

ACTION

DATE

COMMITTEE _____

M.A.P.C. Approved 10-8-70

BCoC ~~_____~~ Approved 10-21-70

DR 70-25 - Amendment to the County Zoning Resolution for fireworks storage.

September 23, 1970

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 70-25 - Amendment to the County Zoning
Resolution Concerning Fireworks Storage

Attached is a copy of a proposed amendment to the County
Zoning Resolution which has been advertised for public
hearing before the Planning Commission at your regular
meeting of October 3, 1970.

This amendment will provide for the storage of "Class C
Fireworks" as a permitted use in the "B" Light Industrial
District.

It is suggested that the proposed amendment, as advertised,
be recommended for approval.

JHG:ber

Attachment

() Published in The Wichita Beacon on September 21, 1970.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on October 3, 1970, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 164 South Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgwick County, Kansas:

That Section 9 be amended as follows:

Add the following to A-2 - Uses Permitted:

bb) Storage of class C fireworks.

That Section 10 be amended to read as follows:

A-40-i) Explosive manufacturing or storage, ~~including~~
class C fireworks.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 21st day of September, 1970.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

() Published in The Wichita Beacon on 10-26-70.

RESOLUTION

A RESOLUTION CHANGING THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO JUNE 29, 1970, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, AND THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

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

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission on October 8, 1970, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, the following sections of the Sedgwick County Zoning Resolution are hereby amended to read as follows:

SECTION 9 - "E" LIGHT INDUSTRIAL DISTRICT
A. USES PERMITTED
Amend sub-paragraph 2. to add the following after aa):

bb) Storage of Class C fireworks.

SECTION 10 - "F" HEAVY INDUSTRIAL DISTRICT
A. USES PERMITTED
Amend sub-paragraph 40.1) to read as follows:

i) Explosive manufacture or storage.

SECTION II. That Section 10.A.40.1) of the Sedgwick County Zoning Resolution as adopted March 3, 1958, is hereby repealed.

SECTION III. This Resolution shall take effect and be enforced from and after its adoption and publication in the official County Paper.

PASSED AND ADOPTED THIS 21st day of October, 1970.

Earl E. Rush, Chairman
James H. Hester, Commissioner
Ann Scott, Commissioner

ATTEST:

Marion Dardenby Betty McDonald
County Clerk

(SEAL)

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 8, 1970:

3. DR 70-25 - Public hearing for consideration of amendment to the County Zoning Resolution re fireworks storage.

GALBRAITH said that this proposed amendment is an outgrowth of Case SCZ-0253, which was a request for "F" zoning to permit storage of Class C fireworks. The Staff was directed to advertise for an amendment to the County Zoning Resolution to permit Class C fireworks storage in the "E" districts. GALBRAITH continued that the advertising also included a suggested amendment to the "F" District with respect to storage of explosives and excluding Class C fireworks, however, he suggested the amendment to the "F" District would not be appropriate if fire works storage were excluded. He said this had been discussed with the applicant and it was agreed the suggested change to "F" District as advertised should not be made.

MAX ANDERSON, City Fire Marshal, said the Fire Department felt the proposed change to the "E" District should not be made because of possible problems which would be created later if and when the area in the above zone change request is annexed. He continued that separate and apart from the zoning regulations in the City, there is an ordinance which prohibits the storage or sale of fireworks of most any kind in the City. If the amendment is made and the area is annexed, the owner would have a non-conforming right to continue under the City Zoning Ordinance, but would be in conflict with the other City ordinance. ANDERSON agreed that Class C fireworks are not considered as dangerous as real explosives.

One of the Commissioners suggested that if the area is annexed the City could issue a cease and desist order and stop the storage. After more discussion of the two conflicting provisions, it was the consensus of the Commission that the City would have the right to order the storage abandoned.

ANDERSON said there is no such storage in the City now and that annexations are checked closely and even fireworks stands during the 4th of July season are not permitted inside the City limits. It was his opinion the City could order out any fireworks storage once an area is annexed, even though there would normally be the nonconforming right.

HENNESSY suggested the City Attorney be asked to express an opinion on this matter. Further discussion indicated the plat of the area is on this same agenda.

RICHARD LOYD, attorney for the applicant, said they are anxious to start developing the land and have contracted for construction. He thought the Commissioners were worrying about problems that don't exist today, but may exist in the future and it was his thought that the time to solve such problems is if and when they are created. He pointed out that the area is in the County now and there is no reason actually why the amendment should not be approved to permit use of the property by his client. He said they recognized the fact that there could be a problem at some future time if the area is ever annexed, but were willing to take chances and meet that problem at that time.

No one spoke in opposition to the proposed amendment.

MOTION: HENNESSY moved, BLEDSOE seconded and it carried unanimously that the Planning Commission recommend to the County Commission that Section 9 of the County Zoning Resolution be amended to add the following to A.2 - Uses Permitted: bb) Storage of Class C fireworks; and that Section 10 be amended to have A.40.i) to read as follows: Explosive manufacture or storage.

October 15, 1970

Board of County Commissioners
320 Sedgwick County Courthouse
Wichita, Kansas 67203

Re: DR 70-25 - Amendment to County
Zoning Resolution re: Class C
Fireworks

Gentlemen:

Recently the Metropolitan Area Planning Commission considered a request for a zone change from the "E" Light Industrial District to the "F" Heavy Industrial District (SCZ-0253) for a proposed use to store Class C fireworks. Subject request was for an area on the east side of K-15, north of 47th Street South.

Inasmuch as the Planning Commission does not look with favor on the "F" industrial classification in this area, and since it was determined that the hazards associated with the storage of fireworks are considerably less than that of other explosives, the Planning Commission instructed the Staff to advertise an amendment to the Zoning Resolution permitting the storage of Class C fireworks in the "E" Light Industrial District.

The Planning Commission, at its regular meeting of October 8, 1970, recommended that Sections 9 and 10 of the County Zoning Resolution be amended as follows:

Add the following to Section 9.A.2 Uses Permitted:
bb) Storage of Class C fireworks.

Amend 10.A.40.i) to read as follows:
i) Explosive manufacture or storage.

We would appreciate the consideration of this amendment at your regular meeting on October 21, 1970.

Respectfully submitted,

Jack H. Galbraith
Assistant Secretary

JHG:ber

cc: Kenneth Beck, County Counselor
Tom Craig, County Zoning Administrator
Betty McDonald, Deputy County Clerk

October 9, 1970

Mr. Richard Loyd
Attorney
200 East First Street
Wichita, Kansas 67202

Re: DR 70-25 - Amendment to
County Zoning Resolution
re fireworks storage

Dear Mr. Loyd:

At the regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission on October 8, 1970, a public hearing was held for consideration of an amendment to the County Zoning Resolution with respect to storage of fireworks. The action of the Planning Commission was to approve the amendment as advertised and as amended by the Planning Department.

This proposed amendment will be forwarded to the Board of County Commissioners for consideration at its regular meeting on October 21, 1970, at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Paul Austin, Bitting Building 67202
Max Anderson, City Fire Marshal

September 23, 1970

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 70-25 - Amendment to the County Zoning
Resolution Concerning Fireworks Storage

Attached is a copy of a proposed amendment to the County
Zoning Resolution which has been advertised for public
hearing before the Planning Commission at your regular
meeting of October 8, 1970.

This amendment will provide for the storage of "Class C
Fireworks" as a permitted use in the "E" Light Industrial
District.

It is suggested that the proposed amendment, as advertised,
be recommended for approval.

JHG:ber

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That Section 9 be amended as follows:

Add the following to A-2 - Uses Permitted:

bb) Storage of class C fireworks.

That Section 10 be amended to read as follows:

A-40-i) Explosive manufacturing or storage, excluding class C fireworks.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 21st day of September, 1970.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

September 23, 1970

Mr. Richard Loyd
Attorney
200 East First Street
Wichita, Kansas 67202

Re: DR 70-25 - Amendment to County
County Resolution Concerning
Fireworks Storage

Dear Mr. Loyd:

Attached for your information and review is the notice of the proposed amendment to the County Zoning Resolution which will permit the storage of Class C fireworks in the "E" Light Industrial District.

In regard to the proposed amendment to the "F" District, I still am not satisfied with the wording. We have attempted to exclude Class C fireworks as being considered as an explosive. The storage of Class C fireworks would still be permitted in the "F" District as all uses permitted in "E" are permitted in "F".

If you have any suggestions on this wording, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:BER

Attachment

September 23, 1970

Mr. Kenneth Beck
County Counselor
320 Sedgwick County Courthouse
Wichita, Kansas 67203

Re: DR 70-25 - Amendment to County
Zoning Resolution Concerning
Fireworks Storage

Dear Mr. Beck:

In considering a recent request for "F" Heavy Industrial zoning district to permit the storage of Class C fireworks, the Planning Commission pointed out its concern, and the fact that they generally do not look with favor on the Heavy Industrial District in many parts of the County because of the numerous permitted objectionable uses. In the presentation, the applicant argued that Class C fireworks were not considered to be as hazardous as other explosives, and they suggested that if the Heavy Industrial District was satisfactory, then perhaps the text should be amended to permit their storage in the "E" Light Industrial District.

Attached for your information is a copy of the notice of public hearing to discuss this proposal at the Planning Commission meeting on October 8, 1970.

If you have any suggested changes, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Attachment

cc: Tom Craig, County Zoning Administrator
R. A. Davis, County Fire Chief
Max Anderson, City Fire Marshal