

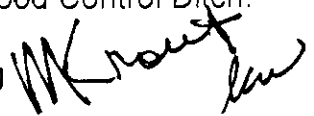
RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ- 0768 - Request for Zone Change from "RR" Rural Residential and "SF-20" Single-Family Residential to "LI" Limited Industrial and "SF-20" Single-Family Residential; and

CU - 483 - Request for a Conditional Use to allow a recycling/salvage yard, located between Hydraulic and Grove, south of 63rd Street South and immediately north of the Wichita-Valley Center Flood Control Ditch.

PRESENTED BY:

Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: August 26, 1998

COMMISSION DISTRICT #2

MAPC Recommendation: Approve, subject to conditions (7-4).

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant is presently operating a salvage yard at this location as a nonconforming use. He wishes to expand and enlarge the salvage business eastward, on 12.5 acres, and rezone the eastern 27 acres from "RR" Rural Residential to the "SF-20" suburban classification. The area in which the business is located is dominated by salvage yards; mainly to the west. The Pine Bay golf course/residential development is to the north and a number of other residential properties are to the east.

The Haysville Planning Commission voted favorably on both requests. Several landowners to the north and east of the subject property spoke in opposition to the requests at both the Haysville and MAPC hearings. They cited concerns with the expansion of the "grandfathered" salvage operations, traffic concerns on the area streets, and the "threats" the operations would have on the groundwater in the area. The MAPC recommended approval of the rezonings as requested, subject to platting within one year and recommended the Conditional Use also be approved subject to the following conditions:

- A. In conjunction with SCZ-0768, this property shall be platted within one year or the request shall be denied and the case considered closed.

- B. Prior to scheduling this case before the Board of County Commissioners, the applicant shall prepare a more detailed site plan showing actual location of the proposed recycling and salvage yard uses and submit the plan to the Planning Director for approval. In particular, the site plan shall indicate the area to be used for processing of recyclable materials, the location of storage areas for recycled materials, the location of the salvage yard, and the location of customer parking and off-street loading areas. In addition, the number of access points from the recycling and salvage yard business shall be limited to one drive to Minnesota and one drive to Cider. The access points shall be indicated on the plat.
- C. The area devoted to the recycling and salvage yard shall be fenced with a continuous solid, 9-foot fence along the north, east and south sides of the expansion area and a 6-foot fence along the west side of the expansion area adjacent to the existing salvage yards, with no openings except for gates at the two permitted access points on Minnesota and Cider. The fence materials used shall be of a consistent material for the entire fence and shall be of flat, 20-gauge metal fencing material; said fencing to be painted one color and maintained accordingly. No corrugated metal, slatted chain-link, or mixed-material fencing shall be permitted. The height of scrap metal piles and wrecked vehicles shall not exceed the height of the fencing.
- D. All waste generated by the recycling and salvage yard business shall be disposed of in accordance with Chapter 7.08 of the Code of the City of Wichita. Further, all operations shall be conducted in conformance with Chapters 7.41 and 7.42 of the Code of the City of Wichita in regard to noise and odors.
- E. The salvage yard shall comply with the provisions of Section 14-156 of the Code of Sedgwick County, Kansas, except that there shall be a minimum of a 10-foot setback from all property lines for racked or storage materials as indicated on the site plan.
- F. The recycling and salvage yard shall meet the permitting, reporting and operating requirements of the Kansas Department of Transportation. Except for the delivery of towed vehicles, hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday. The facility shall not be used on Sundays or official holidays.
- G. The drive entrances and all internal traffic roadways shall be constructed to properly drain surface water from the site. No standing water shall be permitted. Water, or other dust retardant, shall be used as needed to effectively control blowing dust from all internal traffic roadways.
- H. Any on-site storage of fuels or chemical must be approved by the Wichita-Sedgwick County Health Department.

- I. The applicant shall submit and receive approval of a drainage plan from the County Public Works Department, including any needed easements for the temporary storage of run-off, prior to commencing operations.
- J. The applicant shall obtain and maintain all applicable county, state and federal permits necessary for the operation of a recycling and salvage business.
- K. The applicant shall maintain a water well on the property to monitor the quality of groundwater. An annual test shall be conducted at the applicant's expense through the Wichita-Sedgwick County Health Department to test for contaminants in the groundwater that might originate from the applicant's site.
- L. The applicant shall establish a 40-foot landscape buffer along the north property line and a 20-foot landscape buffer along the east and south property lines of the expansion area and shall install shade trees in the landscape buffer equivalent to 1-1/2 the rate that would be required by the City of Wichita Landscape Ordinance (1-1/2 shade trees for each 40 lineal feet of property line). The buffer along the east property line shall be established on the east side of the line for this Conditional Use and be reflected as a landscape easement or reserve on the plat for the residential property. A landscape plan shall be prepared and submitted for approval to the Director of Planning prior to a final occupancy being granted for the site.
- M. This Conditional Use Permit shall be in effect for 5 years from the effective date of the approval of the permit by the Board of County Commissioners, said date not beginning until publication of the effecting resolutions for this permit and the requisite rezoning (SCZ-0768).
- N. Any violation of the conditions of approval shall render the conditional use permit null and void.

Protests filed after the MAPC hearing are sufficient to require an affirmative vote of 4 Commissioners in order to follow the MAPC recommendation and approve these requests.

Recommended Action: 1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting within one year and approve the Conditional Use subject to the conditions stipulated; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

A to Z Recycling, LLC % Vince Wilson 6930 S Minnesota Wichita KS 67233

PEC, PA % Gary Wiley 303 S Topeka Wichita KS 67202

Protestors:

Wayne Bowman 6802 S Grove Wichita KS 67216

Daniel Creekmore 76101 S Volutsia Wichita KS 67216

Terry DeCou 7245 S. Chautauqua Wichita KS 67216

Patricia Hutchinson 1921 Pine Bay Wichita KS 67216

Pam Doffing 5919 Jones Wichita KS 67217

Jodie Blood 6346 S Broadway Wichita KS 67216

RESOLUTION NO. 155-98

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 178-1997.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. SCZ- 0768

Zone change request from "RR" Rural Residential to "SF-20" Single-Family Residential on property described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th, P.M., Sedgwick County Kansas; EXCEPT that part taken in Floodway condemnation case A-29459.

Generally located between Hydraulic and Grove south of 63rd street South and immediately north of the Wichita-Valley Center Flood Control Ditch.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

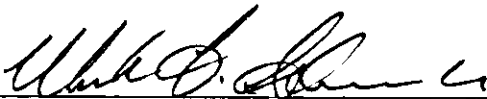
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

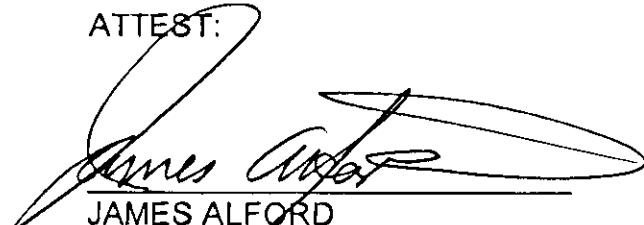
BETSY GWIN	<u>aye</u>
PAUL W. HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>absent</u>
MELODY C. MILLER	<u>aye</u>
MARK F. SCHROEDER	<u>aye</u>

DATED this 26th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS


MARK F. SCHROEDER, Chairman

ATTEST:


JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:


RICHARD A. EUSON
County Counselor