City Commission agenda for April 30, 1974, with the recommendation that it be referred to the MAPC for recommendation.

Commission meetings are held on the second floor of the City Building, 204 South Main, beginning at 9:00 a.m. It would not be necessary for your presence since it is expected that this matter will be referred to the MAPC unless you wish to speak in support of your request at this City Commission meeting.

Sincerely,

Elmer Karstensen
Executive Assistant

EK/mp

July 31, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DR 74-18 - Request by Carl Pinaire for special permit to allow a truck wrecking and salvage yard at 4501 W. Esthner.

The Board of City Commissioners at their regular meeting on July 30, 1974, considered a special permit request so that an existing salvage yard operation could be licensed. The action of the City Commission was to concur in the recommendation of the Planning Commission and approve the special permit request subject to the following conditions:

- A. The height of salvage material piles shall be limited to eight feet.
- B. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- C. The applicant shall maintain at all times an active program for the eradication and control of rodents.
- D. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
- E. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

In addition, the City Commission concurred in screening as recommended by you and as stated in my memorandum to you dated July 10, 1974.

JHG:js

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 13, 1974:

22. Case No. DR 74-18 - Carl J. Pinaire requests approval of a special permit to operate a truck wrecking and salvage yard operation on the following property:

Part of Lot 1, Block 1, Pinaire Addition, described as beginning at a point 274.7 feet west of the S.E. Corner thereof; thence north along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning. Generally located on the south side of Esthner in an area west of Tracy.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. Truck Parks and Equipment, Inc. is requesting a special permit to operate a truck wrecking and salvage yard at 4501 West Esthner on property zoned "E" Light Industrial, and described as beginning at a point 274.7 feet west of the southeast corner of Lot 1, Block 1, Pinaire Addition, thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.
2. In accordance with Section 28.04.184 of the Zoning Ordinance, "a truck wrecking and salvage yard may be authorized in the "E" Light Industrial District by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and such additional special conditions to protect the health, safety and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond."
3. On April 30, 1974, the Board of City Commissioners considered the applicant's request and referred the application to the Planning Commission for recommendation after a public hearing in accordance with City Commission policy.
4. It should be pointed out that all abutting lands are owned by the applicant. To the north are office and warehouse facilities, east and west is equipment storage with the land to the south being undeveloped.
5. Should the Planning Commission consider this an appropriate use and recommends that the City Commission grant the special permit, the following should be considered as conditions of approval.
 - a. A solid or semi-solid wall, to screen the salvage operation, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed along the south line of the application area and along the east and west lines of the application area to the south side of existing buildings, as indicated on the plot plan submitted with the special permit request. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.

- b. The height of salvage material piles shall be limited to 8 feet.
- c. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- d. The applicant shall maintain at all times an active program for the eradication and control of rodents.
- e. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
- f. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

GALBRAITH said the staff would recommend approval subject to the conditions as suggested by the staff. He said that the applicant already has his business established, but must be conforming in order to obtain a license from the State and City. GALBRAITH said it was noted when the Zoning Committee viewed the area that materials were stored neatly and it appeared that Health Department requirements are being observed.

LEONARD KANE, on behalf of the applicant, said this salvage yard has been at this location three years, and that his only concern is the back fence. He pointed out that they own the 20 acres to the south which they intend to sell, and at some time there may be a road between the properties, so he questioned the need for a fence at this time along the south side.

It was pointed out that a letter had been received from Wichita Builders, Inc., on the north side of Esthner, asking that subject area be entirely enclosed with an attractive fence so that the operation cannot be seen from the street.

Several of the Commissioners noted from the plot plan that the salvage operation actually cannot be seen from the existing street because of a larger existing building facing Esthner. It was brought out also in the discussion that a fencing requirement (a.) is not necessary to approve as a condition because of a similar requirement in the zoning ordinance anyway.

MOTION: That Condition a. as suggested by the staff report be eliminated. Hennessy moved and Hill seconded.

LAKIN agreed the requirement is a part of the ordinance and would probably be considered by Central Inspection and required around the entire salvage area. It was pointed out that the State law regarding fencing of salvage yards applies only along highways.

HILL said that in view of the staff comment that fencing would be required anyway, he would withdraw his second to the above motion. HENNESSY asked if it could be made subject to the approval of Central Inspection.

GALBRAITH pointed out that the text calls for complete fencing and the staff suggestion was that fencing be required only where it was deemed necessary, as there does not seem to be any need to

fence the entire area when the operation is screened by the existing building to the north. He suggested the Commission could possibly recommend to the City Commission where the fence is really needed. It was noted that any waiver would be the prerogative of the City Commission.

GRAGERT suggested that Condition a. be deleted and let the applicant resolve the matter with Central Inspection.

RENEWAL OF MOTION: Hill renewed his second to the previous motion that condition a. be eliminated, and it carried unanimously. (Arnholz, Blakey, Taylor and Hopper absent.)

MOTION: That the Planning Commission recommend to The City Commission that a special permit be granted as requested, subject to the following:

- A. The height of salvage material piles shall be limited to 8 feet.
- B. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- C. The applicant shall maintain at all times an active program for the eradication and control of rodents.
- D. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
- E. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

Hill moved, Hennessy seconded and it carried unanimously. (Arnholz, Blakey, Taylor and Hopper absent.)

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 11, 1974:

15. Case No. DR 74-18 - Carl J. Pinaire requests approval of a special permit to operate a truck wrecking and salvage yard operation on the following property:

Part of Lot 1, Block 1, Pinaire Addition, described as beginning at a point 274.7 feet west of the S. E. Corner thereof; thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning. Generally located on the south side of Esthner in an area west of Tracy.

GALBRAITH pointed out the area on the map and said the City Commission has returned the request for determination of the screening requirements, and he recalled that the Planning Commission at its previous consideration had not required any screening because it is required in the zoning ordinance and it was felt that such would be handled through Central Inspection when a permit was requested for the use.

GALBRAITH said the City Commission had asked specifically what the screening would be and since the Superintendent of Central Inspection was not at the meeting, the request had been returned to the Planning Commission. GALBRAITH said he had conferred with the Superintendent, who had determined that a fence should be required along the south line of the application area and along the east and west lines to the south side of the existing buildings, except for the driveway that provides interior circulation.

GALBRAITH commented that the Commission may wish to make the same recommendation as before, but also report the decision of the Superintendent of Central Inspection.

HENNESSY commented that it appeared that Central Inspection is attempting to work with the company.

LEONARD KANE, representing Truck Parts, said they are not against the fence particularly, but that right now, the salvage yard would not be visible from any street, and they would be glad to install a fence when the area to the south is developed. He said the applicant owns the 20 acres to the south and it is possible that when developed, a different type of fence would be more desirable than what is required now.

HILL asked if it might be possible to not require the fence until such time as the adjacent property to the south is developed as had been done on a CUP previously in this meeting. GALBRAITH said in subject case, it is a requirement of the ordinance because it is a heavy industrial type use.

MOTION: That the Planning Commission concur in the screening as recommended by the Superintendent of Central Inspection, and recommend to the City Commission the approval of the special permit request, subject to the following conditions:

- A. The height of salvage material piles shall be limited to 8 feet.
- B. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- C. The applicant shall maintain at all times an active program for the eradication and control of rodents.
- D. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
- E. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

Gragert moved, Rising seconded and it carried unanimously. (Blakey and Hopper absent.)

July 12, 1974

Mr. Leonard Kane
Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67213

Re: DR 74-18 - Request for
special permit for a truck
wrecking and salvage yard
operation

Dear Mr. Kane:

At the regular meeting of the Metropolitan Area Planning Commission on July 11, 1974, the above-captioned case was reconsidered at the request of the City Commission. It was the action of the Planning Commission to concur in the screening as recommended by the Superintendent of Central Inspection, and to recommend the approval of the special permit request subject to the following conditions:

- A. The height of salvage material piles shall be limited to 8 feet.
- B. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
- C. The applicant shall maintain at all times an active program for the eradication and control of rodents.
- D. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
- E. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:

Page 2 - Mr. Leonard Kane
July 12, 1974

1. Failure to comply with the conditions within 90 days after the approval of the special permit.
2. Abandonment of the area for six months.
3. Failure to comply with the conditions of approval.

In reviewing the screening conditions with Mr. Feldner, Superintendent of Central Inspection, it was his determination that a fence is required along the south line of the application area and along the east and west lines of the application area to the south side of the existing buildings, except for the driveway that provides interior circulation.

This matter will be forwarded to the City Commission for reconsideration on Tuesday, July 30, 1974, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Carl J. Pinaire, 4501 West Esthner 67213
City Manager's Office

July 10, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DR 74-18 - Request for Special Permit for
a Truck Wrecking and Salvage Yard Operation

This will confirm our conversation of today concerning the screening requirements associated with the above-captioned request. After having reviewed the screening requirements in Section 28.04.184 of the zoning ordinance, as it relates to subject area, it was your determination that the area is adequately screened on three sides by major buildings utilized by the applicant in his overall truck sales and maintenance and repair operations.

You further determined that the only area necessary to be enclosed by a wood or metal fence, at least 8 feet in height, is along the south line of the application area and along the east and west lines to the south side of the existing buildings, as indicated on the plot plan submitted with this special permit request. You also felt that in the event the property is ever replatted so that new uses are developed that might later view this site, that with the annual review of a salvage license, additional screening could be required, if necessary.

Based on this determination, we will recommend to the Planning Commission that they concur that this suggested screening is satisfactory.

JHG:ber

cc: Ralph Wulz, City Manager
Ray Bruggeman, Director of Public Works
John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: July 5, 1974

Case No. DR 74-18 - Request for a special permit to operate a truck wrecking and salvage yard.

Location

On the south side of Esthner in an area west of Tracy

Case History

MAPC: 6-13-74 - Recommended approval subject to requirements relative to storage of materials, rodent control, and weed control.

BCC: 7-2-74 - Porter moved that this item be referred back to MAPC to determine how the screening can be installed in compliance with the ordinance. Motion carried 4 to 0.

WICHITA-SEDFWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MPCC HEARING DATE: June 13, 1974

Case No. DR 74-18

Request: Approval of Special
Permit for a truck wrecking and
salvage yard operation

Location: South side of Esthner in an area west of Tracy

Acres: 2.34

Size: 300 ft. by 340 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"E"
North	Office & Warehouse	"E"
East	Equipment storage	"E"
South	Undeveloped	"E"
West	Truck chassis storage	"E"

Platted: Yes

Comments

1. Truck Parks and Equipment, Inc. is requesting a special permit to operate a truck wrecking and salvage yard at 4501 West Esthner on property zoned "E" Light Industrial, and described as beginning at a point 274.7 feet west of the southeast corner of Lot 1, Block 1, Pinaire Addition, thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.
2. In accordance with Section 28.04.184 of the Zoning Ordinance, "a truck wrecking and salvage yard may be authorized in the "E" Light Industrial District by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and such additional special conditions to protect the health, safety and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond."

3. On April 30, 1974, the Board of City Commissioners considered the applicant's request and referred the application to the Planning Commission for recommendation after a public hearing in accordance with City Commission policy.
4. It should be pointed out that all abutting lands are owned by the applicant. To the north are office and warehouse facilities, east and west is equipment storage with the land to the south being undeveloped.
5. Should the Planning Commission consider this an appropriate use and recommends that the City Commission grant the special permit, the following should be considered as conditions of approval.
 - a. A solid or semi-solid wall, to screen the salvage operation, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed along the south line of the application area and along the east and west lines of the application area to the south side of existing buildings, as indicated on the plot plan submitted with the special permit request. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
 - b. The height of salvage material piles shall be limited to 8 feet.
 - c. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
 - d. The applicant shall maintain at all times an active program for the eradication and control of rodents.
 - e. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
 - f. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

July 3, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DR 74-18 - Request for special permit for a truck wrecking and salvage yard operation

The Board of City Commissioners considered the above captioned request to operate a truck wrecking and salvage yard at their regular meeting of July 2, 1974. As you may be aware, this operation is already existing and is associated with the operation of truck parts and equipment located on the south side of Esthner and west of Tracy. Section 28.04.184 of the zoning ordinance sets out the conditions for special permit approval for this type of use in the "E" Light Industrial District. Attached for your information is a plot plan showing the existing buildings on this total site with the application area outlined in red.

Inasmuch as questions were raised as to whether or not it was required that all four sides of this area be screened, the action of the City Commission was to return this case to the Planning Commission for a determination. Please note on the plan that the building on the north screens this area as viewed from Esthner and that there are two additional buildings, one on the east line and the other on the west. Prior to the Planning Commission meeting we would appreciate you reviewing this section of the ordinance plus the section on licensing these types of uses and advising us as to where you interpret the fencing requirement to apply to. I would suggest that either you or your staff review this area in the field and observe the relation of the application area and the existing uses and circulation drives on the entire site.

If we can be of assistance in this matter, please contact us.

JHG:js

cc: Ralph Wuls, City Manager
Ray Bruggeman, Director of Public Works
John Dekker, Director of Law

July 3, 1974

Mr. Leonard Kane
Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67213

Subject: DR 74-18 - Request for
special permit for a truck
wrecking and salvage yard
operation

Dear Mr. Kane:

The above captioned case was considered by the Board of City Commissioners at their regular meeting of July 2, 1974. Inasmuch as several questions were raised concerning the screening of the application area, the action of the City Commission was to refer this matter back to the Metropolitan Area Planning Commission for a determination as to the exact area required by the ordinance to be screened. Based on their action, we have requested the Office of Central Inspection to review your application area as it relates to your total operation to determine whether fencing is required.

This matter will be rescheduled for the Metropolitan Area Planning Commission meeting on July 11, 1974, the meeting to be held in Room 401 City Building Annex, 104 South Main, starting at 1:30 p.m.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: Carl J. Pinaire, 4501 West Esthner, 67213

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR SPECIAL PERMIT

CASE NO. DR 74-18 CONSIDERED BY MAPC: 6-13-74

REQUEST FOR: Special permit to operate a truck wrecking
and salvage yard operation

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

So that existing salvage yard operation can be licensed.

GENERAL LOCATION: South side of Esthner in an
area west of Tracy

LEGAL DESCRIPTION:

Part of Lot 1, Block 1, Pinaire Addition, Wichita, Kansas, described as beginning at a point 274.7 feet west of the S.E. Corner thereof; thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.

APPLICANT: Truck Parts & Equipment, Inc.
4501 West Esthner 67213

COUNSEL FOR APPLICANT: Leonard Kane, Agent

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north, east, south,
and west is "E" zoningLAND USE: Subject property and that to the south is undeveloped;
north is office and warehouse; east is equipment storage;
west is truck chassis storage

PLANNING COMMISSION RECOMMENDATION:

That a special permit be granted as requested, subject to the following: (See attached excerpt of Planning Commission minutes of June 13, 1974 for conditions.) Hill moved, Hennessy seconded and it carried unanimously. (Arnholz, Blakey, Taylor and Hopper absent.)

-
- ACTION 1. Approve the application as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions of approval;
or
2. Take such action as the City Commission desires.

W. L. KORBER R. G. WAYMIRE

BAUGHMAN CO.
S U R V E Y O R S

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

Part of Lot 1, Block 1, Pinaire Addition, Wichita,
Kansas, described as beginning at a point 274.7
feet west of the S.E. Corner thereof; thence
west along the south line of said Lot 1, 300.5
feet; thence north parallel with the east line
of said Lot 1, 340 feet; thence east 300.5 feet;
thence south 340 feet to beginning.

May 28, 1974

Shirley File

WICHITA BUILDERS, INC. P. O. BOX 398 1206 EAST LINCOLN PHONE 265-3101

WICHITA, KANSAS 67201

June 17, 1974

Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67213

Attention: Mr. Leonard Kane

Subject: DR 74-18 - Request for
special permit for a truck
wrecking and salvage yard
operation

Dear Sir:

Since your salvage yard is located behind your building and is not readily visible from Esthner Street, we are withdrawing our request in our letter of June 4, 1974, that the salvage yard be enclosed with a fence.

Sincerely,

WICHITA BUILDERS, INC.

BY *Joe Dondlinger*
Joseph A. Dondlinger

JAD:im

cc: Metropolitan Area Planning Department



WICHITA BUILDERS, INC. P.O. BOX 398 1206 EAST LINCOLN PHONE 265-3101

WICHITA, KANSAS 67201

June 4, 1974

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex, 104 South Main
Wichita, Kansas 67202

Attention: Mr. Robert Lakin

Subject: Case #DR 74-18
Special Permit Request for
a Truck Wrecking and Salvage Yard Operation

Dear Sir:

Reference to the above zoning case, we do not object to the Special Permit Request being granted provided the above area is entirely enclosed with an attractive fence so that the above operation cannot be seen from the street.

We have developed some very attractive property in this area and do not wish it to be contaminated by an unsightly area.

Sincerely,

WICHITA BUILDERS, INC.

BY *Joseph A. Dondlinger*
Joseph A. Dondlinger,
Secretary

JAD:1m



June 14, 1974

Mr. Leonard Kane
Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67213

Re: DR 74-18 - Request for
special permit for a truck
wrecking and salvage yard
operation

Dear Mr. Kane:

At the regular meeting of the Metropolitan Area Planning Commission on June 13, 1974, the above-captioned case was considered. The action of the Commission was to recommend that the City Commission grant a special permit as requested, subject to Conditions B. through F. as shown in the Planning Department report. The Commission deleted Condition A.

This matter will be forwarded to the City Commission for consideration on July 2, 1974, the meeting to be held in Room 201 City Building, 204 South Main, starting at 9:00 a.m.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Carl J. Pinaire, 4501 West Esthner 67213
Joseph A. Dondlinger, Secretary, Wichita Builders, Inc.
P. O. Box 398 67201
City Manager's Office

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: June 13, 1974

Case No. DR 74-18

Request: Approval of Special
Permit for a truck wrecking and
salvage yard operation

Location: South side of Esthner in an area west of Tracy

Acres: 2.34

Size: 300 ft. by 340 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"E"
North	Office & Warehouse	"E"
East	Equipment storage	"E"
South	Undeveloped	"E"
West	Truck chassis storage	"E"

Platted: Yes

Comments

1. Truck Parks and Equipment, Inc. is requesting a special permit to operate a truck wrecking and salvage yard at 4501 West Esthner on property zoned "E" Light Industrial, and described as beginning at a point 274.7 feet west of the southeast corner of Lot 1, Block 1, Pinaire Addition, thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.
2. In accordance with Section 28.04.184 of the Zoning Ordinance, "a truck wrecking and salvage yard may be authorized in the "E" Light Industrial District by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and such additional special conditions to protect the health, safety and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond."

3. On April 30, 1974, the Board of City Commissioners considered the applicant's request and referred the application to the Planning Commission for recommendation after a public hearing in accordance with City Commission policy.
4. It should be pointed out that all abutting lands are owned by the applicant. To the north are office and warehouse facilities, east and west is equipment storage with the land to the south being undeveloped.
5. Should the Planning Commission consider this an appropriate use and recommends that the City Commission grant the special permit, the following should be considered as conditions of approval.
 - a. A solid or semi-solid wall, to screen the salvage operation, constructed of wood or metal (not including woven wire), at least 8 feet in height, shall be constructed along the south line of the application area and along the east and west lines of the application area to the south side of existing buildings, as indicated on the plot plan submitted with the special permit request. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to construction.
 - b. The height of salvage material piles shall be limited to 8 feet.
 - c. Used parts and salvage materials are to be piled and stored in an orderly manner, such as would be provided by racks or bins, and are to be elevated to a minimum height of 18 inches to reduce rodent potential.
 - d. The applicant shall maintain at all times an active program for the eradication and control of rodents.
 - e. The applicant shall control weeds within the storage area and adjacent to and along the outside perimeter of the wall or fence.
 - f. The Superintendent of Central Inspection shall be responsible for the enforcement of these conditions. The City Commission may revoke the special permit after public hearing for any of the following reasons:
 1. Failure to comply with the conditions within 90 days after the approval of the special permit.
 2. Abandonment of the area for six months.
 3. Failure to comply with the conditions of approval.

DR 74-18 - 9 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 5-30-74 for MAPC 6-13-74

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas 67202

May 30, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m. on June 13, 1974, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. DR 74-18
Special Permit Request
for a Truck Wrecking and Salvage Yard Operation

Part of Lot 1, Block 1, Pinaire Addition, Wichita, Kansas, described as beginning at a point 274.7 feet west of the S.E. Corner thereof; thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning. Generally located on the south side of Esthner in an area west of Tracy.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

W. L. KORBER

R. G. WAYMIRE

BAUGHMAN CO.

S U R V E Y O R S

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

Part of Lot 1, Block 1, Pinaire Addition, Wichita, Kansas, described as beginning at a point 274.7 feet west of the S.E. Corner thereof; thence west along the south line of said Lot 1, 300.5 feet; thence north parallel with the east line of said Lot 1, 340 feet; thence east 300.5 feet; thence south 340 feet to beginning.

May 28, 1974

5145

May 10, 1974

Mr. Carl J. Pinaire
4501 West Esthner
Wichita, Kansas 67213

Re: DR 74-18 - Request for a truck
wrecking and salvage yard permit

Dear Mr. Pinaire:

The Board of City Commissioners, at their regular meeting of April 30, 1974, referred your request to operate a truck wrecking and salvage yard in the "E" Light Industrial District at 4501 Esthner, to the Metropolitan Area Planning Commission for review and recommendation.

In accordance with Section 28.04.184 of the Zoning Ordinance, "a truck wrecking and salvage yard may be authorized in the "E" Light Industrial District by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and such additional special conditions to protect the health, safety and welfare of the neighborhood as the Board of Commissioners may deem proper, including (but not limited to), the posting of a performance bond."

In accordance with the policy of the City Commission, the Planning Commission considers such requests at a public hearing at which time interested persons may speak either in favor or

Mr. Carl J. Pinaire
May 10, 1974
Page Two

against such request. It is necessary that, prior to our being able to place your request on the Planning Commission agenda, you submit the legal description for the property you desire to use, plus a current abstractor's certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property within a 200-foot radius and including the property for which the request is made. This list must be obtained from an abstract company.

It is necessary that we receive your legal description and the ownership list by May 20, 1974, so that this matter can be scheduled for the Planning Commission meeting of June 13, 1974. Please contact our office if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GLS:js

cc: Robert G. Finch, Assistant City Manager
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection Division

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE May 2, 1974



TO Robert A. Lakin, Director of Planning

FROM Robert G. Finch, Assistant City Manager

SUBJECT Request for Salvage Permit

The request of Truck Parts and Equipment Company, 4501 West Esthner, was referred to the Planning Commission for recommendation by the City Commission at the meeting of April 30, 1974. The request to the City Commission was made under provisions of Section 28.04.184 of the City Code.

A copy of the request from Mr. Carl J. Pinaire is attached. Please present this request to the Planning Commission for their recommendation.


Robert G. Finch
Assistant City Manager

RGF/kmp

Attachment



TRUCK PARTS and EQUIPMENT, INC.

4501 West Esthner
Wichita, Kansas - 67209
(316) 942-4251

4/30



"Over 35 Years Serving Truckers"

April 23, 1974

Mr. Ralph Wulz, City Manager
204 S. Main St.
Wichita, Kansas, 67202

ROUTING:	
<input type="checkbox"/> RW	_____
<input checked="" type="checkbox"/> R	_____
APR 24 1974	
<input checked="" type="checkbox"/> EK	_____
<input type="checkbox"/> FILE	<input type="checkbox"/> _____

Dear Mr. Wulz:

We hereby request a special permit to operate a truck wrecking and salvage yard at 4501 W. Esthner, Wichita, Kansas 67209.

This operation is not on a main thoroughfare or business street and does not adversely effect the character of the neighborhood.

Your very truly

Truck Parts & Equipment Inc.

By Carl J. Pinaire
Carl J. Pinaire, President

CJP:lk

"The Home Of A Million Parts"
"Call Us First — If We Don't Have It, We Will Find It."

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1	1	Pinaire Addition	✓ Hammit T. Pinaire, 352 S. Ridge Road Wichita, Kansas, 67209
2	"	"	✓ Marcus Ortiz & Linda Ortiz 631 Keith Wichita, Kansas, 67209
3	"	"	✓ Chester H. Simpson & Irene L. Simpson Address unknown <i>2133 So. Voltaire</i>
7		Schmidt Addition	✗ J. D. Powers & P. W. Powers Address unknown
8		"	"
5	1	Wichita Builders Addition	✓ Wichita Builders, Inc. 1206 E. Lincoln Wichita, Kansas, 67211
7	2	"	"
8	A	Wichita Builders 2nd Addition	"
S. 612.15' of W. 5 acres of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35-27-1W. exc. N. 30' & exc. S. 30' for road			✗ Nona Fay Gumm, Address unknown
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35-27-1W			✓ Fidelity Investment Co., 229 S. Market Wichita, Kansas, 67202 ✓ Kessler Bros., Inc. 1905 Southwest Blvd. Wichita, Kansas, 67213
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35-27-1W, except that part platted as Pinaire Addition			✓ Hammit T. Pinaire, 352 S. Ridge Road Wichita, Kansas, 67209
The E. 6 acres of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 35-27-1W.			✓ Sherwood Construction Company, Inc. 4421 W. Harry Street Wichita, Kansas, 67209
8	3	Burnham Industrial Addition	Ben Mires & Hester Mires, 4330 Esthner Wichita, Kansas, 67209

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lot 1, Pinaire Addition, Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 15th day of May, 1974 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

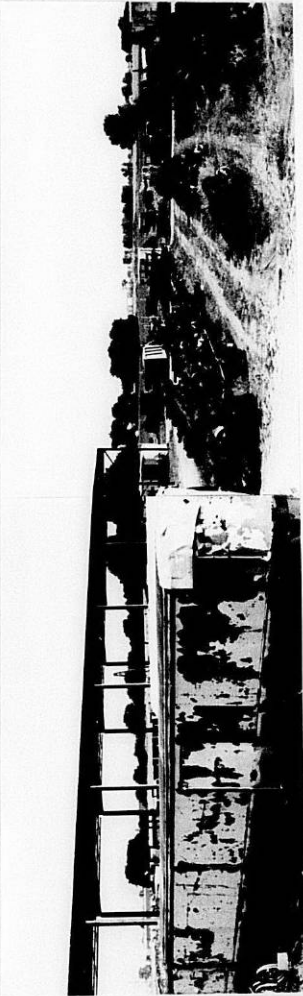
By

John Byron
Asst. Vice-President

Order No. 213515



1.



2.



3.



4.



5.



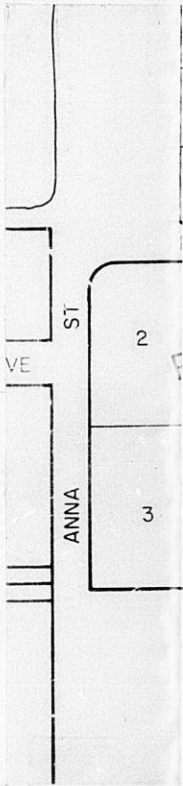
6.

Map No. 51
 Sec. 33
 Twp. 2
 Range 14

AREA DATA:

1. Acres: _____
2. Adjoining _____
3. Land Use: _____
4. Sketch Plan _____
5. Present Land _____
6. Area (is) _____

PHOTO DATA:
 Taken by _____



Map No. 5145
 Sec. 35
 Twp. R7
 Range TW

~~DR~~ DR 74-18
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 2.34 (300 ft. by 340 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted. UPDATE LAND USE IN FIELD

PHOTO DATA:
 Taken by [Signature] Date 5-30-74 Time 4:45

