

RESOLUTION No. 04-104

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR A WRECKING/SALVAGE YARD ON PROPERTY ZONED "LI" LIMITED INDUSTRIAL, LOCATED NORTH OF MACARTHUR AND EAST OF BROADWAY IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. 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-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use FOR A Wrecking/Salvage Yard on 12.63 acres zoned "LI" Limited Industrial legally described below:

Case No. CON2003-00053

A Conditional Use for a Wrecking/Salvage Yard, on property zoned "LI" Limited Industrial described as:

Lot 2, Block A, Ysidro Addition to Wichita, Sedgwick County, except that part described as beginning at the southwest corner thereof; thence N 0°00'00" E along the west line of said Lot 2, 128.64 feet; thence S88°53'18" E, 222.97 feet; thence S1°00'54" E, 130.10 feet to the south line of said Lot 2; thence N88°32'02"W along said south line, 225.51 feet to the point of beginning. Generally located north of MacArthur, on the east side of Broadway.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall authorize the operation of a vehicle wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. The subject property shall be entirely enclosed by a metal panel 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. The metal panel fence shall be a single color and shall be white, gray, tan or similar non-bright color. Access gates are permitted in the screening fence, but all gates shall be constructed of solid metal panels matching the fence and shall remain closed unless in use. 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.

3. 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.
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 Environmental Health Department 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 screening fence.
7. 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.
8. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.
9. Notification shall be given to the Environmental Health Department 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 place on file with the Environmental Health Department. 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 Health Department.
10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.
11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

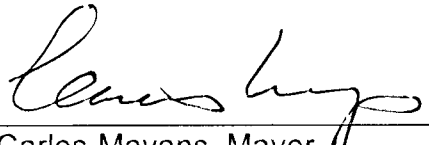
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date March 2, 2004

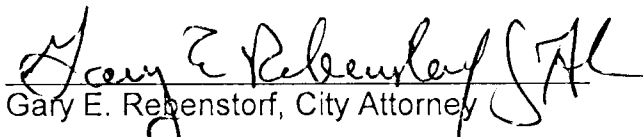



Carlos Mayans, Mayor

ATTEST:


for Karen Schofield, City Clerk

Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC January 22, 2004

DAB III February 4, 2004

CASE NUMBER: ZON2003-00070 and CON2003-00053

APPLICANT/AGENT: Mark Ysidro (Owner/Applicant); Ferris Consulting c/o Greg Ferris (Agent)

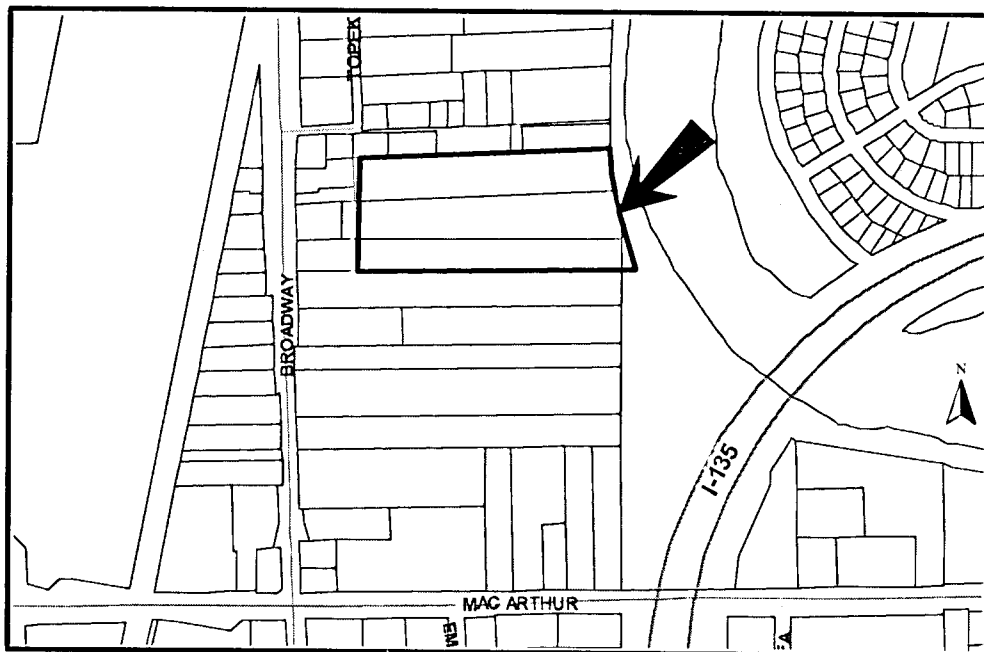
REQUEST: Zone change to "LI" Limited Industrial and a conditional use for a Wrecking/Salvage Yard

CURRENT ZONING: "GC" General Commercial and "SF-5" Single Family

SITE SIZE: 12.63 acres

LOCATION: North of MacArthur and east of Broadway (3760 S. Broadway)

PROPOSED USE: Vehicle wrecking/salvage yard



BACKGROUND: The applicant is requesting a zone change from "GC" General Commercial and "SF-5" Single Family to "LI" Limited Industrial and a conditional use to permit a wrecking/salvage yard on a 12.63 acre unplatted tract located north of MacArthur and east of Broadway at 3760 S. Broadway. The subject property is currently developed with a non-conforming vehicle/wrecking salvage yard (Happy Hooker Towing Service). The applicant has requested the zone change and conditional use so that the existing use will conform with the zoning regulations.

The surrounding area is characterized by heavy commercial uses, which are primarily auto-related, such as vehicle sales and vehicle repair, and typically involve outdoor storage. Many of the existing uses in the vicinity do not conform to the zoning regulations since only the frontage along Broadway is zoned for commercial uses, but the uses extend to the back of the deep lots, which are zoned for residential use. The surrounding properties are zoned "GC" General Commercial and "SF-5" Single Family.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as a vehicle wrecking/salvage yard. Essentially the entire lot is used for the outdoor storage of vehicles for Happy Hooker Towing Service. The vehicles stored on the property are both operable and inoperable. The applicant indicates the vehicles are not currently salvaged on the property, but the applicant would like the flexibility to operate a salvage yard in the future.

CASE HISTORY: The subject property is unplatted. The applicant has submitted a plat (Ysidro Addition) for the property that will be considered by the planning commission at the same hearing as the zone change and conditional use request.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC" & "SF-5"	Manufacturing, single-family
SOUTH:	"GC" & "SF-5"	Single-family
EAST:	Right of way	Arkansas River
WEST:	"GC"	Vehicle sales

PUBLIC SERVICES: The subject property has access to Broadway, a four lane arterial street, through an adjoining property that also is owned by the applicant. Municipal water and sewer services are not needed for the proposed wrecking/salvage yard use.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. If approved with the recommended conditions of approval, the request conforms with the Land Use Guide and Locational Guidelines.

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

1. The Conditional Use shall authorize the operation of a vehicle wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. The subject property shall be entirely enclosed by a metal panel 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. The metal panel fence shall be a single color and shall be white, gray, tan or similar non-bright color. Access gates are permitted in the screening fence, but all gates shall be constructed of solid metal panels matching the fence and shall remain closed unless in use. 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.
3. 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.
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 Environmental Health Department 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 screening fence.
7. 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.
8. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by the Environmental Health

Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.

9. Notification shall be given to the Environmental Health Department 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 the Environmental Health Department. 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 Health Department.
10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.
11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by heavy commercial uses, which are primarily auto-related, such as vehicle sales and vehicle repair, and typically involve outdoor storage. Many of the existing uses in the vicinity do not conform to the zoning regulations since only the frontage along Broadway is zoned for commercial uses, but the uses extend to the back of the deep lots, which are zoned for residential use. The proposed wrecking/salvage yard is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: A wrecking/salvage yard may be permitted with a Conditional Use in the requested "LI" Limited Industrial 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 the wrecking/salvage operation 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 subject property as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. If approved with the recommended conditions of approval, the request conforms with the Land Use Guide and Locational Guidelines.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.