

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 2, 1996

Thomas Debbrecht
1951 S. Hillside
Wichita, KS 67211

RE: CU-399 Conditional Use to permit the operation of a salvage yard generally located east of Madison and north of 47th Street South (4754 S. Madison)

Dear Mr. Debbrecht:

At its regular meeting on June 13, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request.

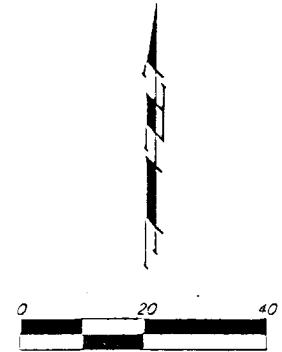
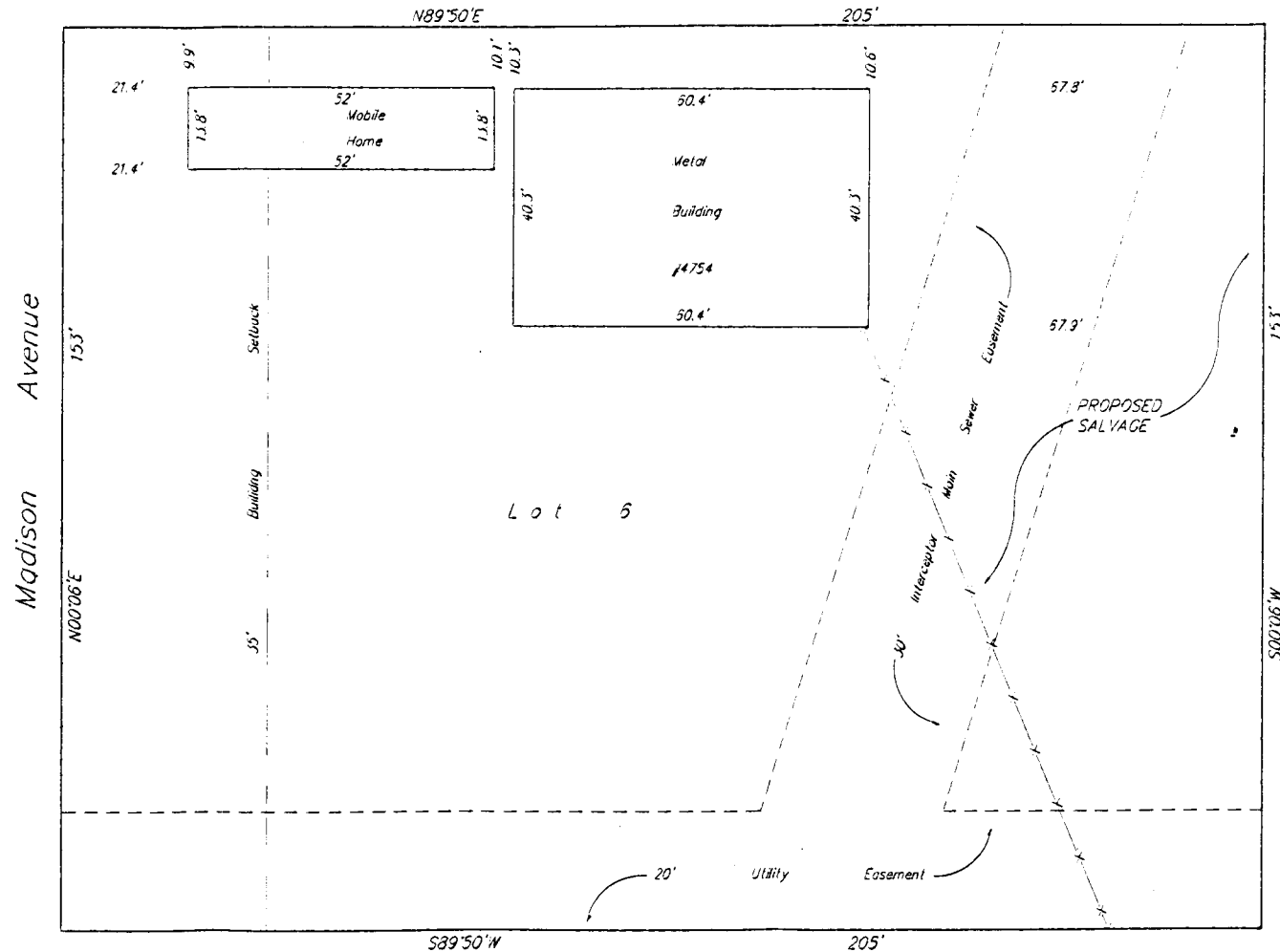
This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Russ Ewy
Associate Planner

cc: Bob Belcher; 4736 S. Madison; Wichita, KS 67216
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hayes, Office of Central Inspection

EXHIBIT



Legal Description
 Lot 5, S and G Industrial Addition
 Wichita, Sedgwick County, Kansas

STAFF REPORT

June 13, 1996

CASE NUMBER: CU-399

APPLICANT/AGENT: Thomas Debbrecht & Bob Blecher

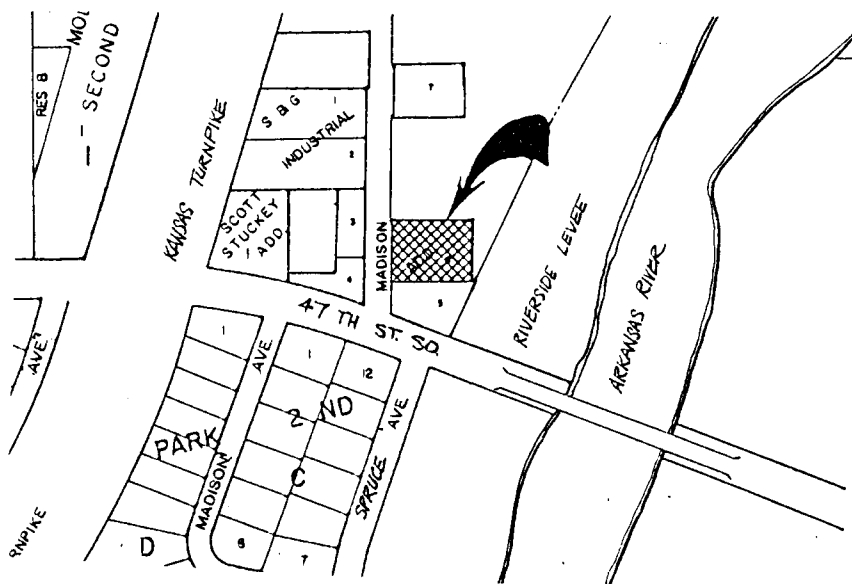
REQUEST: Conditional Use to permit the operation of a salvage yard

CURRENT ZONING: 'LI' Limited Industrial

SITE SIZE: 0.72 acres

LOCATION: Generally located east of Madison and north of 47th Street South (4754 S. Madison)

PROPOSED USE: Salvage Yard



BACKGROUND: The applicant requests a Conditional Use to permit the operation of a salvage yard on a platted lot, zoned 'LI' Limited Industrial, generally located east of Madison and north of 47th Street South between the Kansas Turnpike and the Arkansas River (4754 S. Madison). The applicant has requested the conditional use in order to continue to operate as both a vehicle repair business and a salvage yard. The business has been in operation as a vehicle repair business for approximately 18 years, and as a salvage yard for the past 2 years.

The Kansas Department of Transportation's Bureau of Right-Of-Way, Salvage Control Section requires businesses operating auto salvage yards to complete an annual certification process. Section V of the certification form addresses local zoning requirements and the need to be in compliance with any local restrictions. The applicant contacted the Office of Central Inspection in order to complete the certification form, and after reviewing the form OCI advised the applicant that they needed to apply for a Conditional Use to permit the operation of a salvage yard.

The Unified Zoning Code allows salvage yards in the 'LI' Limited Industrial and 'GI' General Industrial districts as a Conditional Use. The conditions require that the salvage yard: (1) is not on an arterial street, expressway or freeway; (2) in the opinion of the Planning Commission, will not adversely affect the character of the neighborhood; and (3) is enclosed by a fence or wall not less than eight (8) feet in height and having cracks and openings not in excess of five percent of the area of such fence.

Land uses in the vicinity of the application site include an undeveloped lot between the salvage yard and a nonconforming residence to the north. To the east is undeveloped land from the application site to the Arkansas River, and the O'Dell & Son Auto Sales lot is located immediately to the south. There is 'SF-6' Single-Family zoning further south of the site, across 47th Street South. West of the application area is a collection of metal buildings and parked vehicles.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: 'LI' Undeveloped lot, Residence
SOUTH: 'LI' Auto Sales
EAST: 'LI' Undeveloped, Arkansas River
WEST: 'LI' Industrial Buildings

PUBLIC SERVICES: Municipal water and sewer service is available to the site. The site has access to Madison, approximately 100 feet north of 47th Street South.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the application area as developing with industrial uses. This request would be in conformance with the Plan's goal of ensuring that industrial activities have a minimal impact on residential areas.

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

1. This Conditional Use shall authorize the operation of an auto salvage yard. In no event shall the storage or baling of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. The automotive salvage operation shall be enclosed by a fence not less than eight (8) feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be displayed for view from 47th Street South, nor shall any automotive parts or accessories be permitted for screening purposes or located on or attached to the screening fence.
3. The height of wrecked vehicles or vehicle parts shall not exceed the height of the screening fence and shall not be visible from 47th Street South.
4. 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 the Health officer to prevent rodent harborage and breeding.
5. The applicant shall maintain at all times an active program for the eradication and control of rodents.
6. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the wall or fence.
7. Any locking devices on entrance gates shall meet Fire Department requirements.
8. Access to and within storage yards shall be provided by fire lanes per the direction and approval of the Fire Chief.

9. Gasoline, solvents, oils and other automotive liquids shall be stored and managed and disposed of in a manner that minimizes potential for groundwater contamination, and complies with all applicable KDHE regulations pertaining hazardous materials and hazardous waste.
17. Any violation of conditions attached shall declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The entire area is zoned 'LI' and the uses in the area are similar in character. The area is partially screened from 47th Street South, and is bordered by the Kansas Turnpike and the Arkansas River.
2. The suitability of the subject property for the uses to which it has been restricted: The area surrounding the application site is as secluded as possible, and has been in operation for such uses for quite some time. The operation of a salvage yard would be a suitable use of the property.
3. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The approval of the Conditional Use would not negatively impact the public's health, safety or welfare. The hardship imposed on the applicant would be the removal of a portion of the business, as well as the financial impact of removing the vehicles currently occupying the site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies the application area as developing with industrial uses. This request would be in conformance with the Plan's goal of ensuring that industrial activities have a minimal impact on residential areas.
5. Impact of the proposed development on community facilities: The approval of the Conditional Use should not have an appreciable impact on public facilities. The site has access to a local street in the immediate vicinity of an arterial street. Traffic to the site should not increase with the approval of the request.