



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

Cornejo & Sons LLC
3500 North West Street
Wichita, KS 67205

August 13, 2025

RE: CON2025-00071 - Conditional Use request in the County to amend CON2001-63 & CON2007-02 to allow Waste Tire Collection on property zoned LI Limited Industrial District, generally located on the northeast corner of West 37th Street North and North West Street (4250 West 37th Street North).

Dear Applicant,

On **August 13, 2025**, the Sedgwick County Board of County Commissioners heard the above captioned request. The action of the BOCC was to **APPROVE** the Conditional Use and waiver of Supplementary Use Regulation III-D.6.e(3) requests, subject to the following conditions:

1. Development of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by MABCD.
3. 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.

If you have any questions concerning this matter, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Cc: Ted Francis, Allied Services, *via email*



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

Cornejo & Sons LLC
3500 North West Street
Wichita, KS 67205

June 12, 2025

RE: CON2025-00071 - Conditional Use request in the County to amend CON2001-63 & CON2007-02 to allow Waste Tire Collection on property zoned LI Limited Industrial District, generally located on the northeast corner of West 37th Street North and North West Street (4250 West 37th Street North).

Dear Applicant,

On **June 12, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The recommendation of the MAPC was to **APPROVE** the Conditional Use and waiver of Supplementary Use Regulation III-D.6.e(3) requests, subject to the following conditions:

1. Development of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by MABCD.
3. 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.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **June 26, 2025**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 1000 feet of the property for which the application was filed and must be submitted to the County Clerk by **June 26, 2025** at 5:00 p.m.

This case will be heard by the Sedgwick County Board of County Commissioners on **Wednesday, July 23, 2025**, for final action. The BOCC meets at 100 North Broadway Avenue, Wichita, KS 67202, at 9:00 a.m.

Development application signs may now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth
Associate Planner

WHEREAS, Cornejo & Sons LLC (Applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code ("Unified Zoning Code"), requests a Conditional Use to allow Waste Tire Collection in the LI Limited Industrial District zoning, located at 4210 and 4850 West 37th Street North.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission ("MAPC") has been given.

WHEREAS, the MAPC did, at the meeting of June 12, 2025, consider said application.

WHEREAS, the Board of County Commissioners has authority to permit Conditional Uses, 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on June 12, 2025, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use that expands CON2001-63 & CON2007-02 and allow Waste Tire Collection in the LI Limited Industrial District zoning, located at 4210 and 4850 West 37th Street North, legally described as:

A tract of land lying within the Southeast Quarter of Section 26, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Commencing at the Southeast corner of said Southeast Quarter; thence N 90°00'00" W, along the South line of said Southeast Quarter, 600.00 feet; thence N 00°00'00" E, 50.00 feet to the Southeast corner of Lot 1, BFI Addition, and also the Point of Beginning; thence N 00°00'00" E, 610.00 feet to the Northeast corner of said Lot 1; thence N 90°00'00" W, 1,200.00 feet to the Northwest corner of said Lot 1; thence N 00°00'00" E, 1,260.20 feet; thence S 65°32'32" E, 936.74 feet; thence S 57°56'33" E, 120.62 feet; thence S 47°18'56" E, 492.68 feet; thence S 43°00'32" E, 307.91 feet; thence S 00°10'57" E, 834.18 feet; thence N 90°00'00" W, along the North right-of-way line of 37th Street North, 80.00 feet; thence S 00°10'57" E, along the North right-of-way line of 37th Street North, 25.00 feet; thence N 90°00'00" W, along the North right-of-way line of 37th Street North, 249.84 feet to the Point of Beginning.

AND

A tract of land lying within the Southeast Quarter of Section 26, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Commencing at the Southeast corner of said Southeast Quarter; thence N 90°00'00" W, along the South line of said Southeast Quarter, 75.00 feet; thence N 00°10'57" W, parallel with the East line of said Southeast Quarter, 75.00 feet to a point on the North right-of-way line of 37th Street North for a Point of Beginning; thence N 90°00'00" W, along the North right-of-way line of 37th Street North, 195.00 feet; thence N 00°10'57" W, 843.18 feet; thence N 43°00'32" W, 307.91 feet; thence N 47°18'56" W, 492.68 feet; thence N 57°56'33" W, 120.62 feet; thence N 65°32'32" W, 936.74 feet; thence S 00°00'00" E, 1,870.20 feet to

the Southwest corner of Lot 1, BFI Addition; thence N 90°00'00" W, along the North right-of-way line of 37th Street North, 196.59 feet to a point 660 feet East of the West line of said Southeast Quarter; thence N 00°06'31" W, parallel to the West line of said Southeast Quarter, 2,175.72 feet, to a point on the South right-of-way line of Highway K-96; thence S 65°32'32" E, along the South right-of-way line of Highway K-96, 1,258.89 feet; thence S 57°56'33" E, along the South right-of-way line of Highway K-96, 151.70 feet; thence S 47°18'56" E, 518.15 feet; thence S 43°00'32" E, along the Southwesterly right-of-way line of Highway K-96, 360.00 feet; thence S 05°50'32" W, along the westerly right-of-way line of Highway K-96, 472.00 feet to a point on the West right-of-way line of West Street; thence S 00°10'57" E, along the West right-of-way line of West Street, 189.89 feet; thence N 90°00'00" W, along the West right-of-way line of West Street, 25.00 feet; thence S 00°10'57" E, along the West right-of-way line of West Street, 275.00 feet to the Point of Beginning.

AND

The West 660 feet of that part of the Southeast Quarter of Section 26, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying South of Highway K-96.

Approval is subject to the following conditions:

1. Development of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by MABCD.
3. 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 II. That upon the taking effect of this Resolution, the notation of such zoning change 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.

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SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.


Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL

aye
aye aye
aye
aye aye
aye

Dated this 13 day of August, 2025.

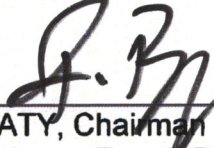
ATTEST:



KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

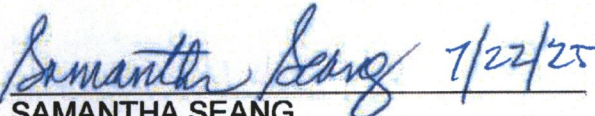


RYAN BATY, Chairman
Commissioner, Fourth District



PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

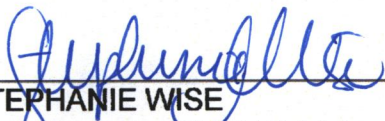
APPROVED AS TO FORM:



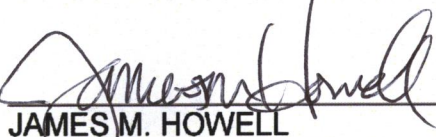
SAMANTHA SEANG
Assistant County Counselor



JEFF BLUBAUGH
Commissioner, Second District



STEPHANIE WISE
Commissioner, Third District



JAMES M. HOWELL
Commissioner, Fifth District

NW Cor. SE 1/4
Sec. 26, T26S, R1W

PROPERTY LINE
Highway RW Line

LANDFILL DESIGN TOE

10' RW for
Underground
Electric

Public RW

ZONE: SF-5
USE: LANDFILL

SITE PLAN

APPROVED 8/14 BY CMR

ZONE: LIMITED
INDUSTRIAL USE:
COMMERCIAL HIGHEST
AND BEST USE

PARCEL 3

APPROXIMATE LOCATION
50' X 50' TIRE STORAGE
MAX 200 TIRES

PARCEL 2

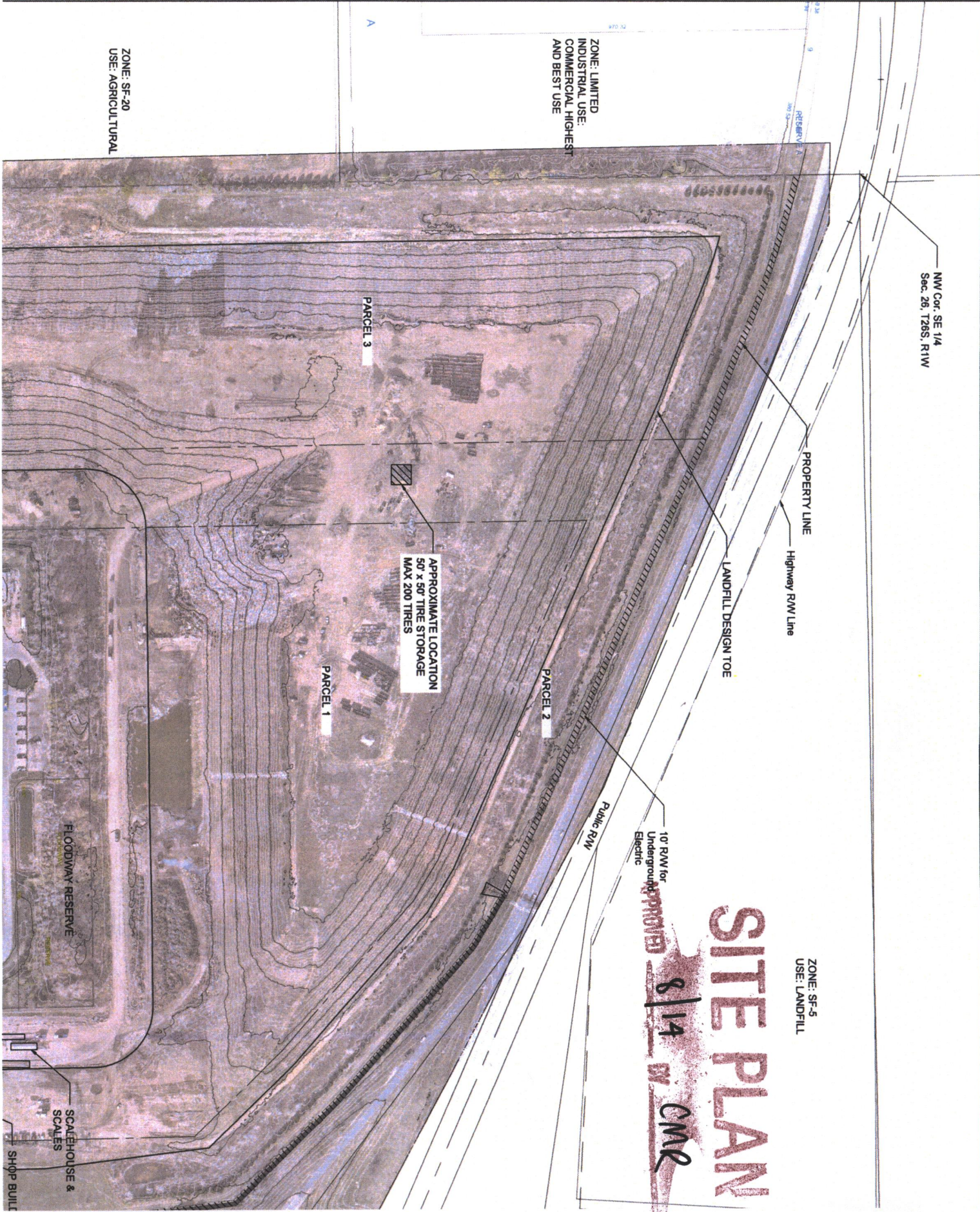
PARCEL 1

ZONE: SF-20
USE: AGRICULTURAL

FLOODWAY RESERVE

SCALEHOUSE &
SCALES

SHOP BUILT



STAFF REPORT
MAPC: June 12, 2025

CASE NUMBER: CON2025-00071 (County)

APPLICANT/AGENT: Cornejo & Sons, LLC (Applicant)

REQUEST: Conditional Use to permit Waste Tire Collection (Wrecking and Salvage Yard)

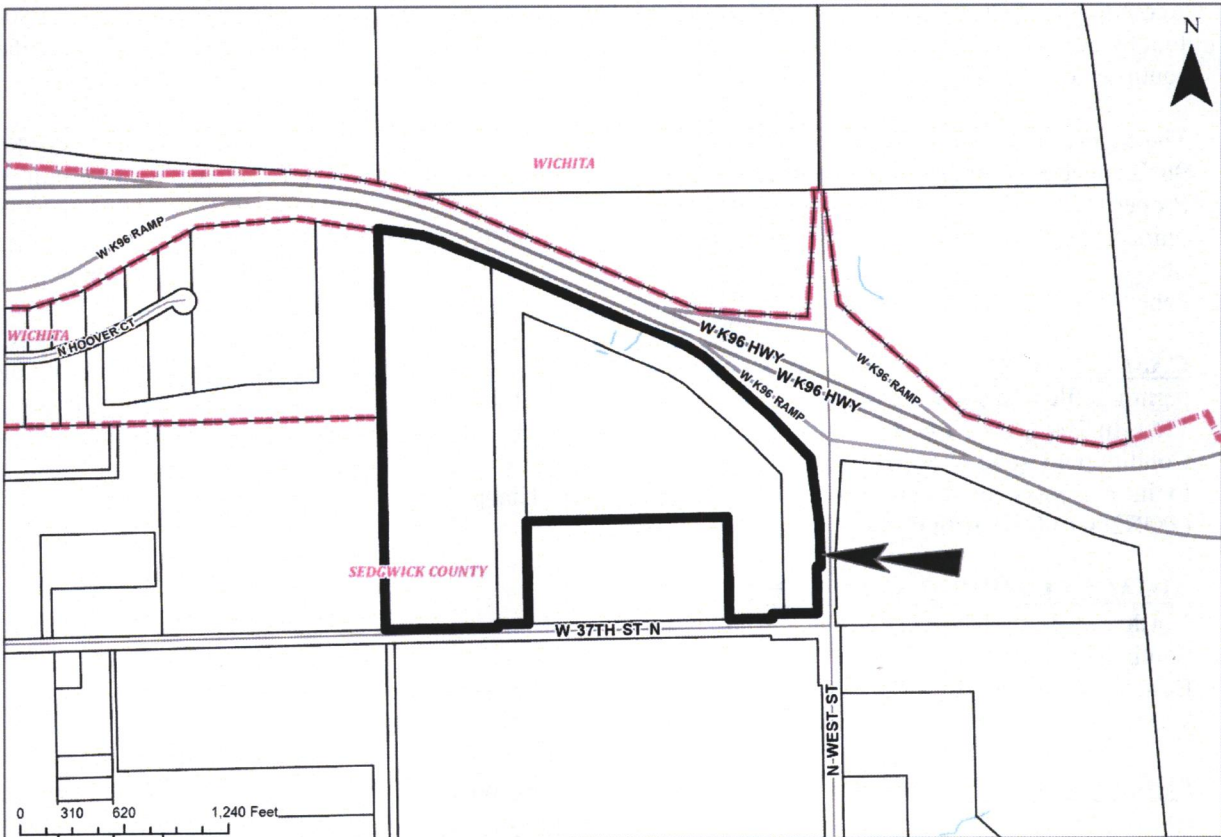
CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 92.50 acres

LOCATION: Generally located on the northeast corner of West 37th Street North and North West Street (4250 West 37th Street North)

PROPOSED USE: Waste Tire Collection

RECOMMENDATION: Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow Waste Tire Collection, which is defined as Wrecking and Salvage Yard, on a property zoned LI Limited Industrial District (LI). The 92.50-acre property is generally located on the northeast corner of West 37th Street North and North West Street (4250 West 37th Street North). The subject site is currently developed with a Construction and Demolition (C&D) Landfill.

The site was approved for Conditional Uses (CON2001-00063 & CON2007-00002) which permit a C&D Landfill, but it only allows demolition and construction solid waste resulting from the construction, remodeling, repair, repair and demolition of structures, roads, sidewalks and utilities as further defined in KSA. 65-3402. In their conditions of approval, the Conditional Uses prohibit household solid waste, hazardous waste, and toxic waste. The applicant is requesting the Conditional Use to allow waste tire collection, which is KSA 65-3402 defines as household solid waste.

The Unified Zoning Code defines this type of use a Wrecking and Salvage Yard. In the LI District, this use is subject to Supplementary Use Regulations Section III-D.6.e which state:

1. Is not 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 not in excess of five percent of the area of such fence.

The storage area is not abutting a freeway and thus meets Supplementary Use Regulation III-D.6.e(1) because it is internal to a larger 92.5-acre property. The applicant does not intend to install a fence or wall around the perimeter of the storage area; therefore, the applicant requests a waiver of Supplementary Use Regulation III-D.6.e(3).

According to the submitted site plan, the applicant intends to store a maximum of 200 waste tires in a 50-foot by 50-foot area near the northwest portion of the site. Employee and visitor parking is located near the southeast corner of the site, several hundred feet north of the site's access point.

The character of the neighborhood is industrial and undeveloped. Property to the north, across Highway K-96, is zoned SF-5 Single-Family Residential District in the City of Wichita and is developed with a Landfill. Property to the south, across West 37th Street North, is zoned SF-20 Single-Family Residential District in unincorporated Sedgwick County and is developed with a sand pit. Property to the east, across North West Street, is zoned SF-20 and LC Limited Commercial District and is undeveloped. Property to the west is zoned SF-20 and is undeveloped.

CASE HISTORY: The subject site is not platted. Platting will only be required if a commercial building permit is filed. In 1969, the subject site was approved for a Conditional Use to allow sand extraction (CU-115). In 2002, the subject site was approved for a zone change request from SF-20 to LI along with a Conditional Use to allow a Landfill (ZON2001-00068 with CON2001-00063). In 2007, the site expanded to its current size, which involved an additional zone change request and Conditional Use approval (ZON2007-00001 with CON2007-00002).

ADJACENT ZONING AND LAND USE:

North:	SF-5 (COW)	Landfill
South:	SF-20	Sand pit
East:	SF-20, LC	Undeveloped
West:	SF-20	Undeveloped

PUBLIC SERVICES: The subject site can be accessed by West 37th Street North, which is an unpaved county arterial street with no sidewalks. This site is served by an on-site septic system and uses well water.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the *Community Investments Plan*. The *Community Investments Plan*'s 2035 Wichita Future Growth Concept Map identifies the site as appropriate for "Industrial" uses, which the Plan defines as follows: "Encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service." The requested use is industrial in nature and is located in close proximity to Highway K-96.

The *Plan*'s Locational Guidelines provide a decision-making framework regarding land use changes. One of the general Development Patterns states that "Industrial uses should be located in areas with good access to highways, rail lines, and airports." The subject site abuts K-96 to the south. One of the general Land Use Compatibility guidelines states that "Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts." The site is approximately 3,030 feet away from the nearest residential property and features high berms as a site design feature to mitigate adverse impacts.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED** with a waiver of Supplementary Use Regulation Section III-D.6.e.(3), subject to the following conditions:

1. Development of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by MABCD.
3. 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.

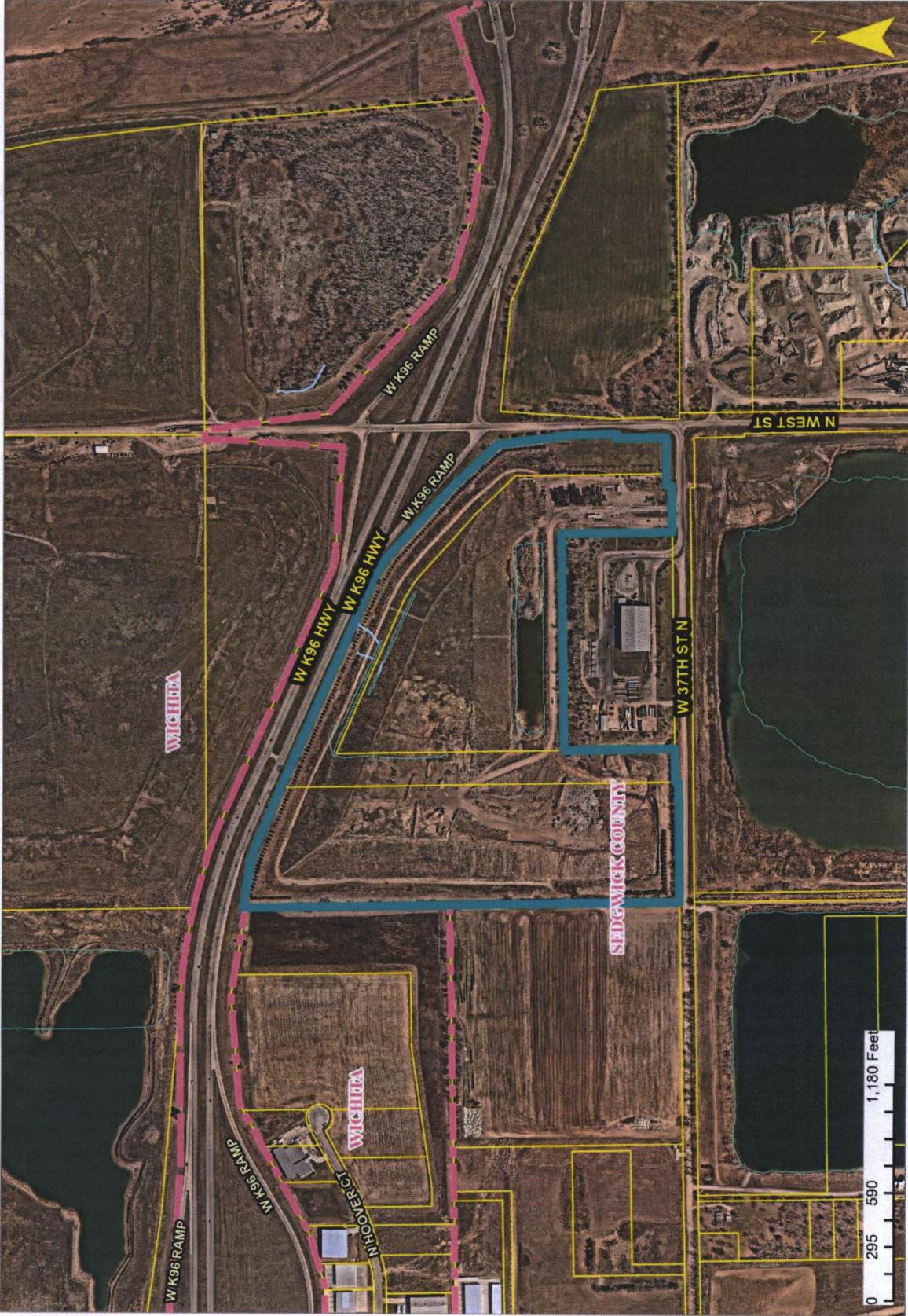
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is industrial and undeveloped. Property to the north, across Highway K-96, is zoned SF-5 Single-Family Residential District in the City of Wichita and is developed with a landfill. Property to the south, across West 37th Street North, is zoned SF-20 Single-Family Residential District in unincorporated Sedgwick County and is developed with a sand pit. Property to the east, across North West Street, is zoned SF-20 and LC Limited Commercial District and is undeveloped. Property to the west is zoned SF-20 and is undeveloped.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned LI Limited Industrial District, which permits certain waste disposal by Conditional Use approval. The Conditional Uses' current conditions of approval do not allow for waste tire collection.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will not detrimentally affect nearby property. The site features high berms and is located over 3,000 feet from the nearest development, which mitigates several negative impacts.
4. Length of time subject property has remained vacant as zoned: The subject property is not vacant.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have a significant detrimental effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: Staff expects that there will be minimal significant impact on public roads, water, and sewer service. The site can accommodate the requested use.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any public comment on the requested Conditional Use.

Attachments:

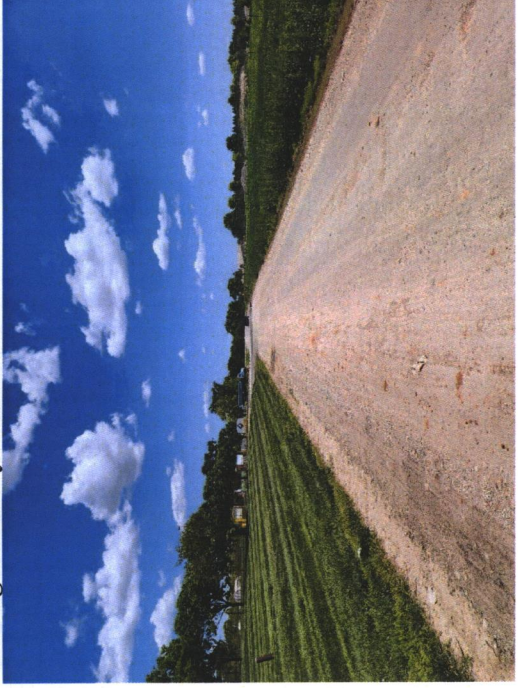
1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos



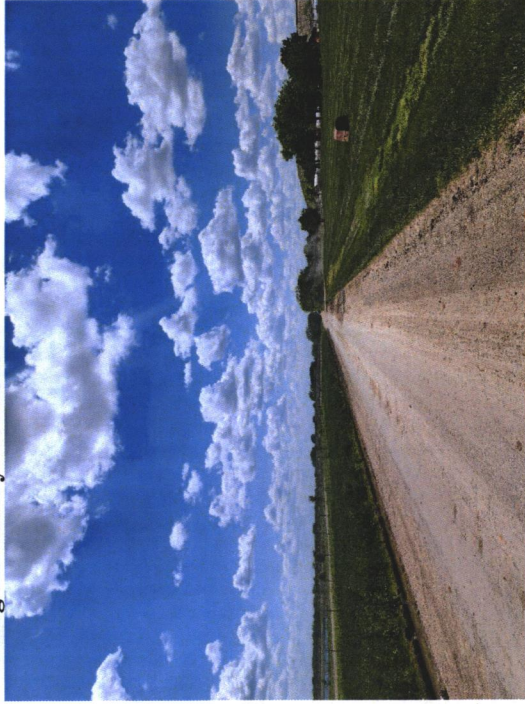
Looking north towards site



Looking east away from site



Looking west away from site



Looking south away from site

