



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 28, 2023

Michael & Robin Kidd  
4740 W. Esthner  
Wichita, KS 67209

K.E. Miller Engineering P.A.  
Attn: Kirk Miller  
117 E. Lewis St.  
Wichita, KS 67202

**RE: ZON2023-00035 and CON2023-00025:** Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with Conditional Use for Wrecking/Salvage) to bring property into compliance; generally located on the west side of South Baehr Street, north of West Esthner Ave (1701 & 1721 S. Baehr St.).

Dear Applicants;

At its regular meeting on **July 25, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the following conditions:

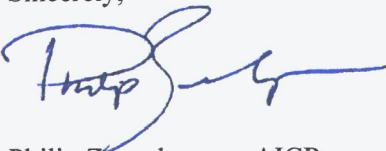
- 1) CON023-00025 supersedes and replaces CON2013-00025.
- 2) The applicant shall submit a site plan illustrating vehicle circulation, solid screening, ingress and egress, parking areas for all uses on the site, dumpsters, landscaping, signs, lighting and showing all easements and setbacks for review and approval by the Planning Department, prior to the issuance of a occupancy permit.
- 3) The site shall be developed and operated in compliance with all provisions of the UZC found in Section III-D.6.e concerning Wrecking/Salvage Yard.
- 4) 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.
- 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) The applicant shall at all times maintain an active program for eradicating and controlling 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) Off-street parking spaces shall be provided per the off-street Parking Schedule in Article IV-A of the UZC and shall be on a paved surface.
- 10) Access to the subject property shall be provided for ongoing site inspections for soil and

groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it necessary, the applicant shall be required to install monitoring wells on the property to monitor groundwater quality 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 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 Environmental Services.
- 12) 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 groundwater.
- 13) The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a Wrecking/Salvage yard.
- 14) All permits and approvals shall be obtained with copies placed on file with the Metropolitan Area Building and Construction Department.
- 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.

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,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: Jeff Blubaugh, Council Member District IV  
Brooke Kauchak, CSR, District IV  
MABCD



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 26, 2023

Michael & Robin Kidd  
4740 W. Esthner  
Wichita, KS 67209

K.E. Miller Engineering P.A.  
Attn: Kirk Miller  
117 E. Lewis St.  
Wichita, KS 67202

**RE: ZON2023-00035 and CON2023-00025:** Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with Conditional Use for Wrecking/Salvage) to bring property into compliance; generally located on the west side of South Baehr Street, north of West Esthner Ave (1701 & 1721 S. Baehr St.).

Dear Applicants;

At its regular meeting on **June 22, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to the following conditions:

- 1) CON2023-00025 supersedes and replaces CON2013-00025.
- 2) The applicant shall submit a site plan illustrating vehicle circulation, solid screening, ingress and egress, parking areas for all uses on the site, dumpsters, landscaping, signs, lighting and showing all easements and setbacks for review and approval by the Planning Department, prior to the issuance of a occupancy permit.
- 3) The site shall be developed and operated in compliance with all provisions of the UZC found in Section III-D.6.e concerning Wrecking/Salvage Yard.
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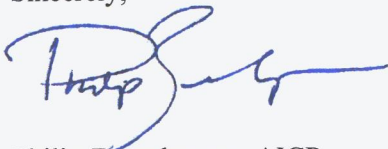
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- 12) The applicant shall implement a drainage plan approved by the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and groundwater.
- 13) The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a Wrecking/Salvage yard.
- 14) All permits and approvals shall be obtained with copies placed on file with the Metropolitan Area Building and Construction Department.
- 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.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on July 6, 2023. 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 located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by July 6, 2023, at 5:00 p.m.

This application will be presented to the Wichita City Council on Tuesday, July 25, 2023, beginning at 9:00 a.m.

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,



Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: Jeff Blubaugh, Council Member District IV  
Brooke Kauchak, CSR, District IV  
MABCD

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON August 4, 2023

ORDINANCE NO. 52-235

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. ZON2023-00035**

Zone change in the City from SF-5 Single-Family Residential District to LI Limited Industrial District, on property legally described as:

Lot 6, Schmidt Addition, 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.

Adopted this 1<sup>ST</sup> day of August, 2023.

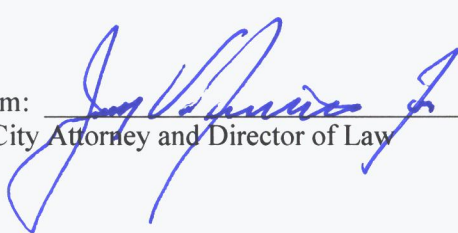
  
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

  
Jamie Buster, City Clerk

(SEAL)



Approved as to form:   
Jennifer Magaña, City Attorney and Director of Law



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification                          | Order PO | Amount  | Cols | Depth |
|-----------|--------------|-----------------------------------------|----------|---------|------|-------|
| 32522     | 451433       | Print Legal Ad-IPL01339000 - IPL0133900 |          | \$51.13 | 1    | 61 L  |

Attention: Jamie Buster  
CITY OF WICHITA/CLERKS OFFICE  
455 N MAIN ST FL 13  
WICHITA, KS 67202

LAlvarez@wichita.gov

**LEGAL PUBLICATION**  
**OCA 150004 PUBLISHED IN**  
**THE WICHITA EAGLE ON Au-**  
**gust 4, 2023**

**ORDINANCE NO. 52-235**  
AN ORDINANCE CHANGING THE  
ZONING CLASSIFICATIONS OR DIS-  
TRICTS OF CERTAIN LANDS LOCAT-  
ED IN THE CITY OF WICHITA, KANSAS,  
UNDER THE AUTHORITY GRANTED  
BY THE WICHITA-SEDGWICK COUN-  
TY UNIFIED ZONING CODE, SEC-  
TION 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 hav-  
ing 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. ZON2023-00035  
Zone change in the City from SF-5  
Single-Family Residential District to LI  
Limited Industrial District, on property  
legally described as:

Lot 6, Schmidt Addition, 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 Wich-  
ita -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.

Adopted this 1st day of August, 2023.  
Brandon J. Whipple, Mayor, City of  
Wichita

ATTEST:  
Jamie Buster, City Clerk  
(SEAL)

Approved as to form:  
Jennifer Magana, City Attorney and  
Director of Law  
IPL0133900  
Aug 4 2023

In The STATE OF KANSAS  
In and for the County of Sedgwick

1 insertion(s) published on:

08/04/23

STATE OF KANSAS)

SS

County of Sedgwick)

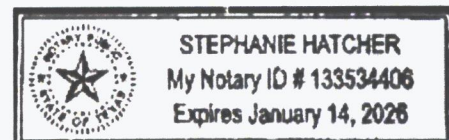
Hayley Martin, of lawful age, being first duly sworn,  
deposeth and saith: That he is Record Clerk of The  
Wichita Eagle, a daily newspaper published in the City of  
Wichita, County of Sedgwick, State of Kansas, and having  
a general paid circulation on a daily basis in said County,  
which said 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 from 08/04/2023  
to 08/04/2023.

I certify (or declare) under penalty of perjury that the  
foregoing is true and correct.

DATED: 08/04/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification                          | Order PO   | Amount   | Cols | Depth |
|-----------|--------------|-----------------------------------------|------------|----------|------|-------|
| 16399     | 425993       | Print Legal Ad-IPL01245720 - IPL0124572 | OCA 150004 | \$251.68 | 3    | 100 L |

Attention: MANDY HEBERT  
CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

kgonzalez@wichita.gov

### LEGAL PUBLICATION

OCA 150004  
Published in The Wichita Eagle on June 1, 2023  
(One Time Only)  
MAFPC/BZA June 22, 2023

NOTICE IS HEREBY GIVEN that on Thursday, June 22, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2023-00013: Conditional Use request in the City to permit Nightclub in the City on property zoned Limited Commercial, within 300 feet of a park; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave).

CON2023-00024: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

CON2023-00025: Conditional Use request in the City to allow Wrecking and Salvage (with ZON2023-00035 to change SF-5 to LI), to bring existing use into compliance; generally located on the northwest corner of West Eastman Avenue and South Baehr Street.

CUP2023-00018: Request in the City to Amend the Chelsea Station CUP DP-62 to allow a 40.47 square foot mural on the north elevation of the building on Parcel 11; generally located west of North Broadmoor Street and south of East 21st Street North (2023 N. Broadmoor).

CUP2023-00019: Request in the City to amend CUP DP-356 to permit Vehicle Sales/Rental, Outdoor on Parcel 2, increase height of masonry screening to 8 feet, and increase size of Parcel 2; located on the north side of East Kellogg Drive, within one-quarter mile east of South Rock Road.

PUD2023-00006: Zone change request in the City from TF-3 Two-Family Residential to PUD Planned Unit Development #114 for custom development standards and allow shipping containers to be used for residence; located on the southeast corner of East 1st Street North and North Poplar Avenue (158 North Poplar).

VAC2023-00019: Vacation request in the City to vacate a portion of a platted access control to allow access to a community boat ramp for the Rensick Addition; located on the north side of East 45th Street North and one-half mile west of North Hoover Road.

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment; generally located south of East 21st Street North, between North Market Street and North Park Place.

VAC2023-00021: Request in the City to vacate a portion of an easement in which the existing building encroaches 2.26 feet; located on the northwest corner of South Lulu Avenue and East 49th Street (4999 S. Lulu Ave).

VAC2023-00022: Vacation request in the City to vacate 100 linear feet of alley south of Lot 1 to allow better use of property and control access to owner's buildings; generally located south of East Central Avenue and east of North Mosely Avenue (448 & 430 N. Mosely Avenue).

ZON2023-00029: Zoning change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located west of Young Street and 283.5 feet north of West 1st Street North (225 N. Young).

ZON2023-00030: Zone change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located on the west of North Arkansas Avenue and north of West 38th Street North (3825 N. Arkansas).

ZON2023-00031: Zone change request in the City from General Office GO to Neighborhood Retail NR; generally located on the south side of East English Street and east side of South Hillside Avenue (200 S. Hillside).

ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office; generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauque Avenue.

ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

ZON2023-00035: Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with ZON2023-25 for Wrecking/Salvage) to bring a property into compliance; generally located on the west side of South Baehr Street, north of West Eastman Ave (1701 & 1721 S. Baehr St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAFPC, 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 MAFPC as by law provided.

Options to participate (see below):

1) Participate virtually

2) Attend in-person at the Ronald Reagan Building

3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=ekI3bWVSIENkZjQ0TFYvOjFVDEkxOT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile  
+16898006833, 4089866967#...094136# US (San Jose)

+17193584580, 4089866967#...094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the WichitaSedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAFPC, prior to or during the meeting.

Email [Planning@wichita.gov](mailto:Planning@wichita.gov)

Mailing Address WichitaSedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on June 1, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0124572

Jun 1 2023

In The STATE OF KANSAS  
In and for the County of Sedgwick

1 insertion(s) published on:

06/01/23

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he 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 from 06/01/2023 to 06/01/2023.

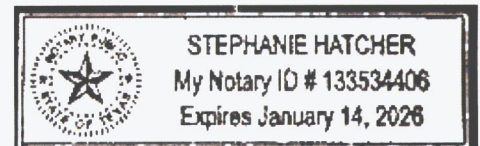
*M. Hayley*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 06/01/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

**STAFF REPORT**

MAPC – June 22, 2023

DAB – July 10, 2023

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CASE NUMBER: ZON2023-00035 and CON2023-00025 (City)

APPLICANT/AGENT: Michael & Robin Kidd (owner)/ K.E. Miller Engineering, P.A. (agent)

REQUEST: LI Limited Industrial District and Conditional Use request for Wrecking Salvage/Towing

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 3.23 acres

LOCATION: Generally located on the west side of South Baehr Street, north of West Esthner Avenue (1707 & 1721 S. Baehr St.)

PROPOSED USE: Wrecking Salvage/Towing

RECOMMENDATION: Approval with conditions



**BACKGROUND:** The applicants currently operate a Wrecking/Salvage Yard on four lots totaling 3.23 acres on the west side of South Baehr Street, north of West Esthner Avenue (1707 & 1721 S. Baehr St.). In 2013, A Conditional Use to permit Wrecking/Salvage Yard was approved for Lot 1, LJ Webber Addition (CON2013-00025). Currently, only Lot 1 is permitted to operate as a Wrecking/Salvage Yard. The other three lots are operating out of compliance with the Unified Zoning Code. To bring the entire site into compliance, the applicant is requesting:

1. a zone change from SF-5 Single-Family Residential District to LI Limited Industrial District for one of the four lots (the other three are zoned LI Limited Industrial); and
2. a Conditional Use to permit Wrecking/Salvage Yard on the entire site.

The U.Z.C. defines “Wrecking/Salvage Yard” as “a Lot, land or Structure, or part thereof, used for the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, Inoperable Vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include Motor Vehicle Salvage Yards and junkyards.”

Wrecking/Salvage Yards may be permitted as a Conditional Use in the LI Limited Industrial District provided that such operation:

1. Is not Abutting an arterial Street, expressway or freeway;
2. In the opinion of the Planning Commission, will not adversely affect the character of the neighborhood;
3. And 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.

If approved, this Conditional Use will supersede and replace the original Conditional Use CON2013-00025.

The site is currently surrounded by a chain-link fence with a gated entrance on the north side of West Esthner Avenue, and a paved area outside of the gate currently serves as parking. Additional screening would be necessary to comply with Supplementary Use Regulation #3. If this request is approved, the applicant shall provide a revised site plan illustrating the required off-street parking and solid screening.

The subject area is generally characterized by warehousing and storage uses, with some large-lot single-family residences. North of the subject site is property zoned LI Limited Industrial District and developed with a Vehicle Storage Yard and a property zoned SF-5 Single-Family Residential District and developed with a single-family residence. South and east of the subject site are properties zoned LI Limited Industrial District which are developed with Wrecking and Salvage, Outdoor Storage, and Office/Warehouse uses, respectively. West of the subject site is property zoned SF-5 Single-Family Residential District and developed with a single-family residence and a former sand pit/lake.

**CASE HISTORY:** In 1951, the east portion of the site was platted as Lots 6, 7, and 8, Schmidt Addition to Wichita, Sedgwick County, Kansas. In 1979, the west portion of the site was platted at Lot 1, L.J. Webber Addition to Wichita, Sedgwick County, Kansas. In 2013, a Conditional Use to permit Wrecking/Salvage Yard was approved for Lot 1, LJ Webber Addition (CON2013-00025). There have been no other zoning actions on this site.

**ADJACENT ZONING AND LAND USE:**

|        |           |                                                |
|--------|-----------|------------------------------------------------|
| NORTH: | LI & SF-5 | Vehicle storage and Single-family residence    |
| SOUTH: | LI        | Wrecking/Salvage Yard and Outdoor Storage      |
| EAST:  | LI        | Office/Warehouse                               |
| WEST:  | SF-5      | Single Family Residence and Sandpit/Extraction |

**PUBLIC SERVICES:** West Esthner Avenue is a paved local street without sidewalks. City water is located in the South Baehr Street and West Esthner Avenue rights-of-way. Stormwater is located in the West Esthner Avenue right-of-way and sanitary sewer is located south and east of the site. Wichita Transit does not provide regular bus service in this area.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change and Conditional Use are in conformance with the *Community Investments Plan* (The Wichita-Sedgwick County Comprehensive Plan) and the *Wichita: Places for People Plan*.

**The Community Investments Plan:** The *2035 Wichita Future Growth Concept Map*, which illustrates the preferred land uses within the *Plan* area, identifies the subject site as appropriate for "Industrial" use. This category encompass locations reflecting the full diversity of industrial development intensities and types. Rather than designating specific intensities and use types for the various locations covered by each category, the *Plan* states that existing development and neighborhood context should serve as a guide for what is appropriate. Development in this general area is a mix of warehousing, vehicle storage, and wrecking/salvage uses. Therefore, the development of Limited Industrial uses on this property, including a Wrecking/Salvage Yard, would be consistent with existing development in this area.

**Wichita Places for People Plan:** *The Wichita: Places for People Plan* provides recommends urban infill development in the Established Central Area (ECA) occur when the scale and intensity is compatible with existing uses and the current context of the neighborhood. A number of industrial uses, including Wrecking/Salvage Yard exist near the subject sites, therefore, the requested zoning and uses are within the current context of the area.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the following conditions.

1. CON023-00025 supersedes and replaces CON2013-00025.
2. The applicant shall submit a site plan illustrating vehicle circulation, solid screening, ingress and egress, parking areas for all uses on the site, dumpsters, landscaping, signs, lighting and showing all easements and setbacks for review and approval by the Planning Department, prior to the issuance of a occupancy permit.
3. The site shall be developed and operated in compliance with all provisions of the UZC found in Section III-D.6.e concerning Wrecking/Salvage Yard.
4. 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.
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. The applicant shall at all times maintain an active program for eradicating and controlling 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. **Off-street parking spaces shall be provided** per the off-street Parking Schedule in Article IV-A of the UZC and shall be on a paved surface.
10. Access to the subject property shall be provided for ongoing site inspections for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it necessary, the applicant shall be required to install monitoring wells on the property to monitor groundwater quality 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 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 Environmental Services.
12. 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 groundwater.
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a Wrecking/Salvage yard.
14. All permits and approvals shall be obtained with copies placed on file with the Metropolitan Area Building and Construction Department.
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.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The subject area is generally characterized by warehousing and storage uses, with some large-lot single-family residences. North of the subject site is property zoned LI Limited Industrial District and developed with a Vehicle Storage Yard and a property zoned SF-5 Single-Family Residential District and developed with a single-family residence. South and east of the subject site are properties zoned LI Limited Industrial District which are developed with Wrecking and Salvage, Outdoor Storage, and Office/Warehouse uses, respectively. West of the subject site is property zoned SF-5 Single-Family Residential District and developed with a single-family residence and a former sand pit/lake.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned LI Limited Industrial District and SF-5 Single-Family Residential District. It has operated as a Wrecking/Salvage Yard for some time.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A zone change to LI Limited Industrial District would allow all uses permitted in the LI District on this site. Similar uses

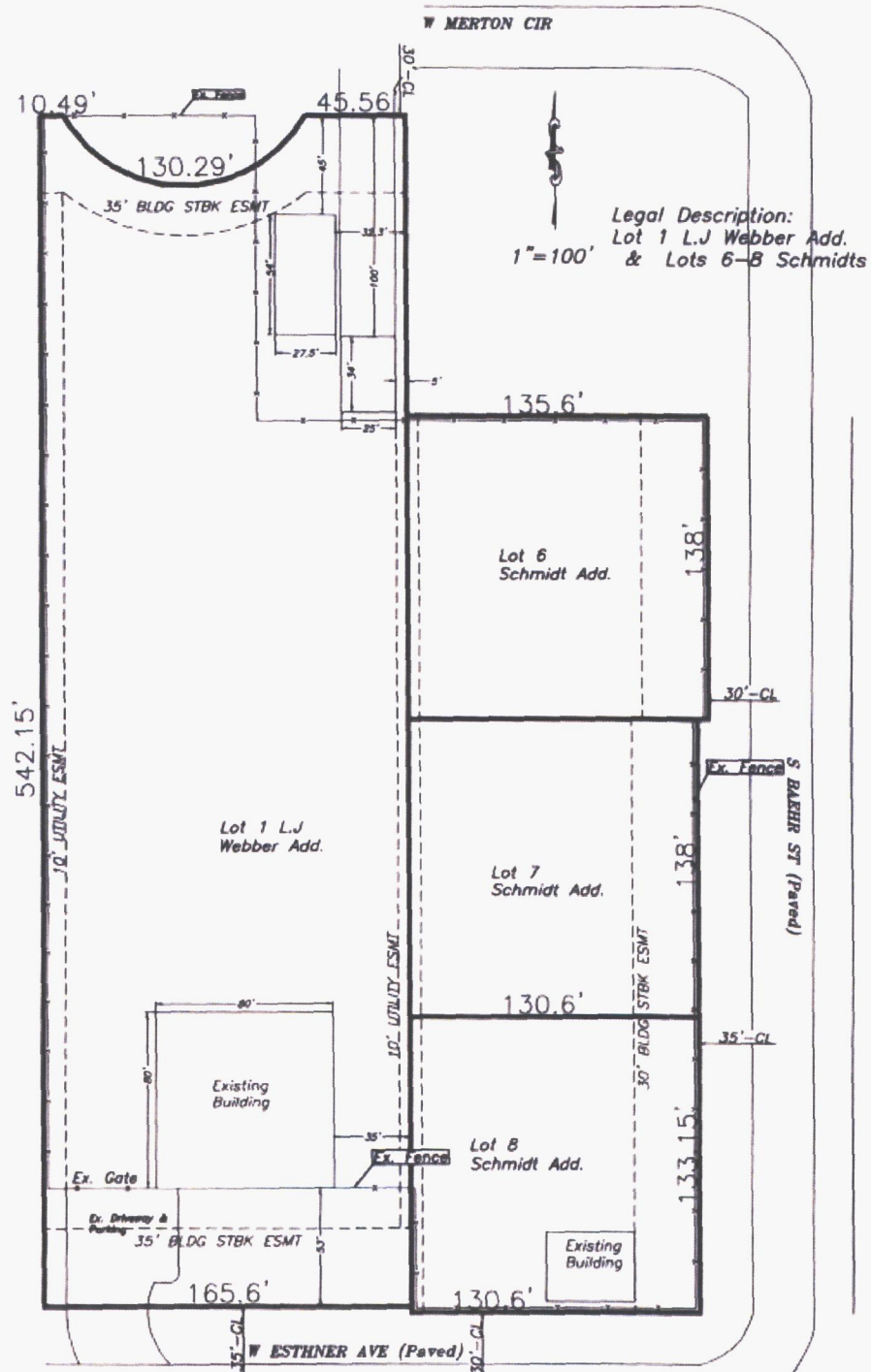
exist in the area and screening as required by the Supplementary Use Regulations would mitigate the visual impact of vehicles, materials, or equipment stored on the property. It is not anticipated that approval of these requests would detrimentally impact the surrounding commercial and industrial uses, and the design features may limit potential adverse effects.

4. Length of time subject property has remained vacant as zoned: The property is currently not vacant.
5. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to supporting economic opportunity in the area. However, any gain must be considered in light of the possible negative impacts on public welfare, including the adverse effects on neighboring properties due to noise pollution or visual blight and the impact of future development on neighboring properties. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change and Conditional Use is in conformance with the Community Investments Plan and the Wichita: Places for People Plan, as noted in the staff report.
7. Impact of the proposed development on community facilities: It is not anticipated that approval of this request should generate any additional impact on community facilities. The existing infrastructure at the site will accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has not received public comments in opposition of this request.

Attachments:

1. Conceptual Site Plan
2. Aerial Map
3. Zoning Map
4. 2035 Future Growth Concept Map
5. Site Photos

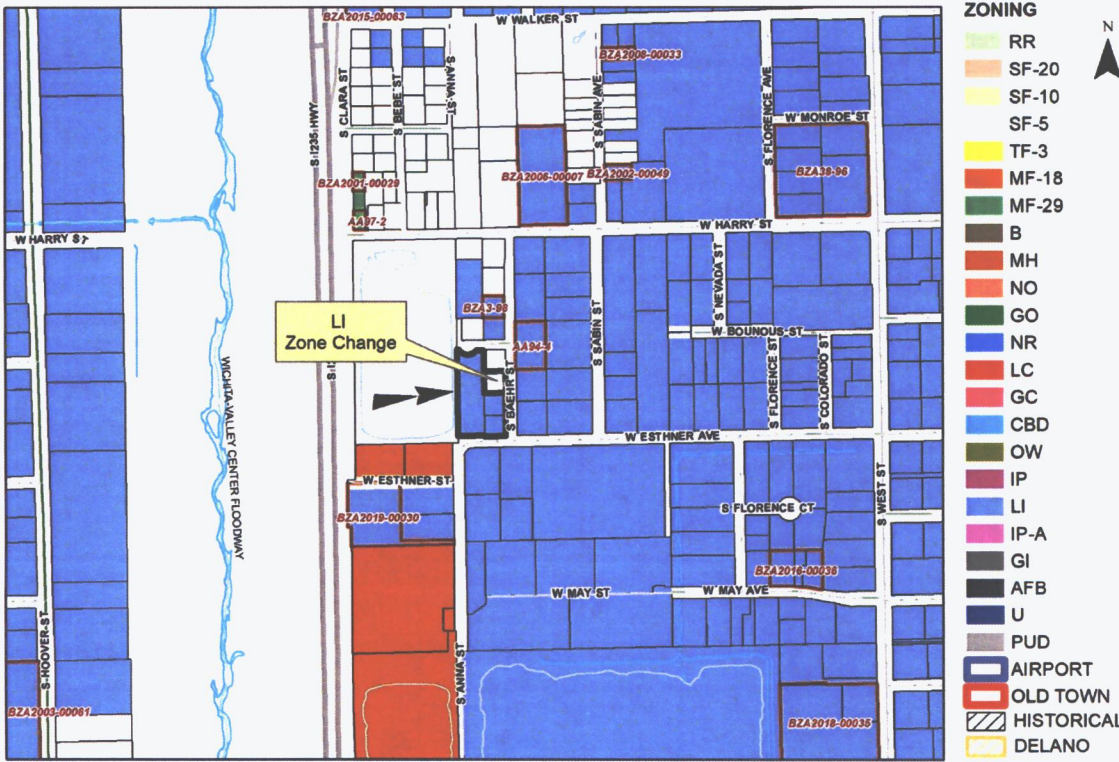
# Site Plan



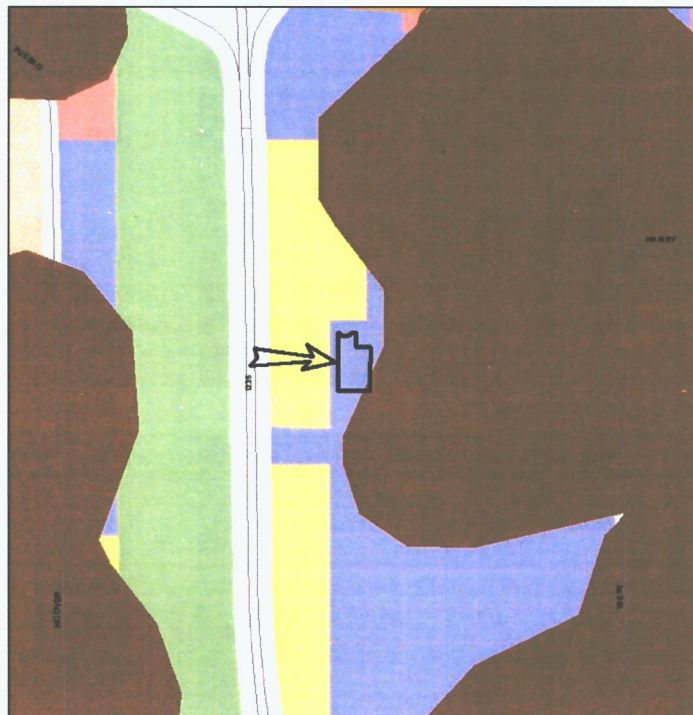
Attachment 2. Aerial map



Attachment 3. Zoning map



# Attachment 4. Future Growth Concept Map



Attachment 5. Site Photos



The subject site facing southwest.



South side of subject site.



Wrecking/Salvage office and parking on subject site.



Single-family residence north of subject site.



Northeast of subject site.



East of subject site.



South of the subject site.