



Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2008

Mike Ysidro
c/o Tow Service Inc.
3760 S Broadway
Wichita, KS 67216

Kenneth Smith
3518 W Mac Arthur
Wichita, KS 67217

RE: CON2008-00019 - City Conditional Use for wrecking/salvage yard in "LI" Limited Industrial zoning, generally located east of West Street and north of MacArthur Road (3950 S West).

Dear Ladies and Gentlemen:

At its regular meeting on May 8, 2008, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was that the request be APPROVED, subject to the following conditions:

1. The Conditional Use shall authorize the operation of a wrecking/salvage yard to store and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool. There shall be no mechanical or body work done on the vehicles stored on the site. There shall be no dismantling of vehicles on the site, nor will there be the storage and sale of vehicle parts on the site. In no event shall the Conditional Use authorize collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, bulky waste, salvage materials, junk, storage or bailing of solid waste, scrap paper, rags, metallic scrap materials or discarded materials; and/or for the sale of parts thereof. An auction of the wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses (an insurance pool) shall be every two weeks, on a Tuesday, 10AM to 1PM, year round.
2. All of the conditions of UZC, Art III, Sec III-D.6.e will be enforced, including the approval of fencing or wall materials. Compatibility setbacks will be applied to the north and a portion of the east side of the site. No parking/storage of vehicles is allowed within the setbacks. Compatibility noise standards shall apply to the site and those standards will be extended to the south side of the site, where there are existing single-family residences.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

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An approved landscape buffer of evergreens, a minimum of 5 feet in height (planting height) shall be planted every 25 feet where the site abuts residential the residential uses on the south of the subject site. Landscaping will be per the Landscape Ordinance where the subject site abuts residential zoning on its north and east sides. The landscape buffer shall be a minimum of 15 feet, except where compatibility setbacks are applied. Trees shall be planted at the rate required by the Landscape Ordinance for a landscape street yard. All landscaping shall be irrigated and shall be planted and maintained in general conformance with a landscape plan approved by the Planning Director prior to operations beginning. The access gates are permitted in the concrete wall at the points denoted on the approved site plan.

3. An on-site parking area paved with asphalt or concrete with a paved access drive to West Street shall be provided for employee and customer parking. The paved access drive will also be used for the delivery of vehicles for sale or auction. Parking shall be per the UZC and will be shown with the landscape plan.
4. Unpaved areas for the storage of and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses shall be an approved all-weather surface.
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 wrecked/inoperable vehicles shall be visible from ground-level view from West Street or abutting properties.
7. Storage of all wrecked/inoperable vehicles shall be in an orderly manner with an exposed perimeter as specified by the 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

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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 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by **May 22, 2008, at 5 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

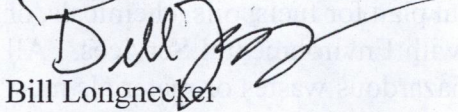
If there are no valid appeals or protest petitions filed opposing this action by **May 22, 2008**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Bill Longnecker
Senior Planner
Current Plans Division

WL:mc

Copies to: Ferris Consulting, C/O Greg Ferris, Po Box 573, Wichita, KS 67201
Waco Township, Charles Becker, 5741 S Maize Rd, Clearwater, KS 67026
WCC IV, Paul Gray, Mail Stop 1-13
N.A. IV, Kelli Glassman, Mail Stop 1-135
Jullianne Kallman, Mail Stop 1-71

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Nicole Mandina, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 issues - weeks, that the first publication of said notice was

made as aforesaid on the 17th of

April A.D. 2008 , with

subsequent publications being made on the following dates:

And affiant further says that she has personal knowledge of the statements above set forth and that they are true.

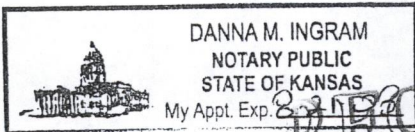
Nicole Mandina

Subscribed and sworn to before me this

17th day of April , 2008

Danna M. Ingram

Notary Public Sedgwick County, Kansas



Printers Fee: \$62.40

RECEIVED

APR 17 2008

METROPOLITAN PLANNING COMMISSION

LEGAL PUBLICATION

Published in The Wichita Eagle on April 17, 2008 (2819544) MAPC May 08, 2008

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 8, 2008, no earlier than 1:30 p.m., the

Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas. If you have any question regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268.4421.

VAC2008-00011 - City vacation of a portion of a platted street side setback, generally located south of Maple Street, east of Tyler Road on the southeast corner of Woodchuck Lane & University Avenue.

VAC2008-00012 - City vacation of a portion of platted complete access control, generally located on the northeast corner of 21st Street North and Oliver Avenue

ZON2008-00019 - County zone change from "SF-20" Single-family Residential to "LC" Limited

Commercial, generally located south of 21st Street North, 1/4 mile west of 159th Street East.

ZON2008-00020 - County zone change from "SF-20" Single-family Residential to "GC" General

Commercial to permit expansion of self-serve warehouse, south of MacArthur and west of Tyler (8929 W. MacArthur).

CON2008-00006 - Special Review for an existing off-site billboard sign which does not meet the

required 300-foot separation from residential zoning. Request to increase the height of this legal

nonconforming billboard from 45 to 55 feet, exceeding the sign code height limit. Generally located south

of Kellogg Drive and west of Beverly (5325 E Kellogg Drive).

CON2008-00018 - City Conditional Use for day care, general, on property zoned "SF-5" Single-family

Residential, generally located two blocks west of Rock Road and two blocks north of Central on Killarney

Place (7404 Killarney Place).

CON2008-00019 - City Conditional Use for wrecking/salvage yard in "LI" Limited Industrial zoning,

generally located east of West Street and north of MacArthur Road (3950 S West).

CON2008-00020 - City Conditional Use for nursery and garden center in "LC" Limited Commercial

zoning to store trees, generally located west of Greenwich and north of Harry.

DER2008-00004 - An amendment to Section III-B.2.c (4) of the Wichita-Sedgwick County Unified Zoning Code ("UZC"), April 19, 2001

edition, to allow "Vehicle storage yard" subject to Conditional Use approval in the RR Rural Residential ("RR") district, and add to the UZC - Section III-D.6.mm "Vehicle storage in the RR district."

Section III-D.6.mm establishes minimum development standards (such as location, maximum area, use, setbacks, paving, screening, lighting, noise and impact on onsite wastewater treatment systems) for the storage of vehicles in the RR.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning

Department, Wichita City Hall - 10th Floor. As provided in Section V of the Wichita-Sedgwick County

Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and

all persons interested in said matters will be heard at this time concerning their views and wishes in the

premises, and any protest against any of the provisions of the proposed changes to the zoning regulations

will be considered by the MAPC as by law provided.

WITNESS MY HAND this 11th day of April, 2008

John L. Schlegel, Secretary Wichita-Sedgwick County Metropolitan Area Planning Commission

CONDITIONAL USE RESOLUTION NO. CON2008-00019

WHEREAS, Kenneth & Lois Smith (Owners) and Mike Ysidro (Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Wrecking/Salvage Yard, on approximately 4.75-acres zoned LI Limited Industrial ("LI") described as:

The east 327.15 feet of Lots 1 and 2 Block 1 Rainbow Sales Addition to Wichita, Sedgwick County, Kansas, generally located east of West Street and north of MacArthur Road.

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 May 8, 2008, 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 MAPC that this application be approved to allow a Conditional Use for a Wrecking/Salvage Yard, on approximately 4.75-acres zoned LI Limited Industrial ("LI") described as:

The east 327.15 feet of Lots 1 and 2 Block 1 Rainbow Sales Addition to Wichita, Sedgwick County, Kansas, generally located east of West Street and north of MacArthur Road.

Approved subject to the following conditions:

1. The Conditional Use shall authorize the operation of a wrecking/salvage yard to store and auction/sell wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses; an insurance pool. There shall be no mechanical or body work done on the vehicles stored on the site. There shall be no dismantling of vehicles on the site, nor will there be storage and sale of vehicle parts on the site. In no event shall the Conditional Use authorize collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, bulky waste, salvage materials, junk, storage or bailing of solid waste, scrap paper, rags, metallic scrap materials or discarded materials; and/or for the sale of parts thereof. An auction of the wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses (an insurance pool) shall be every two-weeks, on a Tuesday, 10AM to 1PM, year round.
2. All of the conditions of UZC, Art III, Sec III-D.6.e will be enforced, including the approval of fencing or wall materials. Compatibility setbacks will be applied to the north and a portion of the east side of the site. No parking/storage of vehicles is allowed within the setbacks. Compatibility noise standards shall apply to the site and those standards will be extended to the south side of the site, where there are existing single-family residences. An approved landscape buffer of evergreens, a minimum of 5 feet in height (planting height) shall be planted every 25 feet where the site abuts residential zoning or residential uses on the south side of the subject site. Landscaping shall be per the Landscape Ordinance where the site abuts residential zoning on its north and east sides. The landscape buffer shall be a minimum of 15 feet, except where compatibility setbacks are applied.

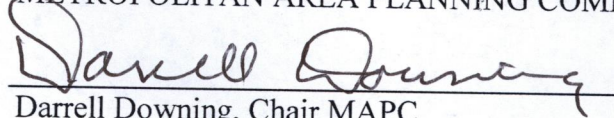
Trees shall be planted at the rate required by the Landscape Ordinance for a landscape street yard. All landscaping shall be irrigated and shall be planted and maintained in general conformance with a landscape plan approved by the Planning Director prior to operations beginning. The access gates are permitted in the concrete wall at the points denoted on the approved site plan.

3. An on-site parking area paved with asphalt or concrete with a paved access drive to West Street shall be provided for employee and customer parking. The paved access drive will also be used for the delivery of vehicles for sale or auction. Parking shall be per the UZC and will be shown with the landscape plan.
4. Unpaved areas for the storage of and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses shall be an approved all-weather surface.
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6. No wrecked/inoperable vehicles shall be visible from ground-level view from West Street or abutting properties.
7. Storage of all wrecked/inoperable vehicles shall be in an orderly manner with an exposed perimeter as specified by the 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.

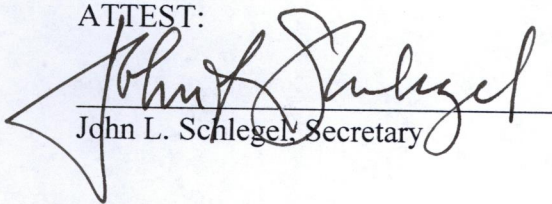
14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in 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 May, 2008

METROPOLITAN AREA PLANNING COMMISSION


Darrell Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC May 8, 2008

CASE NUMBER: CON2008-00019

APPLICANT/AGENT: Kenneth & Lois Smith (Owner) Mike Ysidro (Applicant)
Greg Farris (Agent)

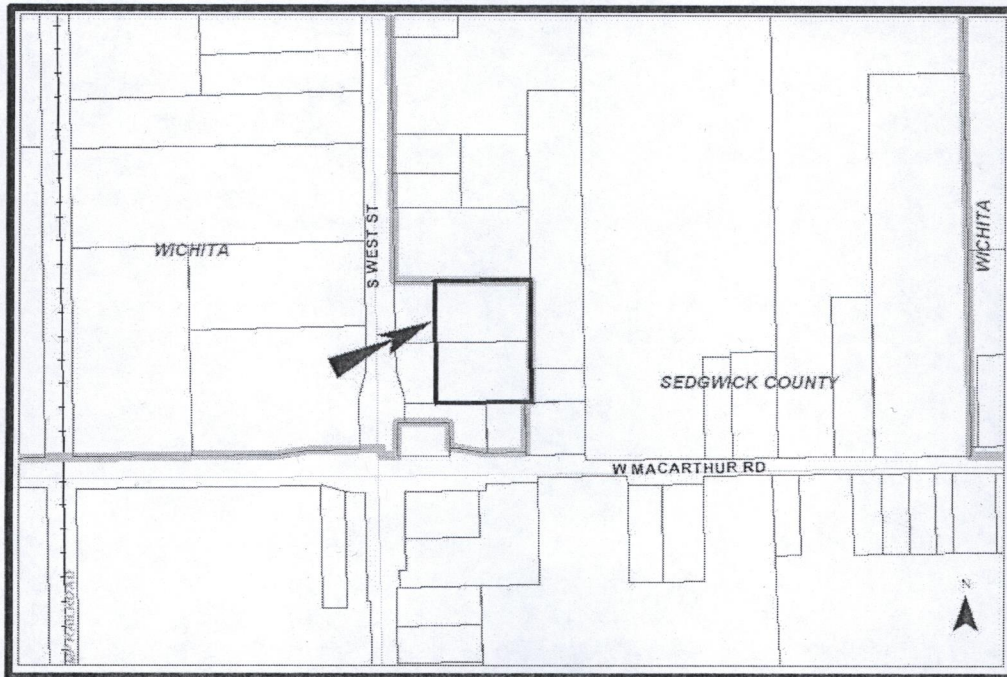
REQUEST: Conditional Use for a Wrecking/Salvage Yard

CURRENT ZONING: LI Limited Industrial (“LI”)

SITE SIZE: 4.75 acres

LOCATION: East of West Street and north of MacArthur Road

PROPOSED USE: Sale of wrecked vehicles obtained by insurance companies



BACKGROUND: The applicants are requesting a Conditional Use to permit a wrecking/salvage yard on the LI Limited Industrial ("LI") zoned 4.75-acres of the east 3/4 of Lots 1 and 2, Block 1, Rainbow Sales Addition. The site is located approximately 135 – 110 feet east of West Street and approximately 175 feet north of MacArthur Road.

The Unified Zoning Code (UZC, Art III, Sec III-D.6.e) requires a Conditional Use for a wrecking/salvage yard in the LI zoning district. A wrecking/salvage yard is 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 applicants are proposing to store and auction/sell wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool. The use of land for storage of inoperable vehicles, as defined above, in LI zoning is a Conditional Use.

Per the UZC, Art III, Sec III-D.6.e, the conditions for Conditional Use for a wrecking/salvage yard in the LI zoning district are:

- (1) Is not abutting an arterial street, expressway, or freeway;
- (2) In the opinion of the Planning Director, will not adversely affect the character of the neighborhood; and
- (3) Is enclosed by a fence or wall not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence.

The applicants have stated there will approximately 200 insurance pool vehicles stored on the site at any one time, with an auction every two-weeks, on a Tuesday, 10AM to 1PM, year round. During the auction day a shuttle bus (similar to an airport shuttle) will periodically drive potential buyers through the storage site for inspection and the auctioning of the vehicles. The applicants have stated that a 4-inch speaker will be used to amplify the auctioneer's voice. Aside from the auction, the business itself will be open to potential buyers 8AM to 5PM, Monday to Friday, year round. The applicants have stated that there will be no mechanical or body work done on the vehicles stored on the site and that the insurance companies will not allow that work on the vehicles. The applicants have also stated that there will be no dismantling of vehicles on the site, nor will there be the storage and sale parts on the site. Delivery of the vehicles will be by truck, which will be parked inside the completely screened site. The site plan/aerial shows the location and size of the storage/sales site, an existing office/garage/warehouse, utility easements, and solid fencing. The fencing is metal, with no height given. The site plan shows no lighting, parking, signage, setbacks or landscaping. The applicants have stated that they propose no signage or lighting other than what exist.

The area is a mix of county and city land. The county land is zoned SF-20 and is used as agricultural land, including farmsteads, and single-family residential. It also includes a Buddhist church and agricultural land abutting all of the north side and a portion of the west side of the subject site. The city lands are mostly zoned LI, but include a small GC General Commercial ("GC") zoned retail site and LC Limited Commercial ("LC") zoned vacant land, single-family residence, manufactured home and agricultural land abutting the subject

site's south side. All of the properties located west of the subject site, across West Street, are zoned LI and are developed as office/warehouse, office/warehouse/retail, a truck terminal, a salvage yard, and agricultural land.

CASE HISTORY: The subject property was platted/recorded as the Rainbow Sales Addition, February 29, 1980.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20, LI, GC	Buddhist church, retail, single-family residence
SOUTH:	LC	vacant, single-family residence, manufactured home
EAST:	LC, SF-20	agricultural land
WEST:	LI	office/warehouse/retail, salvage yard, truck terminal

PUBLIC SERVICES: The subject property has direct access to West Street, a paved four-lane minor arterial. It is also has access to MacArthur Road, from West Street, which is a paved two-lane minor arterial, with a center turn lane. The 2030 Transportation Plan shows both roads to be four-lane arterials. Traffic counts at the West – MacArthur intersection are 8,899 to 5,727 trips per day. Municipal water is available to the subject site, but sewer services are not. All other utilities/services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the general location as appropriate for “Employment/ Industry Center” development. The Land Use Guide identifies salvage yards as appropriate for land identified for “Processing Industry” uses, which promotes more intensive land uses than the “Employment/ Industry Center” classification. However the applicants’ proposed use is more restrictive than a motor vehicle salvage yard or junkyard. The applicants are proposing to store and auction/sell wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool. The applicants have also stated that there will be no mechanical or body work done on the vehicles stored on the site and that the insurance companies will not allow that work on the vehicles. The applicants have further stated that there will be no dismantling of vehicles on the site, nor will there be the storage and sale parts on the site. With these self imposed restrictions, the proposed used has some characteristics of a car sales lot, which includes a regularly changing inventory of vehicles to auction or sell. 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 generate 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 the following conditions:

1. The Conditional Use shall authorize the operation of a wrecking/salvage yard to store and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool. There shall be no mechanical or body work done on the vehicles stored on the site. There shall be no dismantling of vehicles on the site, nor will there be the storage and sale of vehicle parts on the site. In no event shall the Conditional Use authorize collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, bulky waste, salvage materials, junk, storage or bailing of solid waste, scrap paper, rags, metallic scrap materials or discarded materials; and/or for the sale of parts thereof. An auction of the wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses (an insurance pool) shall be every two weeks, on a Tuesday, 10AM to 1PM, year round.
2. All of the conditions of UZC, Art III, Sec III-D.6.e will be enforced, including the approval of fencing or wall materials. Compatibility setbacks will be applied to the north and a portion of the east side of the site. No parking/storage of vehicles is allowed within the setbacks. Compatibility noise standards shall apply to the site and those standards will be extended to the south side of the site, where there are existing single-family residences. An approved landscape buffer of evergreens, a minimum of 5 feet in height shall be planted every 25 feet where the site abuts residential zoning or residential uses (north, south and a portion of the east side of the subject site) and every 40 feet where it abuts (the east side of the subject site) commercial zoning. The landscape buffer shall be a minimum of 15 feet, except where compatibility setbacks are applied. Trees shall be planted at the rate required by the Landscape Ordinance for a landscape street yard. All landscaping shall be irrigated and shall be planted and maintained in general conformance with a landscape plan approved by the Planning Director prior to operations beginning. The access gates are permitted in the concrete wall at the points denoted on the approved site plan.
3. An on-site parking area paved with asphalt or concrete with a paved access drive to West Street shall be provided for employee and customer parking. The paved access drive will also be used for the delivery of vehicles for sale or auction. Parking shall be per the UZC and will be shown with the landscape plan.
4. Unpaved areas for the storage of and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses shall be an approved all-weather surface.
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 wrecked/inoperable vehicles shall be visible from ground-level view from West Street or abutting properties.

7. Storage of all wrecked/inoperable vehicles shall be in an orderly manner with an exposed perimeter as specified by the 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 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 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, a mix of lands located in the city and the county, is characterized by mostly limited

industrial types of uses, such as office/warehouse, office/warehouse/retail, and truck terminal. There is a salvage yard in the area. There are also county residential uses, agricultural land, vacant retail, small retail and a Buddhist temple, which abuts the north side of the subject site. Properties surrounding the subject site are zoned LI, LC and SF-20. The proposed use is not out of character with the zoning and uses of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI. A wrecking/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 and landscaping the proposed use from nearby commercial and residential 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 "Employment/ Industry Center" development. The Land Use Guide identifies salvage yards as appropriate for land identified for "Processing Industry" uses, which promotes more intensive land uses than the "Employment/ Industry Center" classification. However the applicants' proposed use is more restrictive than a motor vehicle salvage yard or junkyard. 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. Because the applicants have proposed conditions that are intended to make the subject property more compatible with light industrial uses in the vicinity, it meets most of these locational guidelines.
5. Impact of the proposed development on community facilities: Water is available to the site, but sewer is not. The use of this property should have limited impact on community facilities.

CON 2008-14

FERRIS CONSULTING

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March 31, 2008

John Schlegel, Director
Metropolitan Area Planning Department
City Hall, 10th Floor
455 N. Main
Wichita, KS 67202

RE: Conditional Use Permit to allow Wrecking/Salvage Yard at 3950 S. West Street per Article III, Section III-D (e) of the Unified Zoning Code

Dear John:

The owners of the property located at 3950 S. West Street are planning to lease the property to a company that sells wrecked vehicles obtained by insurance companies. Staff has determined that since the vehicles are salvage vehicles a conditional use for Wrecking/Salvage Yard is required even though we will not be doing any actual wrecking or salvage.

The property is zoned Limited Industrial (LI) and Wrecking/Salvage is allowed with a conditional use. The property has been used as a tow service yard for many years. As part of that use there has been a salvage vehicle storage permit associated with the property. This will not be a major change in the use of the property.

The area has significant commercial and industrial uses. Only a church to the north is not a commercial use. There are no residential uses along West Street in this area. The approval of the CU will not have an adverse impact on the area.

As part of the CU the owners agree to a condition that does not allow sales of parts from salvage or any wrecking activities. This assures the community that this will not be an actual Wrecking/Salvage Yard. The only activity planned on the property related to the CU is the actual sale of vehicles.

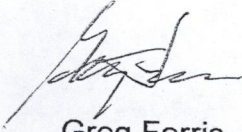
The application area is setback 135-feet from West Street, except for the very south part of the lot where the street right of way is 25-feet wider. At the south the setback is over 110-foot from West Street. The conditional use area does not abut West Street therefore it complies with Unified Zoning Code. There also is an existing solid fence around the perimeter of the property. The north property line is buffered from the church use with significant landscaping.

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The property complies with the UZC conditions that would allow a conditional use on property zoned LI. A conditional use with a condition that would not allow wrecking or sale of salvage parts should be approved.

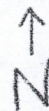
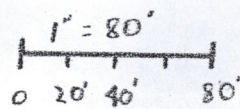
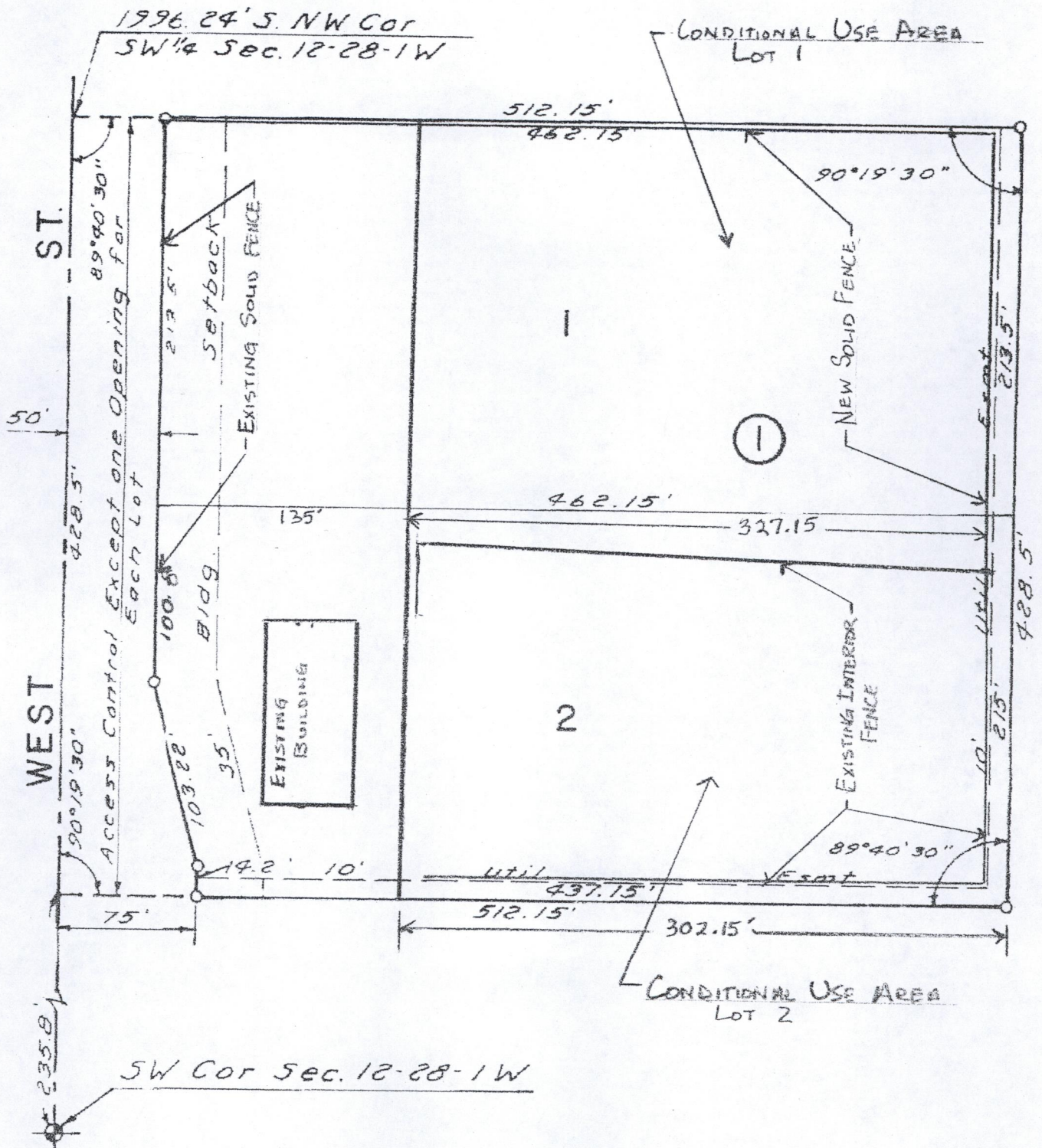
Please feel free to let me know if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Ferris", written in a cursive style.

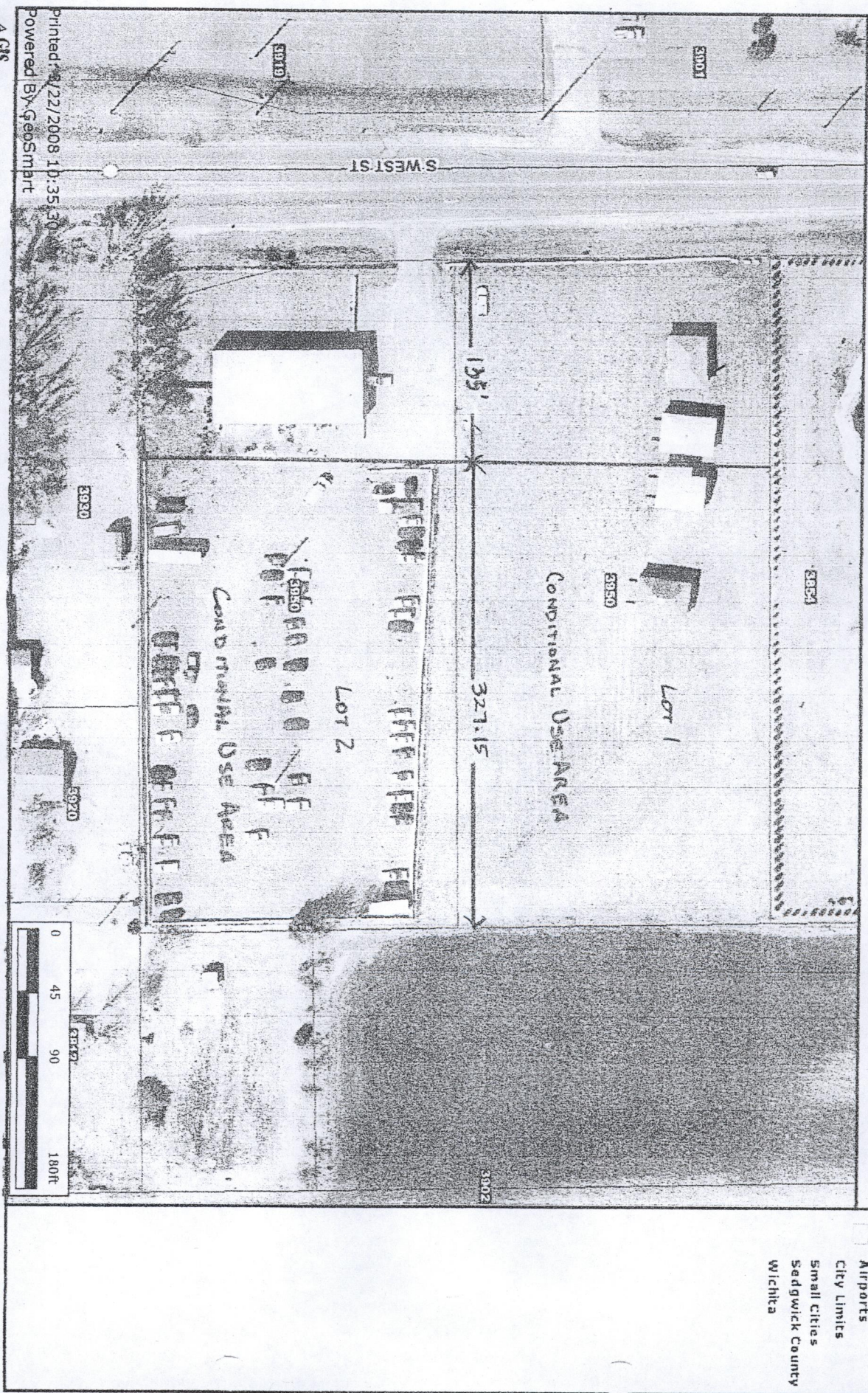
Greg Ferris

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Jan 2008 - 1st

3950 S. West St.



- Property parcels
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- Sedgwick County
- Wichita

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