



Wichita-Sedgwick County Metropolitan Area Planning Department

July 14, 2010

Yesmar, Inc.
1201 W. 63rd St S
Wichita, KS 67217

Wichita Material Recovery, LLC
Attn: James Wyatt
624 E. Morris
Wichita, KS 67211

RE: CON2010-00022 - City Conditional Use for wrecking and salvage limited to indoor recycling (limited amount of screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles) on property zoned LI Limited Industrial, generally located on the northwest corner of Santa Fe Avenue and Morris Street.

Dear Ladies and Gentlemen:

At its regular meeting on **June 17, 2010**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Donna Goltry'.

Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DJG:mc
Enclosure

Copies to: Ted Knopp, 310 W Central, Suite 203, Wichita, KS 67202

CONDITIONAL USE RESOLUTION NO. CON2010-00022

WHEREAS, Yesmar, Inc. (owner); Wichita Material Recovery, LLC (lessee); Ted E. Knopp, Chartered (agent); 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 Wrecking/Salvage, limited to indoor recycling (limited amount of screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles) on 24,500 square feet zoned LI Limited Industrial (“LI”) described as:

Lots 23, 25, 27, 29, 31, 33 and 35, Fifth now Santa Fe Avenue, Elliott Addition to Wichita, Sedgwick County; generally located on the northwest corner of Santa Fe Avenue and Morris Street.

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 June 17, 2010, 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Wrecking/Salvage, limited to indoor recycling (limited amount of screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles) on 24,500 square feet zoned LI Limited Industrial (“LI”) described as:

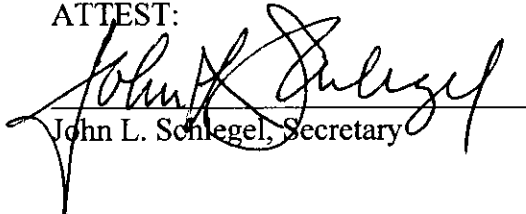
Lots 23, 25, 27, 29, 31, 33 and 35, Fifth now Santa Fe Avenue, Elliott Addition to Wichita, Sedgwick County; generally located on the northwest corner of Santa Fe Avenue and Morris Street.

Approved subject to the following conditions:

1. The Conditional Use shall permit the indoor collection, dismantling, salvaging, baling, and shredding of computers, appliances, equipment and machinery. No outdoor recycling shall be permitted. No vehicles, whether operable or inoperable, shall be salvaged at this site.
2. A limited amount of outdoor storage of palletized and baled recycled material shall be permitted within the screened and fenced area on the northeast corner of the site (along Santa Fe Avenue). This outdoor storage shall not be visible from ground level view, including no part of it shall be allowed to exceed the height of the fenced storage area.
3. The site shall be developed and operated in compliance with all of the conditions of UZC, Art III, Sec. III-D.6.e, including the use of approved fencing or wall materials, and the approved site plan. The site plan shall be revised to provide screening around outdoor storage and processing areas and the building may be used as the screening in other locations. This revised site plan shall be submitted within 90 days. The site shall be operated in compliance with all other City Codes.
4. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
5. Stored materials, containers or bales shall be stored on a paved surface approved by the Office of Central Inspection.


G. Nelson Van Fleet, Chair MAPC

ATTEST:

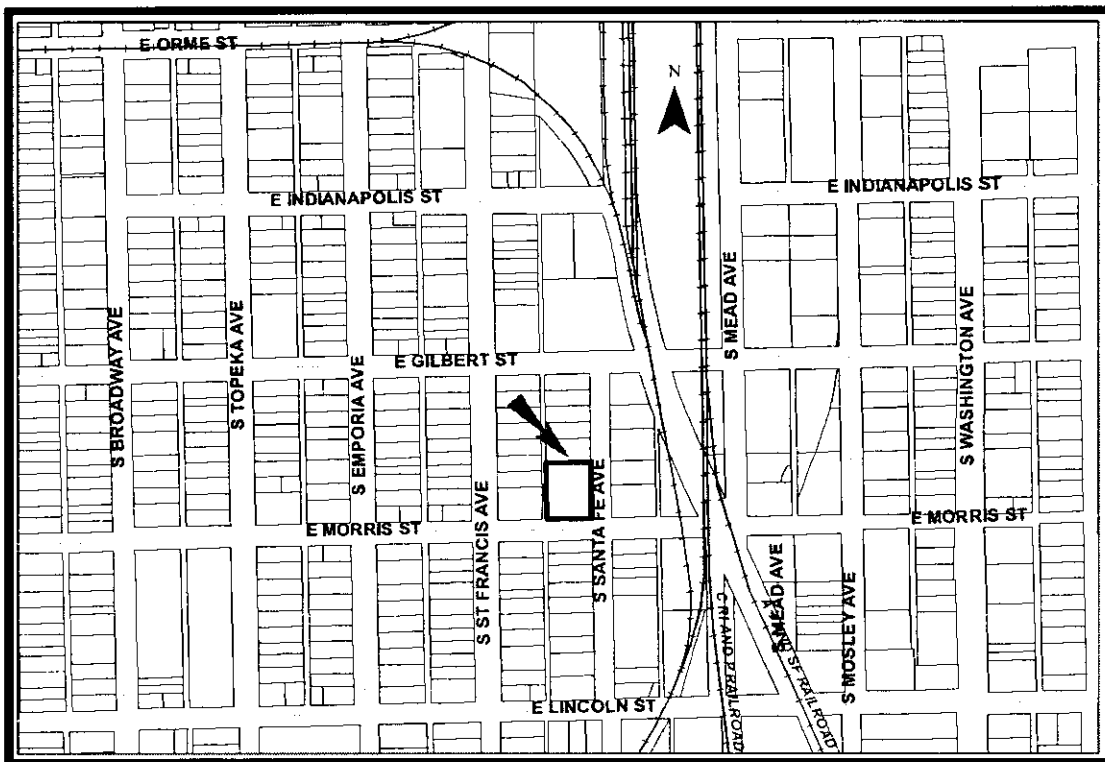

John L. Schlegel, Secretary

STAFF REPORT

MAPC June 17, 2010

DAB I June 7, 2010

- CASE NUMBER: CON2010-00022
- APPLICANT/OWNER: Yesmar, Inc. (owner); Wichita Material Recovery, LLC (lessee); Ted E. Knopp, Chartered (agent)
- REQUEST: City Conditional Use for Wrecking/Salvage
- CURRENT ZONING: LI Limited Industrial ("LI")
- SITE SIZE: 24,500 square feet
- LOCATION: On the northwest corner of Santa Fe Avenue and Morris Street.
- PROPOSED USE: Wrecking/Salvage, limited to indoor recycling (limited amount of screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles)



BACKGROUND: This is a request for a Conditional Use for Wrecking/Salvage, limited to indoor recycling (limited amount of screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles) on property zoned LI Limited Industrial (“LI”). The one-half acre site is located on the northwest corner of Santa Fe Avenue and Morris Street. The applicant has stated that recycling of the computers, appliances and equipment and machinery will be done inside the existing industrial building. The materials will be separated. Some of the baled materials (palletized and/or containerized materials awaiting shipment) will be stored in a screened area approximately 1,700 square feet in size along the north property line. See Attachment A submitted by the applicant further describing the proposed operation.

Wrecking/Salvage Yard is Conditional Use allowed in the LI subject to the Unified Zoning Code (“UZC”) supplementary use regulations of Article III, Section III-D.6.e., including:

(1) it cannot be abutting 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 feet in height and having cracks and openings in excess of five percent of the area of such fence (or wall).

The proposed use is located along an industrial corridor bordering a rail line. The surrounding uses include: manufacturing (Engineered Door Products) to the east on property zoned LI, a welding business to the north and storage yard to the west (Sinclair & Sons) zoned LI, and a landscape contracting business plus old mobile home and a house to the west and north zoned LI and GC. A vacant lot that is in the same ownership as this application to the west is zoned GC General Commercial (“GC”). A retail business to the south is zoned GC, residence to the southwest is zoned B Multi-Family Residential (“B”) and a residence to the southeast is zoned LI. Saint Francis Avenue, one block west of Santa Fe Avenue, generally forms the boundary between industrial/commercial uses eastward to the railroad right-of-way (and including the subject tract) and a residential neighborhood to the west.

CASE HISTORY: The property is platted as Elliott Addition, recorded February 1, 1887.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-----------|--|
| NORTH: | LI, GC | Welding shop, landscape contractor |
| SOUTH: | LI, GC, B | Retail, residential |
| EAST: | LI | Manufacturing |
| WEST: | LI, GC, B | Vacant GC lot, storage yard, landscape contractor, residential |

PUBLIC SERVICES: The application area has a 100-foot long drive opening along Santa Fe Avenue, a 30-foot drive onto Morris Street on the corner of the lot, plus another 30-foot drive to the paved alley in the rear. Santa Fe is a paved local industrial street. Morris Street is a local nonresidential street from Santa Fe to the east, but switches to a local residential street west of Saint Francis Avenue. Traffic volumes are unavailable.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for “employment/industry center.” Wrecking/salvage operations do not typically fall within this classification due to the

small level of employment compared to the large area of land required for the use and the resource processing characteristics of the operation.

The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. It is one-half block east of a rail line and three blocks east of Washington Street, a major arterial. 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 site is located within the South Central Neighborhood Plan. It is depicted on the South Central Neighborhood Land Use Map as "Industrial." The industrial land use category encompasses areas where industrial development consisting primarily of employment-based uses, such as manufacturing, research, and warehousing, is encouraged. Resource processing industries should be identified as "Least Desirable Land Uses" and the plan recommends these uses be restricted to properties that currently permit the use by-right. Changes in zoning classification and approval of Conditional Use Permits that allow 'Least Desirable Land Uses' are strongly discouraged." (p. 5) The Plan also recommends industrial uses be limited to locations where appropriate buffers from residential uses are provided.

RECOMMENDATION: Based upon this information available prior to the public hearings, planning staff recommends that the request be DENIED.

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

1. The zoning, uses and character of the neighborhood: The proposed use is located along an industrial corridor bordering a rail line. The surrounding uses include: manufacturing (Engineered Door Products) to the east on property zoned LI, a welding business to the north and storage yard to the west (Sinclair & Sons) zoned LI, and a landscape contracting business plus old mobile home and a house to the west and north zoned LI and GC. A vacant lot that is in the same ownership as this application to the west is zoned GC General Commercial ("GC"). A retail business to the south is zoned GC, residence to the southwest is zoned B Multi-Family Residential ("B") and a residence to the southeast is zoned LI. Saint Francis Avenue, one block west of Santa Fe Avenue, generally forms the boundary between industrial/commercial uses eastward to the railroad right-of-way (and including the subject tract) and a residential neighborhood to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI and can be used with this zoning, similar to the other LI-type uses to the north and east.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Conditional Use would allow a more intensive use on the site. It is separated from the residences by one-half block of property in the same ownership zoned GC. Since policies in the past have been to encourage expansion of existing businesses, establishing this

Conditional Use on the LI zoning could add pressure to push the LI zoning to the west and to be a greater impact on the residential areas nearby. The abutting industrial neighbors on Santa Fe Avenue do not have outdoor storage or resource recovery uses, so this Conditional Use would be more intensive, however, the existing landscape contractor business and storage yard to the northwest already has outdoor storage activities.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for “employment/industry center.” The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. It is one-half block east of a rail line and three blocks east of Washington Street, a major arterial. 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.

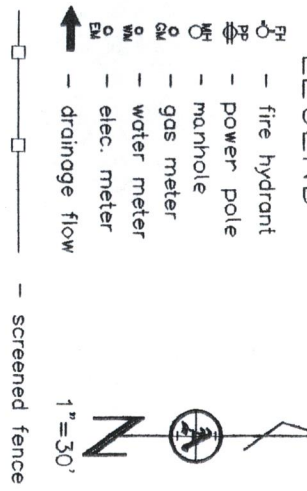
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5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities.

However, should MAPC feel that this use is appropriate, staff would recommend that conditions be crafted to ensure indoor recycling only, appropriate buffering from the residential area, and screening of outdoor storage, such as the following conditions.

1. The Conditional Use shall permit the indoor collection, dismantling, salvaging, baling, and shredding of computers, appliances, equipment and machinery. No outdoor recycling shall be permitted. No vehicles, whether operable or inoperable, shall be salvaged at this site.
2. A limited amount of outdoor storage of palletized and baled recycled material shall be permitted within the screened and fenced area on the northeast corner of the site (along Santa Fe Avenue). This outdoor storage shall not be visible from ground level view, including no part of it shall be allowed to exceed the height of the fenced storage area.
3. The site shall be developed and operated in compliance with all of the conditions of UZC, Art III, Sec. III-D.6.e, including the use of approved fencing or wall materials, and the approved site plan. The site plan shall be revised to provide screening on all sides. The

LEGEND



LAND USE ZONING: "L" or light industrial (source: GIS at wichita.gov)

FLOOD ZONE: "X" or protected by levee. (source: GIS at wichita.gov)

LEGAL DESCRIPTION

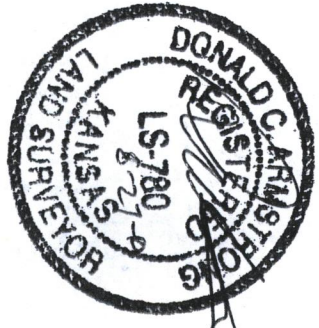
LOTS 23, 25, 27, 29, 31, 33 & 35, FIFTH, NOW SANTA FE AVENUE, ELLIOT ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS MORRIS AND 1031 SOUTH SANTA FE.

This site plan and the accompanying sketch are true and correct to the best of my knowledge and belief and were prepared for information purposes only. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose; no property corners were set, and it is not to be used or relied upon for the establishment of any fence, structure or other improvements. No responsibility is extended herein to the present or future owner or occupant.

DATE OF INSPECTION: MAY 19, 2010

ARMSTRONG LAND SURVEY, P.A.
 1601 E. HARRY WICHITA, KS 67211
 PH: (316) 263-0082
 FX: (316) 263-0092

W.O. #33966

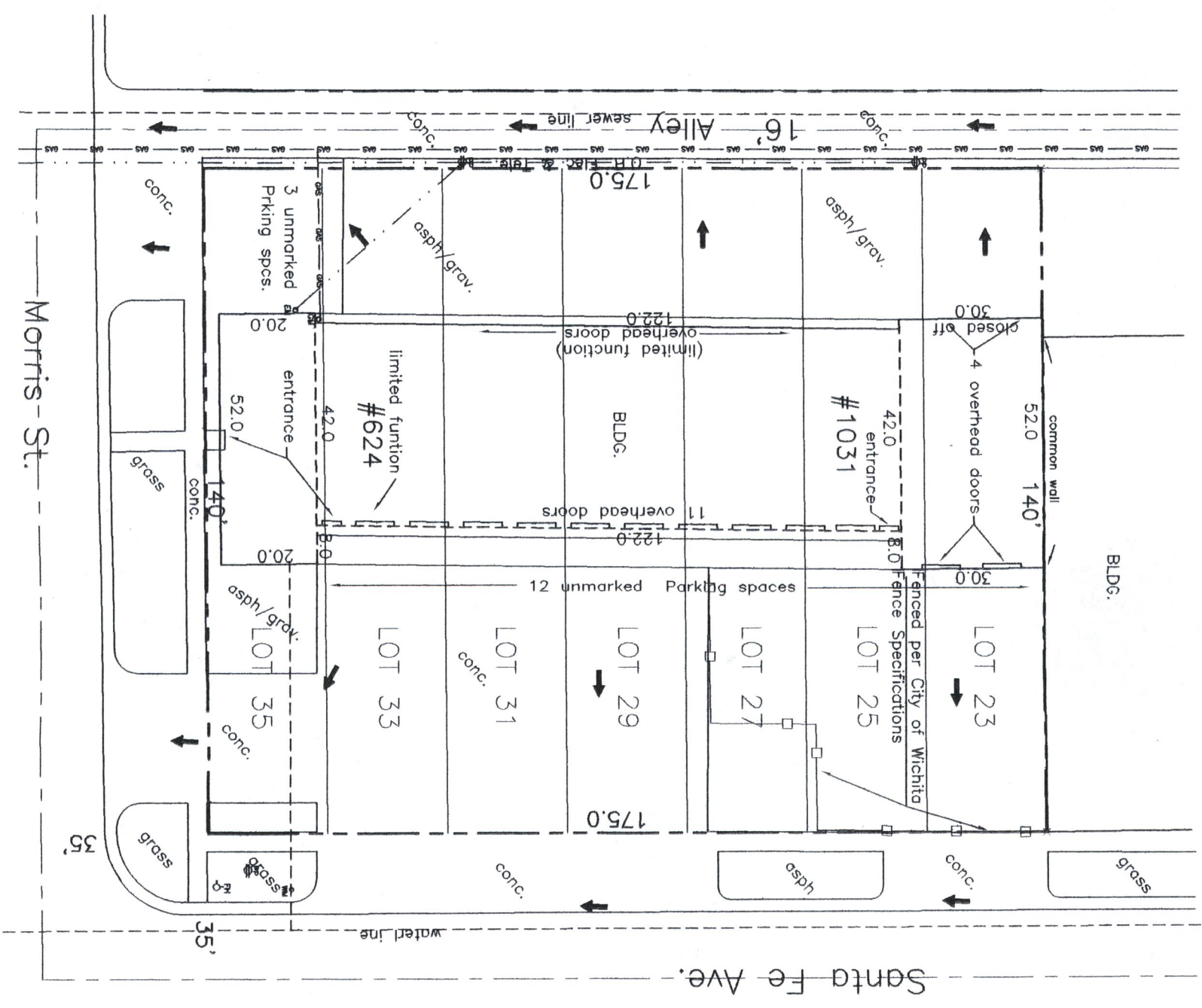


CON2010-00022

SITE PLAN

APPROVED 09-01-10 BY Dg
 MAPD Copy 2 of 2

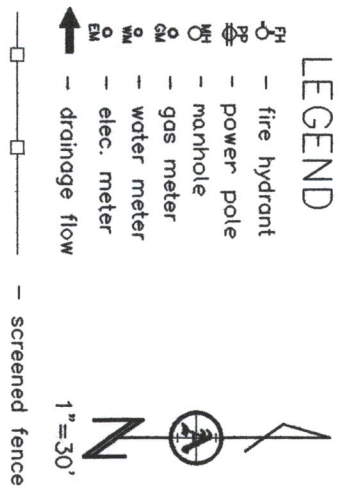
SITE PLAN
 Conditional Use Permit CON 2010-22



SITE PLAN

Conditional Use Permit CON 2010-22

CON 2010-00022
SITE PLAN
 APPROVED 09-01-10 BY *DG*
 MAPD Copy 1 of 2



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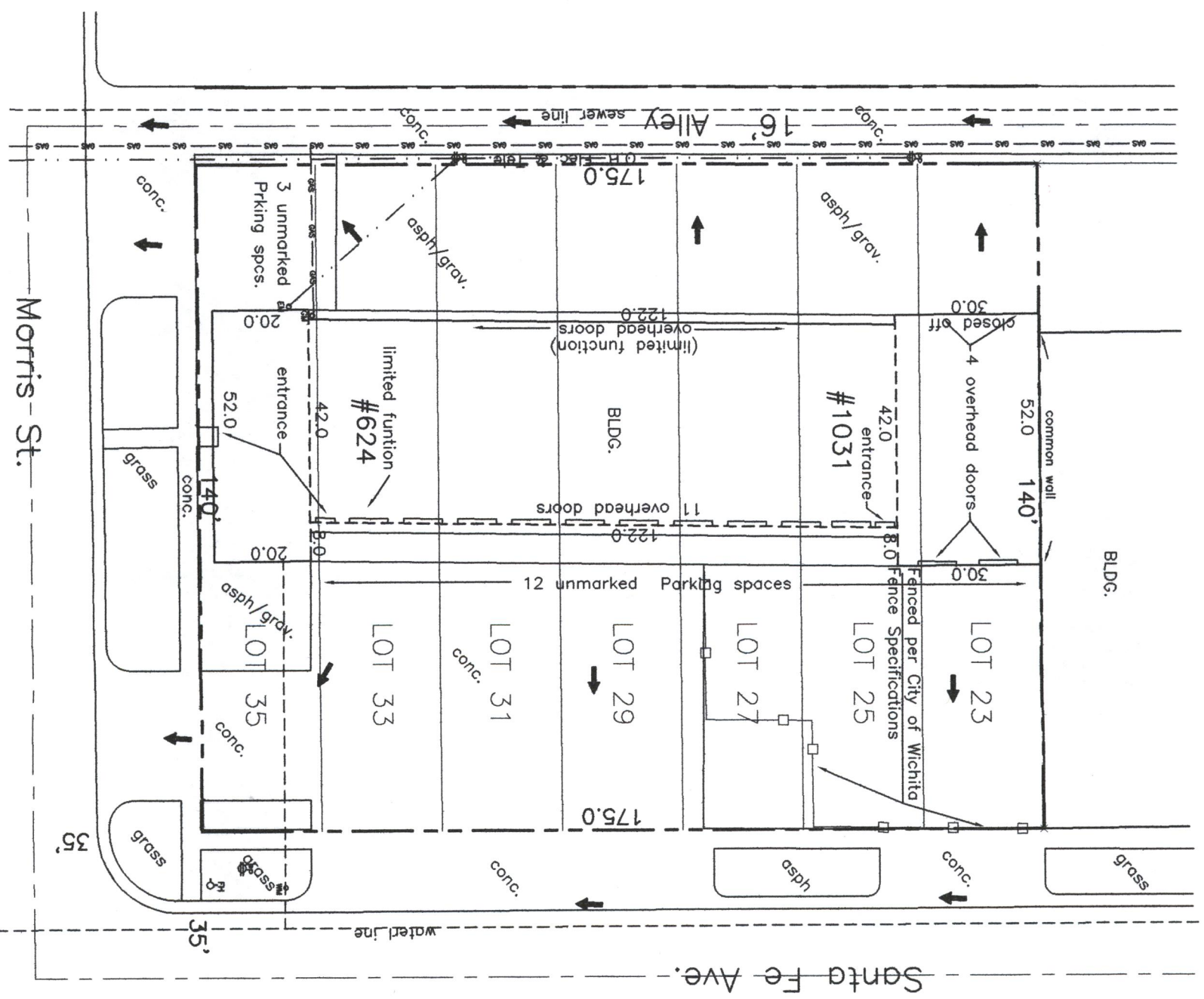
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 LAND SURVEY, P.A.

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 WICHITA, KS 67211
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building may be used for screening along the west side abutting the alley. A landscape buffer shall be provided along the west edge of the site.

4. The site shall be operated in compliance with all other City Codes.
5. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
6. Stored materials, containers or bales shall be stored on a paved surface approved by the Office of Central Inspection.
7. A revised site plan addressing the conditions of approval and all Code requirements shall be approved by the Planning Director prior to the beginning of the operation.
8. No scrap materials, computers, appliances, equipment or machinery waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.
9. Storage of all of scrap materials (computers, appliances, equipment or machinery etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
10. The applicant shall maintain at all times an active program for the eradication and control of rodents.
11. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
12. 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.
13. 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.
14. 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.
15. 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.
16. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.
17. 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.

SITE PLAN

LEGEND

- fire hydrant
- power pole
- manhole
- gas meter
- water meter
- elec. meter
- drainage flow



LAND USE ZONING: "LI" or light industrial (source: GIS at wichita.gov)

FLOOD ZONE: "X" or protected by levee. (source: GIS at wichita.gov)

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