Wichita-Sedgwick County Metropolitan Area Planning Department

July 31, 2020

Michael and Jennifer Johnson
20201W. 13th Street
Goddard, KS 67052

Nies Homes
Attn: Curtis Cowgill
10333 E. 21st Street
Wichita, KS 67206

RE: **CON2020-00023** - County Conditional Use to permit an Accessory Apartment on property zoned RR generally located on the south side of West 13th Street North and west of North 199th Street West (20201 West 13th Street North).

Dear Applicant:

At its regular meeting on **July 23, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

(1) Compliance with the provisions of the Wichita-Sedgwick County Unified Zoning Code, (Article III-D-6-l (3) is required.

(2) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 20201 W. 13th Street North) and the ownership shall not be divided or sold as a separate dwelling unit.

(3) The water and sanitary sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. Compliance with the requirements of the Sedgwick County Sanitation Code shall be met regarding use of the onsite wastewater system.

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning.

(5) Development and maintenance of the site shall be in conformance with the approved site plan.

(6) 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.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **August 6, 2020.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least

partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **August 6, 2019 at 5:00 p.m.**

If no valid protests or appeals opposing the action of the MAPC are filed with the County Clerk by **5:00 p.m. on Thursday, August 6, 2020**, the action of the MAPC will be considered final.

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Board of County Commissioners for consideration on September 2, 2020.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
David Dennis, BoCC District 3
Kate Flavin, Public Information Officer Sedgwick County

CONDITIONAL USE RESOLUTION NO. CON2020-00023

WHEREAS, Michael and Jennifer Johnson, Owners; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests County Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential ("RR") described as:

> Part of the East half of the Northeast Quarter of Section 18, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of said Northeast Quarter; thence S 0° 00' E along the East line of said Northeast Quarter, 907.50 feet; thence N 89° 34'49" W parallel with the North line of said Northeast Quarter, 1260.60' to a point 30 feet East of the West line of said East half of said Northeast Quarter; thence N 0° 35'59" E parallel with the West line of said East half of said Northeast Quarter; 907.48 feet; thence S 89° 34'49" E along the North line of said Northeast Quarter, 1251.10 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 July 23, 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.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow an Accessory Apartment on property zoned RR Rural Residential ("RR") described as:

> Part of the East half of the Northeast Quarter of Section 18, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of said Northeast Quarter; thence S 0° 00' E along the East line of said Northeast Quarter, 907.50 feet; thence N 89° 34'49" W parallel with the North line of said Northeast Quarter, 1260.60' to a point 30 feet East of the West line of said East half of said Northeast Quarter; thence N 0° 35'59" E parallel with the West line of said East half of said Northeast Quarter; 907.48 feet; thence S 89° 34'49" E along the North line of said Northeast Quarter, 1251.10 feet to the point of beginning.

Approved subject to the following conditions:

(1) Compliance with the provisions of the Wichita-Sedgwick County Unified Zoning Code, (Article III-D-6-l (3) is required.

(2) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 20201 West 13th Street North) and the ownership shall not be divided or sold as a separate dwelling unit.

(3) The water and sanitary sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. Compliance with the requirements of the Sedgwick County Sanitation Code shall be met regarding use of the onsite wastewater system.

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning.

(5) Development and maintenance of the site shall be in conformance with the approved site plan.

(6) 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.

Adopted this **23rd** Day of **July** 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair MAPC

ATTEST:

Scott Wadle, Secretary

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 **1st** 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 1st day of July, 2020.

Notary Public

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

Legal Publication

(Published in The Derby Informer on July 1, 2020)

MAPC July 23, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 23, 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.**

CON2020-00023 County Conditional Use to permit an Accessory Apartment on property zoned RR generally located on the south side of West 13th Street North and west of North 199th Street West (20201 West 13th Street North).

VAC2020-00020 County Vacation of Utility Easement for property development, Generally located within one half mile West of South Broadway Avenue and within one quarter mile South of West 79th Street South (8147 S Vesta Ave).

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

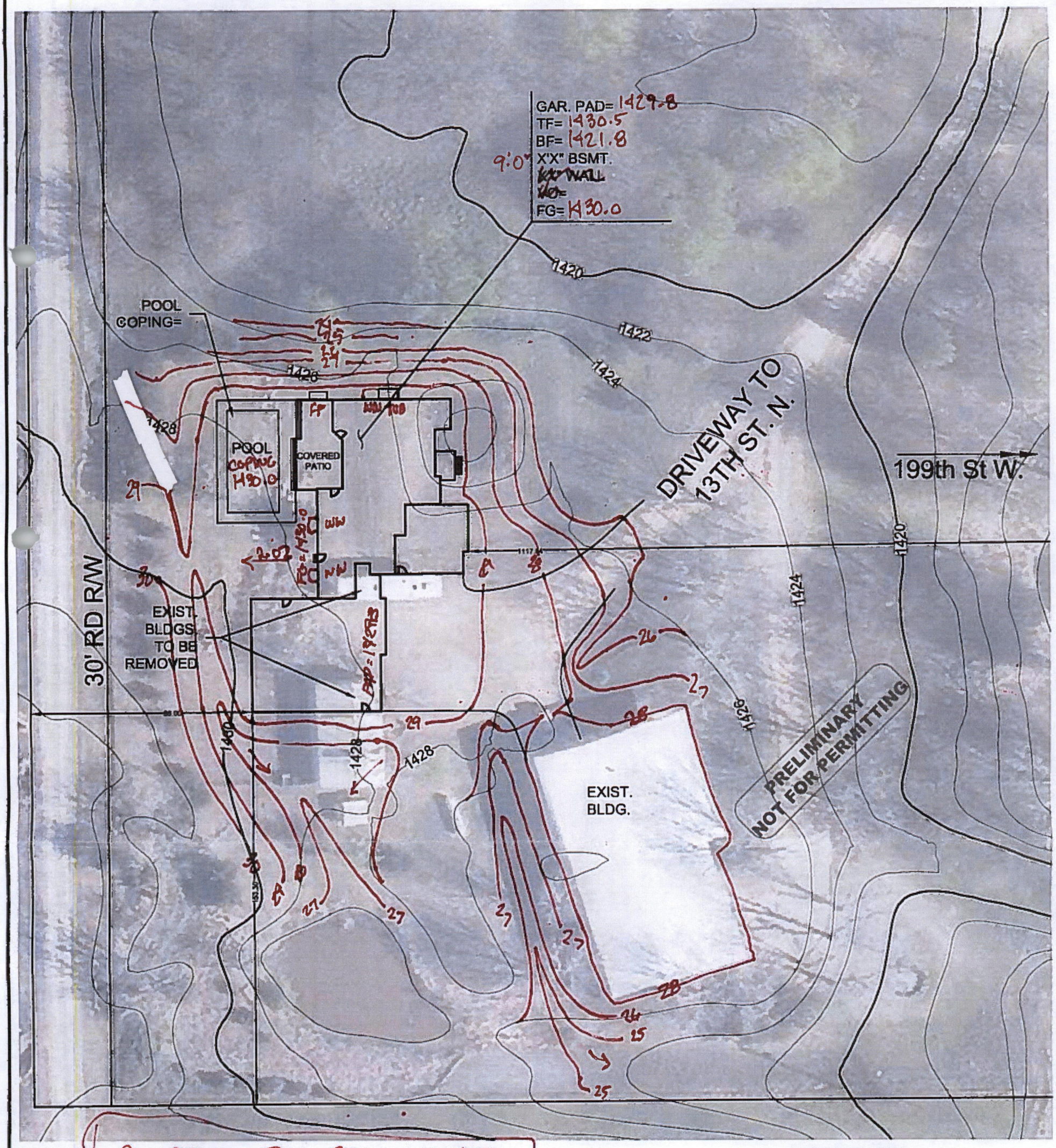
Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation 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 June 29, 2020

Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Official Hearing Notice – MAPC – July 23, 2020

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



RURAL SAN. SEW NOTE

LEGEND

TF	TOP OF FOUNDATION	WO PIT	WALK-OUT/WALK-UP PIT
BF	BASEMENT FLOOR	ADD STEP	STEP FROM GARAGE TO TF
TC	TOP OF CURB	PAD	ELEV. @ GARAGE OPENING
FL	FLOW LINE	FG	FINISHED GROUND
HP	HIGH POINT	INL	INLET
VO	VIEW OUT	000.00	EXISTING ELEVATIONS
WO	WALK OUT	XX.X	PROPOSED ELEVATIONS
BSMT	BASEMENT	2.0%	FLOW ARROW & % SLOPE
TW	TOP OF WALL		DROP SIDING/BRICK LEDGE

BENCHMARK:	DISTANCE FROM HOUSE TO PROPERTY LINE	
BM = "description"	FRONT	XXXX.X
ELEV. =	REAR	153'±
	LEFT	1118'±
	RIGHT	86'±

N

0 20 40

GENERAL NOTES

1. Builder shall provide retaining walls along property line for grade transitions when required to maintain proper slopes between houses.
2. This drawing is provided for grading purposes only.
   - drawing does not represent a boundary or mortgage title inspection. Easement and Building Setback information shown is from the recorded plat unless otherwise indicated.
   - Utilities shown are for information only, and builder shall verify depths and locations prior to construction. Builder will be required to provide a minimum advance notice of seventy-two (72) hours to utility companies prior to starting any excavation as follows: Kansas One Call 1-800-344-7233 or 687-2470 (local Wichita).
3. Care should be taken to protect existing sidewalk. Sidewalk may need to be removed and replaced due to damages from construction and/or to more gradually slope driveway from house to curb.

SITE PLAN

APPROVED 9/23/2020 BY

REVISION	DATE

©2020
MKEC Engineering
All Rights Reserved
www.mkec.com
These drawings and their contents, including, but not limited to, all concepts, designs, & ideas are the exclusive property of MKEC Engineering (MKEC), and may not be used or reproduced in any way without the express consent of MKEC.

MKEC
Wichita, KS • 316.684.9600

13th & 199th W - Johnson
part of NE/4 Sec 18, T27S, R2W

BUILDER: NIES

Johnson/Proj #

BF 1421.8	XXXX.X	MINIMUM PAD	1421.3	DRAWN BY:	DSN	DATE: MAY 2020	
SSWR FL	~~XXXX.X~~	BFE (FEMA)	1418.3	DESIGNED BY:	JTC	SHEET NO. 13th&199th W 20222-42	
BF - SSWR	~~XXXX.X~~	DATUM	NAVD88	APPROVED BY:	GJA		

K:\PLOTPLAN\13TH & 199TH W JOHNSON SP\13TH & 199TH W JOHNSON SP.DWG