

(150004) Published in The Wichita Eagle on _____
RESOLUTION NO. _____

A RESOLUTION AMENDING THE PROTECTIVE OVERLAY RESTRICTIONS FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

SECTION I. 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-C of the Wichita Sedgwick County Unified Zoning Code, Protective Overlay PO #18 is amended:

Case No. ZON2009-33

Amendment to Protective Overlay PO-18 to permit outdoor storage and display in LI Limited Industrial zoning on property described as:

Lot 1, Block 1, Castleberry Addition, to Sedgwick County, Kansas, generally located east of Broadway Avenue and south of 117th Street North.

SUBJECT TO THE FOLLOWING PROVISIONS OF PO #18:

- (1) The uses allowed on the property shall be limited to the following: manufacturing (limited and general), research services, warehousing, welding or machine shop, wholesale or business services agriculture, agricultural processing, agricultural research, agricultural sales and services, grain storage, recycling collection station (public and private), recycling processing center, animal care (limited and general), construction sales and service, office (general), secondhand store, vehicle and equipment sales (indoor only), vehicle repair (general), and warehouse (self-storage). Outdoor storage, display, and work areas shall be screened from Broadway Avenue, and from residential land uses.
- (2) The gross floor area shall be limited to the existing square footage, plus a 30% expansion of that square footage.
- (3) The applicant shall meet all applicable building and fire codes prior to using this site for any of the above-referenced uses.

SECTION II. That upon the taking effect of this Resolution, the notation of such Protective Overlay Amendment shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KELLY PARKS	_____
GWEN WELSHIMER	_____
KARL PETERJOHN	_____

DATED this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

CHAIRMAN

ATTEST:

County Clerk

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0742 - Zone change from "RR" Rural Residential to "LI" Limited Industrial, located east of Broadway, south of 117th Street North (11500 N. Broadway).

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: July 23, 1997

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to platting within 1 year and with the additional provisions of a (P-O) Protective Overlay District. (13-0).

Staff Recommendation: Approve, subject to platting within 1 year and with the additional provisions of a (P-O) Protective Overlay District.

Background/Discussion: The applicant requests a zone change from "RR" Rural Residential to "LI" Limited Industrial on a 20 acre unplatted tract located east of Broadway, south of 117th Street North (11500 N. Broadway).

The agent for the applicant has tentatively agreed to the following list of uses for the site: manufacturing (limited and general), research services, storage (outdoor), warehousing, welding or machine shop, wholesale or business services, auto wrecking or salvage yard (subject to Sec. III-D.6e), agriculture, agricultural processing, agricultural research, agricultural sales and services, grain storage, recycling collection station (public and private), recycling processing center, animal care (limited and general), construction sales and service, office (general), secondhand store, vehicle and equipment sales, vehicle repair (general), and warehouse (self-storage).

The agent has agreed to minimize the size of the application area, and has indicated to staff the desire to retain a 100 foot area to the east and north, around the existing buildings, for future expansion and access. The revised legal description identifies a site 750 feet (east to west) by 500 feet (north to south) totaling approximately 8.6 acres. This application area would leave a strip approximately 160 feet wide along the northern property line where adjacent to residential uses zoned "RR" Rural Residential.

The applicant has stated that the property, as currently developed, is ideally suited for a manufacturing business. The property has remained unused for at least two years, which is the reason the land has lost whatever non-conforming status it may have had, after having been used for over 10 years for new and used equipment sales.

There are three buildings on the site, a 2,250 square foot office attached to a 4,000 square foot metal building with a dock well. To the east is a 12,320 square foot metal building and three small building which were once used as hog pens. Following the MAPC hearing on June 12, staff is recommending that the subject property be limited to the 18,570 square feet currently built on the site, plus allow for a 30% expansion in the future (24,141 square feet total gross floor area).

The application states that Products, Inc. -- a plastics manufacturing and assembly business -- is looking to locate in these facilities, and will hire employees through KETCH. The agent for the applicant has expressed concern that, if not rezoned, the structures and improvements on the site will be wasted. He further stated that the landowners in the area do not want the property to remain vacant, and are supporting the request.

Staff has contacted the County Fire Department with regard to limiting the uses which would require municipal water service for fire-fighting purposes. The Fire Department stated that the applicant would be required to meet all applicable fire codes, and if a use was determined to be a "hazardous occupancy," then the buildings housing those uses would need to provide a sprinkler system. They went on to say that a sprinkler system may be able to operate on well water. At the time the occupant applies for permits, County plans examiners and fire examiners will review the building plans for compliance.

The surrounding land is zoned "RR" and is predominately used for agricultural purposes. There is a Ditch Witch (a non-conforming vehicle and equipment sales business) adjacent to the south and three single-family homes to the north. The existing buildings are situated in the southern half of the application area, approximately 400 feet east of Broadway.

This request was deferred during the June 12, 1997 MAPC hearing in order to reduce the size of the application area, limit the gross floor area permitted on the site, and to discuss limitations on the uses permitted on the property. During the Planning Commission's discussion of this matter on June 26, 1997, the MAPC questioned staff on the various elements of the Protective Overlay. Staff stated that the revised Protective Overlay contained restrictions agreeable to the applicant, County Fire Department, and planning staff.

After the discussion, the MAPC voted (13-0) to approve the requested zone change, on a reduced application area, with a Protective Overlay limiting the gross floor area permitted on the site, and also contains limitations on the uses permitted on the property, as recommended by staff.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until all conditions have been complied with; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Ben Castelberry 1003 N. Broadway Herrington KS 67449

Edward J Roberts 4015 W 13th Street N Wichita KS 67212

RESOLUTION NO. 160-1997

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 57-1997.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. 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-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. SCZ-0742

Zone change request from "RR" Rural Residential to "LI" Limited Industrial District and to "P-O" Protective Overlay District # 18 on property described as:

The West 750 feet of the South 500 feet of the North Half of the Southwest Quarter of the Northwest Quarter of Section 9, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned by Condemnation Case #92066, for Highway. Generally located east of Broadway, south of 117th Street North (11500 N. Broadway).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The uses allowed on the property shall be limited to the following: manufacturing (limited and general), research services, warehousing, welding or machine shop, wholesale or business services, agriculture, agricultural processing, agricultural research, agricultural sales and services, grain storage, recycling collection station (public and private), recycling processing center, animal care (limited and general), construction sales and service, office (general), secondhand store, vehicle and equipment sales (indoor only), vehicle repair (general), and warehouse (self-storage). There shall be no outside storage or display permitted on this site.
2. The gross floor area shall be limited to the existing square footage, plus a 30% expansion of that square footage.
3. The applicant shall meet all applicable building and fire codes prior to using this site for any of the above-referenced uses.

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SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

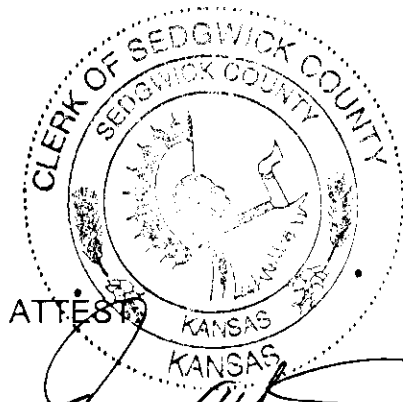
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 23rd day of July, 1997.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



ATTEST

James Alford
JAMES ALFORD
County Clerk

Thomas G. Winters
THOMAS G. WINTERS, Chairman

APPROVED AS TO FORM ONLY:

Alan W. Brown
Assistant County Counselor