POSTED
2-18-77

ACTION

COMMITTEE		DATE
M.A.P.C.	Approved subj to comments in staff report	3-3-77
B.C.C./~~B. CO. C.~~	Approved subj to conditions	3-15-77

BCC Revoked Permit 7-26-77

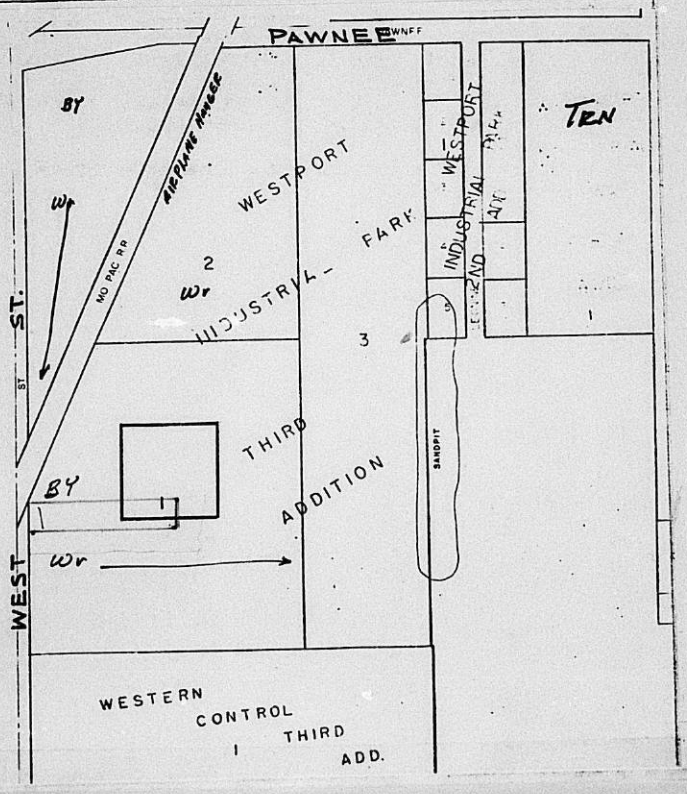
DR 77-7 - Thomas C. Whitney requests Special Use Permit for Scrap Processing - in an area E. of West St., approx. ¼ mile South of Pawnee.

Map No. 5244
Sec. 1
Twp. 28
Range 12

~~DCZ~~ DR 77-7
SCZ-
CU-
Filed

AREA DATA:
1. Acres: (400 ft. by 400 ft.)
2. Adjoining Zoning: E S W N
3. Land Use: East UNDEVELOPED South WRECKING YARD
West WAREHOUSE & WRECKING YARD North UNDEVELOPED
4. Sketch Plan Land Use is for:
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:
Taken by Date Time



Smead
No. 2-153C
HASTINGS, MN - LOS ANGELES
LOGAN OH - McGREGOR, TX U.S.A.

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE July 13, 1977

RECEIVED
JUL 13 1977
METROPOLITAN
PLANNING

take time to be safe

TO Robert Finch, Deputy City Manager

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT

Special-use Permit for
Scrap Processing (tires)
located East of West St.
& ¼ mile South of Pawnee

On March 15, 1977, the City Commission approved an application from Thomas Whitney for a Scrap Processor License. This action contained seven conditions including screening, roadways, rodent control, etc.

As of this date, none of the conditions have been started and Mr. Whitney has not responded to our instruction to comply.

Therefore, we request this matter be placed on the Agenda and recommend that this special permit be revoked.

We anticipate an injunction will be necessary to bring this case into compliance.

Robert B. Feldner

Robert B. Feldner
Superintendent of Central Inspection

RBF:rs

APPROVED:

R W Bruggeman

R. W. Bruggeman
Director of Public Works

cc: John Dekker, Director of Law
✓Jack Galbraith, Chief Planner
James Aiken, Director of Environmental Health

March 16, 1977

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Request from Thomas C. Whitney for a Special Use Permit for a Scrap Processing (Tire) Operation

The Board of City Commissioners at its regular meeting on March 15, 1977, considered the above-captioned request. Their action was to approve this special permit request for this applicant, Thomas C. Whitney, subject to the following conditions:

A. A solid or semi-solid wall, to screen the scrap processing operation, constructed of wood or metal (not including woven wire), at least 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence shall be constructed around the perimeter of site with provision made for an entraceway for emergency vehicles. The plans for subject wall shall be submitted to the Planning Department and Superintendant of Central Inspection for approval prior to occupancy of the site.

B. The height of salvage material piles shall be limited to 8 feet.

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

D. The applicant shall control weeds within the area and adjacent to and along the outside perimeter of the wall or fence.

E. A 15 foot roadway shall be provided around the perimeter of the area and be maintained in such a manner as to provide good access for fire equipment.

F. The storage of tires shall be in such a manner so as to provide 10 foot crossroads every 50 feet.

G. Subject property shall be utilized for storage of used tires only.

H. 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.

The legal description for this request is as follows:

A tract of land described as: Beginning 351 feet West and 351 feet South of the Northeast corner of Lot 1, Westport Industrial Park Third Addition, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning. Generally located east of West Street approximately 1/4 mile south of Pawnee.

If you have any questions concerning this action, please advise us.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:bh
cc: James Aiken, Director, Environmental Health
Joe Donnelly, Maintenance, Central Inspection

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

REQUEST FOR SPECIAL PERMIT

CASE NO. DR 77-7 CONSIDERED BY MAPC: 3/3/77

REQUEST FOR: A Scrap Processing (Tires) Operation

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

To scrap tires

GENERAL LOCATION: East of West Street approximately 1/4 mile South of Pawnee

LEGAL DESCRIPTION:

Beginning 351 feet West and 351 feet South of the Northeast corner of Lot 1, Westport Industrial Park Third Addition, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning.

APPLICANT: Thomas C. Whitney, 1641 S. Vine 67213

COUNSEL FOR APPLICANT:

PROTESTORS (LIST COUNSEL) IF ANY:

SURROUNDING ZONING: North, East, South and West "E"

LAND USE: Existing, undeveloped; north, undeveloped and salvage yard; east, undeveloped; south, salvage yard; west, railroad

CPO RECOMMENDATION:

CPO AREA "B" recommends denial of the request for the following reasons: (1) Too many salvage yards in area; (2) Use not compatible with new housing development to south; (3) Area has experienced problems with enforcement of conditions and restrictions.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that this application for special use permit be approved subject to the conditions as shown on the excerpt to the minutes attached. Bayouth moved, Bell seconded, and it carried by a vote of 6 in favor (Bayouth, Bell, Greider, Goebel, Kamen, Savina) and 3 opposed (Barrier, Hennessy, Porter). Taylor was absent.

ACTION 1. Approve the recommendation of the Metropolitan Area Planning Commission; or
2. Take such action as the City Commission desires.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 3, 1977:

24. Case No. DR 77-7 - Thomas C. Whitney requests Special Permit for a Scrap Processing (Tires) Operation on a tract of land described as: Beginning 351 feet West and 351 feet South of the Northeast corner of Lot 1, Westport Industrial Park Third Addition, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning. Generally located east of West Street approximately 1/4 mile south of Pawnee.

GALBRAITH showed slides of the subject area and reviewed the following staff report:

Comments

1. Thomas C. Whitney is requesting a special permit to operate a Scrap Processing (tires) operation on property zoned "E" Light Industrial on a tract of land containing 3.67 acres and located approximately 1,700 feet south of Pawnee and 400 feet east of West Street.

2. In accordance with Section 28.04.184 of the Zoning Ordinance, used material yards 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 February 15, 1977, 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 the plot plan submitted with the application indicates that there will be no buildings on the property, only "tire salvage." The applicant has indicated the operation consists of storage of used tires to be sold to different parties for recapping as the occasion demands. It should also be pointed out that there are non-conforming salvage yards located to the south of subject property, and in the general area to the north.

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 scrap processing operation, constructed of wood or metal (not including woven wire), at least 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence shall be constructed around the perimeter of site with provision made for an entranceway for emergency vehicles. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to occupancy of the site.

b. The height of salvage material piles shall be limited to 8 feet.

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

d. The applicant shall control weeds within the area and adjacent to and along the outside perimeter of the wall or fence.

e. A 15 foot roadway shall be provided around the perimeter of the area and be maintained in such a manner as to provide good access for fire equipment.

f. The storage of tires shall be in such a manner so as to provide 10 foot crossroads every 50 feet.

g. Subject property shall be utilized for storage of used tires only.

h. 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 6 months.

3. Failure to comply with the conditions of approval.

GALBRAITH stated that staff had inquired of the applicant what "processing tires" meant and was advised that the tires would be stored for an undetermined length of time until they could be sorted for recapping or used in some other way. He further said that the governing body does have the authority to grant this type of use in a Light Industrial area, but that the use cannot be adjacent to a major street and that screening conditions and other conditions would be required to make the use more appropriate or compatible to the area. He stated that much of the property in the subject area had been in the scrap processing business for a number of years.

GALBRAITH referred to a memorandum from Mr. James F. Aiken, Jr., Environmental Health Director, in which Environmental Health had recommended that Condition C be expanded to include a permanent roof over the stored tires to prevent rain water from standing in the tires. Mr. Aiken had further stated that they were not recommending that the special permit be granted, but if it was found by the Planning Commission and the City Commission to be acceptable, Condition C should be expanded, because of the serious problem they have with the breeding of mosquitoes.

GALBRAITH further commented that CPO Council "B" had pointed out the number of salvage yards in the area and that they were not compatible with the new housing development 1/2 mile to the south, and that they have experienced problems with enforcement of conditions and restrictions with this type of use, so the CPO was not recommending approval of this application. GALBRAITH further remarked that staff recognized the number of problems that existed in this area and that had existed over a number of years, but that it seemed every community needed these types of salvage operations somewhere in their community and that this might be the most appropriate area surrounded by other such uses.

BELL asked what kind of special problems might exist for this applicant in eradication of rodents and mosquitoes.

GALBRAITH stated that Environmental Health expects applicants to work with them in some type of control of rats and mosquitoes, and that he imagined that some extensive spraying program would have to be carried on by the applicant.

SAVINA asked if they were storing tires there at the present time, and if so was it legal. GALBRAITH replied that they were in violation, but that the applicant was trying to obtain a special license for his scrap process which was the appropriate procedure.

PORTER commented that staff report comment "5.g." recommended "storage of used tires only."

GALBRAITH said the staff was recommending that there should be no accumulation of rags, salvaged building materials, automobiles and the like.

LAKIN stated that that condition might not be completely clear and GALBRAITH suggested inserting "storage and processing."

SAVINA again questioned the non-conforming use and LAKIN responded that if it were non-conforming they would not need a permit, but that that issue had already been discussed with Central Inspection and that a permit was required.

GREIDER questioned the roofing condition of Environmental Health, and stated that with a 400 foot x 400 foot storage area, would they have to have a 400' x 400' roof.

GALBRAITH replied that he was reading Mr. Aiken's memorandum and that a roof would be required wherever the tires were stored.

GREIDER asked if Environmental Health would go out and give help to the applicant if needed.

LAKIN responded that they would give advisory assistance but would not provide the materials for eradication of rodents, and that to his knowledge they would not supply chemicals required for spraying for mosquitoes.

BAYOUTH remarked that with a roof they wouldn't need to spray for mosquitoes, but he was against the roof.

LAKIN remarked that even with a roof rodent control would still be needed.

BAYOUTH responded that the request for putting them under a roof was not economically feasible under any condition.

TOM C. WHITNEY, applicant, stated that the area would be used for the storage of tires and that the scrap tires would go to a scrap processor in St. Louis. He said the tires were not stored for an undetermined length of time, that over a year's time every tire would have been turned.

BARRIER questioned the applicant whether the entire salvage yard was his, or whether he merely rented the portion where the tires were. WHITNEY stated only that portion where the tires were was his operation.

BARRIER stated that the committee found on viewing the property that the screening was dismal and that especially if homes were being built around the area it was incumbent upon the owner to screen the property properly. She further stated that these types of operations have to exist, but if this one was approved it must be screened properly to make it compatible with whatever development there would be on either side of the yard. She said the area was an eyesore, and questioned why the applicant was there if he did not own the property.

BELL stated the applicant was applying for a use permit.

BAYOUTH asked the applicant if he would object to working with the Health Department and would he object to the requirements for crossroads stipulated by the Fire Department, and the applicant stated that he could work with them.

GALBRAITH asked if the applicant would object to the screening, and covering the tires with a roof and he stated he would object to both conditions.

SAVINA asked the applicant how long he had been in the business of scrap tires, and the applicant replied about five years.

LAKIN stated that the screening was an ordinance requirement, and that it would have to be solid screening--wood or metal.

WHITNEY stated that would be a very large area to have to fence, and that everyone else had just fenced the front of their site.

LAKIN stated that this was the staff's interpretation of the ordinance and that any different interpretation would have to come from the Law Department.

Discussion followed with reference to the applicant's use of the site. PORTER remarked that condition 5.g. stated storage only, and the applicant replied that the tires were brought in, graded for selling, and that they were then shipped out. SAVINA asked what the applicant would do if the permit were denied, and he replied that he would have to burn the tires.

SAVINA remarked that this type of use was already set up in the area and that these tires would have to be stored somewhere and that if this operation was not permitted to continue there would be a battle for a permit in another location.

WHITNEY stated that there had been tire salvage in the area for the past 12-15 years.

EARL VAN METER LONG, owner of the property, stated that there were twice as many BTU's in the burning of trash and tires as there would be in coal.

PORTER questioned how far this salvage yard would be from the mobile home park addition.

LAKIN replied that it was an effective distance of 4-500 feet.

PORTER stated that she had very serious concerns about this use, particularly in regard to the rat and mosquito problems and to fencing. She said she was not convinced that the problems were going to be dealt with in any effective way.

GOEBEL stated he was familiar with the area and that the salvage had been there before the mobile home park was developed and that he felt the area had already "had it" so far as all types

of salvage yards. He said that these things have to be handled in some way and that this area was better than along the highways leading into the city.

PORTER remarked that there were serious problems in the area already and she could not see adding to them instead of attempting to correct them.

BAYOUTH stated that if the applicant was aware of the screening required by ordinance that all the Planning Commission should consider is the special permit. He said it was up to the Health Department, and that if the applicant wanted to work with the Health Department, the problems could be solved, particularly if he moved the tires as often as he stated, there shouldn't be too many problems.

MOTION: That the Planning Commission recommend to the City Commission that this application for special use permit be approved subject to the following conditions:

A. A solid or semi-solid wall, to screen the scrap processing operation, constructed of wood or metal (not including woven wire), at least 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence shall be constructed around the perimeter of site with provision made for an entranceway for emergency vehicles. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to occupancy of the site.

B. The height of salvage material piles shall be limited to 8 feet.

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

D. The applicant shall control weeds within the area and adjacent to and along the outside perimeter of the wall or fence.

E. A 15 foot roadway shall be provided around the perimeter of the area and be maintained in such a manner as to provide good access for fire equipment.

F. The storage of tires shall be in such a manner so as to provide 10 foot crossroads every 50 feet.

G. Subject property shall be utilized for storage of used tires only.

H. 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.

Bayouth moved, Bell seconded

GREIDER questioned whether this permit could go to another person if Mr. Whitney decided he wanted to cease business, and LAKIN responded it could not.

PORTER again stated that she was concerned that the Commission was compounding what was already a problem, that people in the area would be affected if pest control and fencing were not maintained, and that she questioned the reasoning that because they were already in business they should be granted the permit. She stated she could not justify having an illegal operation and then coming in for a permit to make it legal.

BELL stated that there should be some solution short of building a roof over the area that would improve rodent and mosquito problem, and that if the tires do not turn over fast enough, some kind of cover could be required, such as "Visqueen," to prevent standing water.

Comments were made about Central Inspection maintaining control of the conditions, and LAKIN stated that all the Planning Commission was to do was to provide an administrative procedure as a legal basis from which Central Inspection could operate.

Zoning in the area was again considered, which was all industrial with the exception of the mobile home park across from the site. PORTER remarked that perhaps the Planning Commission should not have approved the mobile home area. BELL responded that for years it had been difficult to get mobile homes approved in any area except in areas like the subject site.

VOTE ON MOTION: Motion carried by a vote of 6 in favor (Bayouth, Bell, Greider, Goebel, Kamen, Savina) and 3 opposed (Barrier, Hennessy, Porter) Taylor was absent.

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE March 2, 1977

take time to be safe

RECEIVED
MAR 2 1977
METROPOLITAN PLANNING

TO Jack Galbraith, Chief Planner, Current Plans, MAPD

FROM Karen Opheim, CPO Administrative Aide

SUBJECT DR 77-7, East of West Street, South of Pawnee

At the February 28, 1977, meeting of Area "B" CPO, Council members voted unanimously to recommend denial of the applicant's request for a special permit for the operation of a Scrap Processing business at the above location.

The Council opposed the application for the following reasons:

1. There are too many salvage and junk yards in the area.

2. Such uses are not compatible with the new housing development to the south.

3. The area has experienced previous problems with enforcement of conditions and restrictions with this type of use. They feel it would be difficult to enforce the conditions as listed in the staff report.

Karen Opheim

Karen Opheim
CPO Administrative Aide

KO:rh

NOTED:

David Furnas
CPO Coordinator

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health **DATE** March 3, 1977

TO Jack Galbraith, Chief Planner

FROM James F. Aiken, Jr., Environmental Health Director

SUBJECT Case No. DR 77-7 - Request for Approval of a Special Permit for a Scrap Processing (Tires) Operation

The collection, transportation, storage and processing of salvaged or used tires comes under the solid waste jurisdiction of the Health Department as stipulated in Section 7.08.160 of the Code of the City of Wichita, Kansas, which reads as follows: "Salvage or reclamation of materials shall be permitted only when facilities specifically disigned for the purpose of salvaging or processing solid waste are provided.....All salvage operations shall be conducted in a manner that will not create a nuisance."

The storage of large numbers of used tires in the open creates a major source of mosquitoes. Rain water collects in the tires and provides an ideal breeding place for mosquitoes. In order to prevent such rain water collection and subsequent mosquito breeding, it is necessary to provide a roof to preclude rain water entering the tires.

We suggest and recommend that the listed conditions, if the Planning Commission recommends that the special permit be granted, be expanded in relation to condition (c) as follows: "The applicant shall maintain at all times an active program for the eradication and control of rodents and mosquitoes, <u>including a permanent roof over the stored tires to prevent rain water from standing in the tires.</u>"

We are <u>not</u> recommending that the special permit be granted; however, if it is, we are <u>in</u> agreement with the conditions stipulated including the recommended modification of condition (c).

James F. Aiken, Jr.
Environmental Health Director

JFA/jk

March 3, 1977

Mr. Thomas C. Whitney
1641 S. Vine
Wichita, Kansas 67213

Re: DR 77-7 - Approval of a special permit for a Scrap Processing (Tires) Operation - East of West Street approximately 1/4 mile south of Pawnee

Dear Mr. Whitney:

At their regular meeting on March 3, 1977, the Planning Commission considered the above-captioned case. The action of the Planning Commission was to recommend that the applicant work with the Health Department on a control for rodents and mesquitoes and that the special permit request be approved subject to the following conditions:

a. A solid or semi-solid wall, to screen the scrap processing operation, constructed of wood or metal (not including woven wire), at least 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence shall be constructed around the perimeter of site with provision made for an entranceway for emergency vehicles. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to occupancy of the site.

b. The height of salvage material piles shall be limited to 8 feet.

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

d. The applicant shall control woods weeds within the area and adjacent to and along the outside perimeter of the wall or fence.

Mr. Thomas C. Whitney
March 3, 1977

e. A 15 foot roadway shall be provided around the perimeter of the area and be maintained in such a manner as to provide good access for fire equipment.

f. The storage of tires shall be in such a manner so as to provide 10 foot crossroads every 50 feet.

g. Subject property shall be utilized for storage of used tires only.

h. 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.

This matter will be forwarded to the Board of City Commission for consideration at their meeting of March 15, 1977. This meeting will be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main. We would call your attention to the fact that Planning items are considered after all other matters of business.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bh
cc: Earl Van Meter Long, 2756 S. West Street, 67213
James Aiken, Director, Environmental Health, Health Department
City Manager's Office

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-3-77

Case No. DR 77-7	Request: Approval of a special permit for a Scrap Processing (tires) operation.

Location: East of West Street approximately 1/4 mile south of Pawnee.

Acres: 3.67	Size: 400' x 400'	
	Land Use	Zoning
Existing	Undeveloped	"E"
North	Undeveloped and salvage yard	"E"
East	Undeveloped	"E"
South	Salvage yard	"E"
West	Railroad	"E"

Comments:

1. Thomas C. Whitney is requesting a special permit to operate a Scrap Processing (tires) operation on property zoned "E" Light Industrial on a tract of land containing 3.67 acres and located approximately 1,700 feet south of Pawnee and 400 feet east of West Street.

2. In accordance with Section 28.04.184 of the Zoning Ordinance, used material yards 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 February 15, 1977, 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 the plot plan submitted with the application indicates that there will be no buildings on the property, only "tire salvage." The applicant has indicated the operation consists of storage of used tires to be sold to different parties for recapping as the occasion demands. It should also be pointed out that there are non-conforming salvage yards located to the south of subject property, and in the general area to the north.

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 scrap processing operation, constructed of wood or metal (not including woven wire), at least 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence shall be constructed around the perimeter of site with provision made for an entranceway for emergency vehicles. The plans for subject wall shall be submitted to the Planning Department and Superintendent of Central Inspection for approval prior to occupancy of the site.

   b. The height of salvage material piles shall be limited to 8 feet.

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

   d. The applicant shall control weeds within the area and adjacent to and along the outside perimeter of the wall or fence.

   e. A 15 foot roadway shall be provided around the perimeter of the area and be maintained in such a manner as to provide good access for fire equipment.

   f. The storage of tires shall be in such a manner so as to provide 10 foot crossroads every 50 feet.

   g. Subject property shall be utilized for storage of used tires only.

   h. 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 77-7 - 3 "Notice to Adjoining Property Owners" mailed 2/18/77 for the MAPC Meeting for 3/3/77

1 to CPO Office

—

4 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

February 18, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, at its meeting on March 3, 1977 which will commence at 1:30 p.m., will consider a referral from the Board of City Commissioners as to whether or not Mr. Thomas C. Whitney should be granted a special permit for the operation of a Scrap Processing business as provided in Section 28.04.184 of the City Zoning Ordinance, on the following described property:

CASE NO. DR 77-7

Beginning 351 feet West and 351 feet South of the Northeast Corner of Lot 1, WESTPORT INDUSTRIAL PARK THIRD ADDITION, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning, Sedgwick County, Kansas. Generally located in an area east of West Street, approximately 1/4 mile South of Pawnee.

You may appear either in person, or by agent or attorney, if you so desire.

NOTE: You are also informed that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Chief Planner

per RAL. Map 5244 1 28 1W

Re: BCC 2-15-77 2-14-77

Draft from Item #4 - a DR file Special Permit - DR-77-7

"SCRAP PROCESSING ~~AT~~ in an area east of West St., approx ½ mile S. of Pawnee. ~~(get location)~~

Schedule for March 3. Provide mailed notices that the matter will be considered March 3, 1977. Follow-up with an Agenda time March 15 for it to go to the City Commission.

Also, send notice to Thomas C. Whitney
1641 So. Vine 67213

contact him if additional information is required

~~Earl Von Peter Long~~

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

May 8, 1975

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 12, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-72 - A tract in the NW ¼ of Sec. 17, Twp. 28S, R1E, Sedgwick County, Kansas, described as:

Commencing at a point on the north line of said NW ¼ 901.0 feet west of NE corner thereof; thence west along said north line 283.4 feet; thence south parallel with the west line of the east half of the NW ¼, 1,610 feet more or less to the northerly right of way line of Riverside Drainage Ditch; thence southeasterly along said r-o-w 1,297 ft. more or less to the westerly r-o-w of the Midland Valley Railroad; thence northerly, along said railroad r-o-w, 1,748.3 ft. more or less to a point 600 ft. south of the north line of said NW ¼; thence west parallel with the north line of said NW ¼, 371.38 ft. more or less to a point 425 ft. east and 600 ft. south of the place of beginning; thence north parallel with the west line of the east half of said NW ¼, 100 ft.; thence west 425 ft., thence north 500 ft. to the place of beginning. Generally located on the south side of MacArthur in an area west of Gold.

The Development Plan of this area has been submitted as provided for under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

The Development Plan on file proposes an approximate 39 acre garden apartment development, the density of which will not exceed 17.23 dwelling units per net acre or a total of 672 dwelling units for the entire site. In addition to indicating the proposed building locations, the Development Plan indicates information on maximum building heights, setbacks for structures, proposed usable open space, means of ingress into the area, interior circulation and proposed parking ratio.

THE CITY OF WICHITA

OFFICE OF CITY MANAGER **DATE** February 16, 1977

take time to be safe

TO Robert A. Lakin, Director of Planning

FROM Robert G. Finch, Assistant City Manager

SUBJECT Application for Special Use Permit - Scrap Processor, 2600 South West Street

On February 15, 1977, the City Commission referred the subject application to the MAPC for hearing and recommendation.

The Commission stipulated that the MAPC's recommendation should be returned within 4-weeks after the ownership list is provided to the Planning Department.

Please expedite this matter in order to comply with the suspense date set by the City Commission. The application is attached.

Robert G. Finch
Assistant City Manager

RGF/sw
Attachment

OFFICE OF CITY MANAGER
☐ EHD ☐ LD
☐ RGF ☐ RT
FEB 4 1977
☐ COPIES TO:
☐ FILE

take time to be safe

THE CITY OF WICHITA

OFFICE OF City Treasurer

DATE February 2, 1977

2/15

TO Ray Trail, Executive Assistant

FROM Gene Brown, Deputy City Treasurer

SUBJECT Scrap Processor
2600 S. West Street

As per our telephone conversation, I have attached herewith a memorandum from the Central Inspection Division, Public Works Department, an application for a scrap processor license in the name of Thomas C. Whitney, 2600 S. West Street, and supporting maps associated with the requested license. This data is forwarded for your review before being presented to the Board of City Commissioners.

The license application has been disapproved by Central Inspection. Scrap Processors may be authorized in the "E" light industrial districts by the governing body only under a special permit. I have taken the liberty to notify the applicant concerning pending City Commission action February 15, 1977, a copy of which is also attached.

Gene Brown
Deputy City Treasurer

GB:tp

cc: Ray Bruggeman, Director of Public Works
Robert B. Feldner, Superintendent of Central Inspection
John Dekker, Director of Law
Wilbur McLuen, Zoning Inspector
Don Cross, Assistant Director Environmental Health
Joe Donnelly, Maintenance Inspection Supervisor
Ralph A. Klose, City Treasurer

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE December 10, 1976

take time to be safe

TO Gene Brown, Deputy City Treasurer

FROM Joe Donnelly, Housing & Zoning Administrator

SUBJECT Approximately 2600 S. West St.
Approximately 600 ft East of
West Street, Lot 1, Westport Indust.
Park 3rd Addition

The Scrap Processor 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."

Joe Donnelly

Joe Donnelly
Housing & Zoning Administrator

JD:rs

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

THE CITY OF WICHITA

DEPARTMENT OF ADMINISTRATION
CITY TREASURER
CITY HALL—SECOND FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4551

February 2, 1977

Thomas C. Whitney
1641 S. Vine
Wichita, Kansas

Re: Scrap Processor
2600 South West Street

Dear Sir:

Your Scrap Processor application has been disapproved by the Central Inspection Division.

A scrap processor license may be authorized in "E" light industrial district under a special permit. The City Commission will consider your request for license February 15, 1977.

If additional information is desired to that you may be fully informed on the matter, please call the City Manager's Office at 268-4351.

Very truly yours,

Gene Brown
Deputy City Treasurer

GB:tp

cc: Ray Bruggeman, Director of Public Works
Robert B. Feldner, Superintendent of Central Inspection
John Dekker, Director of Law
Wilbur McLuen, Zoning Inspector
Don Cross, Assistant Director Environmental Health
Joe Donnelly, Maintenance Inspection Supervisor
Ralph A. Klose, City Treasurer

Complete In Triplicate

CITY OF WICHITA
TREASURER'S DIVISION
LICENSE SECTION

Application for License as:

☐ Pawnbroker

☐ Second Hand Dealer

☒ Scrap Processor

Date 12-6-76

Complete below if a single proprietorship. The same information must be supplied for each partner in a partnership or each principal stockholder in a corporation. If more space is needed, use the reverse side of the application.

Name of Applicant Thomas C. & Kitney

Address of Applicant 1641 S. Vine 67213

Date of Birth 7-10-39 Telephone No. 265-7165

Scrap Tires

Business Name:

Business Address 2600 S West St Telephone No. 265-7165

What days of the week is the business open? By appt.

What are your hours of operation? By appt.

I hereby certify that the statements made on this application are true and correct to best of my knowledge.

Thomas C. & Kitney
Signature of Applicant

For Official Use Only

I have examined this application, it is complete and meets the requirements of the Code of the City of Wichita, Kansas :

Approved by:

Central Inspection

Disapproved by: W McLuen

Zoning E

License No. _____ Issued _____ Day of _____, 19 _____

By _____

29-060

Complete In Triplicate

CITY OF WICHITA
TREASURER'S DIVISION
LICENSE SECTION

Application for License as:

☐ Pawnbroker

☐ Second Hand Dealer

☒ Scrap Processor

Date 12-6-76

Complete below if a single proprietorship. The same information must be supplied for each partner in a partnership or each principal stockholder in a corporation. If more space is needed, use the reverse side of the application.

Name of Applicant Thomas C. Whitney

Address of Applicant 1641 S. Vine 67213

Date of Birth 7-10-39 Telephone No. 265-7165

Scrap Tires

Business Name:

Business Address 2600 S West St. Telephone No. 265-7165

What days of the week is the business open? By appt.

What are your hours of operation? By appt.

I hereby certify that the statements made on this application are true and correct to best of my knowledge.

Thomas C. Whitney
Signature of Applicant

For Official Use Only

I have examined this application, it is complete and meets the requirements of the Code of the City of Wichita, Kansas :

Approved by: _____ Central Inspection

Disapproved by: W McLuen

Zoning E

License No. _____ Issued _____ Day of _____, 19 _____

By _____

29-060

Complete In Triplicate

CITY OF WICHITA
TREASURER'S DIVISION
LICENSE SECTION

Application for License as:

☐ Pawnbroker

☐ Second Hand Dealer

☒ Scrap Processor

Date 12-6-76

Complete below if a single proprietorship. The same information must be supplied for each partner in a partnership or each principal stockholder in a corporation. If more space is needed, use the reverse side of the application.

Name of Applicant Thomas C. W. Litney

Address of Applicant 1641 S. Vine 67213

Date of Birth 7-10-39 Telephone No. 265-7165

Scrap Tires

Business Name:

Business Address 2600 SW-A St. Telephone No. 265-7165

What days of the week is the business open? My app.

What are your hours of operation? My app.

I hereby certify that the statements made on this application are true and correct to best of my knowledge.

Thomas C. W. Litney
Signature of Applicant

For Official Use Only

I have examined this application, it is complete and meets the requirements of the Code of the City of Wichita, Kansas :

Approved by: _____ Central Inspection

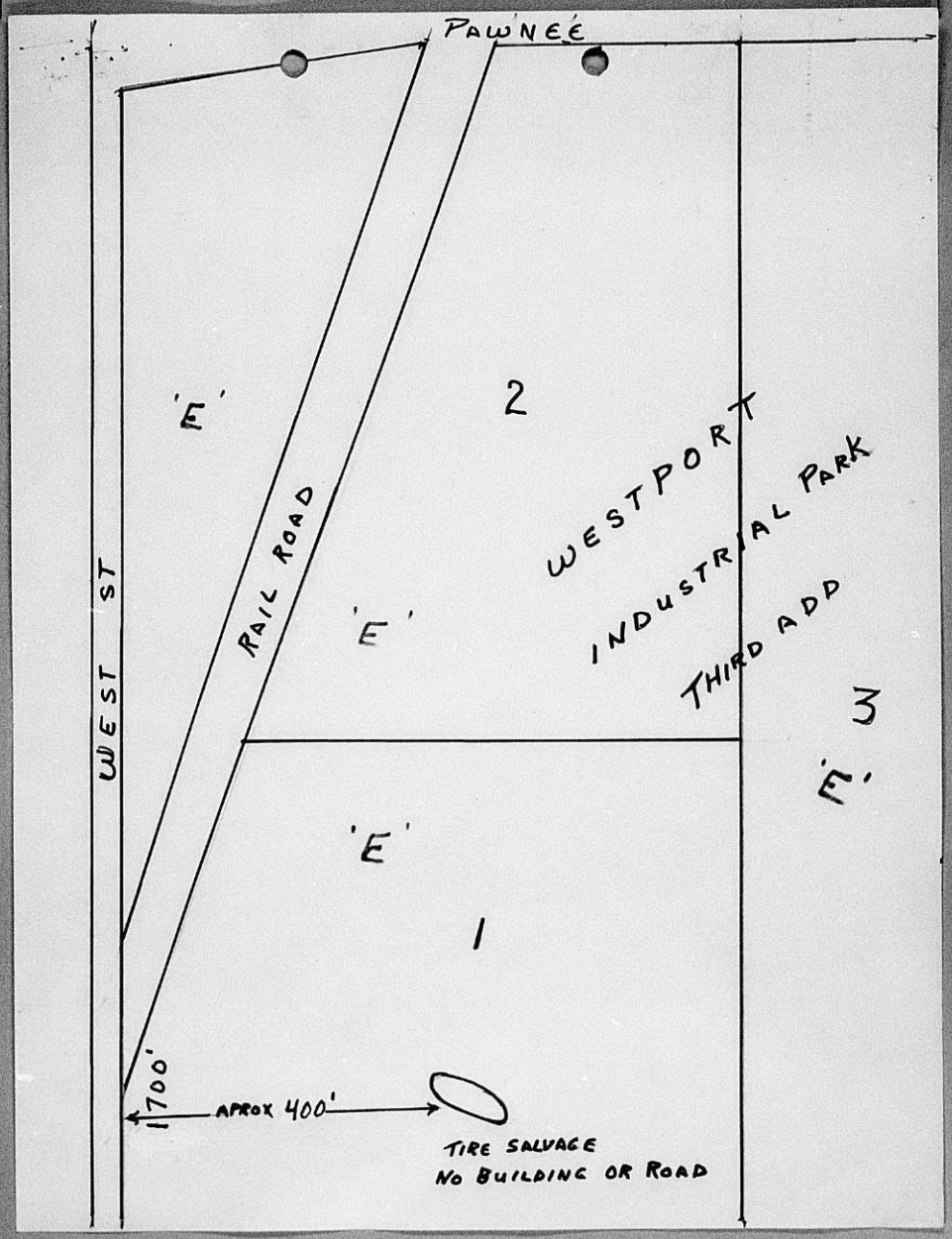
Disapproved by: W. McLuen

Zoning _____

License No. _____ Issued _____ Day of _____, 19 _____

By _____

29-060


PAWNEE
WEST ST
RAIL ROAD
'E'
2
'E'
WESTPORT
INDUSTRIAL PARK
THIRD ADD
'E' 3
'E'
1
700'
APROX 400'
TIRE SALVAGE
NO BUILDING OR ROAD

Fidelity Title Company, Inc. 221 N. Market Wichita, Kansas 67202 Phone (316) 262-8261 *Abstracts of Title Title Insurance Real Estate Escrows*

Fidelity Title COMPANY, INC.

No. 36649

CHARGE TO: Earl Van Meter Long
2756 South West Street
Wichia, Kansas 67213

DATE: 2-15-77

ORDERED BY: same

DELIVERED TO: same

CUSTOMER ACCOUNT # (27020)

TITLE INSURANCE #:

DESCRIPTION & OWNER: Beg. 351 feet West and 351 feet South of NE corner of Lot 1, Westport Industrial Park Third Addition, Sedg. Co., Ks.

entries	number ____	$		
contract	____			
court	____			
Ownership List	____	15.00	abstracting	$15.00
general certificate	____			
special certificate	____			
judgment search	____			
statement of title	____			
title binder	$ ____ @	$		
owner policy	$ ____ @			
mortgage policy	$ ____ @		title insurance	$
escrow fee	____ @			
title report	____ @			
recording	____	$		
	____			
	____		funds advanced	$
	____			
registration tax	____			
other taxes	____		TOTAL	$ 15.00

ACCOUNTS DUE UPON RECEIPT OF INVOICE

CUSTOMER INVOICE

F-304

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All the owners within 350 feet of:

Beginning 351 feet West and 351 feet South of the Northeast Corner of Lot 1, WESTPORT INDUSTRIAL PARK THIRD ADDITION, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning, Sedgwick County, Kansas.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

TRACT DESCRIPTION	OWNER & ADDRESS
Beginning 351 feet West and 351 feet South of the Northeast corner of Lot1, WESTPORT INDUSTRIAL PARK THIRD ADDITION, West 400 feet, South 400 feet, East 400 feet, North 400 feet to beginning.	✓ Earl Van Meter Long 2756 South West Street Wichita, Kansas 67213 ✓ E H Denton City Manager

Dated at Wichita, Kansas, this 14th day of February, 1977, at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By Anita Shay
Asst. Sec. ag

Tracer No. 36649

Fidelity Title COMPANY, INC.