Wichita-Sedgwick County Metropolitan Area Planning Department

Butler RWD #5
P.O. Box 56
Benton, KS 67017

July 10, 2020

RE: CON2020-00018: County Conditional Use to allow a minor utility (water supply booster pump station) for Butler R.W.D. #5; generally located on the north side of E. 29th Street N. and ½ mile east of N. Greenwich Rd.

Dear Applicant;

At its regular meeting on **June 18, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

No protests were received; therefore, the MAPC's approval is final.

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

Sincerely,

Matthew Williams
Associate Planner

Copies to: MABCD
Bardabil, Inc./Tabbal Investment, LLC, 3150 N. Greenwich Rd., Wichita, KS 67226
Pete Meitzner, BOCC #1
Justin Waggoner, County Law
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

CORRECTED CONDITIONAL USE RESOLUTION NO. CON2020-00018-1

WHEREAS, Bardabil-Schreck, Butler RWD #5, and Tabbal (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Utility, Major, on property zoned Rural Residential, legally described as:

> Beginning at the Southeast Corner (SEc) of the Southwest Quarter (SW/4) of Section 34, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas: Thence North along the East line of said SW/4 of Section 34, a distance of 30.00 feet to the Point of Beginning; thence West parallel with the South line of said SW/4 of Section 34, a distance of 300.00 feet; thence North parallel with said East line of SW/4 of Section 34, a distance of 300.00 feet; thence East parallel with said South line of SW/4 of Section 34, a distance of 300.00 feet, to a point on said East line of SW/4 of Section 34; thence South along said East line of SW/4 of Section 34, a distance of 300.00 feet to the Point of Beginning.

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 June 18, 2020, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code; and

WHEREAS, on June 18, 2020, the MAPC adopted Conditional Use Resolution No. CON2020-00018, which contained a typo that has been corrected and will be superseded with this new resolution.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Utility, Major, on property zoned Rural Residential, legally described as:

> Beginning at the Southeast Corner (SEc) of the Southwest Quarter (SW/4) of Section 34, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas: Thence North along the East line of said SW/4 of Section 34, a distance of 30.00 feet to the Point of Beginning; thence West parallel with the South line of said SW/4 of Section 34, a distance of 300.00 feet; thence North parallel with said East line of SW/4 of Section 34, a distance of 300.00 feet; thence East parallel with said South line of SW/4 of Section 34, a distance of 300.00 feet, to a point on said East line of SW/4 of Section 34; thence South along said East line of SW/4 of Section 34, a distance of 300.00 feet to the Point of Beginning.

Subject to the following conditions:

1. Screening shall be maintained as shown on the site plan.

2. The site is to be developed as shown on the provided site plan.

3. Any changes to the site or screening plan shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.

4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 23rd Day of February 2021.

METROPOLITAN AREA PLANNING COMMISSION

Michael C. Greene, Chairman MAPC

ATTEST:

Scott Wadle, Secretary

MW

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 **27th** day of **May** 2020, with subsequent publications being made on the following dates:

N/A

Jennifer Perryman
Legal Manager

Subscribed and sworn to before me this 27th day of May, 2020.

Notary Public

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

Legal Publication

(Published in The Derby Informer on May 27, 2020)

MAPC June 18, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 18, 2020 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II – Room 101B – 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice).If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2020-00010 County conditional use to expand existing Midwest Dog Center (CON2013-12) by adding a new indoor play and boarding area 80 ft X 55 ft.; generally located approximately 1/2 mile west of N 215th St West on the south side of West 29th N (22215 W 29th N)

CON2020-00016 County Conditional Use for Accessory Apartment in Rural Residential (RR) zoning, Generally located on the Southeast corner of East 75th Street South and South Greenwich Road (11501 E. 75th St S).

CON2020-00018 County Conditional Use to allow a minor utility (water supply booster pump station) for Butler R.D.W. #5; generally located on the north side of E. 29th Street N. and 1/2 mile east of N. Greenwich Rd.

ZON2020-00020 County zoning change to SF-20 Single-Family Residential to allow creation of lots less than 2 acres in size on land zoned RR Rural Residential generally located south of East MacArthur Road and west of South 135th Street East (13429 East MacArthur and 13439 East MacArthur).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters 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 zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3rd Street – Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely
You can participate remotely either by phone, mobile device, or computer by using the following link or phone number.
Please join the meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/856680853

You can also dial in using your phone.
- United States: +1 (872) 240-3212
- Access Code: 856-680-853

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 22, 2020
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Official Hearing Notice – MAPC – June 18, 2020

Printer's Fee: $46.20
Additional copies: $ _____

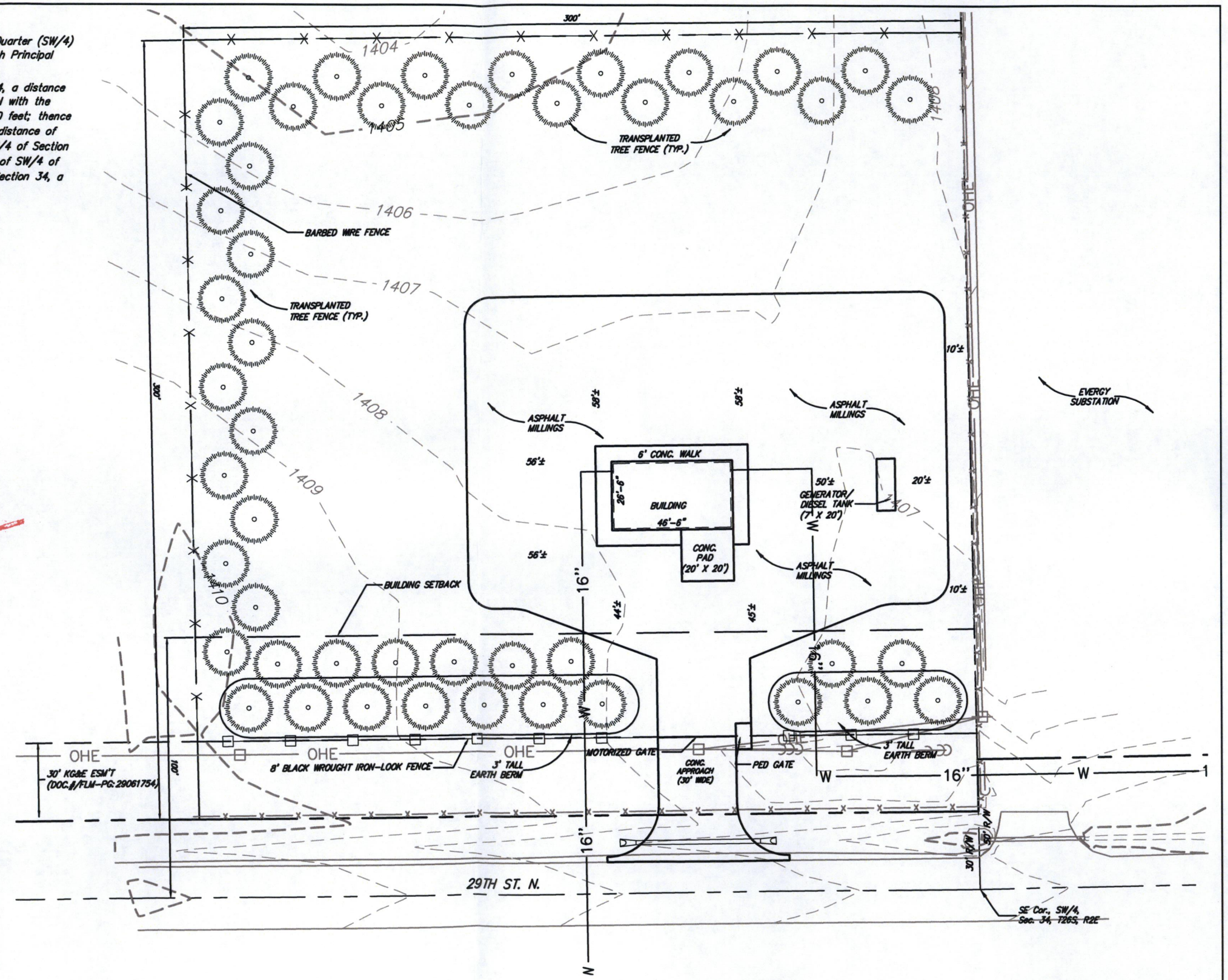
Z:\Projects\19.089 Butler RWD 5 Design\Design\Cost Estimates\29th St. Booster Pump Station Site Plan.dwg, SITE PLAN, 4/1/2020 10:41:37 AM, DWG To PDF.pc3, ANSI expand B (17.00 x 11.00 Inches), 1

PROPERTY LEGAL DESCRIPTION:
Beginning at the Southeast Corner (SEc) of the Southwest Quarter (SW/4) of Section 34, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Thence North along the East line of said SW/4 of Section 34, a distance of 30.00 feet to the Point of Beginning; thence West parallel with the South line of said SW/4 of Section 34, a distance of 300.00 feet; thence North parallel with said East line of SW/4 of Section 34, a distance of 300.00 feet; thence East parallel with said South line of SW/4 of Section 34, a distance of 300.00 feet, to a point on said East line of SW/4 of Section 34; thence South along said East line of SW/4 of Section 34, a distance of 300.00 feet to the Point of Beginning.

Said tract contains 89,997.1 square feet.

SITE PLAN
APPROVED 7/20/2020 BY MW



AREA: 2.07 ac.
ZONING: RR (Rural Residential)

PRELIMINARY NOT FOR CONSTRUCTION

Schwab Eaton

2020 New Supply Pipeine and Pump Station Improvements
Butler Rural Water District No. 5
Butler County, Kansas

Revisions:

Date: April 2020
Schwab-Eaton Project Number: 19.089
Drawn By: PLM
Checked By: CDM, SAP

Sheet Name: Pump Station Site Plan
Sheet No.: 1