CONDITIONAL USE RESOLUTION NO. CU-481

WHEREAS, Gerald L. Dunnegan, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a salvage yard on 8.69 acres zoned "LI" Limited Industrial described as:

> That part of Governments Lots 2 and 3 in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying South of the South line of the Kansas Turnpike, East of the East line of the Arkansas River as established on Film 238, at page 332 and West of the West line of the Atchison-Topeka & Santa Fe Railroad right-of-way and North of the North line of MacArthur Road as established on Film 227, Page 354, except that part platted as Sutherland Lumber South an Addition to Sedgwick County, Kansas. Generally located west of K-15 Highway and Sutherland Lumber, north of MacArthur Road.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 11, 1998, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow a salvage yard on 8.69 acres zoned "LI" Limited Industrial described as:

> That part of Governments Lots 2 and 3 in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying South of the South line of the Kansas Turnpike, East of the East line of the Arkansas River as established on Film 238, at page 332 and West of the West line of the Atchison-Topeka & Santa Fe Railroad right-of-way and North of the North line of MacArthur Road as established on Film 227, Page 354, except that part platted as Sutherland Lumber South an Addition to Sedgwick County, Kansas. Generally located west of K-15 Highway and Sutherland Lumber, north of MacArthur Road.

subject to platting the entire ownership and to the following conditions:

A. This Conditional Use shall authorize the operation of an iron, metal and auto salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted.

B. The salvage yard shall be in general conformance with a revised site plan, approved by the Director of Planning at the time of platting, indicating the boundaries of the salvage activities, access points, vehicle storage areas, parking and required screening. The western boundary shall be established outside of the required floodway easement, and the site plan shall indicate the potential location west of the western fence line for a future bike path (the dedication of an access easement for this path will be requested, but will not be recommended by staff as a requirement of platting).

C. The height of the scrap metal piles and wrecked vehicles shall not exceed the height of the screening fence.

D. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. Racks and bins shall be elevated so there is at least 18 inches of clearance between the bottom of the racks or bins and the ground to reduce rodent potential. Racks or bins shall be a minimum of 48 inches away from any wall, fence or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Health Officer.

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

F. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the wall or fence.

G. Entrance gates shall be provided with breakaway locking devices to permit access by the Fire Department.

H. Gasoline, solvents, oils and other automotive liquids shall be stored and managed and disposed of in a manner that minimizes potential for groundwater contamination, and complies with all applicable KDHE regulations pertaining to hazardous materials and hazardous waste.

I. Any on-site sewer system shall be used only for disposal of domestic sewage. No chemicals, solvents, and automotive wastes shall be disposed in the sewage facility. If solvents or hazardous wastes are generated or stored, they are to be managed in accordance with KDHE regulations. No salvage activities shall begin until public sanitary sewer is extended or the apppropriate health department approves of any on-site sanitary sewer disposal systems.

J. Signage shall be limited to a maximum of two signs (including any signage associated with the existing fireworks distribution business) with no sign exceeding 150 square feet in size.

K. Any violation of conditions of approval shall declare this Conditional Use to be null and void.

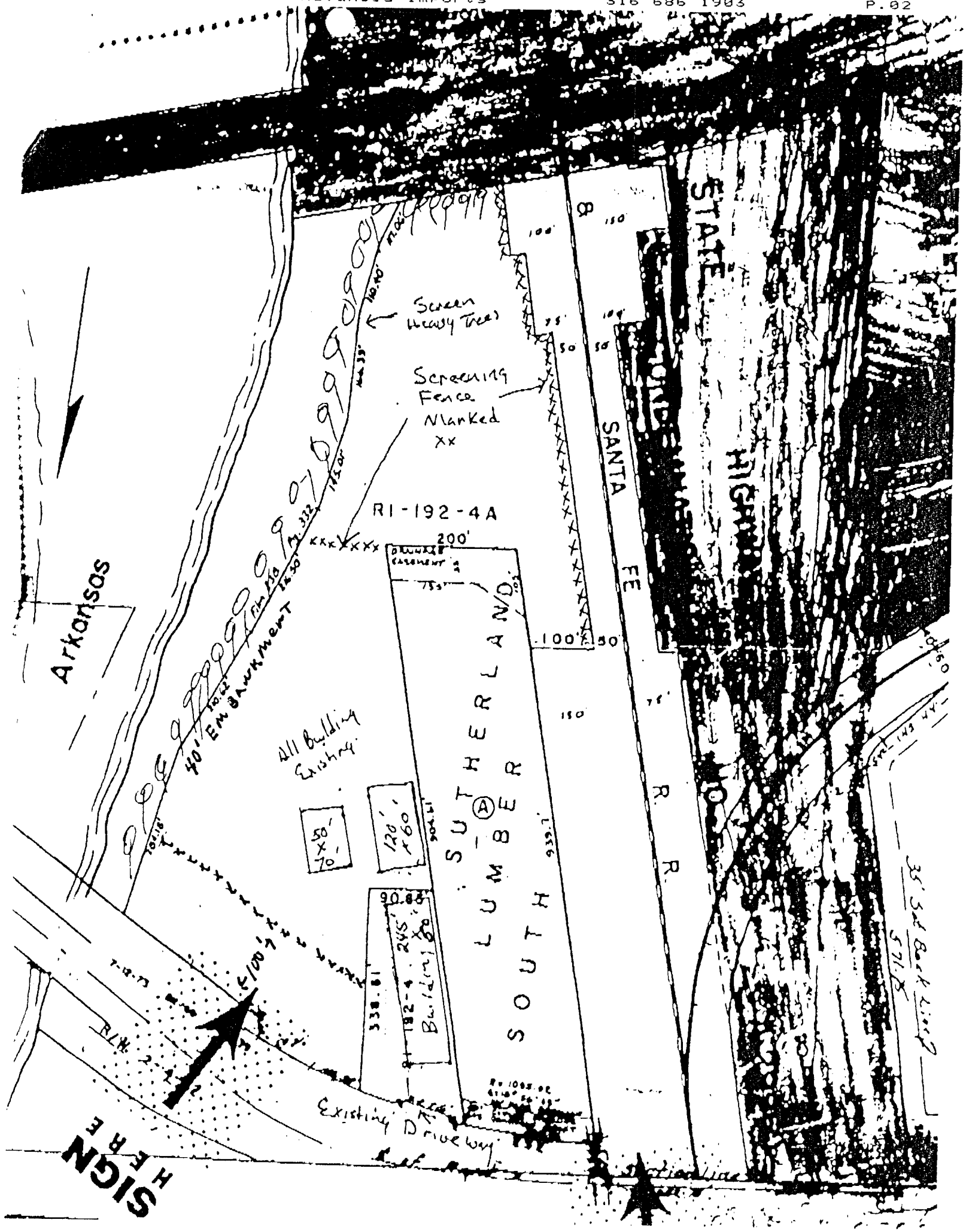
Adopted this 11th day of June, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Richard E. Lopez, Chairman

ATTEST:

Marvin S. Krout, Secretary


STATE HIGHWAY
SANTA FE R R
SOUTHERN LUMBER Co.
Screen Heavy Trees
Screening Fence Marked XX
RI-192-4A
200'
All Building Existing
50' x 70'
120' x 60'
182-4 Building
Existing Driveway
Arkansas
SIGN HERE

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

MAPC June 11, 1998

CASE NUMBER: CU-481

APPLICANT/AGENT: Gerald L. Dunnegan, 204 N. Willo Esque, Wichita, KS 67212 (applicant / owner) / Robert L. Kaplan, 430 N. Market, Wichita, KS 67202 (agent)

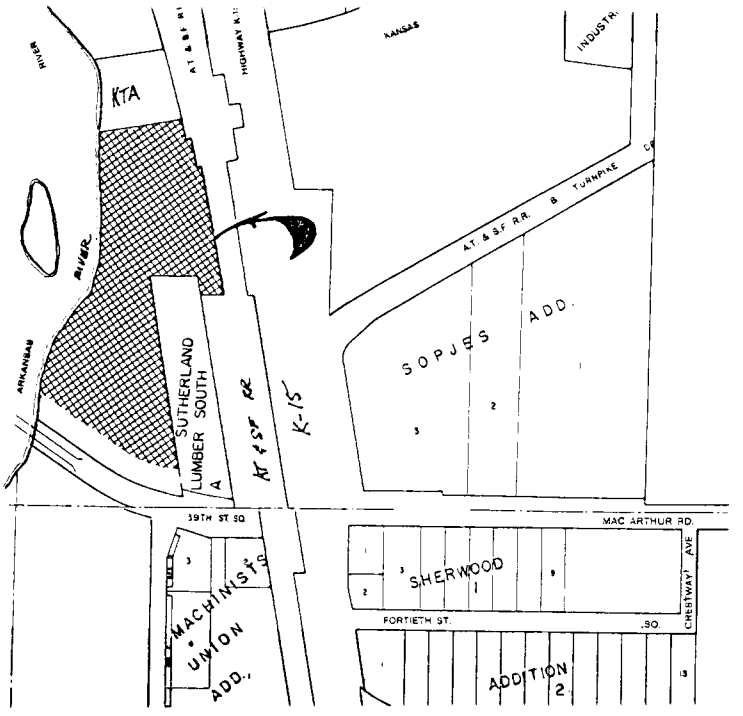
REQUEST: Conditional Use for a Salvage Yard

CURRENT ZONING: "LI", Limited Industrial

SITE SIZE: 8.69 acres

LOCATION: West of K-15 and Sutherland Lumber, North of MacArthur Road

PROPOSED USE: Salvage yard



BACKGROUND: The applicant requests a conditional use permit to operate a salvage yard on 9.4 acres zoned "LI", Limited Industrial located one-eighth mile west of K-15 Highway and north of MacArthur Road. The site is unplatted and partially developed with a fireworks distribution warehouse complex. Otherwise, the remainder of the site is undeveloped without any permanent structures. There are numerous truck trailers (without the tractors) parked on the site. Access to the site is from one drive off of MacArthur. Drives and parking spaces for the existing use are unpaved and unmarked.

Wrecking/salvage yards may be approved as a conditional use in the "LI", district, provided that the operation: is not on an arterial, expressway or freeway; in the Planning Commission's opinion it will not adversely affect the character of the neighborhood and is enclosed by a 95% solid fence or wall not less than eight feet in height. Parking space requirements are calculated at the rate of 1 space per 250 square feet of office or retail sales area, plus 1 space per 2,000 square feet of building area used for warehousing of salvaged parts, plus 1 space per 1 acre of outdoor storage area.

The applicant's site plan indicates a salvage free area setback of 100 feet from the MacArthur Road right-of-way. The site plan also depicts screening fence along MacArthur Road and the K-15 right-of-way. The entire site will have to be fenced to meet code. At the time of platting, the western boundary of salvage operations will have to be identified precisely by identifying the eastern boundary of the floodplain on a revised site plan. The submitted site plan indicates an embankment line that is assumed to be the eastern floodplain boundary. The river has extensive tree growth.

The site is bounded on the north by the Kansas Turnpike. The Turnpike is depressed as it passes the applicant's north boundary, so this site is not visible to travelers on the Turnpike. North of the Turnpike, a construction waste landfill has been approved. Along the north half of the east property line, the site is bordered by the Santa Fe railroad tracks and K-15 Highway. Both of these transportation facilities are at-grade, so the site is visible today from these travel routes. Sutherland Lumber Company is located along the south half of the eastern boundary. Some of Sutherland's buildings screen portions of the application area from K-15. South of MacArthur, is undeveloped land and a mobile home park. To the west is the Arkansas River.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6", Single-family; Kansas Turnpike
SOUTH: " LC", Limited Commercial and SF-6, Single-family; Mobile Home Park

and Undeveloped

EAST: " LI", Limited Commercial and "SF-6", Single-family; Lumber Yard and Railroad

WEST: "SF-6", Single-family; Arkansas River

PUBLIC SERVICES: Public water is available, but sanitary sewer is not. The site is served by an on-site septic system. MacArthur is a paved 4-lane roadway at this location and carries 12,239 average daily trips (ADT) at this location. The 2020 Transportation Plan predicts an ADT of 15,976 with no further improvements suggested by the Plan or in the County's Capital Improvement Program. The site has one access point to MacArthur today. Sanitary sewer service is provided by on-site septic system. Health Department will have to approve any continued use of the existing on-site system if the request is approved. Public water is available to the site.

CONFORMANCE TO PLANS/POLICIES: The plan depicts this site as appropriate for industrial uses. The plan suggests that the characteristics of the proposed use, the surrounding uses and zoning, and the degree to which a specific use would clash with adjacent uses should be the primary location determinants. Access to utilities and transportation systems should also be considered.

The "Parks and Open Space Plan" suggests that this bank of river is appropriate for a future Arkansas River bikepath extending south from the City-owned land north of the Turnpike.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the entire ownership and to the following conditions:

A. This Conditional Use shall authorize the operation of an iron, metal and auto salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted.

B. The salvage yard shall be in general conformance with a revised site plan, approved by the Director of Planning at the time of platting, indicating the boundaries of the salvage activities, access points, vehicle storage areas, parking and required screening. The western boundary shall be established outside of the required floodway easement, and the site plan shall indicate the potential location west of the western fence line for a future bike path (the dedication of an access easement for this path will be requested, but will not be recommended by staff as a requirement of platting).

C. The height of the scrap metal piles and wrecked vehicles shall not exceed the height of the screening fence.

D. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. Racks and bins shall be elevated so there is at least 18 inches of clearance between the bottom of the racks or bins and the ground to reduce rodent potential. Racks or bins shall be a minimum of 48 inches away from any wall, fence or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Health Officer.

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

F. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the wall or fence.

G. Entrance gates shall be provided with breakaway locking devices to permit access by the Fire Department.

H. Gasoline, solvents, oils and other automotive liquids shall be stored and managed and disposed of in a manner that minimizes potential for groundwater contamination, and complies with all applicable KDHE regulations pertaining to hazardous materials and hazardous waste.

I. Any on-site sewer system shall be used only for disposal of domestic sewage. No chemicals, solvents, and automotive wastes shall be disposed in the sewage facility. If solvents or hazardous wastes are generated or stored, they are to be managed in accordance with KDHE regulations.

J. Signage shall be limited to a maximum of two signs (including any signage associated with the existing fireworks distribution business) with no sign exceeding 150 square feet in size.

K. Any violation of conditions of approval shall declare this Conditional Use to be null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is zoned "LI", Limited Industrial. It is surrounded by significant transportation facilities - the Kansas Turnpike on the north, K-15 Highway and the Santa Fe Railroad on the east and MacArthur Road on the south. Sutherland Lumber is located just east of the application area on "LI", Limited Industrial zoning. There is vacant "GC", General Commercial and "LC", Limited Commercial zoning to the southeast and south, across MacArthur. A mobile home park

on "SF-20", Single-family Residential property exists further south of the vacant "LC" property. The Arkansas River forms the western boundary. The character of the area is one of mixed land uses and zoning.

2. The suitability of the subject property for the uses to which it has been restricted: The "LI", Limited Industrial district permits nearly all the non-residential uses permitted in the code. Only those most intense industrial uses reserved for the "GI", General Industrial district and residential uses are excluded from the "LI" district. It would be possible to find a use for the property as currently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the mixed land use and zoning character of the area as well as the proposed conditions of approval, approval of this site should have little detrimental impact on adjacent property owners. The river and the major transportation routes located on three sides of the site also provide additional separation from adjacent properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The plan depicts this site as appropriate for industrial uses. The plan suggests that the characteristics of the proposed use, the surrounding uses and zoning, and the degree to which a specific use would clash with adjacent uses should be the primary location determinants. Access to utilities and transportation systems should also be considered.

5. Impact of the proposed development on community facilities: The salvage yard will have minimal impact on traffic on MacArthur Road. Public water is available. The Health Department will have to approve any on-site sanitary sewer facilities.