

RESOLUTION NO. 116-2018

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A RESOLUTION GRANTING A CONDITIONAL USE 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-D 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-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

**Case No. ZON 2018-00017**

A Zoning Case to amend existing Protective Overlay #214 on property zoned LC Limited Commercial (LC) and legally described as follows:

The East ¼ of the North 440 feet of the Northeast Quarter of Section 12, Township 27 South, Range 2 East of the 6<sup>th</sup> Prime Meridian; Sedgwick County, Kansas; EXCEPT the East 800 feet and EXCEPT the West 660 feet and EXCEPT the North 50 feet for road.

**SECTION II.** That application ZON2018-00018 is hereby approved and Protective Overlay #214 is hereby amended to read as follows:

**Protective Overlay PO #214:**

1. All allowed uses permitted within the LC, Limited Commercial Zoning District with the following EXCEPTIONS; Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Utility, Minor; Car Wash; Construction Sales and Service; Convenience Store; Funeral Home; Marine Facility, Recreational; Monument Sales; Nightclub in the County; Pawn Shop; Recreation and Entertainment, Indoor; Restaurant with drive-in or drive-through services; Secondhand Store; Sexually Oriented Business in the County; Tavern or Drinking Establishment; Vehicle and Equipment Sales; Vehicle Repair, Limited and General; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Research; and Agricultural Sales and Services.
2. Front, interior side and rear building setbacks shall be 35 feet, where adjacent to residential zoning.
3. If redeveloped commercially, a masonry screening wall or landscaped berm shall be installed along the side or rear property lines where adjacent property is zoned TF-3 or

more restrictive unless already existing on adjacent properties; otherwise applicable code screening standards shall be required.

4. If redeveloped commercially, all buildings within the tract are to share similar architectural character, color and predominate exterior building materials, as approved by the Planning Director. Building walls shall not utilize metal as a predominate exterior façade material.
5. Lighting elements (pole, fixtures, lamps, hoods, etc.) shall be similar in character with a maximum height of 25 feet above ground. If the light pole is to be located within 100 feet of a residence pole height is limited to 15 feet above ground. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted and is prohibited.
6. Signage shall be per code except: no flashing, moving, portable, billboard, off-site, banner or pennant signs (except time and temperature) shall be permitted; ground signs shall be monument style, sharing similar elements of design; spaced 150 feet apart with a maximum height of 20 feet and have a maximum sign face area of 150 square feet. Window signage shall be limited to 25 percent of window area. Building wall signage shall not be permitted on any façade that faces an abutting lot zoned TF-3 or more restrictive.
7. No occupancy permits shall be issued for any commercial redevelopment without public sewer and water service.
8. Platting shall be required prior to any commercial redevelopment. Access shall be as approved by the appropriate traffic engineer. Internal and cross lot circulation shall be provided at the time of platting to ensure smooth circulation between abutting tracts and within the tract. Prior to the issuance of a building permit the Traffic Engineer shall approve all access and circulation improvements.
9. Prior to any commercial redevelopment, a pedestrian circulation system shall be provided that connects all buildings within the development and with each other and sidewalks.

**SECTION III.** That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION IV.** 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  
MICHAEL B. O'DONNELL, II  
DAVID T. DENNIS  
RICHARD RANZAU  
JAMES M. HOWELL

*Aye*  
\_\_\_\_\_  
*Aye*  
\_\_\_\_\_  
*Aye*  
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*Aye*  
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Dated this 1st day of August, 2018.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

  
KELLY B. ARNOLD



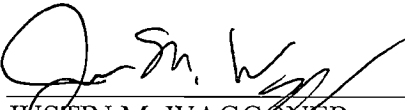


DAVID T. DENNIS, Chairman  
Commissioner, Third District



DAVID M. UNRUH, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM:


  
JUSTIN M. WAGGONER  
Assistant County Counselor



MICHAEL B. O'DONNELL, II  
Commissioner, Second District



RICHARD RANZAU  
Commissioner, Fourth District

  
JAMES M. HOWELL  
Commissioner, Fifth District