



Wichita-Sedgwick County Metropolitan Area Planning Department

September 1, 2000

Bee Line Truck Repair, Inc.
Bob Belcher
4736 S. Madison
Wichita, KS 67216

Bee Line Truck Repair, Inc.
Tom Debbrecht
1951 S. Hillside
Wichita, KS 67211

RE: CON2000-00029 – Conditional Use for Wrecking/Salvage Yard on property zoned “LI” Limited Industrial. Generally located north of 47th Street South and east of Madison (4701 S. Madison).

Dear Ladies and Gentlemen:

At its regular meeting on August 17, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to platting within one year and the following conditions:

1. The Conditional Use shall authorize the operation of an auto 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 auto wrecking/salvage yard shall be enclosed by a white metal panel fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be displayed for view from 47th Street South, nor shall any automotive parts or accessories be permitted for screening purposes or located on or attached to the screening fence.
3. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site Plan Guidelines and showing a continuous 8 foot high metal fence for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan.

4. The site shall be developed in accordance with a landscape plan approved by the Planning Director. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the south half of the east property line where adjacent to the Arkansas River.
5. The height of wrecked vehicles or salvage shall not exceed 10 feet.
6. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Health officer to prevent rodent harborage and breeding.
7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
9. Any locking devices on entrance gates shall meet Fire Department requirements.
10. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
11. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
12. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface waters.
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
14. Any violation of the conditions of approval shall render the conditional use permit null and void.

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

Sincerely,



Scott Knebel
Senior Planner

SK/rs

Cc: P.E.C., P.A., c/o Gary Wiley, 303 S. Topeka, Wichita, KS 67212
Ann Meritt, 2209 E. Mona Lane, Wichita, KS 67216
DeEtte Huffman, 339 N. Rutan, Wichita, KS 67208
Ken Walker, 4700 S. Ida, Wichita, KS 67216
Phil Lambke, City Council Member District III, Mail Stop 1-13
Samuel Rivera, DAB District III, Mail Stop, 1-135
J.R. Cox, Office of Central Inspection, 1-72
Kurt Schroeder, Office of Central Inspection, 1-72
Randy Sparkman, Office of Central Inspection, 1-72
Paul Hays, Office of Central Inspection, 1-72

CONDITIONAL USE RESOLUTION NO. CON2000-00029

WHEREAS, Bee Line Truck Repair, Inc. c/o Bob Belcher and Tom Deborecht (Owners/Applicants); PEC c/o Rob Hartman (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for Wrecking/Salvage Yard on 13.5 acres zoned "LI" Limited Industrial described as:

Tract 1: Beginning at a point 742 feet east and 153 feet north of the southwest corner of government Lot 7, thence east 210 feet; thence north 133 feet; thence west 210 feet; thence south 133 feet, to the point of beginning, all in section 15, township 28 south, range 1 east of the 6th P.M., Sedgwick County, Kansas.

Tract 2: Beginning at a point 952 feet east of the southwest corner of government Lot 7, thence north 552 feet; thence west 27 feet; thence north 511.2 feet; thence east 33 feet; thence northwest 266 feet; thence east to river; thence south 1329.2 feet; thence west to beginning, except for 8.74 acre levee case no. 48670; all in section 15, township 28 south, range 1 east of the 6th P.M., Sedgwick County, Kansas.

Tract 3: Beginning at a point 742 feet east and 419 feet north of the southwest corner of government Lot 7, thence east 183 feet; thence north to the point of beginning, all in section 15, township 28 south, range 1 east of the 6th P.M., Sedgwick County, Kansas.

Tract 4: Beginning at a point 952 feet east and 552 feet north of the southwest corner of government Lot 7, thence west 27 feet; thence south 266 feet; thence east 27 feet; thence north to the point of beginning, all in section 15, township 28 south, range 1 east of the 6th P.M., Sedgwick County, Kansas. North of 47th Street South and east of Madison. (4701 S. Madison)

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 August 17, 2000, 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 permit a conditional use for Wrecking/Salvage Yard on 13.5 acres zoned "LI" Limited Industrial described as

Tract 1: Beginning at a point 742 feet east and 153 feet north of the southwest corner of government Lot 7, thence east 210 feet; thence north 133 feet; thence west 210 feet; thence south 133 feet, to the point of beginning, all in section 15, township 28 south, range 1 east of the 6th P.M., Sedgwick County, Kansas.

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Subject to platting within one year and the following conditions:

1. The Conditional Use shall authorize the operation of an auto 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 auto wrecking/salvage yard shall be enclosed by a white metal panel fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be displayed for view from 47th Street South, nor shall any automotive parts or accessories be permitted for screening purposes or located on or attached to the screening fence.
3. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site Plan Guidelines and showing a continuous 8 foot high metal fence for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan.
4. The site shall be developed in accordance with a landscape plan approved by the Planning Director. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the south half of the east property line where adjacent to the Arkansas River.
5. The height of wrecked vehicles or salvage shall not exceed 10 feet.
6. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Health officer to prevent rodent harborage and breeding.

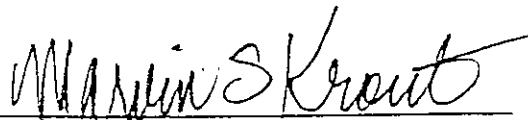
7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
9. Any locking devices on entrance gates shall meet Fire Department requirements.
10. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
11. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
12. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface waters.
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
14. Any violation of the conditions of approval shall render the conditional use permit null and void.

Adopted this 17th day of August, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT
MAPC August 17, 2000

CASE NUMBER: CON2000-00029

APPLICANT/AGENT: Bee Line Truck Repair, Inc. c/o Bob Belcher and Tom Debbrecht (Owners/Applicants); PEC c/o Rob Hartman (Agent)

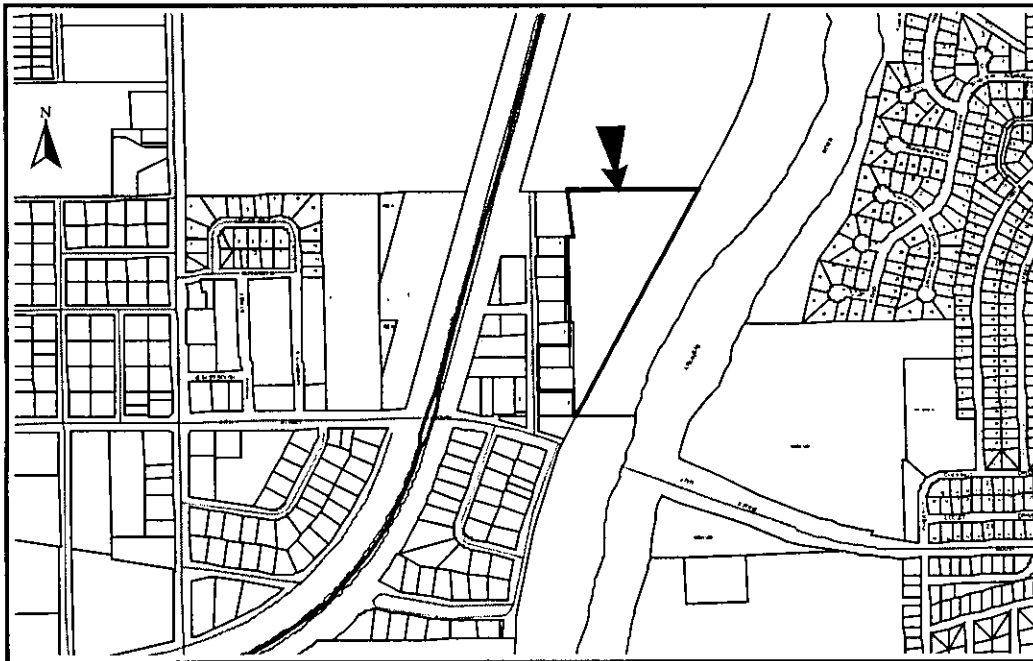
REQUEST: Conditional Use for Wrecking/Salvage Yard

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 13.5 acres

LOCATION: North of 47th Street South and east of Madison (4701 S. Madison)

PROPOSED USE: Wrecking/Salvage Yard



BACKGROUND: The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 13.5 acre unplatted tract generally located north of 47th Street South and east of Madison (4701 S. Madison). The subject property is zoned "LI" Limited Industrial, and a wrecking/salvage yard is permitted with a Conditional Use in the "LI" district.

The applicant is currently operating a wrecking/salvage yard on the subject property. The existing wrecking/salvage yard is an illegal non-conforming use that began operation some time after 1997 according to aerial photographs of the site. On June 13, 1996, the MAPC approved a Conditional Use for a wrecking/salvage yard on 0.72 acres of the applicant's property that adjoins the subject property at the southwest corner. At the time, the applicant indicated that the Conditional Use was needed for approximately 30 wrecked vehicles. When contacted about the illegal use of the remaining 13.5 acres of the applicant's property for a wrecking/salvage yard, the applicant indicated that it was his understanding that the Conditional Use approved in 1996 was for all 14.22 acres of his property.

The surrounding properties are developed with industrial uses that are buffered from nearby residential development by the Arkansas River on the east, the Kansas Turnpike on the west, and 47th Street South on the south. The adjoining property to the north is developed with a wrecking/salvage yard on property zoned "LI" Limited Industrial. The adjoining property to the south is developed with a body shop on property zoned "LI" Limited Industrial. The adjoining properties to the west are developed with manufacturing, vehicle repair, vehicle sales, and single-family residential uses on property zoned "LI" Limited Industrial. The nearest properties zoned for and developed with residential uses are: single family residences in the South Hydraulic Park 2nd Addition located approximately 300 feet to the south and buffered by 47th Street South; a manufactured home park located approximately 900 feet to the west and buffered by the Kansas Turnpike; and single family residences in Oaklawn located approximately 1,500 feet to the east and buffered by the Arkansas River.

The applicant has submitted a site plan (attached) showing the proposed use of the subject property. The site plan shows an entrance consisting of two gates along Madison with an office building, a repair shop, and a storage building located between the two gates. Most of the property is shown for car storage. The site is shown to be enclosed by either a 6.5 foot high or an 8 foot high metal fence. The Unified Zoning Code requires that wrecking/salvage yards be enclosed by a fence or wall not less than 8 feet in height; therefore, planning staff recommends a condition of approval requiring final approval of a site plan indicating a continuous 8 foot high metal fence by the Planning Director before the Conditional Use becomes effective.

CASE HISTORY: The site is unplatted. On June 13, 1996, the MAPC approved a Conditional Use for a wrecking/salvage yard on 0.72 acres of the applicant's property that adjoins the subject property at the southwest corner.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Wrecking/Salvage Yard
SOUTH:	"LI"	Vehicle Repair, General
EAST:	N/A	Arkansas River
WEST:	"LI"	Manufacturing, General; Vehicle and Equipment Sales, Outdoor; Vehicle Repair, Limited and General; Single Family

PUBLIC SERVICES: This site has access to Madison, a two-lane paved local street that accesses 47th Street South (a four-lane arterial) ½ block south of the site. The 1997 traffic volumes on 47th Street South were approximately 18,000 vehicles per day. The 2030 Transportation Plan estimates the volumes on 47th Street South to increase to approximately 23,000 vehicles per day, but this estimate does not include the impact of the recently approved commercial zoning located south of 47th Street South between Broadway and I-135. Municipal water and sewer services currently serve this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provided good 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 travel through less intensive land uses. The proposed site meets these locational guidelines for industrial development.

RECOMMENDATION: Based upon information available prior to the public hearing, 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 an auto 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 auto wrecking/salvage yard shall be enclosed by a white metal panel fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be displayed for view from 47th Street South, nor shall any automotive parts or accessories be permitted for screening purposes or located on or attached to the screening fence.
3. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site

Plan Guidelines and showing a continuous 8 foot high metal fence for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan.

4. The site shall be developed in accordance with a landscape plan approved by the Planning Director. The landscape plan shall provide for one shade tree (or equivalent) per 30 lineal feet along the east property line where adjacent to the Arkansas River.
5. The height of wrecked vehicles or salvage shall not exceed the height of the screening fence and shall not be visible from 47th Street South.
6. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Health officer to prevent rodent harborage and breeding.
7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
9. Any locking devices on entrance gates shall meet Fire Department requirements.
10. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
11. Any on-site storage of fuels, chemicals or hazardous wastes or materials must be approved by the Wichita-Sedgwick County Department of Community Health. The applicant shall permit inspections of the site for soil and groundwater contaminants by the Wichita-Sedgwick County Department of Community Health. 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 by the Wichita-Sedgwick County Department of Community Health.
12. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface waters.

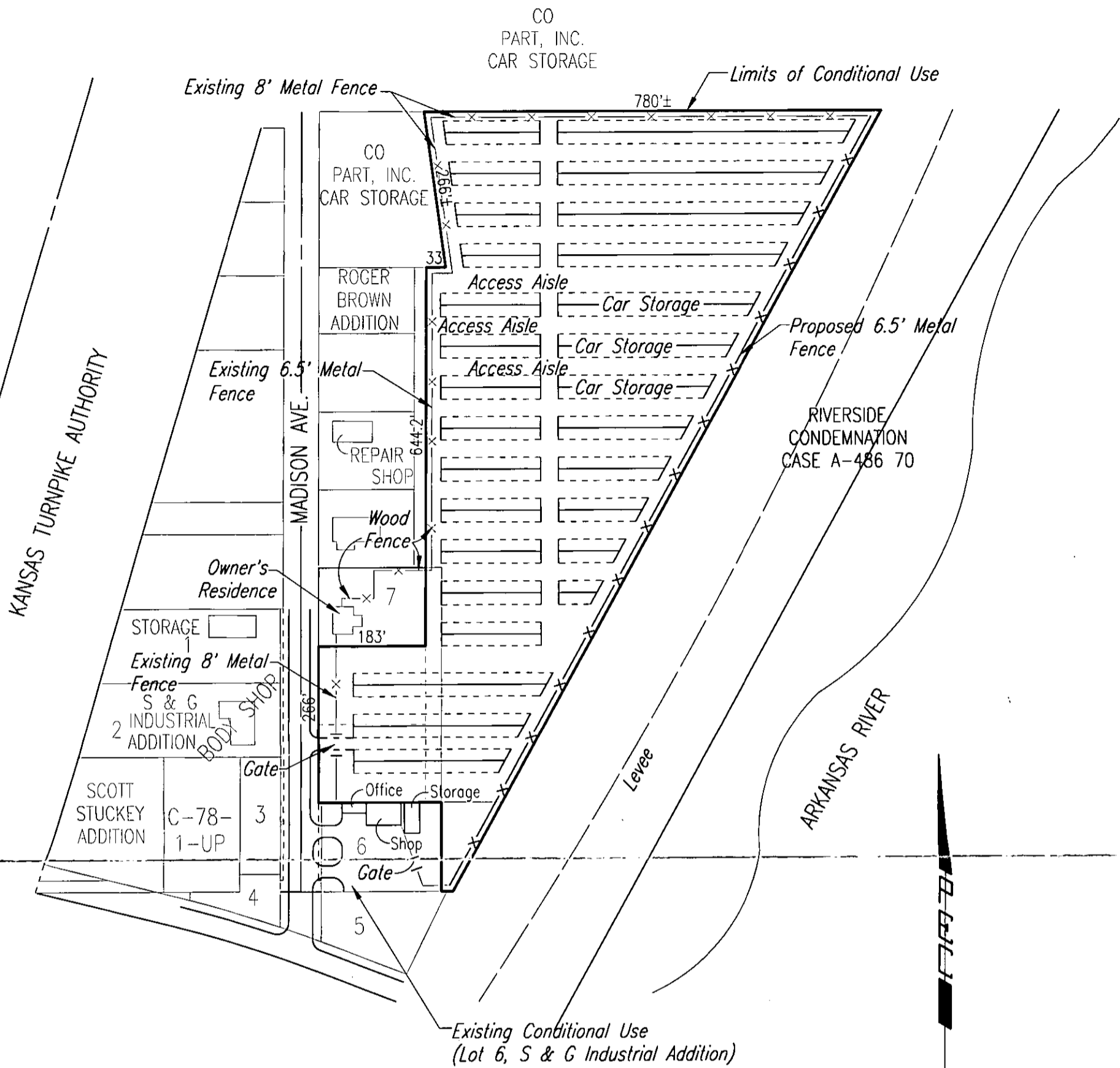
13. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
14. Any violation of the conditions of approval shall render the conditional use permit null and void.

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

1. The zoning, uses and character of the neighborhood: The surrounding properties are developed with industrial uses that are buffered from nearby residential development by the Arkansas River on the east, the Kansas Turnpike on the west, and 47th Street South on the south. The adjoining property to the north is developed with a wrecking/salvage yard on property zoned "LI" Limited Industrial. The adjoining property to the south is developed with a body shop on property zoned "LI" Limited Industrial. The adjoining properties to the west are developed with manufacturing, vehicle repair, vehicle sales, and single-family residential uses on property zoned "LI" Limited Industrial. The nearest properties zoned for and developed with residential uses are: single family residences in the South Hydraulic Park 2nd Addition located approximately 300 feet to the south and buffered by 47th Street South; a manufactured home park located approximately 900 feet to the west and buffered by the Kansas Turnpike; and single family residences in Oaklawn located approximately 1,500 feet to the east and buffered by the Arkansas River.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LI" Limited Industrial. A wrecking/salvage yard is permitted with a Conditional Use in the "LI" Limited Industrial district. The property is apparently suitable for the industrial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on nearby residentially zoned property should be minimized by the site's significant buffers, the Arkansas River on the east, the Kansas Turnpike on the west, and 47th Street South on the south. The recommended conditions of approval also should minimize any detrimental affects on nearby property.
4. The relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant: The hardship on the applicant to be imposed by requiring the existing wrecking/salvage operation to be relocated is greater than the relative gain to public health, safety, and welfare since the site is located in an area where wrecking/salvage is an

established use and the operation would need to be located to a location where the practice may not already be established.

5. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provided good 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 travel through less intensive land uses. The proposed site meets these locational guidelines for industrial development.
6. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.



LEGAL DESCRIPTION:

- TRACT 1: BEGINNING AT A POINT 742 FEET EAST AND 153 FEET NORTH OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 7, THENCE EAST 210 FEET; THENCE NORTH 133 FEET; THENCE WEST 210 FEET; THENCE SOUTH 133 FEET, TO THE POINT OF BEGINNING, ALL IN SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.
- TRACT 2: BEGINNING AT A POINT 952 FEET EAST OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 7, THENCE NORTH 552 FEET; THENCE WEST 27 FEET, THENCE NORTH 511.2 FEET; THENCE EAST 33 FEET, THENCE NORTHWEST 266 FEET; THENCE EAST TO RIVER; THENCE SOUTH 1329.2 FEET; THENCE WEST TO BEGINNING, EXCEPT FOR 8.74 ACRE LEVEE, CASE NO. 48670; ALL IN SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.
- TRACT 3: BEGINNING AT A POINT 742 FEET EAST AND 419 FEET NORTH OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 7, THENCE EAST 183 FEET; THENCE SOUTH 133 FEET; THENCE WEST 183 FEET; THENCE NORTH TO THE POINT OF BEGINNING, ALL IN SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.
- TRACT 4: BEGINNING AT A POINT 952 FEET EAST AND 552 FEET NORTH OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 7, THENCE WEST 27 FEET; THENCE SOUTH 266 FEET; THENCE EAST 27 FEET; THENCE NORTH TO THE POINT OF BEGINNING, ALL IN SECTION 15, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

SCALE: 1"=200'
DATE: JUL. 14, 2000

TOTAL AREA - 13± ACRES

CONDITIONAL USE PLAN FOR BEELINE TRUCK REPAIR, INC.