CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 2, 2004

Ronald Goodwin
Michelle L. Goodwin
1716 S. Richmond
Wichita, KS 67213

RE: **CON2003-47 – Conditional Use for Wrecking/Salvage Yard on property zoned "GI" General Industrial. Generally located north of 25th Street North and east of Broadway. (District VI)**

Dear Ladies and Gentlemen:

At its regular meeting on January 8, 2004, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Scott Knebel
Senior Planner

SK/rms

Cc: Sharon Fearey, WCC VI, Mail Stop 1-13
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

CONDITIONAL USE RESOLUTION NO. CON2003-00047

WHEREAS, Ronald and Michelle Goodwin (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Wrecking/Salvage Yard on 2.5 acres zoned "GI" General Industrial described as:

> Lot 1, Block A, Aaron Goodwin Addition, Wichita, Sedgwick County, Kansas. Generally located north of 25th Street North and east of Broadway.

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 January 8, 2004, 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 for Wrecking/Salvage Yard on 2.5 acres zoned "GI" General Industrial described as:

> Lot 1, Block A, Aaron Goodwin Addition, Wichita, Sedgwick County, Kansas. Generally located north of 25th Street North and east of Broadway.

SUBJECT THE FOLLOWING CONDITIONS:

1. The Conditional Use shall authorize the operation of an iron, metal, and auto wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. The subject property shall be entirely enclosed by a metal panel fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. The metal panel fence shall be a single color and shall be white, gray, tan or similar non-bright color. Access gates are permitted in the screening fence, but all gates shall be constructed of solid metal panels matching the fence and shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. If the screening fence exceeds 8 feet in height, it shall not be located within any required setback.

3. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

4. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, 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. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Environmental Health Department to prevent rodent harborage and breeding.

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

6. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.

7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.

8. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.

9. Notification shall be given to the Environmental Health Department of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with the Environmental Health Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Health Department.

10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.

11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

12. 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 the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 8th DAY of January, 2004. 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

Morris K. Dunlap, Chair MAPC

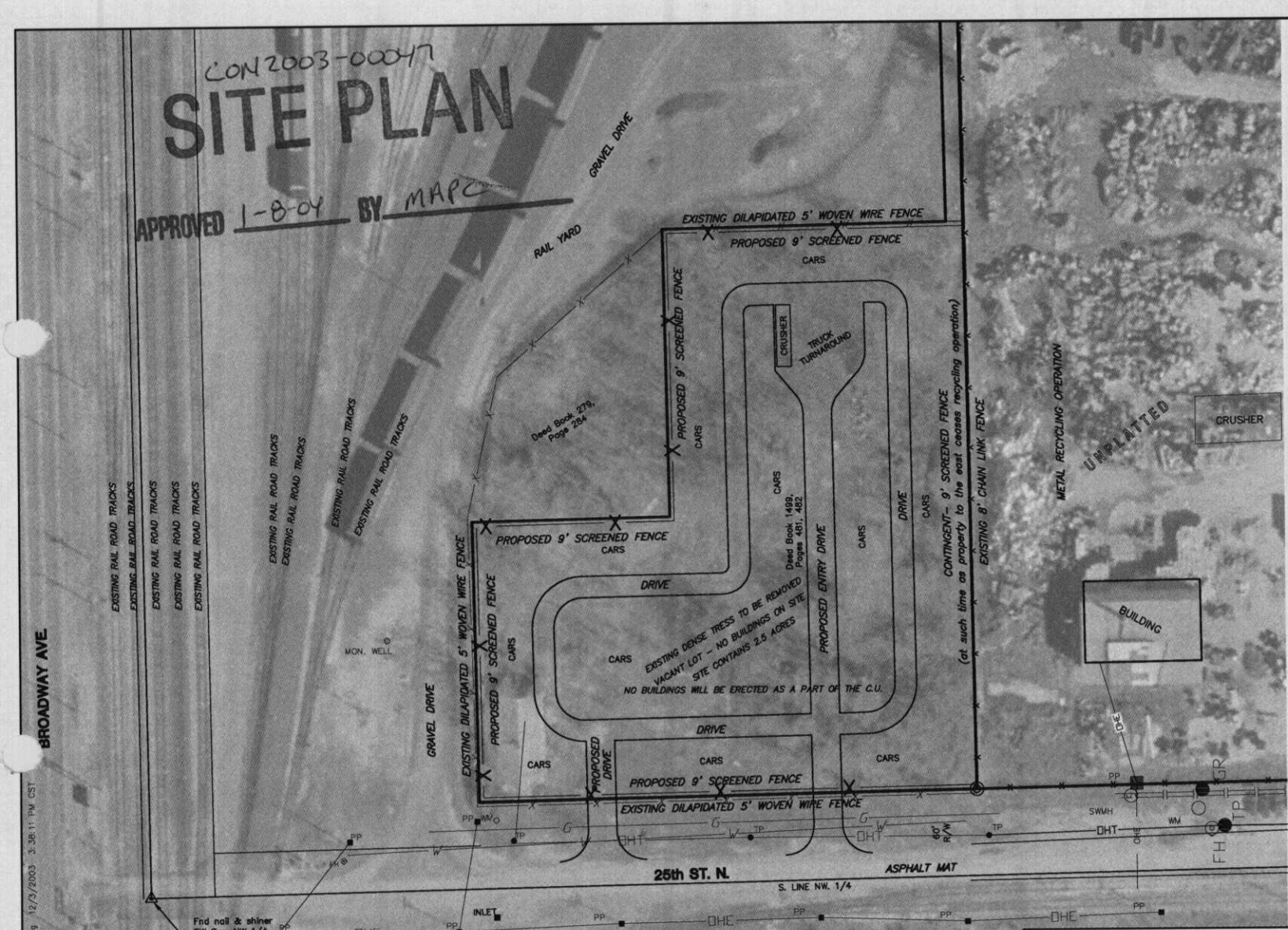
ATTEST:

John L. Schlegel, Secretary

CON2003-00047

SITE PLAN

APPROVED 1-8-04 BY MAPC



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LEGEND

- W – WATER LINE
- G – GAS LINE
- OHT – OVERHEAD TELEPHONE
- OHE – OVERHEAD ELECTRIC
- x – FENCE

LEGAL DESCRIPTION

Beginning at a point 229.7 feet east of the West line of Section 4, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, on the center line of 25th Street, and the Easterly right-of-way line of the AT&SF Railroad as condemned in Book Misc. 1, Page 615; thence north along said right-of-way line for a distance of 255 feet; thence east 141.16 feet; thence north 200 feet; thence east 201.16 feet; thence south 455 feet; thence west 342.32 feet to the point of beginning, EXCEPT the south 60 feet thereof for street.

NOTE

1. Utility locations by visual field evidence only (not accurate to scale).
2. No buildings shall be erected as part of this Conditional Use Permit.
3. There shall be landscaping across the S. line of the property if required by code.
4. Building depicted in aerial photo at SW. corner of site has since been removed and does not exist.

MKEC ENGINEERING CONSULTANTS
411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 684 - 9600

25th ST. N.
1 Block West of Broadway Ave.
PROJECT NAME

EXHIBIT
CONDITIONAL USE PERMIT
SHEET TITLE

BDL	BDL	GJA
DESIGN BY:	DRAWN BY:	CHECKED BY:
DECEMBER 2003	03420	1 / 1
DATE	JOB NO.	SHEET/OF

J:\Civil\03420\Dwg\Conditional Use Exhibit.dwg 12/3/2003 3:38:11 PM CST

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

DAB VI January 5, 2004
MAPC January 8, 2004

CASE NUMBER: CON2003-00047

APPLICANT/AGENT: Ronald and Michelle Goodwin (Owner/Applicant)

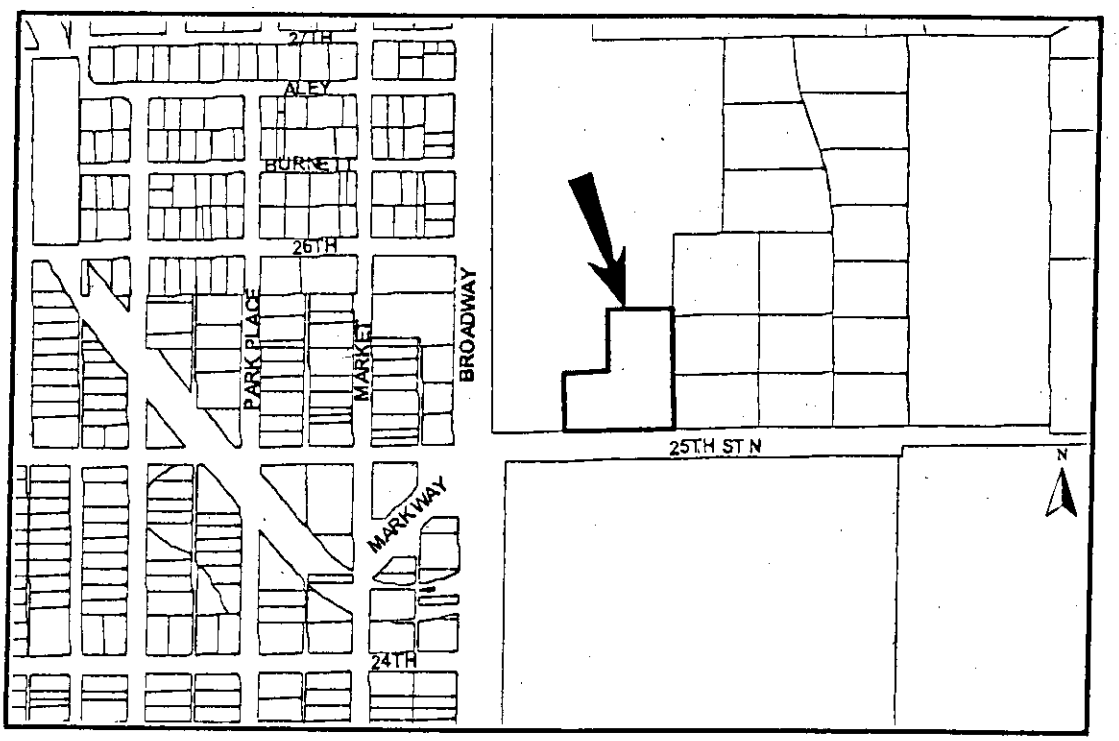
REQUEST: Conditional Use for Wrecking/Salvage Yard

CURRENT ZONING: "GI" General Industrial

SITE SIZE: 2.5 acres

LOCATION: North of 25th Street North and east of Broadway

PROPOSED USE: Vehicle wrecking/salvage yard



BACKGROUND: The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 2.5 acre unplatted tract located north of 25th Street North and east of Broadway. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The surrounding area is characterized by heavy industry, with many resource-based industrial uses in the immediate vicinity. All of the properties surrounding the subject property are zoned "GI" General Industrial. Major uses in the vicinity of the subject property include: a railroad yard, metal recycling, vehicle wrecking/salvage yards, grain storage, meat product processing, and petroleum storage and refining. Commercial and residential uses are located to the west across Broadway.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as a vehicle wrecking/salvage yard. The proposed site plan does not conform with two requirements of the Unified Zoning Code (UZC).

First, Section III-D.6.e.(3) of the UZC requires that a wrecking/salvage yard be entirely enclosed by an eight-foot high solid screening fence, even when adjacent to non-residential uses; however, the applicant proposes to construct a screening fence along the east property line only at such time as the existing metal recycling business to the east ceases operation. Since the UZC requirement for wrecking/salvage yard screening is a Supplementary Use Regulation, the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff does not recommend waiving the screening requirement along the east property line since a wrecking/salvage operation can have a significant, negative visual impacts on surrounding areas if not appropriately screened. The existing metal recycling business does not conform to current screening requirements and is a good example of the significant negative visual impacts of a lack of appropriate screening.

Second, Section III-E.2.3.(1)(b) does not permit a fence in excess of eight feet in height to be located within the required setback. The "GI" General Industrial zoning district requires a 20-foot setback along 25th Street North; therefore, the proposed nine-foot high screening fence along the south property line will either need to be reduced to eight feet in height or be set back 20 feet from the south property line.

CASE HISTORY: The subject property was platted as part of the Goldstein's Addition in 1887, which was vacated by an act of the State Legislature in 1895.

ADJACENT ZONING AND LAND USE:

NORTH:	"GI"	Railroad yard
SOUTH:	"GI"	Undeveloped
EAST:	"GI"	Metal recycling
WEST:	"GI"	Railroad yard

PUBLIC SERVICES: The subject property has access to 25th Street North, an unpaved local industrial street. Municipal water and sewer services are not needed for the proposed wrecking/salvage yard use.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. Industrial uses should be located away from existing or planned residential areas, and sited so as not to travel through less intensive land uses. The proposed site meets these locational guidelines for industrial development.

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

1. The Conditional Use shall authorize the operation of an iron, metal, and auto wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. The subject property shall be entirely enclosed by a metal panel fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. The metal panel fence shall be a single color and shall be white, gray, tan or similar non-bright color. Access gates are permitted in the screening fence, but all gates shall be constructed of solid metal panels matching the fence and shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. If the screening fence exceeds 8 feet in height, it shall not be located within any required setback.

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stored with an exposed perimeter or in a manner specified by the Environmental Health Department to prevent rodent harborage and breeding.

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7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.

8. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.

9. Notification shall be given to the Environmental Health Department of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with the Environmental Health Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Health Department.

10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.

11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

12. 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 the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by heavy industry, with many resource-based industrial uses in the immediate vicinity. All of the properties surrounding the subject property are zoned "GI" General Industrial. Several wrecking/salvage operations are located in the vicinity of the subject property. The proposed wrecking/salvage yard is consistent with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GI" General Industrial. A wrecking/salvage yard may be permitted with a Conditional Use in the "GI" General Industrial district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on nearby property should be minimized by the recommended conditions of approval, which include screening the wrecking/salvage operation from nearby commercial/industrial uses.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. Industrial uses should be located away from existing or planned residential areas, and sited so as not to travel through less intensive land uses. The proposed site meets these locational guidelines for industrial development.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.