



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

September 20, 2009

Ferris Consulting  
c/o Greg Ferris  
PO Box 573  
Wichita, Kansas, 67201

**RE: CON2009-26– City Administrative Adjustment to adjust conditions #1 & #2 of CON2008-19 and condition #2 of CON2009-14 on property zoned LI Limited Industrial (“LI”).**

**Legal Description: The east 327.15 feet of Lots 1 and 2 Block 1 Rainbow Sales Addition to Wichita, Sedgwick County, Kansas,**

**&**

**A tract in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas, described as: Beginning at a point on the West line and 1435.93 feet South of the Northwest corner of said Southwest Quarter; thence East, parallel with the North line of said Southwest Quarter, 325 feet'; thence North, parallel with the West line of said Southwest Quarter, 504.08 feet; thence East, parallel with the North line of said Southwest Quarter, 367.15; thence South parallel with the West line of said Southwest Quarter, 1376 feet more or less to a point 350 feet North of the South line of said Southwest Quarter; thence West parallel with the South line of said Southwest Quarter, 180 feet; thence North, Parallel with the West line of said Southwest Quarter 822.8 feet more or less to a point 1485.93 feet South of the North line of said Southwest Quarter, thence West, parallel with the North line of said Southwest Quarter, 512.15 feet to a point on the West line of said Southwest Quarter; thence North, along the West line of said Southwest Quarter, 50 feet to the point of beginning, Sedgwick County, Kansas. All generally located east of West Street and north of MacArthur Road.**

Dear Applicant:

We have reviewed your request for Administrative Adjustments to portions of conditions #1 & #2 of CON2008-19 and a portion of condition #2 of CON2009-14.

The portion of condition #1 of CON2008-19 that you request adjusted reads:

1. "...An auction of the wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses (an insurance pool) shall be every two-weeks, on a Tuesday, 10AM to 1PM, year round."

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T 316.268.4421 F 316.268.4390

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You propose that the above portion of the condition reads the same as that portion of condition #1 of CON2008-19:

“...An auction of wrecked/inoperable vehicles owned by insurance companies as total insurance losses (an insurance pool) shall be once per week from 10AM to 1PM.” The proposed adjustment would allow auctions once a week as opposed to once every two-weeks and any day of the week as opposed to a Tuesday.

The portion of condition #2 of CON2008-19 that you request adjusted reads:

“...An approved landscape buffer of evergreens, a minimum of 5 feet in height (planting height) shall be planted every 25 feet where the site abuts residential zoning or residential uses on the south side of the subject site. Landscaping shall be per the Landscape Ordinance where the site abuts residential zoning on its north and east sides.”

The portion of condition #2 of CON2009-14 that you request adjusted reads:

“...An approved landscape buffer of evergreen trees, a minimum of 5 feet in height shall be planted every 25 feet where the site abuts residential zoning with residential or institutional uses, and every 40 feet where the site abuts commercial zoning with residential uses.”

You are requesting that: (a) “An approved landscape buffer of evergreen, a minimum of 5 feet in height shall be planted every 25 feet where the site abuts residential zoning or residential uses (north, south, and a portion of the east side, not owned by KI Wichita Properties, LLC, of the subject site) and every 40 feet where it abuts (the east side of the subject site) commercial zoning that is not a part of CON2009-14.” Your request would require a revised landscape plan.

The portion of condition #2 of CON2008-19 & CON2009-14 that you request adjusted reads:

“All of the conditions of UZC, Art III, Sec III-D.6.e will be enforced, including the approval of fencing or wall materials.” & “All of the conditions of UZC, Art II, Sec III-D.6.e will be enforced, including the approval of solid fencing or wall materials.”

#3 of Art II, Sec III-D.6.e reads: “...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 site already had a metal fence installed in two portions of the site; along the West Street frontage in front of the office/garage, as part of CON2008-19’s site; and further north along West Street frontage as part of CON2009-14’s site. Both metal fences are ribbed to simulate the appearance of a wooden fence; see photos.

These existing metal fence meet the intent of solid screening as stated in UZC, Art II, Sec II-B.14.q, CON2008-19’s site’s metal fence is 6-foot tall and not the required height of 8-10 feet: this portion of the fence must get in compliance with the required height of 8-10 feet and use the same material as the existing fence.

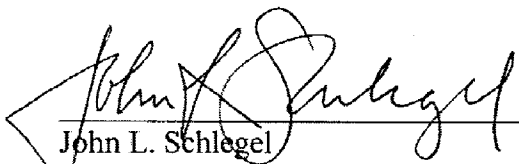
Sec. V-D.14. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of a Conditional Use as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that permitting the adjustments as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

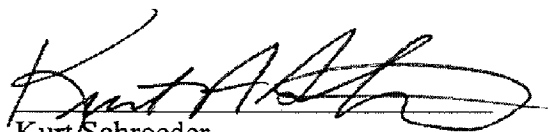
- (!) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed adjustments to conditions #1 & #2 of CON2008-19 and portions of condition #2 of CON2009-14 will have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: The proposed adjustments will not increase traffic to the site, as CON2009-14 was approved a weekly auction at the site as opposed to the earlier CON2008-19 allowing an auction every two-weeks, on a Tuesday, on the site. The proposed landscaping is in compliance or exceeds the Landscape Ordinance. The proposed ribbed, metal fence meets the intent of solid screening as stated in UZC, Art II, Sec II-B.14.q and metal is a common solid screening material used around salvage and wrecking yards.
- 3) Compatibility with existing or permitted uses on abutting sites: This is mostly LI Limited Industrial ("LI") zoned land located in the City, abutting and adjacent to land located in the County. There is an existing wrecking and salvage yard, as well as office/warehouse, office/warehouse/retail, a truck terminal, agricultural land, auto repair, vacant land, single-family residences and two places of worship. The site is not out of character with the area's mix of mostly industrial uses.
- 4) Effect on public health, safety or welfare: The proposed adjustments will not increase the site's negative effect on public health, safety or welfare.

Our signatures below indicate that an Administrative Adjustment to portions of conditions #1 & #2 of CON2008-19 and a portion of condition #2 of CON2009-14 are as follows:

- (a) CON2008-19, condition #1; "An auction of wrecked/inoperable vehicles owned by insurance companies as total insurance losses (an insurance pool) shall be once per week from 10AM to 1PM."
- (b) CON2008-19, condition #2; "An approved landscape buffer of evergreen trees, a minimum of 5 feet in height shall be planted every 25 feet where the site abuts residential zoning or residential uses and every 40 feet where it abuts commercial zoning that is not a part of CON2009-14. The revised and approved landscape plan will be kept in the files of CON2008-19, CON2009-14 and CON2009-26."
- (c) CON2008-19 and CON2009-14 condition #2; "An 8-10 foot tall, solid metal fence, ribbed to simulate the appearance of a wooden fence will be placed around the perimeter of the Insurance Auto Pool Sales Yard. All existing 6-foot tall solid metal fence will be replaced with an 8-10 foot tall, solid metal fence, ribbed to simulate the appearance of a wooden fence. Photos of the approved solid metal fence, ribbed to simulate the appearance of a wooden fence, will be kept in the files of CON2008-19, CON2009-14 and CON2009-26."

The "Development Application" sign should now be removed from the property.

  
John L. Schlegel

  
Kurt Schroeder

