Wichita-Sedgwick County Metropolitan Area Planning Department

February 6, 2024

Joe & Layna Trimmell
1035 N Broadmoor St
Wichita, KS 67206

Ray Rose TOWICT, LLC
606 N Webb Rd
Wichita, KS 67206

RE: **ZON2023-00071 and CON2023-00065:** Zone change request in the City from SF5 Single-Family Residential, LC Limited Commercial, and GC General Commercial to LI Limited Industrial District with to permit Wrecking/Salvage Yard with Conditional Use request to allow Vehicle Storage Facility, generally located east side of South Broadway Ave and within one-quarter mile north of I-235 (4204 S. Broadway).

Dear Applicant;

At its regular meeting on **February 6, 2024**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: Mike Hoheisel, Council Member District III
Becca Johnson, CSR, District III
MABCD
Baughman Co., ATTN Jay Cook 315 South Ellis St. Wichita, KS 67211

Wichita-Sedgwick County Metropolitan Area Planning Department

Joe & Layna Trimmell
1035 N. Broadmoor St.
Wichita, KS 67206

December 29, 2023

RE: ZON2023-000071 and CON2023-00065 – Zone Change request in the City from SF-5 Single-Family Residential District, LC Limited Commercial District, and GC General Commercial District to LI Limited Industrial District; and A Conditional Use request to allow a Wrecking/Salvage Yard, generally located on the east side of South Broadway and within one-quarter mile north of I-235

Dear applicant,

At its regular meeting on **December 28, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned requests. The action of the MAPC was to recommend **APPROVAL** the request to change zoning from SF-5 Single-Family Residential District, LC Limited Commercial District, and GC General Commercial District to LI Limited Industrial District and to recommend **APPROVAL** the Conditional Use request for the Wrecking/Salvage Yard.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **January 11, 2024**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **January 11, 2024, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) III on **Tuesday, January 3, 2024** beginning at 6:30 p.m. at the WATER Center (101 East Pawnee Street). For more information on this meeting, please contact Community Services Representative for District III, Becca Johnson at (316) 303-8030 or rejohnson@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, February 6, 2024** beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Mike Hoheisel, Council Member District I
Becca Johnson, CSR, District III
MABCD

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON February 16, 2024

ORDINANCE NO. 52-341

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2023-00071

Zone change request in the City from SF-5 Single-Family Residential District, GC General Commercial District and LC Limited Commercial District to LI Limited Industrial District zoning, on property legally described as:

That part of the Northwest Quarter of Section 16, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on November 28, 2023, more particularly described as follows: Commencing at the Southwest corner of said Northwest Quarter; THENCE North coincident with the west boundary line of said Northwest Quarter, a distance of 1251.62 feet, for a Point of Beginning; THENCE continuing North, a distance of 82.50 feet; THENCE East, parallel with the South boundary line of said Northwest Quarter, a distance of 350.00 feet; THENCE North, parallel with the West boundary line of said Northwest Quarter, a distance of 98.59 feet; THENCE East, parallel with the South boundary line of said Northwest Quarter, a distance of 973.00 feet; THENCE South, a distance of 181.09 feet; THENCE West, parallel with the South boundary line of said Northwest Quarter, a distance of 1323.00 feet to the point of beginning, except the West 30 feet for street; TOGETHER WITH Lots 1 and 2, Haney Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 13th day of February, 2024.

Lily Wu

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	520915	Print Legal Ad-IPL01598530 - IPL0159853	ORD#52-341	$82.50	2	49 L

Attention: LaTosha Alvarez

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 **PUBLISHED IN THE WICHITA EAGLE ON**
February 16, 2024
ORDINANCE NO. 52-341

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:
Case No. ZON2023-00071
Zone change request in the City from SF-5 Single-Family Residential District, GC Genral Commercial District and LC Limited Commercial District to LI Limited Industrial District zoning, on property legally described as:
That part of the Northwest Quarter of Section 16, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on November 28, 2023, more particularly described as follows: Commencing at the Southwest corner of said Northwest Quarter; THENCE North coincident with the west boundary line of said Northwest Quarter, a distance of 1251.62 feet, for a Point of Beginning; THENCE continuing North, a distance of 82.50 feet; THENCE East, parallel with the South boundary line of said Northwest Quarter, a distance of 350.00 feet; THENCE North, parallel with the West boundary line of said Northwest Quarter, a distance of 98.59 feet; THENCE East, parallel with the South boundary line of said Northwest Quarter, a distance of 973.00 feet; THENCE South, a distance of 181.09 feet; THENCE West, parallel with the South boundary line of said Northwest Quarter, a distance of 1323.00 feet to the point of beginning, except the West 30 feet for street; TOGETHER WITH Lots 1 and 2, Haney Addition to Wichita, Sedgwick County, Kansas.
SECTION 2. That upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.
Adopted this 13th day of February 2024.
Lily Wu, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0159853
Feb 16 2024

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

1 insertion(s) published on:
02/16/24

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 02/16/2024 to 02/16/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/16/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	496666	Print Legal Ad-IPL01505650 - IPL0150565	OCA 150004	$188.68	3	75 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on December 7, 2023
(One Time Only)
MAPC/BZA December 28, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 28, 2023, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2023-00064: Conditional Use request in the City to permit Tavern and drinking establishment uses on property zoned CBD Central Business District, generally located on the east side of N St Francis Avenue, 62 ft north of East Douglas Avenue (114 N Saint Francis Ave).

CON2023-00065: Conditional Use request in the City to allow vehicle storage facility for parking inoperable vehicles, generally located on the east side of South Broadway and within one-eighth of a mile north of Interstate 235 (4204 South Broadway Avenue).

VAC2023-00048: Vacation request of the South 10 feet of the North 35 feet of the platted North setback, generally located at the Southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

VAC2023-00049: Request in the City to vacate the platted alley located between South Broadway Ave. and South Topeka Ave and between East English St. on the south and East. William St. on the north to facilitate redevelopment of the block.

VAC2023-00050: Vacation request in the City to vacate ten feet of a 25-foot platted setback on property zoned MF-29 Multi-Family Residential District, generally located south of East 36th Street North and west of North Rock Road.

VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

ZON2023-00068: Zone change request in the City from SF-5 Single-Family Residential District to NR Neighborhood Retail District with Protective Overlay #424 for commercial development, generally located on the east side of North Rock Road, within one-half mile north of East 45th Street North.

ZON2023-00070: Zone change request in the City from NO to LC to maintain usage rights in the NO district with PO 425 to allow Animal Care, Limited in accordance with LC district, generally located on the west side of Maize Road North and one-third of a mile south of West 21st Street North. (1901 Maize Road North).

ZON2023-00071: Zone Change request in the City from SF-5 Single-Family Residential, GC General Commercial and LC Limited Commercial to LI Limited Industrial for Wrecking/Salvage Yard use; generally located on the east side of South Broadway and within one-eighth of a mile of Interstate 235 (4204 South Broadway).

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

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email
Planning@wichita.gov
Mailing Address
Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)
The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on December 7, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0150565
Dec 7 2023

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

1 insertion(s) published on:
12/07/23

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/07/2023 to 12/07/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/07/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.5

STAFF REPORT
MAPC: December 28, 2023
DAB III: January 3, 2024

CASE NUMBER: ZON2023-00071 and CON2023-00065 (City)

APPLICANT/AGENT: Joe & Layna Trimmel; Ray Rose, TOWICT, LLC (Applicants)/ Baughman Company (Agent)

REQUEST: LI Limited Industrial District and a Conditional Use

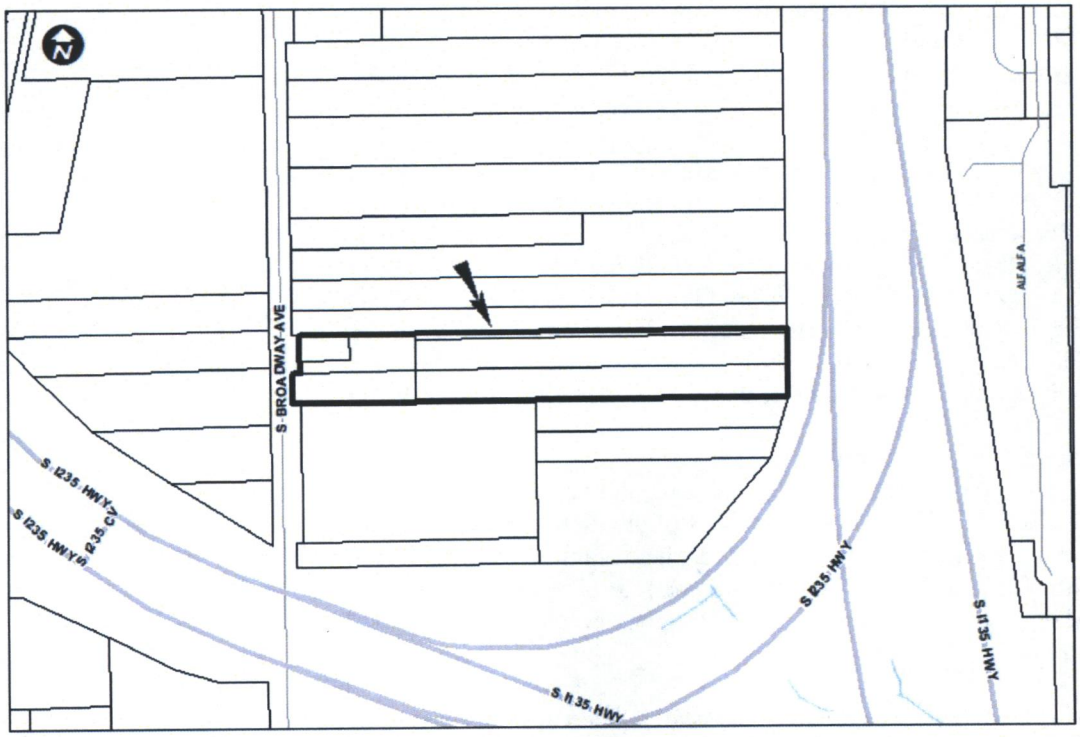
CURRENT ZONING: SF-5 Single-Family Residential District, LC Limited Commercial District, GC General Commercial District

SITE SIZE: 4.92 acres

LOCATION: Generally located on the east side of South Broadway and within one-eighth of a mile north of Interstate 235 (4204 South Broadway Avenue).

PROPOSED USE: Wrecking/Salvage Yard

RECOMMENDATION: Approve with conditions



BACKGROUND: The applicant is requesting two things:
1. a zone change from SF-5 Single-Family Residential District, LC Limited Commercial District, and GC General Commercial District to LI Limited Industrial District
2. a Conditional Use request in order to permit a Wrecking/Salvage Yard on the entire property/subject site.

The site is approximately 4.92 acres, generally located on the east side of South Broadway and one-eighth of a mile north of Interstate 235. The requests would permit the applicant to utilize the site as a Wrecking/Salvage Yard for the entirety of the property. The applicant is also requesting a waiver of Supplementary Use Regulation Section III-D.6.e(1) of the Unified Zoning Code (UZC). This waiver would allow the Conditional Use despite abutting both an arterial street and a freeway as discussed below.

Wrecking/Salvage Yards are subject to Supplementary Use Regulation Section III-D.6.e of the UZC. Section III-D.6.e states that Wrecking/Salvage Yards may be approved as a Conditional Use in the LI Limited Industrial District, provided that such operation:

1. Is not Abutting an arterial Street, expressway or freeway;
2. In the opinion of the Planning Commission, will not adversely affect the character of the neighborhood; and,
3. Is enclosed by a Fence or wall not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such Fence.

Wrecking/Salvage Yards are also subject to Supplementary Use Regulation Section III-D.6.dd of the UZC. Section III-D.6.dd states that, "In LC Limited Commercial District through LI Limited Industrial District, the Outdoor Storage and or baling of junk, scrap, paper, bottles, rags, or similar materials is prohibited." This regulation has also been added to the list of recommended conditions of approval.

The character of the neighborhood is generally industrial with some manufactured home residential. Property to the north is zoned LC Limited Commercial District and SF-5 Single-Family Residential District and is developed with an office/warehouse combination. Property to the east, across from the junction of Interstate 235 and Interstate 135 is zoned MH Manufactured Housing District and is developed with a Manufactured Home Park. This MH District is approximately 480 feet to the east because of the wide right-of-way where Interstate 235 and Interstate 135 meet. Property to the south is zoned GC General Commercial District and SF-5 Single-Family District and is developed with a used car lot. Property to the west, across South Broadway Avenue, is zoned GC General Commercial District and LI Limited Industrial District and is developed with a Manufactured Home Park.

Compatibility setback and height standards would apply to the eastern portion of the site since it abuts the SF-5 Single-Family Residential District zoning on both the north and south property lines. In accordance with Section IV-C.4 of the UZC, the compatibility building interior side and rear setbacks shall be 25 feet. In addition, the compatibility height standards in accordance with Section IV.C.5 of the UZC shall be in effect. This section states that a building cannot exceed 35 feet in height within 50 feet of the lot line of a property zoned TF-3 or more restrictive. For every three feet greater than 50 feet from the lot line, the building can gain one-foot in height.

With residential property abutting the subject property on the north, south and west sides, the site would be required to come into compliance with screening, lighting, and landscaping standards set forth in the UZC and the Wichita Landscape Ordinance. Section IV-B of the UZC addresses screening and lighting standards, requiring a minimum of a six-foot solid screening fence where abutting residential zoning. The site would also be required to comply with screening of mechanical equipment as described in Section IV-B.3.e. In addition to screening, the applicant shall install a landscape buffer along the north, east, and west property lines where abutting residential zoning districts.

The subject site would not be required to install a landscaped street yard or screen the existing parking lots. The City of Wichita Landscape Ordinance allows exceptions to these requirements when there is no renovation to a nonresidential building or not renovating or expanding an existing parking lot.

CASE HISTORY: On April 18, 1984 a portion of the subject site was platted as Lots 1 and 2 of the Haney Addition. The other lots within the subject site are unplatted and will be required to be platted before any building permits are issued. There are no other zoning cases associated with the subject sites.

ADJACENT ZONING AND LAND USE:

North:	SF-5 & LC	Warehouse and Office
South:	SF-5 & GC	Used Car Lot
East:	MH	Manufactured Home Park
West:	LC & LI	Manufactured Home Park

PUBLIC SERVICES: South Broadway Avenue is a four-lane arterial street without sidewalks. Municipal water, sanitary sewer and stormwater currently serve the site. Wichita Transit does not serve the site.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change is in partial conformance with the *Community Investments Plan* and is not in conformance with the *South Wichita/Haysville Area Plan*:

Community Investments Plan: The 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area, identifies this subject site as appropriate for "New Employment," "Commercial," and "Residential" development and use. "New Employment" areas "*likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.*" "Residential" areas should, "*reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).*" "Commercial" areas "*reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses.*" The subject site are located in an industrial, under-utilized area of the City. The recommended conditions for the proposed Wrecking/Salvage yard, should mitigate substantial detrimental impacts to the surrounding area.

The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. These guidelines recommend that "*Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts.*" The applicant will be required to mitigate possible adverse impacts by screening and buffering the use with fences or walls and landscaping. It should be noted that residential uses are adjacent to the subject site, with a Manufactured Home Park to the west, and another a few lots to the north. Additionally, the applicant is requesting a condition that if any inoperable vehicle is on-site, it will be temporary and that any salvaging would be prohibited.

South Wichita/Haysville Area Plan: The requested rezoning is not in compliance with the South Wichita/Haysville Area Plan. The site is located within the boundaries of the *South Wichita/ Haysville Area Plan* (SW/HAP). Chapter Four of the plan discusses the desire for new commercial development in the area. The SW/HAP future development concept map also identifies the subject site as appropriate for commercial retail development. The use of Wrecking/Salvage Yard is considered an industrial use.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the requests, subject to the following conditions:

1. Outdoor Storage and Vehicle Storage Yard shall be restricted from the east 100 feet of the subject parcels and shall be restricted to the "Gravel Vehicle Storage Area" as indicated by the site plan.
2. Per Section IV-A.2.b of the UZC, all Parking areas, Loading areas, and driveways on all Developments other than low-density residential Developments shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of weeds, dust, trash and other debris. Areas designated for Vehicle Storage shall be designed with an All-Weather Surface
3. Outdoor Storage shall adhere to Section III-D.6.dd of the Unified Zoning Code specifically prohibiting the storage and/or baling of junk, scrap, paper, bottles, rags, or similar materials.
4. Vehicle Storage Yard shall be the main use of the subject property. However, if an inoperable vehicle is on-site, it will be temporary, and any salvage would be prohibited.
5. Expansion into Phase II (as indicated on the Site Plan) may occur concurrently or in multiple phases. This expansion shall follow the requirements set forth in the Conditional Use for site requirements (screening, fencing, etc.).
6. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
7. The transfer of title of all or any portion of land included within the Conditional Use (or any amendments thereto) does not constitute a termination of the Conditional Use or any portion thereof, but said Conditional Use shall run with the land and be binding upon present owners, their successors and assigns.
8. Development of the site shall be in general conformance with the approved site plan.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is generally industrial with some manufactured home residential. Property to the north is zoned LC Limited Commercial District and SF-5 Single-Family Residential District and is developed with an office/warehouse combination. Property to the east, across from the junction of Interstate 235 and Interstate 135 is zoned MH Manufactured Housing District and is developed with a Manufactured Home Park. This MH District is approximately 480 feet to the east because of the wide right-of-way where Interstate 235 and Interstate 135 meet. Property to the south is zoned GC General Commercial District and SF-5 Single-Family District and is developed with a used car lot. Property to the west, across South Broadway Avenue, is zoned GC General Commercial District and LI Limited Industrial District and is developed with a Manufactured Home Park.

2. The suitability of the subject property for the uses to which it has been restricted: The properties are zoned LC Limited Commercial District, GC General Commercial District, and SF-5 Single-Family Residential District, which would allow for a large range of commercial uses on the west ends of the properties and several residential and civic and public uses on the east ends.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all uses permitted in the LI Limited Industrial District on the site. The applicant intends to utilize the entire property, excluding the eastern 100 feet, as a Vehicle Storage Yard with Wrecking/Salvage Yard as a secondary use. Considering the properties to the south and north include SF-5 Single-Family Residential Districts, the removal of restrictions could negatively affect nearby property. However, the existing nature of the surrounding property is industrial in nature. Also, the

proposed conditions are designed to mitigate any possible negative impacts to nearby property.

4. Length of time subject property has remained vacant as zoned: The northern parcel is currently being used by the applicant for their offices. The southern parcel has been vacant for an undetermined amount of time.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not expected that the requested Conditional Use would have any significant negative affects to surrounding properties. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is in partial conformance with the *Community Investments Plan* and is not in conformance with the *South Wichita/Haysville Area Plan* as discussed in the staff report.

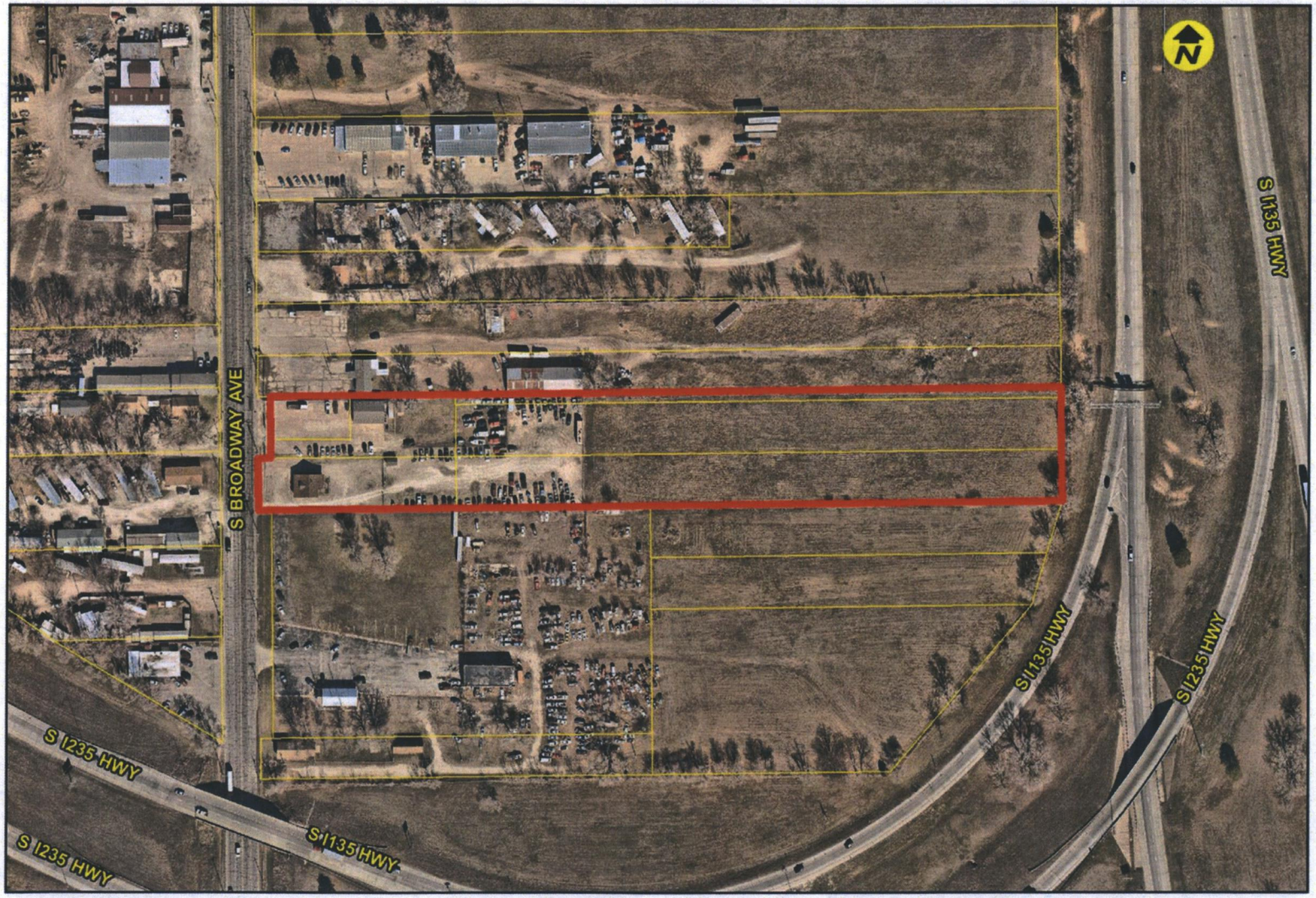
7. Impact of the proposed development on community facilities: The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities. Existing public infrastructure at the site should accommodate uses under the proposed LI zoning.

8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has not received any public comments regarding this case.

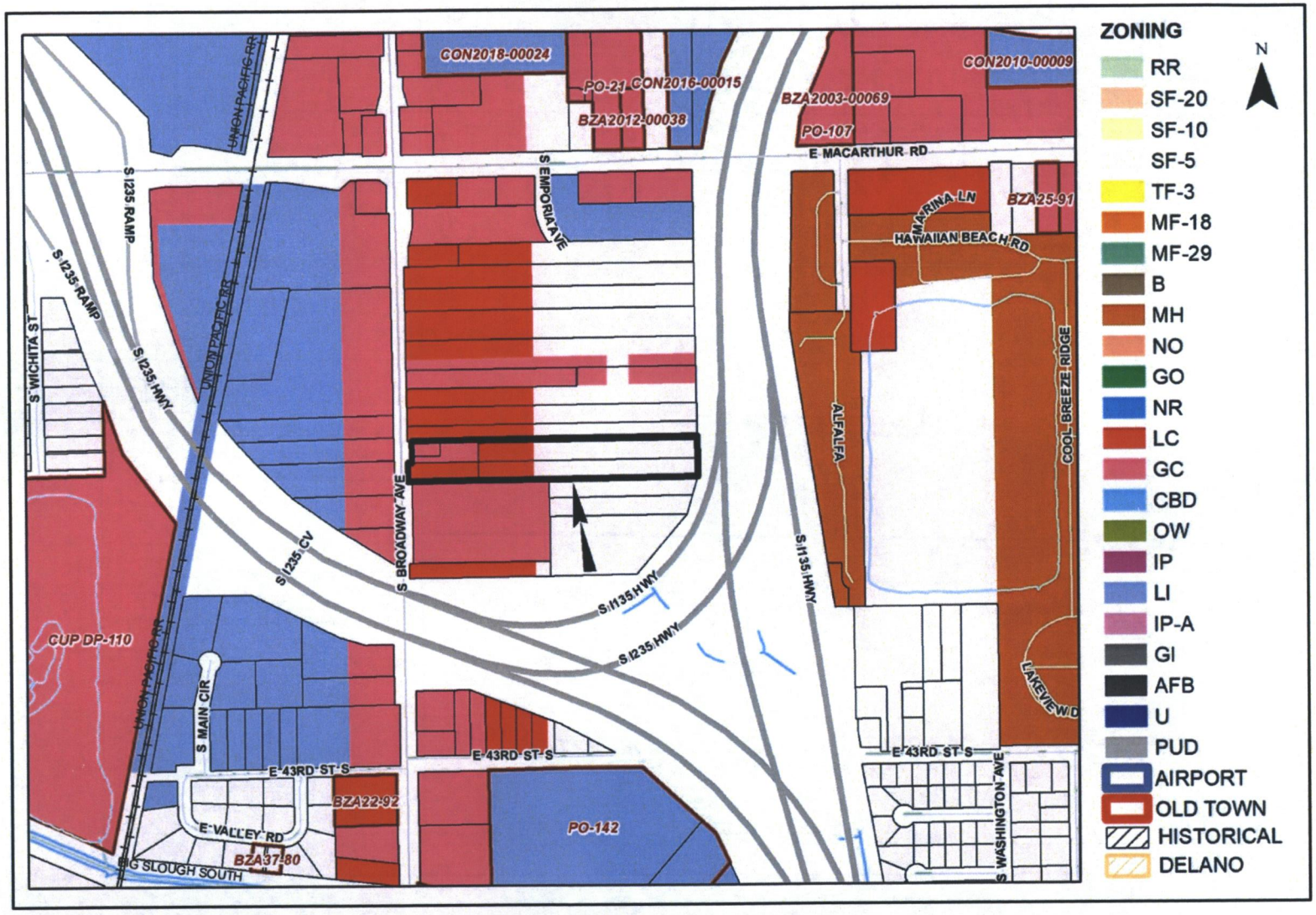
Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. South Wichita/ Haysville Area Plan Future Development Concept Map
5. Site Plan
6. Site Pictures

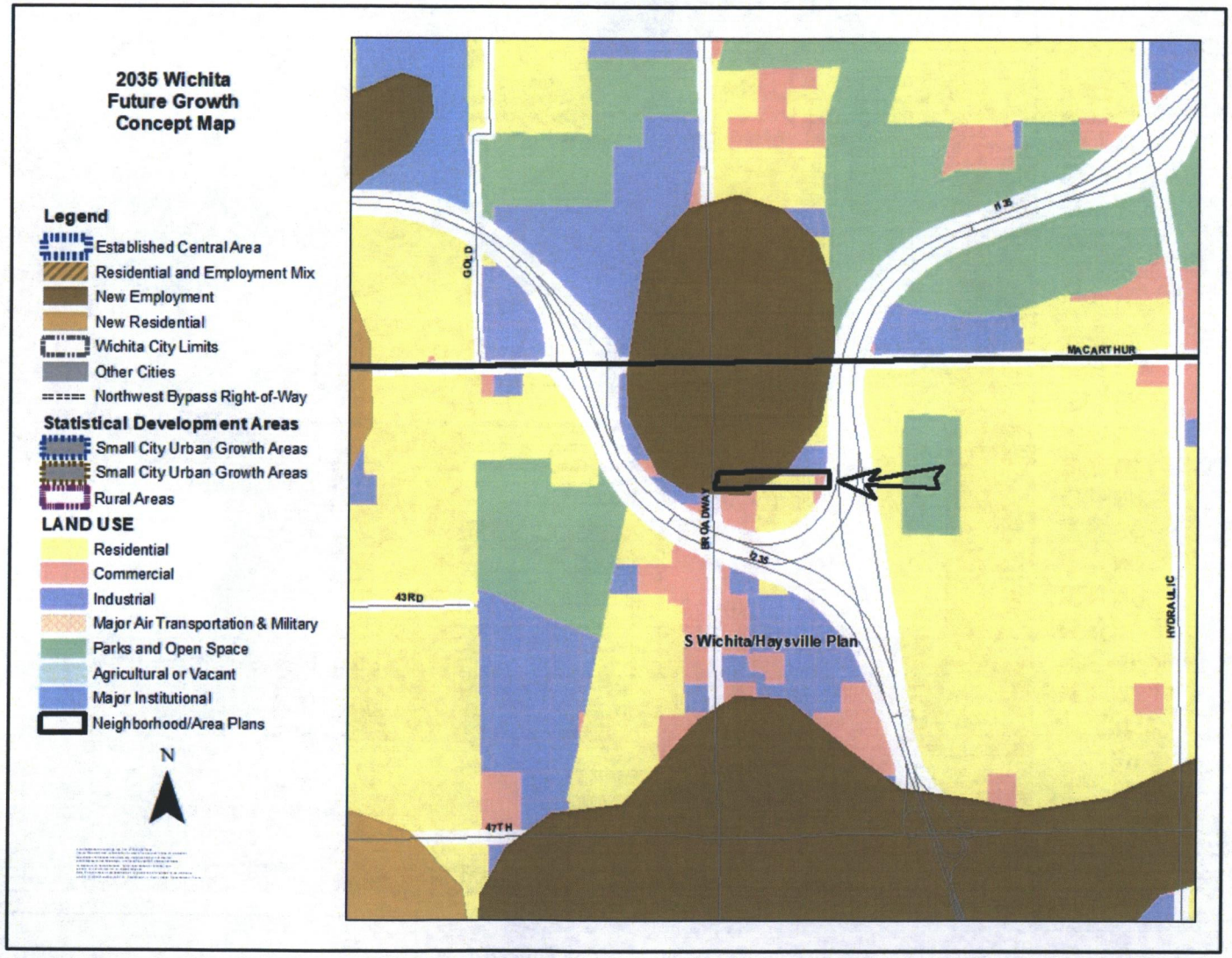
Attachment 1. Aerial Map



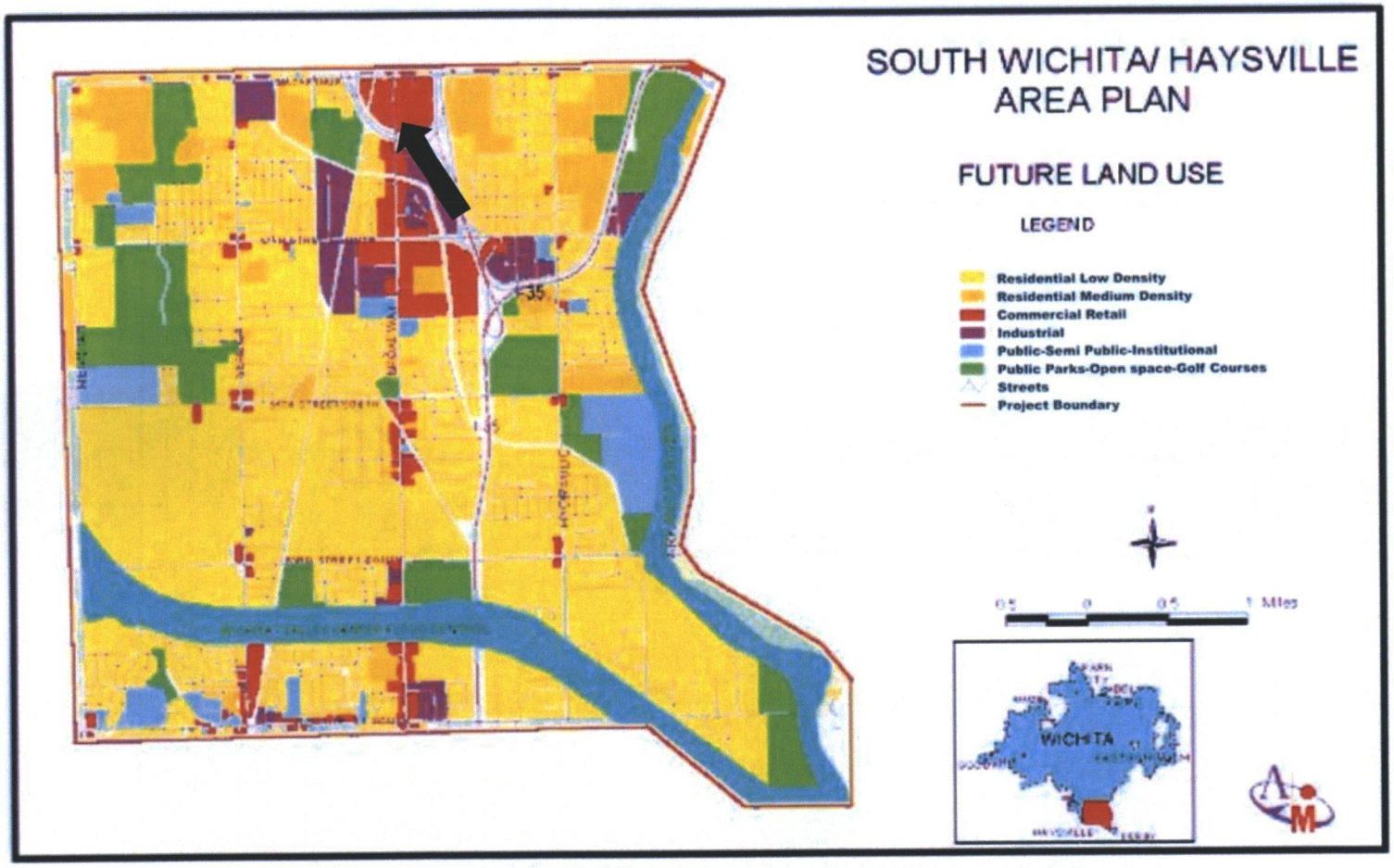
Attachment 2. Zoning Map



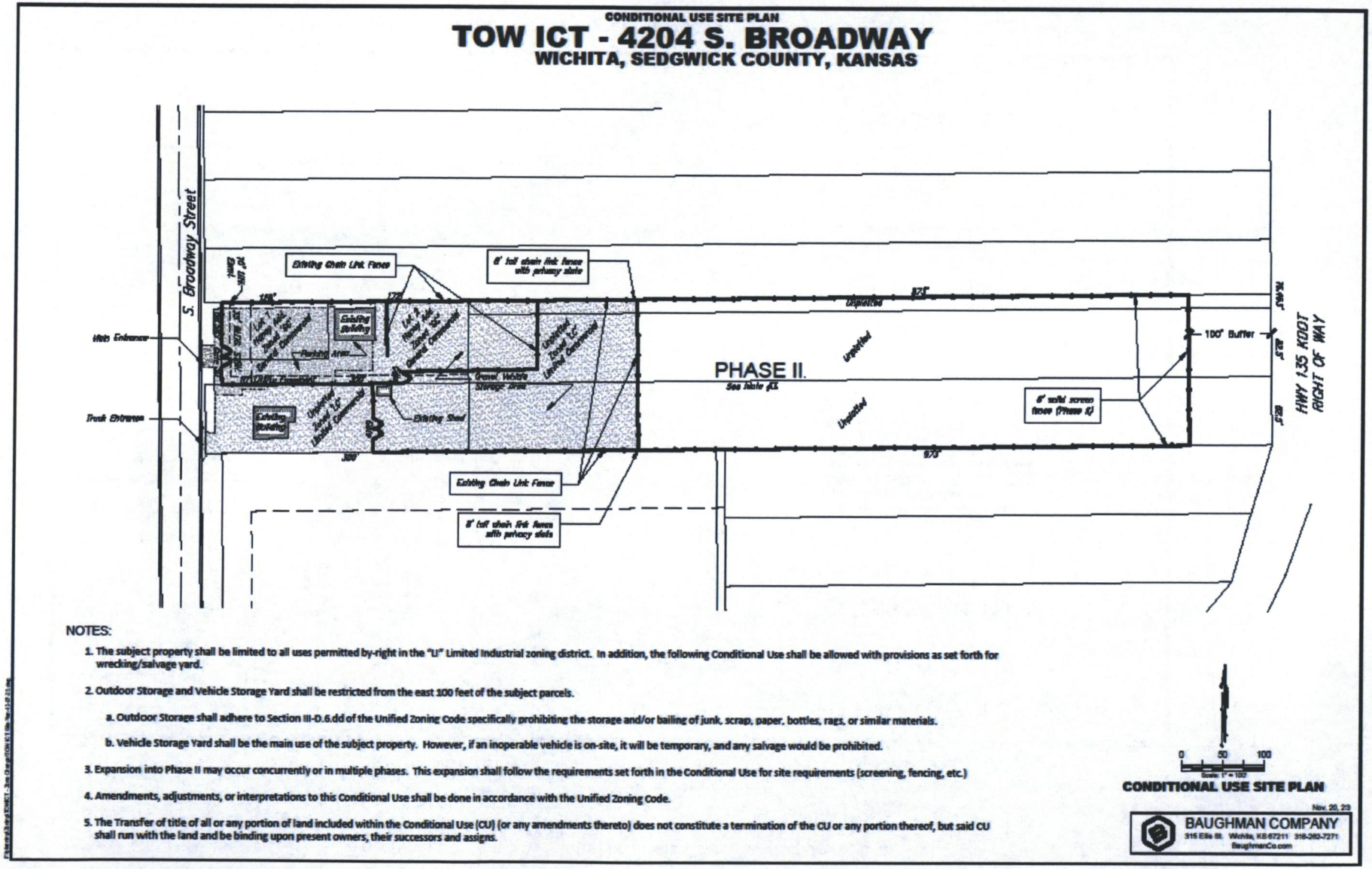
Attachment 3. Land Use Map



Attachment 4. South Wichita/Haysville Area Plan Land Use Map



Site Plan


CONDITIONAL USE SITE PLAN
TOW ICT - 4204 S. BROADWAY
WICHITA, SEDGWICK COUNTY, KANSAS
S. Broadway Street
Existing Chain Link Fence
6' tall chain link fence with privacy slats
Existing Building
Main Entrance
Truck Entrance
Parking Area
Gravel Vehicle Storage Area
Existing Shed
Unpaved
PHASE II
See Table #3
6' solid screen fence (Phase II)
100' Buffer
HWY 135 KDOT RIGHT OF WAY
Existing Chain Link Fence
6' tall chain link fence with privacy slats
NOTES:
1. The subject property shall be limited to all uses permitted by-right in the "LI" Limited Industrial zoning district. In addition, the following Conditional Use shall be allowed with provisions as set forth for wrecking/salvage yard.
2. Outdoor Storage and Vehicle Storage Yard shall be restricted from the east 100 feet of the subject parcels.
a. Outdoor Storage shall adhere to Section III-D.6.dd of the Unified Zoning Code specifically prohibiting the storage and/or bailing of junk, scrap, paper, bottles, rags, or similar materials.
b. Vehicle Storage Yard shall be the main use of the subject property. However, if an inoperable vehicle is on-site, it will be temporary, and any salvage would be prohibited.
3. Expansion into Phase II may occur concurrently or in multiple phases. This expansion shall follow the requirements set forth in the Conditional Use for site requirements (screening, fencing, etc.)
4. Amendments, adjustments, or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
5. The Transfer of title of all or any portion of land included within the Conditional Use (CU) (or any amendments thereto) does not constitute a termination of the CU or any portion thereof, but said CU shall run with the land and be binding upon present owners, their successors and assigns.
0 50 100
CONDITIONAL USE SITE PLAN
Nov. 20, 23
BAUGHMAN COMPANY
315 Elle St. Wichita, KS 67211 316-260-7271
BaughmanCo.com

Site Photos



Looking east into subject properties



Looking east into rear of site



Looking north away from subject site



Looking south of the subject site



Looking west away from subject site.