

(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

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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

# AGENDA ITEM REQUEST

**Proposed Agenda Item:** ZON2009-00033 Amendment to Protective Overlay PO-18 to permit outdoor storage and display in LI Limited Industrial zoning; generally located east of Broadway Avenue and south of 117th Street North. (District IV)

**Presented By:** John L. Schlegel, Planning Director *JLS*

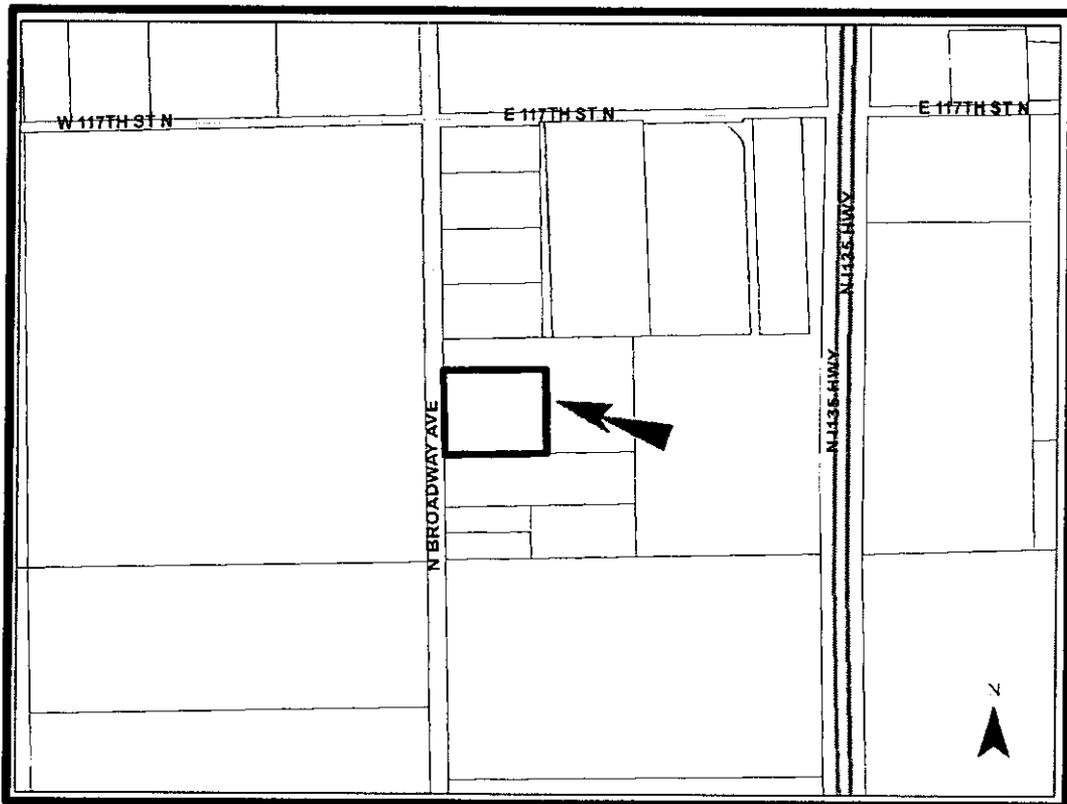
**Recommended Action:** Adopt the findings of the Metropolitan Area Planning Commission, approve the Amendment to Protective Overlay PO-18 to permit outdoor storage and display in LI Limited Industrial zoning, and authorize the Chairman to sign the resolution.

**Proposed Agenda Date:** December 23, 2009

**Outside Attendees:** Jeff Thompson (agent)

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable



**Background:** The applicant requests an amendment to Protective Overlay 18 (PO-18) that will eliminate the prohibition on outdoor storage and display for an existing pallet recycling business. This site was rezoned in 1999 from RR Rural Residential (“RR”) to LI Limited Industrial (“LI”), subject to the provisions of PO-18.

This site had industrial uses and buildings, including outdoor storage, prior to the 1999 rezoning and establishment of PO-18. The applicant’s business requires outdoor storage and work areas, and the applicant is working with County Code Enforcement to bring the entire site up to code standards. This site is located ¼ mile south of 117<sup>th</sup> Street North on the east side of Broadway Avenue; it is ¼ mile west of I-135. All surrounding properties are zoned RR. North of the site are single family and manufactured-home residential uses. South of the site are warehousing and agricultural uses. East of the site, and west across Broadway Avenue, are agricultural uses.

**Analysis:** At the MAPC meeting held November 19, 2009, the MAPC voted (10-0) to recommend approval subject to staff recommendations; the MAPC recommendation is to APPROVE subject to an amended PO-18 as follows:

Item (1) shall be amended to eliminate the prohibition on outdoor storage and display, and shall add: “Outdoor storage, display, and work areas shall be screened from Broadway Avenue, and from residential land uses.”

**Alternatives:**

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the Amendment to Protective Overlay PO-18 to permit outdoor storage and display in LI Limited Industrial zoning, and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC’s failure to approve or disapprove (requires a simple majority vote).
3. Deny the Protective Overlay Amendment request and override the MAPC recommendation with a 2/3 vote.

**Financial Considerations:**   *Approved by Division of Finance*

**Policy Considerations:** The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

**Legal Considerations:**   *Approved as to form and signed by County Counselor’s Office*