

ORDINANCE NO. 50-330

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2016-00022

Zone change, associated with Conditional Use case CON2016-00015, from SF-5 Single-Family Residential ("SF-5") and GC General Commercial ("GC") to LI Limited Industrial ("LI"), on an approximately 7.09-acre property described as:

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.

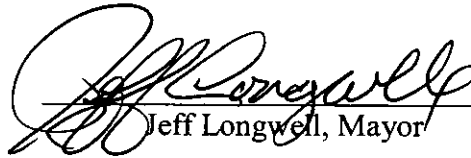
TOGETHER WITH

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.

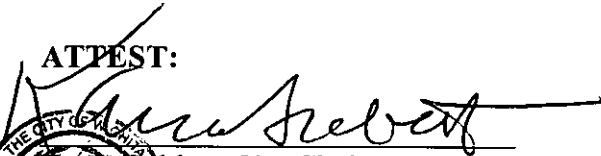
, generally located one-block west of South Ridge Road, on the northwest corner of Maple and Brunswick Streets, Wichita, Sedgwick County Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Kristin 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)

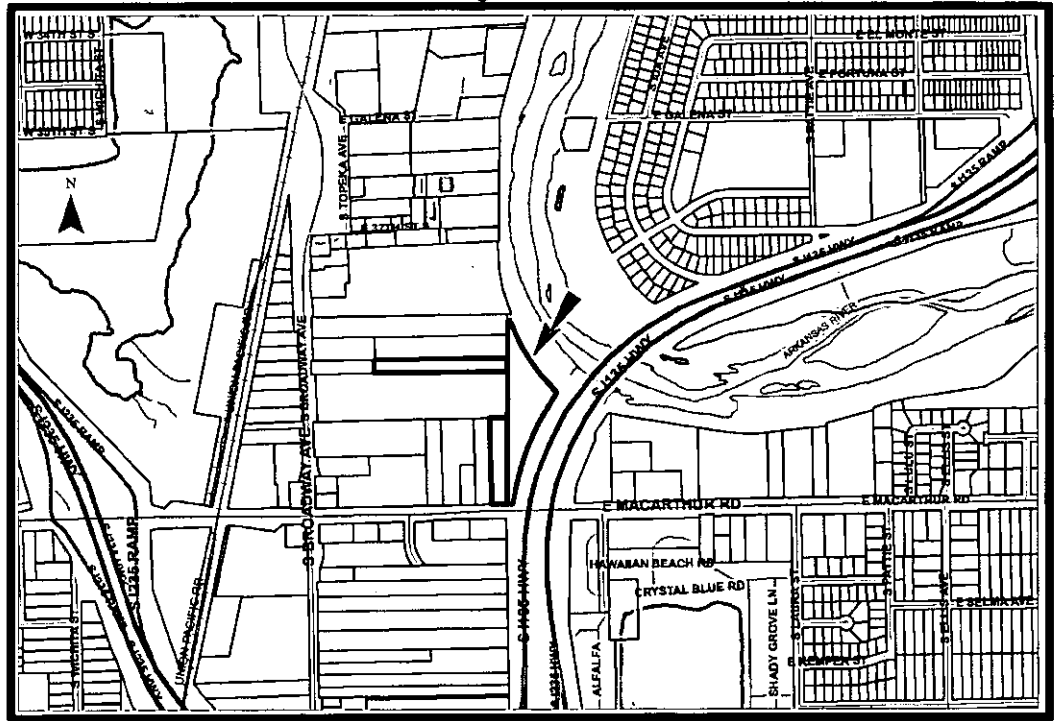
REQUEST: Zone change to LI Limited Industrial ("LI"), and a Conditional Use for a Wrecking/Salvage Yard

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



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-family Residential ("SF-5") and GC General Commercial ("GC") to LI Limited Industrial ("LI") and a Conditional Use to permit a wrecking/salvage yard on three unplatted tracts that total approximately 7.9-acres. The subject property is mostly vacant, with the northern tract developed with a car lot. The Unified Zoning Code (UZC) definition of a "wrecking and salvage yard" includes the proposed use: "...a lot, land, or structure used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage materials, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards." The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking/salvage yard in the LI zoning district.

The surrounding area is developed with tire sales and outdoor tire storage, car sales, vehicle repair, vehicle body repair shops, vehicle towing and storage, vehicle wrecking and salvage yards, junk yards, a sexual oriented business, motels and retail. There are a couple residences on the SF-5 zoned properties along the north side of MacArthur, between South Broadway and I-135. The subject site backs up to the Arkansas River and a portion of I-135 right-of-way (ROW) on its east side. All of the properties in this area, located on the east side of Broadway and the north side of MacArthur, end at the river or property zoned either GC or LI. Properties located on the south side of MacArthur are zoned GC or LI and are not deep and are much smaller than the properties located on the north side of MacArthur.

CASE HISTORY: The site is not platted. Part of the site is developed with a car lot, but the majority of the site is vacant.

ADJACENT ZONING AND LAND USE:

NORTH: GC, SF-5, LI	Vehicle storage and sales, vehicle auction, vehicle wrecking and salvage yards, motel
SOUTH: GC, LI	Salvage yard
EAST: SF-5	Arkansas River, I-135 ROW
WEST: GC, LI	Multi-family residences, self-storage

PUBLIC SERVICES: The subject property has direct access to MacArthur Avenue, a 4-lane arterial with a center turn lane in some locations. There are no CIP projects for this street. All utilities are available to the subject site.

CONFORMANCE TO 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.

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

- 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.

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

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.

5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities, with the possible exception of soil and groundwater contaminants.

Site Plan

