



Wichita-Sedgwick County Metropolitan Area Planning Department

December 17, 2012

Cargill Meat Solutions Corporation
P. O. Box 5626
Minneapolis, MN 55440

Robert Kaplan
430 N. Market
Wichita, KS 67202

RE: CON2010-00008-Request for a Conditional Use to allow a Wrecking and Salvage Yard on property located at the southwest corner of 29th Street North and Mead Street (District VI)

Dear Ladies and Gentlemen:

At its regular meeting on **December 11, 2012**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **approve** the request subject to the conditions listed below.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall permit the torch cutting, crushing, shearing, baling, shredding, storage and shipping of motor vehicles, appliances and other industrial scrap materials on the approximately 13.2 acres located 586 feet south of 29th Street's southern right-of-way. Recycling, salvage or wrecking activity, except traffic circulation, is not permitted within 586 feet of 29th Street's southern right-of-way (or north of the south elevation of the existing principal building).
2. Screening walls shall consist of landscaping, and a combination of earthen berms and masonry walls with a total height of 16 feet. Landscaping, berms and walls shall be installed as shown on the color site plan submitted by the applicant dated 4-6-09. Landscaping shall be installed at the rate of 1.5 times the code minimums and shall be located between the street and screening wall. Except for deviations listed in this Conditional Use, screening shall comply with Unified Zoning Code, Sec. IV-B.3.h. The use of large rectangular concrete blocks as screening or fencing material is prohibited. In the event that the existing building is removed, screening as described above shall be installed along the north line of the area where wrecking and salvage operations are permitted.

3. Unless modified by this Conditional Use, 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. Material used for the screening wall shall be identified on the approved site plan.
4. The existing driveway connections to 29th street North shall be closed and a new drive-way connection installed closer to the northeast corner. Access is restricted to 29th Street North. Use of Mead Street is prohibited for Wrecking and Salvage activities. 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 surface approved by the Office of Central Inspection. Materials stored outside shall not exceed 35 feet in height.
6. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.
7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including baled material) waiting to be processed and the containers they are stored in shall be organized and be maintained in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
8. The applicant shall maintain at all times an active program for the eradication and control of rodents.
9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. Loading of rail cars shall be limited to the area immediately west of the revised application area.
16. 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.

The approval of the Wichita City Council is final. This letter serves as notice of final approval.

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

Sincerely,



Dale Miller
Current Plans Manager

DM:mc

Copies to: Robert Kaplan, 301 N. Main, Ste 1600, Wichita, KS 67202
Nick Hayes, 5509 Russell St., Mission, KS 66202
Ted E. Knopp, Chtd, 310 W. Central Ave., Ste 203, Wichita, KS 67202-1004
Thomas Olsen, 1524 Amarado Ct., Wichita, KS 67212
John C. Wadsworth, 14810 Sport of Kings, Wichita, KS 67230
Lou Eftink, 1330 E. 37th St., North, Wichita, KS 67219
Denise Gerber, 128 S. Dellrose, Wichita, KS 67218
Pat Hughes, 1635 N. Waterfront, Wichita, KS 67206
Mike Boyd, 6225 Ramblin Rose, Valley Center, KS 67147
Michael J. Boyd, 2822 N. Mead, Wichita, KS 67219
John Prather, 1224 W. 6th St., El Dorado, KS 67042
Laurie Campbell, 2330 E. Gary, Park City, KS 67219
Brian Turner, Hall Industrial Services, 1221 East Murdock, Wichita, KS 67214
George Pearson, 821 E. 25th St., N., Wichita, KS 67219
William R. Nath, HOC Industries, PO Box 2609, Wichita, KS 67201-2609
William R. Nath, 21755 I-45 North, Bldg. 9, Spring, TX 77388
Scott Eilert, 2901 N. Mead, Wichita, KS 67219
Bob Aldrich, 1017 Compton, Wichita, KS 67212
Rick Lowe, 1509 S. Springhollow, Wichita, KS 67230
Leslie Hicks, 2230 Cardinal Dr., Wichita, KS 67204
Mark Chavey, 3435 N. Emporia, Wichita, KS 67219
Greg Guinn, Marvin Adams and Richard Schreck, Airxcel, Inc., 3050 N. St. Francis,
Wichita, KS 67219
Eric Tangeman, 3930 N. Bridgeport Circle, Wichita, KS 67219

RESOLUTION No. 12-261

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A WRECKING AND SALVAGE YARD ON A PORTION OF THE 25.68 ACRES ZONED GI GENERAL INDUSTRIAL ("GI"), GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND MEADE AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 48-451, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, 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, permit a wrecking and salvage yard on a portion of the 25.68 acres zoned GI General Industrial, legally described below:

Case No. CON2010-00008

Lot 1, Block 1, North Industrial Park Addition to Sedgwick County, Kansas, except the north 586.00 feet, generally located on the southwest corner of 21st Street North and Meade Avenue.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall permit the torch cutting, crushing, shearing, baling, shredding, storage and shipping of motor vehicles, appliances and other industrial scrap materials on the approximately 13.2 acres located 586 feet south of 29th Street's southern right-of-way. Recycling, salvage or wrecking activity, except traffic circulation, is not permitted within 586 feet of 29th Street's southern right-of-way (or north of the south elevation of the existing principal building).
2. Screening walls shall consist of landscaping, and a combination of earthen berms and masonry walls with a total height of 16 feet. Landscaping, berms and walls shall be installed as shown on the color site plan submitted by the applicant dated 4-6-09. Landscaping shall be installed at the rate of 1.5 times the code minimums and shall be located between the street and screening wall. Except for deviations listed in this Conditional Use, screening shall comply with Unified Zoning Code, Sec. IV-B.3.h. The use of large rectangular concrete blocks as screening or fencing material is prohibited. In the event that the existing building is removed, screening as described above shall be installed along the north line of the area where wrecking and salvage operations are permitted.
3. Unless modified by this Conditional Use, 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. Material used for the screening wall shall be identified on the approved site plan.
4. The existing driveway connections to 29th street North shall be closed and a new drive-way connection installed closer to the northeast corner. Access is restricted to 29th Street North. Use of Mead Street is prohibited for Wrecking and Salvage activities. 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 surface approved by the Office of Central Inspection. Materials stored outside shall not exceed 35 feet in height.

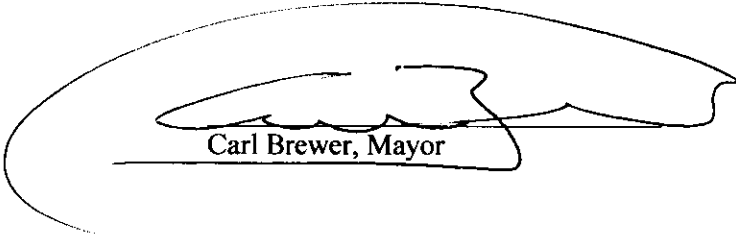
6. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.
7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including baled material) waiting to be processed and the containers they are stored in shall be organized and be maintained in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
8. The applicant shall maintain at all times an active program for the eradication and control of rodents.
9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Loading of rail cars shall be limited to the area immediately west of the revised application area.
16. 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.

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

December 11th, 2012.



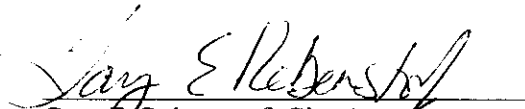
Carl Brewer, Mayor

ATTEST:



Karen Sublett, City Clerk

Approved as to form:



Gary E. Rebenstorf, City Attorney

by SD

**City of Wichita
City Council Meeting
December 11, 2012**

TO: Mayor and City Council

SUBJECT: CON2010-00008 – Request for a Conditional Use to allow a Wrecking/Salvage Yard on property located at the southwest corner of 29th Street North and Mead Street. (District VI)

INITIATED BY: Metropolitan Area Planning Department *DM for JKS*

AGENDA: Planning (Non-Consent)

Recommendation: Re-consider the request for a Conditional Use based on the planning record, pursuant to mandate of Sedgwick County District Court.

Procedural Background: On May 10, 2011, the City Council considered an application for a Conditional Use for property located at 29th Street North and Mead Street. MAPC and DAB VI had recommended approval of the application. A 47.08 percent protest was registered, requiring a three-fourths vote by the City Council to approve the application. The Council voted 5-2 to approve the request. Because a three-fourths majority vote was not obtained, the application failed.

The applicant timely filed an appeal of the City Council's determination to the Sedgwick County District Court. Following discovery, on November 1, 2012, the District Court granted the plaintiff's motion to remand the application back to the City Council for reconsideration.

On remand, the Council may take one of the following actions:

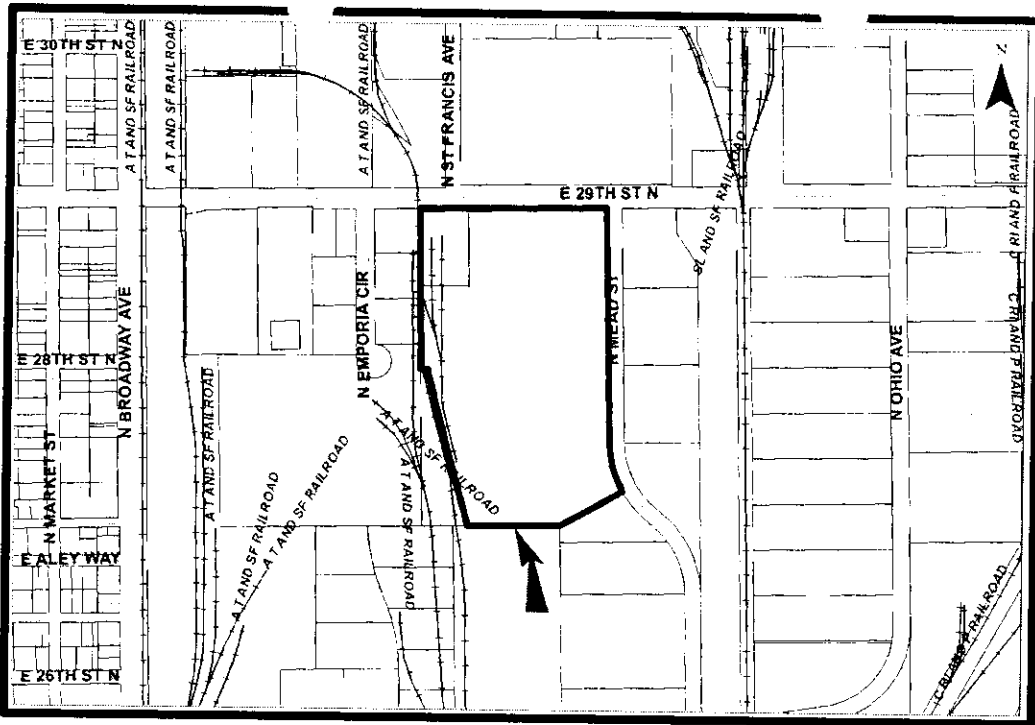
1. Concur with the findings of the MAPC, approve the Conditional Use, subject to the recommended conditions and authorize the Mayor to sign the resolution (requires a three-fourths majority); or
2. Concur with the findings of the MAPC, approve the Conditional Use, subject to amended conditions (requires a three-fourths majority) or
3. Deny the Conditional Use request by making alternative findings, and override the MAPC's recommendation (requires simple majority).

Analysis: Pursuant to the order of the District Court, the City Council is to reconsider the application based solely on documentation contained in the planning record.

MAPC Recommendations: Approve, subject to amended staff conditions (6-5, 8-1 and 9-1).

MAPD Staff Recommendations: Approve, with conditions.

DAB VI Recommendation: Deny (5-0); Approve, with amended staff conditions (4-3).



Background: The application is a request to establish a “wrecking/salvage yard” on property located at the southwest corner of 29th Street North and Mead Street. The request was originally heard by District Advisory Board (“DAB”) VI on March 17, 2010, at which time the DAB recommended denial. The Metropolitan Area Planning Commission (“MAPC”) initially reviewed the request on March 18, 2010, and they recommended approval. On June 15, 2010, the Wichita City Council (“WCC”) first heard the request, and they returned the application to DAB VI and the MAPC for additional consideration.

District Advisory Board VI heard the request the second time on August 18, 2010, and reversed its initial recommendation of denial when it recommended approval. The MAPC heard this application the second time on August 19, 2010, and upheld its previous recommendation of approval. On September 21, 2010 and on October 19, 2010, the application was presented to the WCC (second and third WCC hearings), where both times the applicant requested the hearing be deferred until all Council members could be present. The WCC granted both deferral requests. All WCC members were present on November 2, 2010, at which time the WCC voted to return the application to the MAPC (fourth WCC hearing).

The MAPC heard the application for a third time on January 6, 2011, and recommended approval. On February 8, 2011, the application was returned for WCC consideration (fifth WCC hearing), at which time the applicant asked for the WCC to defer action until its April 12, 2011, meeting. The WCC granted the request. On March 1, 2011, the WCC considered (sixth WCC hearing) another request by the applicant to move the hearing date from April 12, 2011, to April 5, 2011; that request was approved. Since there only six City Council members present at the April 5, 2011, meeting, the action of the WCC (seventh WCC hearing) was to defer action until May 10, 2011. The application is now before the WCC for final action.

The applicant, Midwest Scrap Management, Inc., is seeking a Conditional Use to permit a “wrecking/salvage yard” on property zoned GI General Industrial (“GI”). Initially, the application area included the entire 25.68-acre site; however, the application area has been reduced to only that part of the site (approximately 13.2 acres) located south of the existing office building except the northern portion may be used for traffic circulation to permit trucks to enter the site from 29th Street North. The southern side of the existing office building is located approximately 586 feet south of 29th Street North, and, except for traffic circulation, “wrecking/salvage” activities permitted by the proposed Conditional Use will not be permitted in the northern approximately 586 feet of the applicant’s ownership.

Midwest Scrap Management, Inc. intends to operate a metal and scrap salvaging, sorting and shredding operation. Material will be brought in primarily by truck; however, processed material is primarily shipped out by rail. Trucks will be used for local delivery. It is estimated that incoming truck trips will be fewer than 20 on an average day and up to 60 on busier days. As a result of a recent change, primary access to the site is proposed to be from 29th Street North. The existing 29th Street North driveway, located in the northwest corner of the property, will be relocated closer to the northeastern corner of the property. Access to the subject site from Mead Street will be prohibited, except for emergency vehicles. Scrap piles may reach 35 feet in height. The applicant does not part-out vehicles. Inoperable vehicles located on-site will be shredded into “fist-sized” pieces. The business expects to employ up to 50 office workers, truck drivers and heavy equipment operators.

The *Wichita-Sedgwick County Unified Zoning Code*, Sec. II-B.14.r defines “wrecking/salvage yard as a lot used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk or discarded materials; and/or for the sale of parts thereof.” A wrecking/salvage yard is allowed by Conditional Use permit in the LI Limited Industrial (“LI”) and GI districts and is allowed by right in the Air Force Base (“AFB”) District, subject to Supplementary Use Regulations Sec. III-D.6.e (1) the use is not abutting an arterial street, expressway or freeway; (2) in the opinion of the Planning Commission, the use 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. With respect to the requirement that the use not abut an arterial street, Planning Department staff has been advised by the Office of Central Inspection that as long as the use is located at least 150 feet from arterial street right-of-way, it is considered to not be abutting. The existing chain-link fence does not meet the opacity requirement mentioned above. The screening wall needs to also meet the standards outlined in Sec. IV-B.3.h: “Screening walls and fences shall be constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete or wood.”

All surrounding property is zoned GI and is used for a variety of industrial uses including: warehousing, steel fabricating, grain elevators, outside storage of trailers, offices and manufacturing and salvage and wrecking. Glickman Metal Recycling is located just west of the application area and contains significant piles of scrap metal.

The following is a list of items that have been modified since the original application, all of which may not have been discussed with DAB VI, the MAPC or interested parties:

- 1) Increased the height of screening berms and wall screening from fourteen to sixteen feet (new).
- 2) Increased the amount of plantings by one-and one-half code minimum to be located between the street and the screening wall (new).
- 3) Reduced the size of the area to be used for wrecking and salvage from 25.68 acres to 13.23 acres located 586 feet south of 29th Street North.
- 4) Close the existing driveway to 29th Street North located in the northwest corner of the property and install a new driveway closer to the northeast corner (new).
- 5) Limit the Mead Street entrance to emergency vehicles only.
- 6) Limit the area used for loading rail cars to that area located immediately west of the application area (new).

Those items listed above as (new) were not included in the motion approved by the MAPC on January 6, 2011. The applicant’s enhanced screening includes a six-foot berm that would be topped with a ten-foot tall masonry wall. Combined the berm and masonry wall would create a 16-foot tall screen. The screening is proposed to be located along the southern property line, beginning adjacent to the northern end of the grain elevator, then run east to Mead Street, then north along Mead to the entrance on Mead, then west along the southern side of the driveway into the proposed facility. The berm and wall would then resume on the north side of the Mead Street driveway, then run north to 29th Street North and then west along 29th Street to the corner, except for the break for the driveway. In the event that the existing building is removed, the applicant agreed to install berms and screening walls similar to previously

described along the north line of the reduced application area. The screening is proposed to be further enhanced by the addition of trees or shrubs.

Analysis: District Advisory Board (“DAB”) VI heard this request the first time at its March 17, 2010, meeting. The DAB voted (5-0) to deny the request. Eight property owners spoke in opposition, many of them referencing an association with the Bridgeport Area Business Association. The property owners’ opposition centered on the argument that the businesses that they run are primarily indoor activities that do not involve the outdoor processing or storage of materials like those that are typically associated with a wrecking and salvage yard. The speakers asserted that they have made significant investments in higher quality facilities than are found in a typical industrial area and approval of the requested use will devalue their investments. Some of the protesters referred to their area as an “industrial park” as a way to contrast their ownerships with the proposed project. It is their contention that a wrecking and salvage yard will bring visual blight; that the screening offered will not hide the scrap piles; traffic will increase and the potential for explosions and air and ground pollution will also increase.

DAB VI heard this request a second time on August 18, 2010, and they voted (4-3) to recommend approval. Seven members of the public spoke in opposition; three spoke in favor. People who spoke in opposition cited arguments similar to those made at the earlier DAB meeting. The people speaking in support noted that wrecking and salvage is an activity that is essential to Wichita; recycling is an essential business and the location is the appropriate site. (See the attached March 17, 2010, and August 19, 2010, DAB VI memos and opposition letters.)

Initially, the MAPC heard this request at their March 18, 2010, meeting. Approximately, the same number of folks that spoke in opposition at the DAB VI meeting also spoke in opposition at MAPC, citing concerns similar to those expressed at the DAB meeting. The MAPC voted (6-5) to approve the request subject to conditions.

The MAPC heard the application for a second time on August 19, 2010. As at the previous meetings, a similar number of people spoke in opposition citing concerns similar to those presented at previous meetings. There were also speakers in support of the application repeating comments similar to those made at the second DAB VI meeting.

On January 6, 2011, the MAPC heard the application for the third time. As at the previous meetings, individuals were present to speak in opposition citing reasons similar to those presented at the original meeting. The MAPC voted 9-1 to recommend approval to the following amended conditions that were agreed to by the applicant:

1. The Conditional Use shall permit the torch cutting, crushing, shearing, baling, shredding, storage and shipping of motor vehicles, appliances and other industrial scrap materials on the approximately 13.2 acres located 586 feet south of 29th Street’s southern right-of-way. Recycling, salvage or wrecking activity, except traffic circulation, is not permitted within 586 feet of 29th Street’s southern right-of-way (or north of the south elevation of the existing principal building).
2. Screening walls shall consist of landscaping, and a combination of earthen berms and masonry walls with a total height of 14 feet. Landscaping, berms and walls shall be installed as shown on the color site plan submitted by the applicant dated 4-6-09. Except for deviations listed in this Conditional Use, screening shall comply with Unified Zoning Code, Sec. IV-B.3.h. The use of large rectangular concrete blocks as screening or fencing material is prohibited. In the event that the existing building is removed, screening as described above shall be installed along the north line of the area where wrecking and salvage operations are permitted.
3. Unless modified by this Conditional Use, 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. Material used for the screening wall shall be identified on the approved site plan.

4. Access is restricted to 29th Street North. Except for emergency access, access to Mead Street is prohibited. 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 surface approved by the Office of Central Inspection. Materials stored outside shall not exceed 35 feet in height.
6. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.
7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including baled material) waiting to be processed and the containers they are stored in shall be organized and be maintained in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
8. The applicant shall maintain at all times an active program for the eradication and control of rodents.
9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
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 that the Conditional Use is null and void.

A 47.08 percent protest has been registered, triggering a three-fourths vote requirement by the governing body to approve the request. (Since this request was returned to the MAPC, the two-thirds vote requirement normally required to override the MAPC's recommendation has been eliminated.)

Financial Considerations: Approval of this request will not create any financial obligations for the City of Wichita.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC, approve the Conditional Use, subject to the recommended conditions and authorize the Mayor to sign the resolution (requires a three-fourths majority); or 2) Concur with the findings of the MAPC, approve the Conditional Use, subject to amended conditions (requires a three-fourths majority) or 3) Deny the Conditional Use request by making alternative findings, and override the MAPC's recommendation (requires simple majority).

Attachments: Resolution, two protest maps, four site plans, MAPC minutes of March 18, 2010, August 19, 2010, January 6, 2011, DAB VI minutes of March 17, 2010 and August 19, 2010, City Council Minutes of May 10, 2011, Kamen letter, an e-mail and letter with attached map from John Wadsworth

29TH STREET N.

PARKING

MEAD AVENUE

SCALE

EXISTING CONCRETE

EXISTING 8-FOOT FENCE

OPERATIONAL AREA

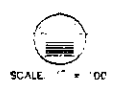
SHREDDER

OPERATIONAL AREA

OPERATIONAL AREA

EXISTING 8-FOOT FENCE

EXISTING 8-FOOT FENCE



SITE PLAN - CON2010-?? MIDWEST SCRAP MANAGEMENT



SITE PLAN 1

29th Street North

817.96'

Parcel A
AREA = 479,866.8 Square Feet
or 11.016 Acres

Parcel A:
The North 586.00 feet of Lot 1, Block 1, North Industrial
Park, Wichita, Sedgwick County, Kansas.

586.00'

705.53'

586.00'

Mead

819.81'

119.53'

30.12'

1

0

1

Parcel B
AREA = 576,406.8 Square Feet
or 13.232 Acres

Parcel B:
Lot 1, Block 1, North Industrial Park, Wichita, Sedgwick
County, Kansas; EXCEPT the North 586.00 feet thereof.

708.99'

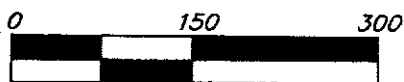
434.26'

1020.26'

232.90'

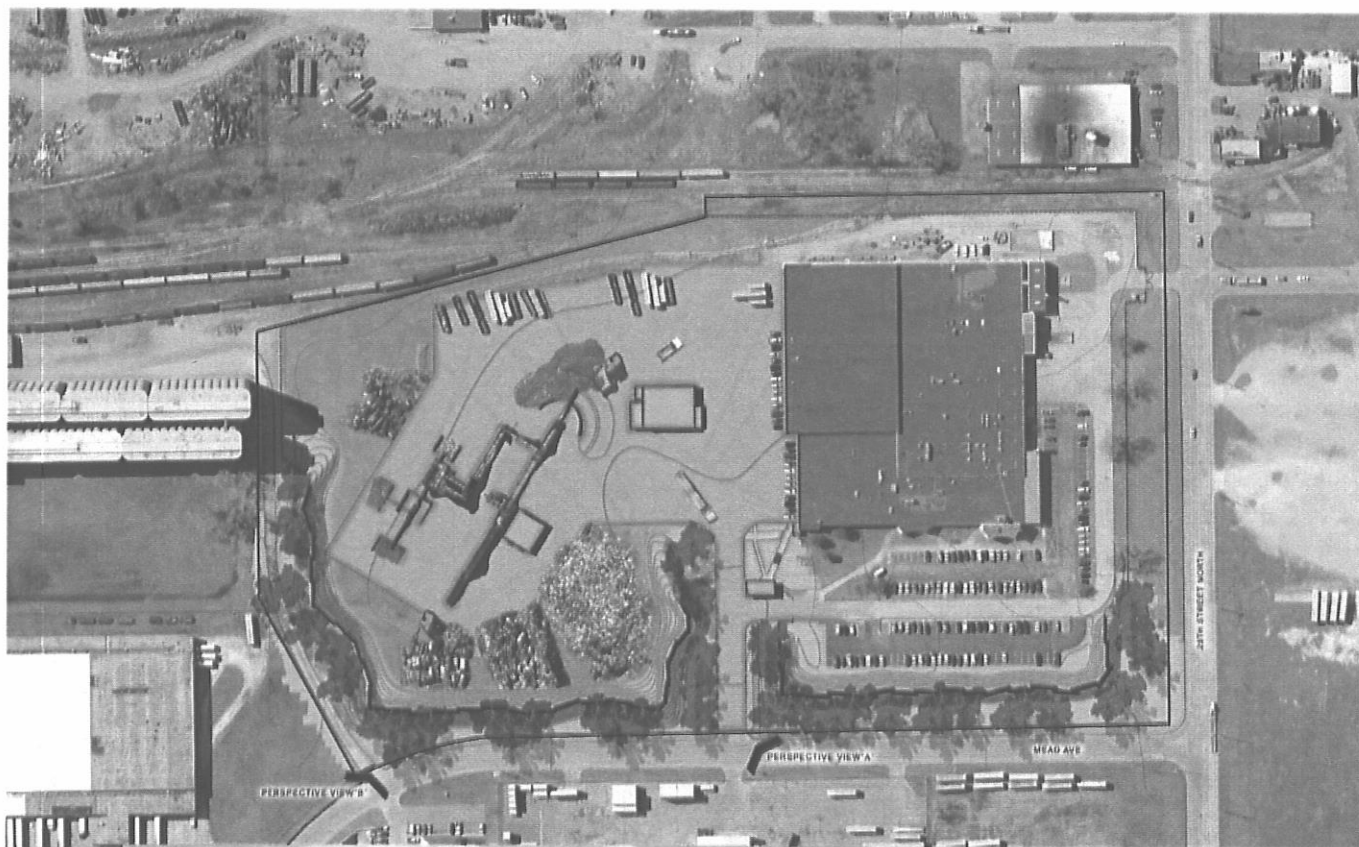
311.09'

406.98'



Drawing File: F:/SURVEY/MTI/1008/North_Industrial_Park_10-08-G067.dwg

SITE PLAN 2



PROPOSED METAL RECYCLING FACILITY

MASTER PLAN - 2010

wcm
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SITE PLAN 4