Wichita-Sedgwick County Metropolitan Area Planning Department

Rodney and Laura Heaton
2207 N 38th Street North
Wichita, KS 67204

July 6, 2020

RE: **CON2020-00004-** County Conditional Use to permit a Home Occupation (landscape business) and an Accessory Apartment on property zoned SF-20 Single Family Residential and generally located on the east side of North Ridge Road, 1,200 feet south of West 53rd Street North (5200 North Ridge Road).

Dear Applicant;

At its regular meeting on **July 1, 2020** the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the Commissioners was to **APPROVE** subject to the attached conditions:

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Lacey Cruse, BoCC District IV
Kate Flavin, District IV

087-2020

CONDITIONAL USE RESOLUTION NO. CON2020-00004
Published on: July 15, 2020

WHEREAS, Rodney A. and Laura L Heaton (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a Home Occupation on property less than two acres and an Accessory Apartment, on property zoned SF-20 Single Family Residential legally described as:

> The South 1 acre of the South 5 acres of the West half of the West half of the Northwest Quarter of Northwest Quarter of Section 22, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of May 21st, 2020, hold a public hearing and consider said application; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas as follows:

SECTION I. That after receiving a recommendation from the MAPC, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, the Board of County Commissioners approves a Conditional Use for a Home Occupation on property less than two acres and an Accessory Apartment on property zoned SF-20 Single Family Residential and legally described as:

> The South 1 acre of the South 5 acres of the West half of the West half of the Northwest Quarter of Northwest Quarter of Section 22, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

This Conditional Use is granted subject to the following conditions:

1. The conditional use is contingent upon compliance with Section IV-E.7 of the UZC except for the 75 foot distance requirement between the Home Occupation and a neighboring residence. Approval of this waiver is granted by the Board of County Commissioners.
2. The conditional use is contingent upon compliance with Section III-D.6.a.
3. The owner of the property shall reside on the property before the home occupation may function on the site.
4. A revised site plan shall be submitted to Planning depicting the parking area for employees as well as on-site circulation for all structures.
5. Construction of the parking area shall be in place prior to operation of the home occupation.
6. Any grass clippings or other waste generated by the business shall be disposed of off-site.
7. The site shall be developed in substantial conformance to the approved site plan.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

SECTION II. 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 III. That this Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
MICHAEL B. O'DONNELL, II	Aye
DAVID T. DENNIS	Aye
LACEY D. CRUSE	Aye
JAMES M. HOWELL	Aye

Dated this 1 day of July, 2020.

ATTEST:

KELLY B. ARNOLD, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

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

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Jennifer Perryman, being first duly sworn, deposes and says:
That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for **1 week** the first publication thereof being made as aforesaid on the **15th** day of **July** 2020, with subsequent publications being made on the following dates:

N/A

Jennifer Perryman
Legal Manager

Subscribed and sworn to before me this 15th day of July, 2020.

Notary Public

MARY JOYCE
Notary Public - State of Kansas
My Appt. Expires 8-28-22

Resolution No. 087-2020

Printer's Fee: $42.00
Additional copies: $ _____

Legal Publication

(Published in The Derby Informer on July 15, 2020)

RESOLUTION NO. 087-2020

CONDITIONAL USE RESOLUTION NO. CON2020-00004
Published on: _____

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Commissioners present and voting were:

PETER F. MEITZNER	AYE
MICHAEL B. O'DONNELL, II	AYE
DAVID T. DENNIS	AYE
LACEY D. CRUSE	AYE
JAMES M. HOWELL	AYE

Dated this 1ST day of **July**, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

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Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

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