



Wichita-Sedgwick County Metropolitan Area Planning Department

September 21, 2016

Donald Reddick
2302 S. Main St
Wichita, KS 67216

Ferris Consulting
c/o: Greg Ferris
PO Box 573
Wichita, KS 67201

RE: ZON2016-22 and CON2016-15 - City Zone Change from SF-5 Single-Family Residential and GC General Commercial to LI Limited Industrial and City Conditional Use for Wrecking/Salvage in LI Limited Industrial, generally located east of North Broadway Avenue and north of East MacArthur Road.

Dear Ladies and Gentlemen:

At its regular meeting on **September 13, 2016**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to waiving of Supplemental Use Regulation (Sec.III-D.6.c) to allow the proposed use to abut an expressway and the following conditions:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard, except for the south 400 feet of the site adjacent to East MacArthur Road, which will be rezoned to LC and not allow wrecking and salvage. 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 site shall be developed in accordance to an approved site plan, which shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.
3. The subject property shall be entirely enclosed by a screening 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

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such fence. The fence shall have a non-reflective material where it abuts residentially developed property. 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. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.

4. 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.
5. 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 Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and salvaged vehicles and materials shall be on a surface approved by the Office of Central Inspection.
6. The applicant shall maintain at all times an active program for the eradication and control of rodents.
7. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
8. 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.
9. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
10. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater 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 on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.
11. 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

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hazardous wastes or materials shall be place 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.

12. 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.
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
14. 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 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,



Bill Longnecker, Senior Planner
Metropolitan Area Planning Department

WL:mc

Copies to: WCC III, James Clendenin, Mail Stop 1-13
N.A. III, Teia Wair, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71

RESOLUTION No. 16-377

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT WREAKING AND SALVAGE, ON APPROXIMATELY 7.09-ACRES ZONED LI LIMITED INDUSTRIAL ("LI"), GENERALLY LOCATED NORTHEAST OF SOUTH BROADWAY AVENUE AND EAST MACARTHUR ROAD IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, 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, for a Conditional Use to allow wrecking and salvage, on approximately 7.09-acres zoned LI Limited Industrial ("LI") legally described below:

Case No. CON2016-00015

A Conditional Use, associated with zoning case ZON2016-00022, to allow wrecking and salvage, on approximately 7.09-acres zoned legally described as LI Limited Industrial ("LI"):

The East 900 feet of the North 95.5 feet of the South 1066.85 feet of Government Lot 4 in Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

TOGETHER WITH

Part of the south 20 acres of Government Lot 4, Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning 1221.12 feet east and 65 feet north of the southwest corner of said Section 9, said easterly distance being measured at right angles with the south line of said Section 9; thence north at right angles with the south line of said Section 9, 586.09 feet; thence east parallel with the south line of said Section 9, 119.31 feet to the east line of said Government Lot 4, thence southerly along the east line of said Lot 4, 586.2 feet to a point 65 feet north of the south line of said Section 9, thence west 103.62 feet to beginning.

TOGETHER WITH

A tract of land in Lot 5 of the Fractional Southwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Southwest corner of said Lot 5; thence on a assumed bearing of N°18'13"E, 65.00 feet along the West line of said Lot 5 to the Northerly right of way line of MacArthur Road and the POINT OF BEGINNING; thence continuing N00°18'13"E, 1254.79 feet along said West line of said Lot 5 to the north line of said Lot 5; thence N88°55'43"E, 14.43 feet along said north line to the southerly line of the Floodway right-of-way; thence S23°59'48"E, 115.65 feet along said southerly line; thence on a curve of 1235.92 feet radius to the left, an arc distance of 480.89 feet along said southerly line with a chord which bears S35°08'28"E, 477.86 feet; thence S33°32'44"W, 35.98 feet; thence S30°22'26"W, 200.00 feet; thence S24°59'49"W, 200.00 feet; thence S16°45'16"W, 200.00 feet; thence S12°32'56"W, 187.54 feet to said northerly right-of-way line of MacArthur Road; thence S89°38'00"W, 39.24 feet along said right of way line to the point of beginning, Wichita, Sedgwick County, Kansas; generally located northeast of South Broadway Avenue and East MacArthur Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard, except for the south 400 feet of the site adjacent to East MacArthur Road, which will be rezoned to LC and not allow wrecking and salvage. 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 site shall be developed in accordance to an approved site plan, which shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.
3. The subject property shall be entirely enclosed by a screening 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 fence shall have galvanized steel posts and a non-reflective material where it abuts residentially developed property. 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. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.
4. Tree buffer along the east property line abutting the I-135 right-of-way shall be provided in the form of deciduous vegetation. The deciduous vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid tree buffer of deciduous vegetation with a minimum height of 30 feet.
5. 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.
6. 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 Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and salvaged vehicles and materials shall be on a surface approved by the Office of Central Inspection.
7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
9. 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.
10. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
11. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater 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 on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by 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 by 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 a wrecking/salvage yard.

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 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

9-13-16


Jeff Longwell, Mayor

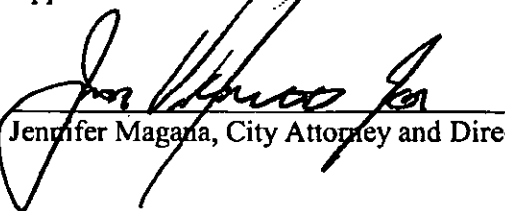
ATTEST:





Karen Sublett, City Clerk

Approved as to form:



Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

MAPC June 16, 2016

DAB III July 6, 2016

CASE NUMBER: ZON2016-00022 & CON2016-00015

APPLICANT/AGENT: Mark Sr., LLC c/o Donald Reddick (owner/applicant) Ferris Consulting, c/o Greg Ferris (agent)

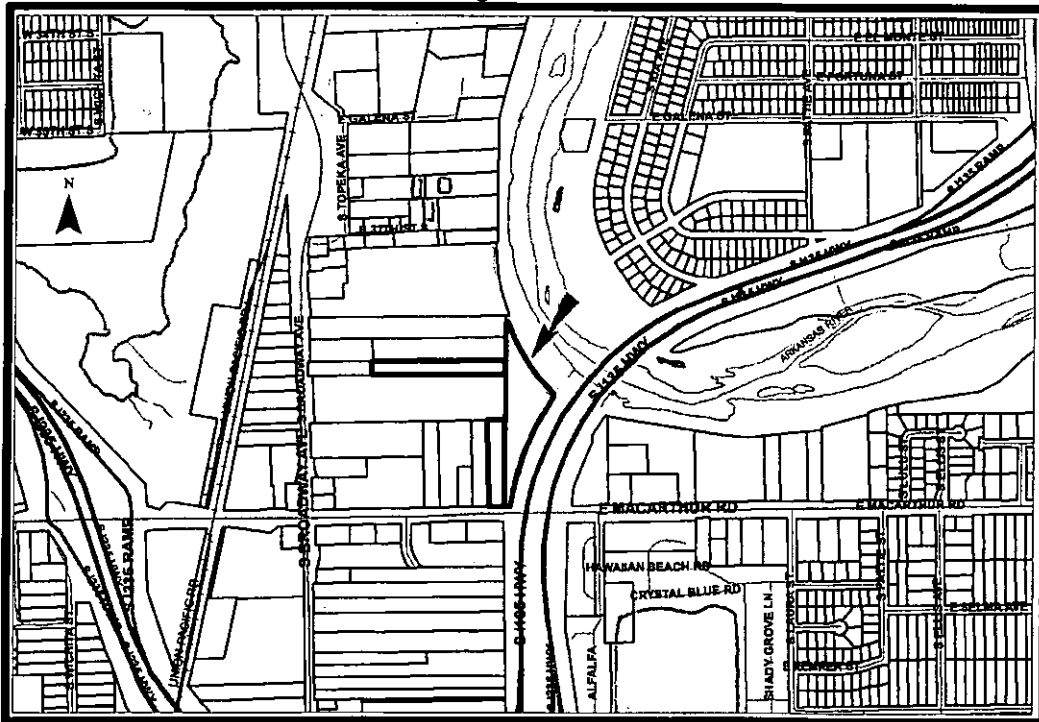
REQUEST: Zone change to LI Limited Industrial ("LI"), and a Conditional Use for a Wrecking/Salvage Yard

CURRENT ZONING: GC General Commercial ("GC") & SF-5 Single-family Residential ("SF-5")

SITE SIZE: 7.9-acres

LOCATION: Generally located east of South Broadway Avenue and north of East MacArthur Road.

PROPOSED USE: Storage and sale of wrecked and impounded vehicles and vehicle salvage sales



hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses. There are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1997. The applicant's Conditional Use application is in conformance with the new Future Growth Map and it would not introduce a new use to the area, change the character of the area, and would be similar to the applicant's first site, which was approved for LI and GC zoning and a Conditional use for wrecking and salvage; adjacent ZON2009-00036 and CON2009-00040.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the requested LI Limited Industrial zoning with a Conditional Use for a wrecking and salvage yard be APPROVED, subject to waiving of Supplemental Use Regulation (Sec.III-D.6.c) to allow the proposed use to abut an expressway and to require a 150 foot setback of the operation from an arterial street (East MacArthur Road) and the following conditions:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard, except for the south 150 feet of the site adjacent to East MacArthur Road. 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 site shall be developed in accordance to an approved site plan, which shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.
3. The subject property shall be entirely enclosed by a screening 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. 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. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.
4. Screening along the east property line abutting the I-135 right-of-way shall be provided in the form of evergreen vegetation. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet.
5. 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.
6. 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

1. The zoning, uses and character of the neighborhood: Property north of the subject site is zoned GC, SF-5 and LI and is developed with a vehicle storage yard and wrecking and salvage yard. Property south of the site is zoned GC and LI and is developed with a salvage yard. Property to the east of the site is I-135 right-of way and the Arkansas River. Property to the west of the site is zoned GC and LI and is developed with multi-family residences and a self-storage facility.
2. The suitability of the subject property for the uses to which it has been restricted: 90% of the site is currently undeveloped, except for the norther 10% zoned SF-5 and being used as a car lot, a use not in compliance with the zoning. The LI zoning would allow commercial and industrial uses that allowed outside display, such as a car sales lot, or all types of vehicle repair, motels or many other retail uses. The chance of single-family residences being built on the SF-5 zoned portion of the site is unlikely, given the almost industrial character of the area. A wrecking and salvage yard may be permitted with a Conditional Use in the LI zoning 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. Approval of the Conditional Use and its conditions will be one of a few other for the area's existing, non compliant auto wrecking and salvage yards and junk yards, and an extension of a currently operating wrecking and salvage operation.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as appropriate for "Industrial" development. The map identifies areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses. There are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1997. The applicant's Conditional Use application is in conformance with the new Future Growth Map and it would not introduce a new use to the area, change the character of the area, and would be similar to the applicant's first site, which was approved for LI and GC zoning and a Conditional use for wrecking and salvage; adjacent ZON2009-00036 and CON2009-00040.

Site Plan



APPROVED 4-16-18 BY SK