



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

December 1, 2011

Arturo Chavez  
1849 N. Waco  
Wichita, KS 67203

**RE: CON2011-32** - City Conditional Use request for wrecking and salvage on property zoned LI Limited Industrial; generally located north of 10th Street North, on the east side of Mead Avenue (1108 N. Meade).

Dear Applicants:

At its regular meeting on **November 3, 2011**, 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 following conditions:

1. The Conditional Use shall permit a vehicle salvage yard as the only permitted wrecking/salvage use.
2. No vehicle parts or scrap material shall be stored outdoors.
3. Employee parking, customer parking, and inoperable vehicle storage shall be on paved areas only.
4. The site shall be developed and operated in compliance with all of the conditions of the UZC, Art III, Sec. III-D.6.e and Art III, Sec. III-D.6.dd. Screening shall be in conformance with Art IV, Sec. IV-B, Screening and Lighting.
5. A revised site plan addressing the conditions of approval shall be approved by Planning Staff prior to operation.
6. No inoperable vehicles shall be visible from ground-level view from Mead Avenue or abutting properties.
7. The applicant shall maintain a rodent control program.
8. Weeds and trash shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
9. 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.
10. The site shall provide access to Environmental Services and other applicable government agencies to inspect for groundwater and soil contaminants.
11. Environmental Services shall be notified of any on-site storage of fuel, oil, chemicals, hazardous waste, or hazardous materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or

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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 the City Engineer prior to operations that minimizes non-point source contamination of surface and ground water.
- 13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a vehicle salvage yard.
- 14. All conditions shall be met prior to operation of a vehicle salvage yard. All conditions shall be met within one year of approval.
- 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 the Conditional Use null and void.

No protests have been received on this case, therefore the MAPC decision is final. The above listed conditions must be met for the Conditional Use to become effective. If the conditions are not met within one year of the approval date, the Conditional Use will become null and void.

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

Sincerely,



Jess McNeely, AICP  
Senior Planner  
Current Plans Division

Attachment

- Copies to:
- Janet Miller, WCC VI, Mail Stop 1-13
  - Historic Midtown Citizens Assoc., Dan Fitzgerald, 1150 N. Broadway, Wichita, KS 67214
  - McAdams NA, Stephanie Neals, 942 N. Wabash, Wichita, KS 67214
  - R. Bendel, PO Box 1641, Wichita, KS 67201
  - David Christian, Stylecraft Upholstery, Inc., 1148 N Mosley, Wichita, KS 67214
  - Terri Dozal, NA VI, Mail Stop 1-135
  - Julianne Kallman, Engineering, Mail Stop 1-71
  - J. R. Cox, OCI, Mail Stop



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## INTEROFFICE MEMORANDUM

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**TO:** MAPC Members

**FROM:** Terri Dozal, Neighborhood Assistant, District VI

**SUBJECT:** CON2011-00032  
City Conditional Use request for wrecking and salvage, on property zoned LI Limited Industrial; generally located north of 10th Street North, on the east side of Mead Avenue. 1100 N MEAD

**DATE:** November 9, 2011

On Monday, November 7, 2011 the District VI Advisory Board (DAB) considered a City Conditional Use request for wrecking and salvage, on property zoned LI Limited Industrial; generally located north of 10th Street North, on the east side of Mead Avenue.

The members were provided the MAPD staff report for review prior to the meeting. *Jess McNeely*, Planner presented the case background, reviewed the staff recommendation and answered questions of members and the public.

**The Board asked/made the following questions/comments:**

- As environmental will it include storage of tires?
- Is there debris on this site?
- If there is lack of zoning enforcement in OCI, how can they handle increased development?
- Is it typical to allow these businesses on dirt roads?
- What portion of the site is currently paved?
- How will the vehicles get to the business?

**Two members of the public comments/questions were:**

- This owner has been keeping the property cleaned up and if this is not allowed, what could be expected to go in there. The inspector says the site never looked better. I'm in favor of this request.
- There is a business now that has a conditional use and is not in compliance even with conditions. They say they will do what the city orders but they never do.

**\*\*\*\*Action:** The District VI Advisory Board members made a motion to recommend to City Council Approval (6-1) of the Conditional Use request based on staff recommendations.

Please review this information when CON2011-00032 is considered.

mtd

## **CONDITIONAL USE RESOLUTION NO. CON2011-00032**

**WHEREAS**, Arturo Chavez (owner); 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 and Salvage, on .23 acres zoned LI Limited Industrial ("LI"), described as:

Lots 8, 10,12, 14, 16, 18 and 20, Mead Avenue, Sankey & McCall's Addition to Wichita, Sedgwick County, Kansas (1108 N. Meade).

**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 November 3, 2011, 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 and Salvage, on .23 acres zoned LI Limited Industrial ("LI"), described as:

Lots 8, 10,12, 14, 16, 18 and 20, Mead Avenue, Sankey & McCall's Addition to Wichita, Sedgwick County, Kansas (1108 N. Meade).

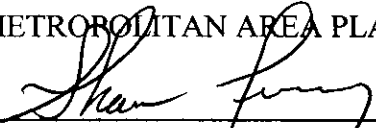
Approved subject to the following conditions:

1. The Conditional Use shall permit a vehicle salvage yard as the only permitted wrecking/salvage use.
2. No vehicle parts or scrap material shall be stored outdoors.
3. Employee parking, customer parking, and inoperable vehicle storage shall be on paved areas only.
4. The site shall be developed and operated in compliance with all of the conditions of the UZC, Art III, Sec. III-D.6.e and Art III, Sec. III-D.6.dd. Screening shall be in conformance with Art IV, Sec. IV-B, Screening and Lighting.
5. A revised site plan addressing the conditions of approval shall be approved by Planning Staff prior to operation.
6. No inoperable vehicles shall be visible from ground-level view from Mead Avenue or abutting properties.
7. The applicant shall maintain a rodent control program.
8. Weeds and trash shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
9. 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.
10. The site shall provide access to Environmental Services and other applicable government agencies to inspect for groundwater and soil contaminants.
11. Environmental Services shall be notified of any on-site storage of fuel, oil, chemicals, hazardous waste, or hazardous 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 the City Engineer prior to operations that minimizes non-point source contamination of surface and ground water.


13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a vehicle salvage yard.
14. All conditions shall be met prior to operation of a vehicle salvage yard. All conditions shall be met within one year of approval.
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 the Conditional Use null and void.

Adopted this 3rd Day of November 2011.

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
Shawn Farney, Chair MAPC

ATTEST.

  
\_\_\_\_\_  
John L. Schlegel, Secretary

**STAFF REPORT**  
MAPC November 3, 2011  
DAB VI November 7, 2011

CASE NUMBER: CON2011-00032

APPLICANT/AGENT: Arturo Chavez (Owner)

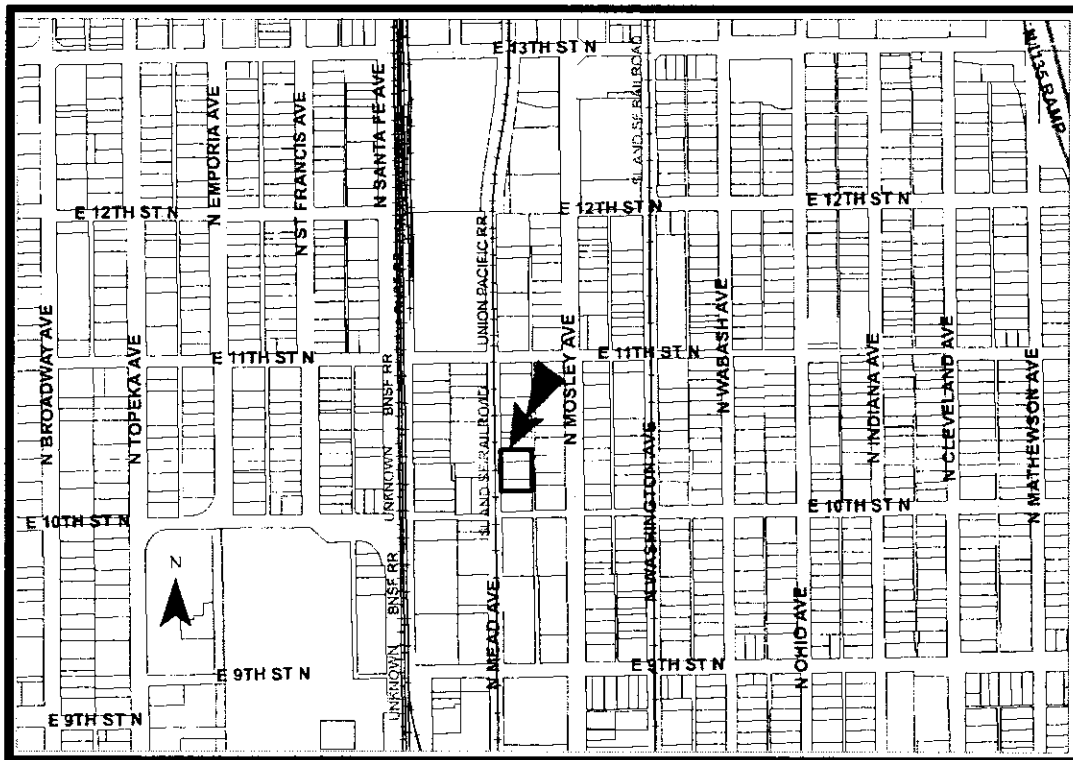
REQUEST: Conditional Use for a Wrecking/Salvage Yard

CURRENT ZONING: LI Limited Industrial ("LI")

SITE SIZE: .53-acres

LOCATION: Generally located west of Mead Avenue and 85 feet north of 10<sup>th</sup> Street North (1108 North Meade)

PROPOSED USE: Vehicle salvage yard



**BACKGROUND:** The applicant requests a Conditional Use for a wrecking/salvage yard on a .53-acre site zoned LI Limited Industrial ("LI"). The Unified Zoning Code (UZC) definition of a "wrecking/salvage yard" includes the proposed use: "...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 materials, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards." The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking/salvage yard in the LI zoning district.

The UZC, Art III, Sec. III-D.6.e, Supplementary Use Regulations require the following Conditional Use conditions for a wrecking/salvage yard in the LI zoning district:

- (1) Is not abutting an arterial street, expressway, or freeway;
- (2) In the opinion of the Planning Director, 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 not in excess of five percent of the area of such fence.

Additionally, UZC, Art III, Sec. III-D.6.dd, Supplementary Use Regulations, specify that in the LI district, "...the outdoor storage and/or bailing of junk, scrap, paper, bottles, rags or similar materials is prohibited." Therefore, inoperable vehicles may be stored outside in LI zoning, but any scrap materials removed from vehicles may not be stored outside.

The application area is located between 10<sup>th</sup> and 11<sup>th</sup> Streets North, on the east side of Mead Avenue. According to the applicant's site plan, the entire site is paved with concrete or asphalt, and the entire site is surrounded with a screening fence. The screening fence does not appear to meet the UZC requirement of "cracks and openings not in excess of five percent" on the south and west sides of the site. The site has one 24x18-foot building. Aerial photographs demonstrate that a non-conforming vehicle salvage use existed on this site, and several others in the surrounding area, since before 1997. A site immediately west of the application area, across Meade, was approved for a wrecking/salvage yard Conditional Use on November 3, 2009. The conditions on that site restrict it to the bailing and storage of scrap metal within semi-trailers or roll-off containers, and prohibit vehicle salvage. Other non-conforming vehicle salvage yards appear to exist north, south and east of the application area. All property surrounding the application area is also zoned LI. Properties north of the site include transit terminals, a service garage, and the Cargill owned grain silos with associated uses. South of the site is the previously mentioned non-conforming vehicle salvage, further south across 10<sup>th</sup> Street North are several office/warehouse uses. East of the application area is a previously mentioned non-conforming vehicle salvage use, warehouse uses, and a steel fabrication use. West of the site is the previously mentioned scrap metal bailing and storage; further west is a warehouse/office use and the elevated rail corridor which separates this industrial area from the Midtown Neighborhood and the Via Christi Hospital complex.

**CASE HISTORY:** The application area was platted as Lots 8, 10, 12, 14, 16, 18, and 20 of the Sankey and McCalls Addition in 1886.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LI	Grain elevators, transit terminal, vehicle service garage
SOUTH:	LI	Office/warehouses, vehicle salvage yard
EAST:	LI	Vehicle salvage yard, warehouses, steel fabrication
WEST:	LI	Scrap metal bailing/storage, warehouse/office, elevated rails

**PUBLIC SERVICES:** The subject property has direct access to Mead Avenue, an unpaved local street with a 60-foot right-of-way. 10<sup>th</sup> and 11<sup>th</sup> Streets, to the north and south, are paved, local streets, both dead-ending at the recently elevated railroad tracks. The 2030 Transportation Plan shows no changes to these streets, and there are no CIP projects for these streets. All utilities are available to the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Employment/ Industry Center” development. The Land Use Guide definition of “Employment/ Industry Center” includes: “... uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.” The Land Use Guide category for more intense uses is “Processing Industry”, which specifically includes salvage yards as a proposed use.

The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services and provided access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. Industrial uses should be located away from existing or planned residential areas, and sited so as not to generate traffic through less intense land uses. The proposed site meets these locational guidelines for industrial development.

**RECOMMENDATION:** Another Wrecking/Salvage Yard Conditional Use was recently approved immediately west of this site (across Meade) indicating that this area is appropriate for salvage uses. It is important to note that the recently approved Conditional Use across Meade from this site prohibits outdoor storage, and it prohibits vehicle salvage – making that case slightly different than this request. The current request generated opposition from a neighbor south of this site, located across 10<sup>th</sup> Street; see the attached letter. The existing vehicle salvage operation on this site is non-conforming; the conditions of a Conditional Use could mitigate the effects of a vehicle salvage operation on surrounding properties. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

1. The Conditional Use shall permit a vehicle salvage yard as the only permitted wrecking/salvage use.
2. No vehicle parts or scrap material shall be stored outdoors.
3. Employee parking, customer parking, and inoperable vehicle storage shall be on paved areas only.
4. The site shall be developed and operated in compliance with all of the conditions of the UZC, Art III, Sec. III-D.6.e and Art III, Sec. III-D.6.dd. Screening shall be in conformance with Art IV, Sec. IV-B, Screening and Lighting.
5. A revised site plan addressing the conditions of approval shall be approved by Planning Staff prior to operation.
6. No inoperable vehicles shall be visible from ground-level view from Mead Avenue or abutting properties.
7. The applicant shall maintain a rodent control program.
8. Weeds and trash shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
9. 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.
10. The site shall provide access to Environmental Services and other applicable government agencies to inspect for groundwater and soil contaminants.
11. Environmental Services shall be notified of any on-site storage of fuel, oil, chemicals, hazardous waste, or hazardous 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 the City Engineer prior to operations that minimizes non-point source contamination of surface and ground water.
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a vehicle salvage yard.
14. All conditions shall be met prior to operation of a vehicle salvage yard. All conditions shall be met within one year of approval.

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 the Conditional Use null and void.

Staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned LI. Properties north of the site include transit terminals, a service garage, and the Cargill owned grain silos with associated uses. South of the site is a non-conforming vehicle salvage yard, further south across 10<sup>th</sup> Street North are several office/warehouse uses. East of the application area is a non-conforming vehicle salvage use, warehouse uses, and a steel fabrication use. West of the site is a recently approved scrap metal bailing and storage site; further west is a warehouse/office use and the elevated rail corridor which separates this industrial area from the Midtown Neighborhood and the Via Christi Hospital complex.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI. A wrecking/salvage yard may be permitted with a Conditional Use in the LI zoning district. The site does not border an arterial street, expressway, or freeway, and is not out of character with the area's existing salvage yards – both non-conforming and the recently approved scrap metal bailing and storage yard. The site could be used for other industrial uses without the requested Conditional Use.
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 and environmental controls.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Employment/ Industry Center" development. The Land Use Guide definition of "Employment/ Industry Center" includes: "... uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices." The Land Use Guide category for more intense uses is "Processing Industry", which specifically includes salvage yards as a proposed use. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services and provided access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses. Industrial uses should be located away from existing

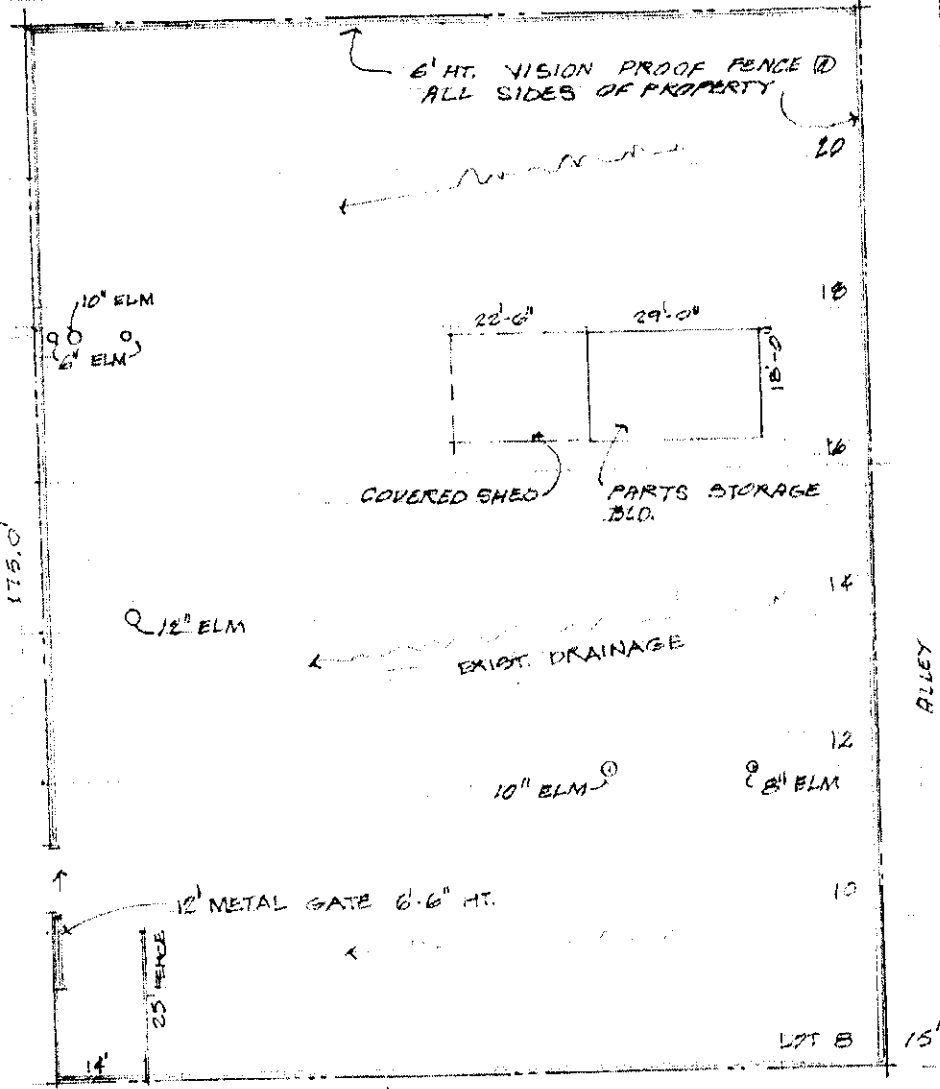
or planned residential areas, and sited so as not to generate traffic through less intense land uses. The proposed site meets these locational guidelines for industrial development.

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, with the exception of possible environmental monitoring for groundwater and soil contamination.



1" = 20'

MEAD AVE



LEGAL: LOTS 8, 10, 12, 14, 16, 18, & 20 MEAD AVENUE, SANKEY & MCCALL'S ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS  
 ZONED - L1.  
 SITE HAS ASPHALT OR CONCRETE SURFACE

### SITE PLAN

# APPROVED

CON 2011-32 SITE PLAN

*William J. Chan Vandy*

Date: 7-10-12



3428 E. Douglas, Suite 2  
 Wichita, Kansas 67206  
 (316) 661-2953  
 Associate & Partner: James W. Parker  
**Keith Parker Associates**

APPROVED FOR ISSUED



WRECKING & SALVAGE  
 1108 N. MEAD  
 FOR ARTURO GARAY  
 WICHITA, KANSAS

1 OF ONE SHEET