

Agenda Item # _____

City of Wichita
City Council Meeting
May 14, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00019 and CON2002-00013 – Zone change from “GC” General Commercial to “LI” Limited Commercial AND Conditional Use for a Wrecking/Salvage Yard. Generally located south of Harry, approximately 1/2 mile east of Woodlawn. (District III)

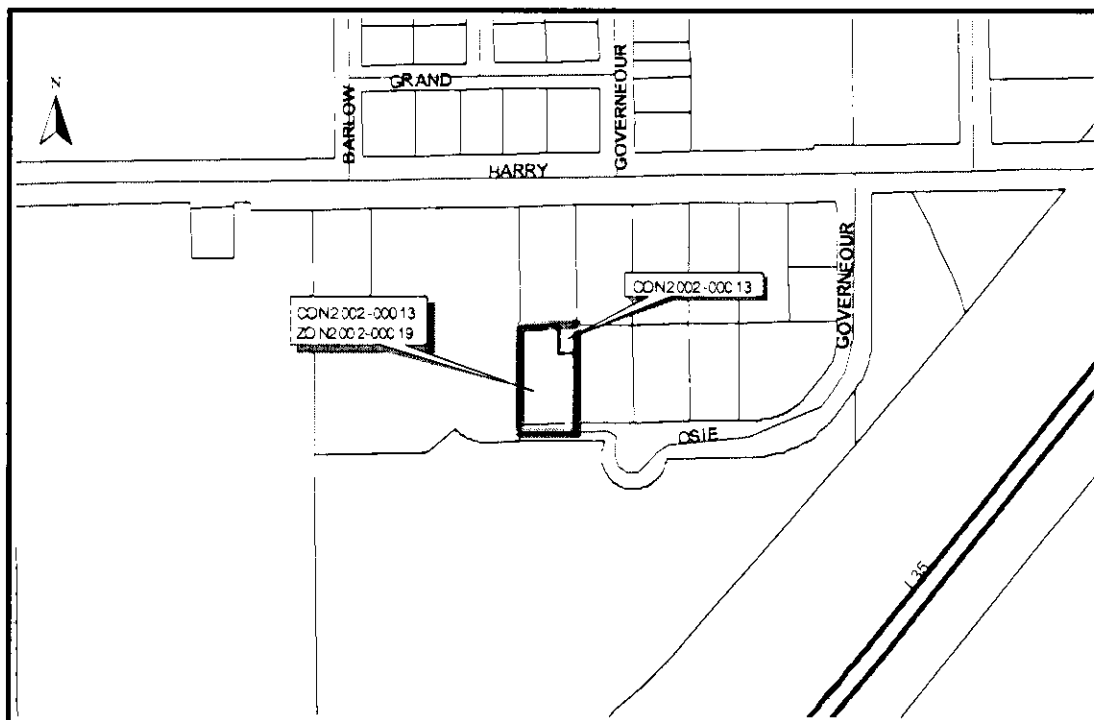
INITIATED BY: Metropolitan Area Planning Department *Mont*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (8-1).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Deny (9-0).



BACKGROUND: The subject property is currently being used for the dismantling of vehicles, which is illegal under the current zoning of the property. Therefore, the applicant is requesting a zone change from "GC" General Commercial to "LI" Limited Industrial and a Conditional Use to permit the dismantling of vehicles on the property. The Unified Zoning Code defines the dismantling of vehicles as a "Wrecking/Salvage Yard", which requires at least "LI" Limited Industrial zoning and a Conditional Use.

The subject property is a 0.67 acre platted tract generally located south of Harry, approximately ½ mile east of Woodlawn (behind 6813 E. Harry). Most of the subject property is zoned "GC" General Commercial; however, a 38-foot by 65-foot tract in the northeast corner of the subject property was rezoned to "LI" Limited Industrial to permit a small concrete plant for use in conjunction with an equipment rental business that formerly occupied the subject property. The subject property also is located within Airport Overlay District III North, which prohibits using the subject property for uses that involve large congregations of people due to the property's location under the flight path for McConnell Air Force Base.

The character of the surrounding area is commercial. All of the properties surrounding the subject property are zoned "GC" General Commercial. The property located north of the subject property is developed with a used car lot, is owned by the applicant, and provides access from the subject property to Harry. The property located east of the subject property is developed with an employee parking lot and the loading/receiving area for a furniture store. The property located south of the subject property is owned by the City of Wichita and is used to stockpile landscaping and construction materials. The property located west of the subject property is developed with a self-service storage warehouse.

The applicant has submitted a site plan (attached) showing the proposed use of the subject property. The site plan shows an existing building where vehicles are to be dismantled. The site plan shows that the rest of the subject property is to be used for the storage of vehicles. An eight-foot high screening fence is shown around the perimeter of the property. The site is shown to be enclosed by an 8-foot high metal panel fence. Since the subject property is surrounded by property zoned "GC" General Commercial and does not have arterial street frontage, no landscaping of the subject property is required.

At the District Advisory Board meeting on April 17, 2002, there were no speakers for or against request. DAB III cited concerns that the business was already operating illegally and with the inability to enforce the recommended conditions. Based on these concerns, DAB III voted (9-0) to recommend denial. At the MAPC hearing on April 18, 2002, one speaker appeared in opposition to the request and cited concerns with the appearance of the business, especially regarding outside storage, and the inability to enforce the recommended conditions. The MAPC voted (8-1) to recommend the request for approval subject to the following conditions:

1. The Conditional Use for a Wrecking/Salvage Yard shall permit the dismantling of vehicles and the sale of vehicle parts only. No other uses customarily associated with a Wrecking/Salvage Yard such as the collecting, storing, and/or salvaging of machinery, equipment, appliances, vehicles, bulky waste, salvage material, junk, or discarded materials shall be permitted.
2. The dismantling of vehicles shall be performed within an enclosed building.
3. All vehicle parts shall be stored within an enclosed building or within racks or bins. All racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin

and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. No rack or bin or material stored in such rack or bin shall exceed a height of 8 feet.

4. There shall be no more than 30 vehicles to be dismantled stored on the subject property at any one time. No vehicle shall remain on the subject property for longer than 60 days.
5. All vehicles to be dismantled and racks or bins for the storage of vehicle parts shall be stored on paved surfaces meeting the standards of Sec. IV-A.2. of the Unified Zoning Code.
6. The subject property shall be entirely enclosed by a white or earth-tone, single-color metal panel fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be used for screening purposes or located on or attached to the screening fence. A gate is permitted in the north side of the screening fence, but it shall remain closed unless in use.
7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
8. The site shall be developed in general conformance with the approved site plan.
9. The applicant shall obtain and maintain all applicable local, state, and federal permits and licenses necessary for the operation of a wrecking/salvage yard.
10. Any violation of the conditions of approval shall render the conditional use permit null and void.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place ordinance establishing the zone change on first reading; and approve the Conditional Use to permit a Wrecking/Salvage Yard on property zoned "LI" Limited Industrial, subject to the recommended conditions; or
2. Return the application to the MAPC for reconsideration

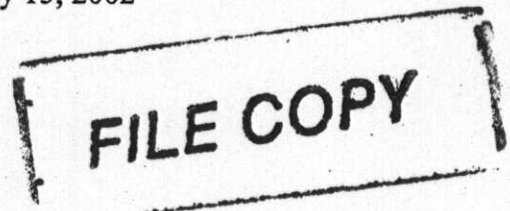
(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)



Wichita-Sedgwick County Metropolitan Area Planning Department

May 15, 2002

Kyle Barakeh
Applicant
6813 E. Harry
Wichita, KS 67207



RE: ZON2002-00019 (CON2002-00013) – Zone change from “GC” General Commercial to “LI” Limited Industrial and a Conditional Use for a Wrecking/Salvage Yard. Generally located south of Harry, approximately ½ mile east of Woodlawn.

Dear Mr. Barakeh:

At its regular meeting on May 14, 2002, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY the requests.

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

Sincerely,

Scott Knebel
Senior Planner

SK/rs

Cc: Baughman Company, P.A., %Russ Ewy, 315 Ellis, Wichita, KS 67211
Charlotte Foster, 702 Courtleigh, Wichita, KS 67218
Phil Lambke, City Council, District III, Mail Stop 1-13
Vicky Mork, District Advisory Board III, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72