CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 22, 2010

Biehler Properties, LLC
PO Box 16005
Wichita, KS 67216

RE: **ZON2010-00005 and CON2010-00009** - City zone change from GC General Commercial to LI Limited Industrial and City Conditional Use to permit wrecking and salvage at 1100 East MacArthur Road, generally located north of MacArthur Road, 3,000 feet east of Broadway Street.

Dear Ladies and Gentlemen:

At its regular meeting on **April 20, 2010**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the following conditions:

1. The Conditional Use shall permit the dismantling, storage and shipping of motor vehicles, appliances and other industrial scrap materials.

2. The site shall be developed and operated in compliance with all of the conditions of UZC, Art III, Sec. III-D.6.e, including the use of approved fencing or wall materials, and the approved site plan. The site plan shall be revised to provide screening on all sides. The site plan shall be revised to include setbacks, utility easements and demonstrate how the site will be accessed.

3. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.

4. Stored materials, containers or bales shall be stored on a surface approved by the Office of Central Inspection.

5. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.

6. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.

7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.

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

9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.

10. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.

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

12. Notification shall be given to Environmental Services 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 placed on file with Environmental Services. 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 Services.

13. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.

14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.

15. 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.

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

Sincerely,

Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DJG:mc

Copies to: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Ted E. Knopp, Chtd, 310 W. Central Ave., Ste 203, Wichita, KS 67202-1004
Riverside Township, Dale V Kuhn, 6051 Southeast Blvd, Derby, KS 67037
South Area, Judy Dillard, 4560 S. Hydraulic St., Lot 414, Wichita, KS 67216
South City, Carole Campbell, 2821 S. Mosley, Wichita, KS 67217
WCC III, Jim Skelton, Mail Stop 1-13
N.A. III, Janet Johnson, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71

RESOLUTION No. 10-104

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A WRECKING/ SALVAGE YARD, ON APPROXIMATELY 3 ACRES ZONED LI LIMITED INDUSTRIAL ("LI"), GENERALLY LOCATED NORTH OF MACARTHUR ROAD, 3,000 FEET EAST OF BROADWAY STREET (1100 EAST MACARTHUR ROAD), WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 48-451, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit a Wrecking/Salvage Yard, on approximately 3 acres zoned LI Limited Industrial, subject to the conditions listed below:

Case No. CON2010-00009

A Conditional Use to permit a Wrecking/Salvage Yard on approximately 3 acres zoned LI Limited Industrial.

Lot 1, Slaughter Addition, Wichita, Kansas, EXCEPT the South 225 feet thereof; TOGETHER WITH Lot 1, Wilson and Brown Second Addition, Wichita, Sedgwick County, Kansas, EXCEPT the South 225 feet thereof, generally located north of MacArthur Road, 3,000 feet east of Broadway Street (1100 East MacArthur Road).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall permit the dismantling, storage and shipping of motor vehicles, appliances and other industrial scrap materials.
2. The site shall be developed and operated in compliance with all of the conditions of UZC, Art III, Sec. III-D.6.e, including the use of approved fencing or wall materials, and the approved site plan. The site plan shall be revised to provide screening on all sides. The site plan shall be revised to include setbacks, utility easements and demonstrate how the site will be accessed.
3. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
4. Stored materials, containers or bales shall be stored on a surface approved by the Office of Central Inspection.
5. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.
6. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.
7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
8. The applicant shall maintain at all times an active program for the eradication and control of rodents.
9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
10. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.
11. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil

testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the Environmental Services.

12. Notification shall be given to Environmental Services 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 placed on file with Environmental Services. 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 Services.
13. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.
15. 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date April 20, 2010.

Carl Brewer, Mayor

ATTEST:

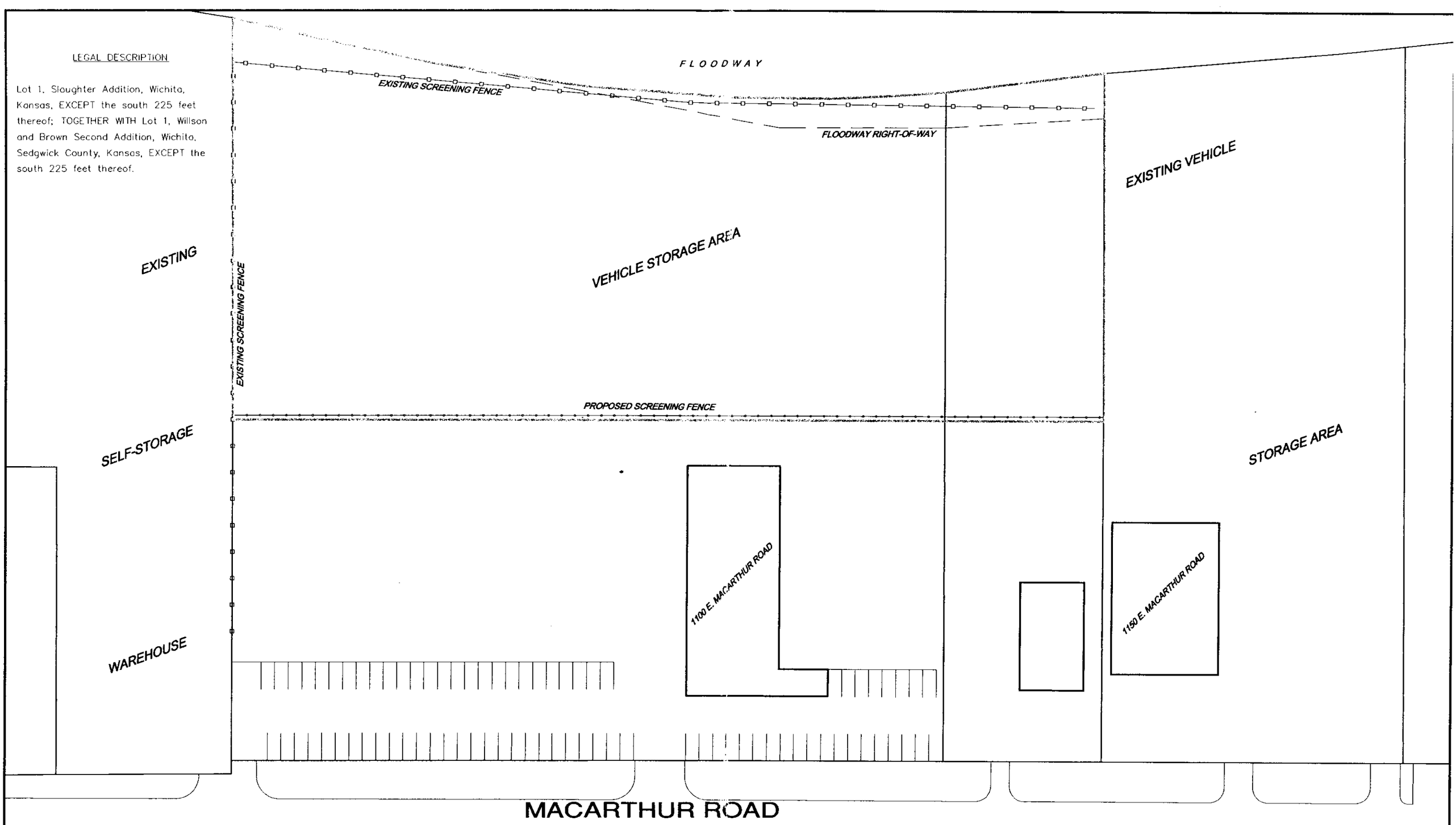
Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

LEGAL DESCRIPTION

Lot 1, Sloughter Addition, Wichita, Kansas, EXCEPT the south 225 feet thereof; TOGETHER WITH Lot 1, Willson and Brown Second Addition, Wichita, Sedgwick County, Kansas, EXCEPT the south 225 feet thereof.



SCALE: 1" = 60'

SITE PLAN - CON2010-??

AUTO RECYCLERS OF KANSAS, INC.

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE