



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 28, 2000

Country Cars Inc.
C/o Howard Cleous
2255 S. 279th West
Garden Plain, KS 67050

RE: CON2000-00004 – Conditional Use for Wrecking/Salvage Yard. Generally located north of 47th Street South and east of the Kansas Turnpike. (4510 S. Madison)

Dear Ladies and Gentlemen:

At its regular meeting on April 13, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to APPROVE, the request subject to platting within one year and the following conditions:

1. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
2. The site shall be developed in accordance with a landscape plan approved by the Director of Planning. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the west property line where adjacent to the Kansas Turnpike.
3. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
4. No salvage shall be stacked to a height higher than 10 feet.

5. The applicant shall implement a drainage plan approved through the platting process that minimizes storm water runoff into the Arkansas River and other adjacent surface water bodies to minimize non-point source contamination of surface waters.
6. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
7. Any violation of the conditions of approval shall render the conditional use permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution CON2000-00004. If you have any questions concerning this case, please contact our office.

Sincerely,



Scott Knebel
Senior Planner

SK/rs

cc: Co Part Inc., c/o Paul A. Styler, 121 N. Newport Drive, Napa, CA 94559
Francis E. Monroe, 4400 S. Madison, Wichita, KS 67216
P. E. C., P.A., c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67212
Phil Lambke, District III, City Council Member, Mail Stop 1-13

CONDITIONAL USE RESOLUTION NO. CON2000-0004

WHEREAS, Country Cars Inc. c/o Howard Cleous and Francis E. Monroe (Owners/Applicants); Co Part Inc. c/o Paul A. Styler (Lessee/Applicant); PEC c/o Robert Hartman (Agent) 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 permit a Wrecking/Salvage Yard described as:

That part of Government Lot 6, lying East of the Kansas Turnpike and West of the Big Arkansas River, except land condemned for levee in Sedgwick County District Court Case #A-48670, and except the West 100 feet adjacent to the Kansas Turnpike, all lying within Section 15, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; together with the following described tract: Beginning 742 feet East and 1063 feet North of the Southwest corner of Government Lot 7 in the Southwest Quarter of Section 15, Township 28 South, Range 1 East; thence East 216.6 feet to a hedge fence; thence Northwesterly along the hedge fence a little over 266 feet to an iron stake; thence West 178.6 feet; thence South 266 feet to the point of beginning, located in Sedgwick County, Kansas. Generally located north of 47th Street South and east of the Kansas Turnpike (4510 S. Madison).

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 April 13, 2000, 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 for a Wrecking/Salvage Yard described as:

That part of Government Lot 6, lying East of the Kansas Turnpike and West of the Big Arkansas River, except land condemned for levee in Sedgwick County District Court Case #A-48670, and except the West 100 feet adjacent to the Kansas Turnpike, all lying within Section 15, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; together with the following described tract: Beginning 742 feet East and 1063 feet North of the Southwest corner of Government Lot 7 in the Southwest Quarter of Section 15, Township 28 South, Range 1 East; thence East 216.6 feet to a hedge fence; thence Northwesterly along the hedge fence a little over 266 feet to an iron stake; thence West 178.6 feet; thence South 266 feet to the point of beginning, located in Sedgwick County, Kansas. Generally located north of 47th Street South and east of the Kansas Turnpike (4510 S. Madison).

subject to platting within one year and the following conditions:

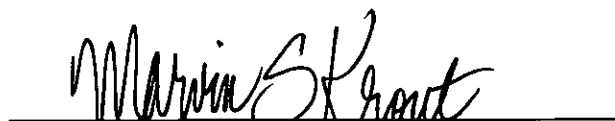
1. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
2. The site shall be developed in accordance with a landscape plan approved by the Director of Planning. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the west property line where adjacent to the Kansas Turnpike.
3. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
4. No salvage shall be stacked to a height higher than 10 feet.
5. The applicant shall implement a drainage plan approved through the platting process that minimizes storm water runoff into the Arkansas River and other adjacent surface water bodies to minimize non-point source contamination of surface waters.
6. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
7. Any violation of the conditions of approval shall render the conditional use permit null and void.

Adopted this 13th day of April, 2000. 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


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

MAPC April 13, 2000

CASE NUMBER: CON2000-00004

APPLICANT/AGENT: Country Cars Inc. c/o Howard Cleous and Francis E. Monroe (Owners/Applicants); Co Part Inc. c/o Paul A. Styler (Lessee/Applicant); PEC c/o Rob Hartman (Agent)

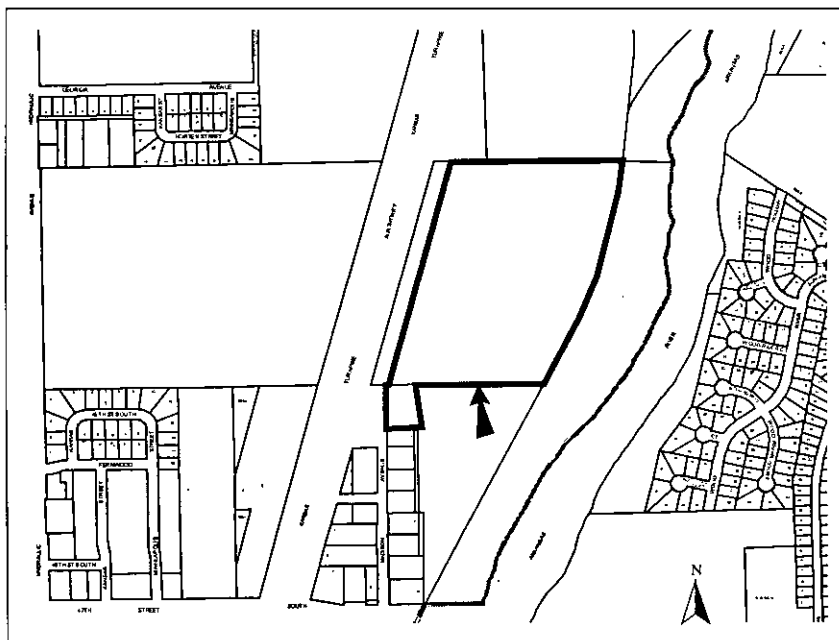
REQUEST: Conditional Use for Wrecking/Salvage Yard

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 31 acres

LOCATION: North of 47th Street South and east of the Kansas Turnpike (4510 S. Madison)

PROPOSED USE: Wrecking/Salvage Yard



BACKGROUND: The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 31 acre unplatted tract generally located north of 47th Street South and east of the Kansas Turnpike (4510 S. Madison). The subject property is zoned "LI" Limited Industrial, and a wrecking/salvage yard is permitted with a Conditional Use in the "LI" district. The applicant is proposing to expand an existing wrecking/salvage yard currently operating on the southern portion of the site. The existing wrecking/salvage yard is apparently an illegal non-conforming use that began operation between 1992 and 1997 according to aerial photographs of the site.

The surrounding properties are developed with industrial uses that are buffered from nearby residential development by the Arkansas River on the east and the Kansas Turnpike on the west. The adjacent property to the north is developed with a construction/demolition landfill owned by Boeing and located on property zoned "LI" Limited Industrial. The adjacent properties to the south are developed with wrecking/salvage yards, vehicle sales lots, vehicle repair shops, and single family residences on property zoned "LI" Limited Industrial. The nearest properties zoned for and developed with residential uses are a manufactured home park located approximately 300 feet to the west and buffered by the Kansas Turnpike and single family residences in Oaklawn located approximately 800 feet to the east and buffered by the Arkansas River.

The applicant has submitted a site plan (attached) showing the proposed use of the subject property. The site plan shows an entrance consisting of two gates along Madison with an office building located between the two gates. A car receiving and auction area is shown on the southernmost portion of the property. Employee and customer parking is shown along the western edge of the property adjacent to the Kansas Turnpike. The majority of the property is shown for car storage, which is proposed to be implemented in six phases. The entire site is shown to be enclosed by 8 foot high metal panel fence.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Landfill
SOUTH:	"LI"	Wrecking/Salvage Yard; Vehicle and Equipment Sales, Outdoor; Vehicle Repair, Limited and General; Single Family
EAST:	"SF-6"	Single Family
WEST:	"MH"	Manufactured Home Park

PUBLIC SERVICES: This site has access to Madison, a two-lane paved local street that accesses 47th Street South (a four-lane arterial) two blocks south of the site. The 1997 traffic volumes on 47th Street South are approximately 18,000 vehicles per day. The 2030 Transportation Plan estimates the volumes on 47th Street South to increase

to approximately 23,000 vehicles per day, but this estimate does not include the impact of the recently approved commercial zoning located south of 47th Street South between Broadway and I-135. Municipal water and sewer services are available for extension to this site.

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.

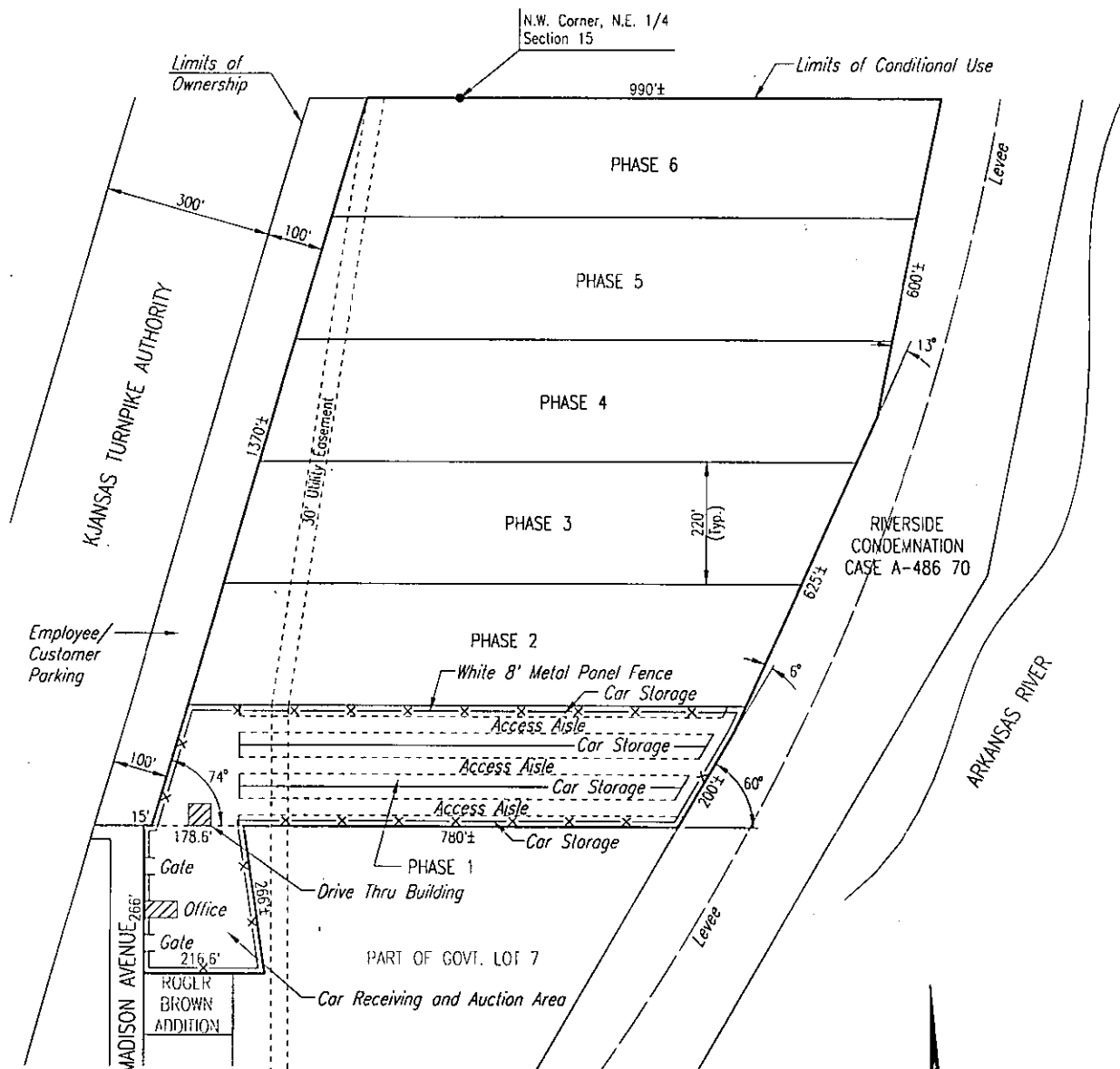
RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to platting within one year and the following conditions:

1. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
2. The site shall be developed in accordance with a landscape plan approved by the Director of Planning. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the west property line where adjacent to the Kansas Turnpike.
3. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
4. The applicant shall pay a yearly fee to the Wichita-Sedgwick County Department of Community Health to offset the cost of inspection by the Environmental Health staff. In no event shall the said fee exceed the actual and direct cost of such inspection.
5. The applicant shall implement a drainage plan approved through the platting process that minimizes storm water runoff into the Arkansas River and other adjacent surface water bodies to minimize non-point source contamination of surface waters.

6. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
7. Any violation of the conditions of approval shall render the conditional use permit null and void.

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

1. The zoning, uses and character of the neighborhood: The surrounding properties are developed with industrial uses that are buffered from nearby residential development by the Arkansas River on the east and the Kansas Turnpike on the west. The adjacent property to the north is developed with a construction/demolition landfill owned by Boeing and located on property zoned "LI" Limited Industrial. The adjacent properties to the south are developed with wrecking/salvage yards, vehicle sales lots, vehicle repair shops, and single family residences on property zoned "LI" Limited Industrial. The nearest properties zoned for and developed with residential uses are a manufactured home park located approximately 300 feet to the west and buffered by the Kansas Turnpike and single family residences in Oaklawn located approximately 800 feet to the east and buffered by the Arkansas River.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LI" Limited Industrial. The property is apparently suitable for the industrial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on nearby residentially zoned property should be minimized by the site's significant buffers, the Arkansas River on the east and the Kansas Turnpike on the west.
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.



LEGAL DESCRIPTION:

THAT PART OF GOVERNMENT LOT 6, LYING EAST OF THE KANSAS TURNPIKE, AND WEST OF THE BIG ARKANSAS RIVER, EXCEPT LAND CONDEMNED FOR LEVEE IN SEDGWICK COUNTY DISTRICT CASE #A-48670, AND EXCEPT THE WEST 100 FEET ADJACENT TO THE KANSAS TURNPIKE, ALL LYING WITHIN SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE FOLLOWING DESCRIBED TRACT: BEGINNING 742 FEET EAST AND 1063 FEET NORTH OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 7 IN THE S.W. 1/4 OF SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST; THENCE EAST 216.6 FEET TO A HEDGE FENCE; THENCE NORTHWESTERLY ALONG THE HEDGE FENCE A LITTLE OVER 266 FEET TO AN IRON STAKE; THENCE WEST 178.5 FEET; THENCE SOUTH 266 FEET TO THE POINT OF BEGINNING, LOCATED IN SEDGWICK COUNTY, KANSAS, CONTAINING 1 1/5 ACRES MORE OR LESS.

TOTAL AREA - 31± ACRES

NOTE: SITE IS TO BE DEVELOPED IN SIX PHASES. THE 8' HIGH METAL PANEL FENCE WILL BE EXTENDED WITH THE ADDITION OF EACH PHASE. PHASES 2-6 ARE FOR FUTURE CAR STORAGE.

SCALE: 1"=200'
DATE: FEB. 29, 2000

CONDITIONAL USE PLAN FOR
CO PART INC.