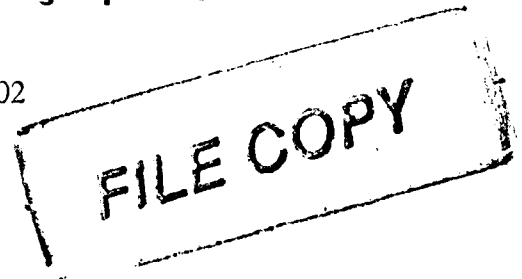




Wichita-Sedgwick County Metropolitan Area Planning Department

May 15, 2002



Kyle Barakeh
Applicant
6813 E. Harry
Wichita, KS 67207

RE: ZON2002-00019 (CON2002-00013) – Zone change from “GC” General Commercial to “LI” Limited Industrial and a Conditional Use for a Wrecking/Salvage Yard. Generally located south of Harry, approximately 1/2 mile east of Woodlawn.

Dear Mr. Barakeh:

At its regular meeting on May 14, 2002, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY the requests.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner

SK/rs

Cc: Baughman Company, P.A., %Russ Ewy, 315 Ellis, Wichita, KS 67211
Charlotte Foster, 702 Courtleigh, Wichita, KS 67218
Phil Lambke, City Council, District III, Mail Stop 1-13
Vicky Mork, District Advisory Board III, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2002-00018

WHEREAS, Leewood Homes, Inc. (owner), MKEC Engineering Consultants, (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 ancillary parking, on 2.85 acres zoned "SF-5" Single-Family Residential described as:

BEGINNING at a point on the South line of said Northeast quarter, said point being 320.00 feet West of the southeast corner of said Northeast Quarter, thence along said South line on a NAD 83 Kansas South Zone Grid bearing of S 88 degrees 51'49" W, 633.17 feet to the Northwest corner of Lot 1, Block 1, Woodlawn Place 2nd Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 49 degrees 36'07" W, 256.38 feet to a point 170.00 feet North of said South line; thence parallel with said South line N 88 degrees 51'49"E, 826.31 feet to a point 320.00 feet West of the East line of said Northeast Quarter; thence parallel with said East line S 00 degrees 43'25"E, 170.00 feet to the POINT OF BEGINNING. Said tract containing 124,056 square feet of 2.85 acres of land, more or less. Generally located 270 feet west of Woodlawn approximately 1/10 mile north of Mainsgate Street.

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

WHEREAS, the MAPC did, at the meeting of May 9, 2002, 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 ancillary parking, on 2.85 acres zoned "SF-5" Single-Family Residential described as:

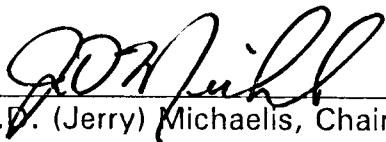
BEGINNING at a point on the South line of said Northeast quarter, said point being 320.00 feet West of the southeast corner of said Northeast Quarter, thence along said South line on a NAD 83 Kansas South Zone Grid bearing of S 88 degrees 51'49" W, 633.17 feet to the Northwest corner of Lot 1, Block 1, Woodlawn Place 2nd Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 49 degrees 36'07" W, 256.38 feet to a point 170.00 feet North of said South line; thence parallel with said South line N 88 degrees 51'49"E, 826.31 feet to a point 320.00 feet West of the East line of said Northeast Quarter; thence parallel with said East line S 00 degrees 43'25"E, 170.00 feet to the POINT OF BEGINNING. Said tract containing 124,056 square feet of 2.85 acres of land, more or less. Generally located 270 feet west of Woodlawn approximately 1/10 mile north of Mainsgate Street.

subject to the following conditions:

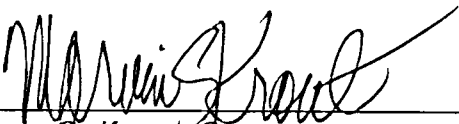
1. An opaque wall with a height of between six and eight feet shall be required to prevent the passage of debris and light and to mitigate adverse visual impacts shall be installed in a five-foot wall easement to be located along the north and east line of the subject tract. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire).
2. A landscape buffer of at least one tree every 40 feet shall be installed along the screening wall.
3. The mature hedgerow along the south line of the subject tract shall be preserved except for at the openings for the two 25-foot circulation drives.
4. Lighting standards in the ancillary parking lot shall be shielded downward and away from the surrounding tracts and otherwise meet lighting requirements of the UZC (Sec. IV-B.4), but with a maximum height of poles and fixtures of 14 feet.
5. The Conditional Use shall be developed in general conformance with a site plan revised to meet these conditions. Any substantial change in the revised site plan shall require an amendment to this Conditional Use.
6. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC"), all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC.
7. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
8. If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII hereof, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 9th day of MAY, 2002. 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


J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

LOT 2, BLOCK 2
GRILLOT ADD

EXISTING
AUTO REPAIR &
SALES

ZONED "GC"
GENERAL
COMMERCIAL

LOT 3, BLOCK 2
GRILLOT ADD

LOT 1
GRILLOT 3RD ADD

ACCESS TO SITE VIA HARRY

16' Utility Easement

Drive

TO Utility Easement

EXISTING "I"
LIMITED INDUSTRIAL
ZONING

EXISTING
SELF-STORAGE
WAREHOUSE
ZONED "GC"
GENERAL
COMMERCIAL

VEHICLE STORAGE AREA

65'

38'

LOT 12, BLOCK 2
GRILLOT ADD

8' Solid Screening Fence

225'

EXISTING
BUILDING

VEHICLE STORAGE AREA

8' Solid Screening Fence

EXISTING
CONTRACTOR'S
STORAGE YARD
LOT 11, BLOCK 2
GRILLOT ADD
ZONED "GC"
GENERAL
COMMERCIAL

35' Building Setback

8' Solid Screening Fence

130'

40'

VACATED STREET RIGHT-OF-WAY (V-1665)

EXISTING
CITY OF WICHITA
MAINTENANCE YARD

ZONED "GC"
GENERAL
COMMERCIAL

SITE PLAN

CON2002-000??
KANSAS AUTO SALES

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
318-283-7271 • 315 ELLIS • WICHITA, KANSAS 67211



SCALE: 1" = 30'

STAFF REPORT

DAB III April 17, 2002

MAPC April 18, 2002

CASE NUMBER: ZON2002-00019 associated with CON2002-00013

APPLICANT/AGENT: Kyle Barakeh (Owner/Applicant); Baughman Company, PA
c/o Russ Ewy (Agent)

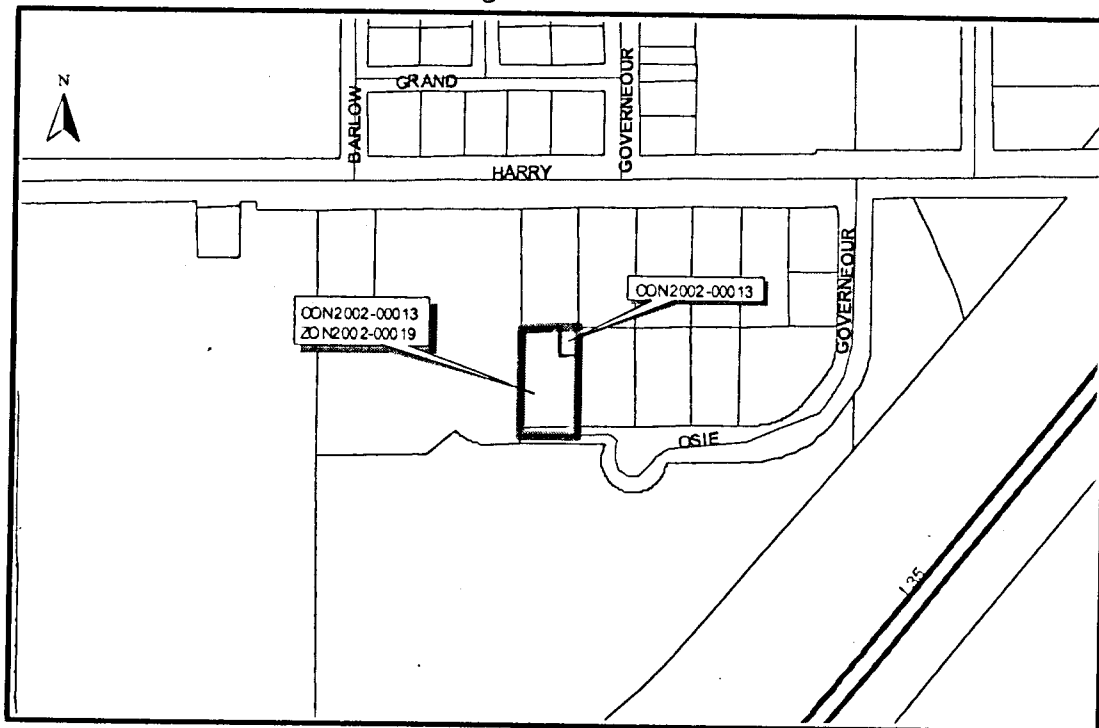
REQUEST: Zone change to "LI" Limited Industrial and a Conditional Use
for a Wrecking/Salvage Yard

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 0.67 acres

LOCATION: South of Harry, approximately ½ mile east of Woodlawn

PROPOSED USE: Dismantling of vehicles



BACKGROUND: The subject property is currently being used for the dismantling of vehicles, which is illegal under the current zoning of the property. Therefore, the applicant is requesting a zone change from "GC" General Commercial to "LI" Limited Industrial and a Conditional Use to permit the dismantling of vehicles on the property. The Unified Zoning Code defines the dismantling of vehicles as a "Wrecking/Salvage Yard", which requires at least "LI" Limited Industrial zoning and a Conditional Use.

The subject property is a 0.67 acre platted tract generally located south of Harry, approximately ½ mile east of Woodlawn (behind 6813 E. Harry). Most of the subject property is zoned "GC" General Commercial; however, a 38-foot by 65-foot tract in the northeast corner of the subject property was rezoned to "LI" Limited Industrial to permit a small concrete plant for use in conjunction with an equipment rental business that formerly occupied the subject property. The subject property also is located within Airport Overlay District III North, which prohibits using the subject property for uses that involve large congregations of people due to the property's location under the flight path for McConnell Air Force Base.

The character of the surrounding area is commercial. All of the properties surrounding the subject property are zoned "GC" General Commercial. The property located north of the subject property is developed with a used car lot, is owned by the applicant, and provides access from the subject property to Harry. The property located east of the subject property is developed with an employee parking lot and the loading/receiving area for a furniture store. The property located south of the subject property is owned by the City of Wichita and is used to stockpile landscaping and construction materials. The property located west of the subject property is developed with a self-service storage warehouse.

The applicant has submitted a site plan (attached) showing the proposed use of the subject property. The site plan shows an existing building where vehicles are to be dismantled. The site plan shows that the rest of the subject property is to be used for the storage of vehicles. An eight-foot high screening fence is shown around the perimeter of the property. The site is shown to be enclosed by an 8-foot high metal panel fence. Since the subject property is surrounded by property zoned "GC" General Commercial and does not have arterial street frontage, no landscaping of the subject property is required.

CASE HISTORY: The subject property is platted as Lot 12, Block 2, Grillot Addition, which was recorded September 28, 1967. The subject property also contains the north half of the vacated Osie Circle right-of-way, which was vacated September 10, 1990. A 38-foot by 65-foot tract in the northeast corner of the subject property was rezoned from "GC" General Commercial to "LI" Limited Industrial on August 17, 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Used car lot
SOUTH:	"GC"	Stockpiling of landscaping and construction materials
EAST:	"GC"	Furniture store
WEST:	"GC"	Self-service storage warehouse

PUBLIC SERVICES: The subject property has access through the used car lot to the north to Harry, a five-lane arterial street at this location with current traffic volumes of approximately 23,000 vehicles per day. The 2030 Transportation Plan projects traffic volumes on Harry to increase to approximately 36,000 vehicles per day. The 2030 Transportation Plan indicates that Harry will need to be widened to six or seven lanes to support the increased traffic volumes. The proposed use of the subject property should for the dismantling of vehicles should not increase the traffic generated by the property. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" 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 subject property 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 the following conditions:

1. The Conditional Use for a Wrecking/Salvage Yard shall permit the dismantling of vehicles and the sale of vehicle parts only. No other uses customarily associated with a Wrecking/Salvage Yard such as the collecting, storing, and/or salvaging of machinery, equipment, appliances, vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials shall be permitted.
2. The dismantling of vehicles shall be performed within an enclosed building.
3. All vehicle parts shall be stored within an enclosed building or within racks or bins. All 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. No rack or bin or material stored in such rack or bin shall exceed a height of 8 feet.

4. There shall be no more than 30 vehicles to be dismantled stored on the subject property at any one time. No vehicle shall remain on the subject property for longer than 60 days.
5. All vehicles to be dismantled and racks or bins for the storage of vehicle parts shall be stored on paved surfaces meeting the standards of Sec. IV-A.2. of the Unified Zoning Code.
6. The subject property shall be entirely enclosed by a white or earth-tone, single-color 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 used for screening purposes or located on or attached to the screening fence. A gate is permitted in the north side of the screening fence, but it shall remain closed unless in use.
7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
8. The site shall be developed in general conformance with the approved site plan.
9. The applicant shall obtain and maintain all applicable local, state, and federal permits and licenses necessary for the operation of a wrecking/salvage yard.
10. 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 commercial uses on properties zoned "GC" General Commercial. The character of the surrounding area is commercial. The proposed use of the subject property is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GC" General Commercial. The property is apparently suitable for the commercial uses to which it has been restricted; however, the proposed use of the subject property is similar in intensity to a body shop, which is permitted in the "GC" district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on nearby property should be minimized by the screening and operation standards required by the Conditional Use.
4. 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 "Commercial" 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 subject property meets these locational guidelines for industrial development.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.