Wichita-Sedgwick County Metropolitan Area Planning Department

June 21, 2021

Megan Lee and Logan Schraeder
5700 S. 116th Street East
Derby, KS 67037

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis Street
Wichita, KS 67211

RE: **CON2021-00026** - County Conditional Use for Accessory Apartment in Rural Residential (RR) zoning; Generally located south of East 55th Street South and within one-half mile east of South Greenwich Road (5700 South 116th Street East).

Dear Applicant:

At its regular meeting on **June 17, 2021**, 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) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 5700 South 116th Street East) and the ownership shall not be divided or sold as a condominium. The accessory apartment will be located in the southwest corner of the existing building.

(2) Onsite water and wastewater services shall be provided in compliance with the Sedgwick County Sanitation Code. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

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

(5) 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 **July 1, 2021**. 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 **July 1, 2021 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, July 1, 2021**, 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 August 4, 2021.

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
Jim Howell, BoCC District 5
Public Information Officer Sedgwick County
William W. Turnmire, 5901 S. 116th Street E., Derby, KS 67037

CONDITIONAL USE RESOLUTION NO. CON2021-00026

WHEREAS, Megan Lee and Logan Schraeder, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an accessory apartment on property zoned RR Rural Residential Zoning District described as:

Beginning 780.15 feet South of the Northeast corner of the Northwest Quarter of Section 27, Township 28 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas; thence West 697.03 feet; thence Southeasterly along a curve 380.28 feet; thence East 609.53 feet; thence North 360.00 feet to the point of beginning, subject to all road rights-of-way of record.

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 17, 2021, 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 a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential Zoning District described as:

Beginning 780.15 feet South of the Northeast corner of the Northwest Quarter of Section 27, Township 28 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas; thence West 697.03 feet; thence Southeasterly along a curve 380.28 feet; thence East 609.53 feet; thence North 360.00 feet to the point of beginning, subject to all road rights-of-way of record.

Approved subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 5700 South 116th Street East) and the ownership shall not be divided or sold as a condominium.

(2) Onsite water and wastewater services shall be provided in compliance with the Sedgwick County Sanitation Code. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

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

(5) 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 **17** Day of **June** 2021.

METROPOLITAN AREA PLANNING COMMISSION

Michael C. Greene, Chair MAPC

ATTEST:

Scott Wadle, Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Mary Joyce, 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 **26th** day of **May** 2021, with subsequent publications being made on the following dates:

N/A

Legal Manager

Subscribed and sworn to before me this 26th day of May, 2021.

Notary Public

Rhonda Cott
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2-20-23

Official Hearing Notice – MAPC – June 17, 2021

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

Legal Publication

OCA 150004
Published in The Derby Informer on May 26, 2021

MAPC June 17, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 17, 2021 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 Wichita City Hall Building – 1st Floor Council Chambers – 455 N. Main Street, 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.**

CON2021-00025 - County request for Conditional use in Rural Residential for Scatter Garden (cemetery); generally located on the northwest corner of South 127th Street East and East 79th Street South.

CON2021-00026 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential; generally located within one-quarter mile south of East 55th Street South and within one-half mile east of South Greenwich Road (Derby Influence Area) (5700 S 116th Street East).

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 in-person at the Wichita City Hall Building (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	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: **Scott Wadle** 271 W. 3rd Street – Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141

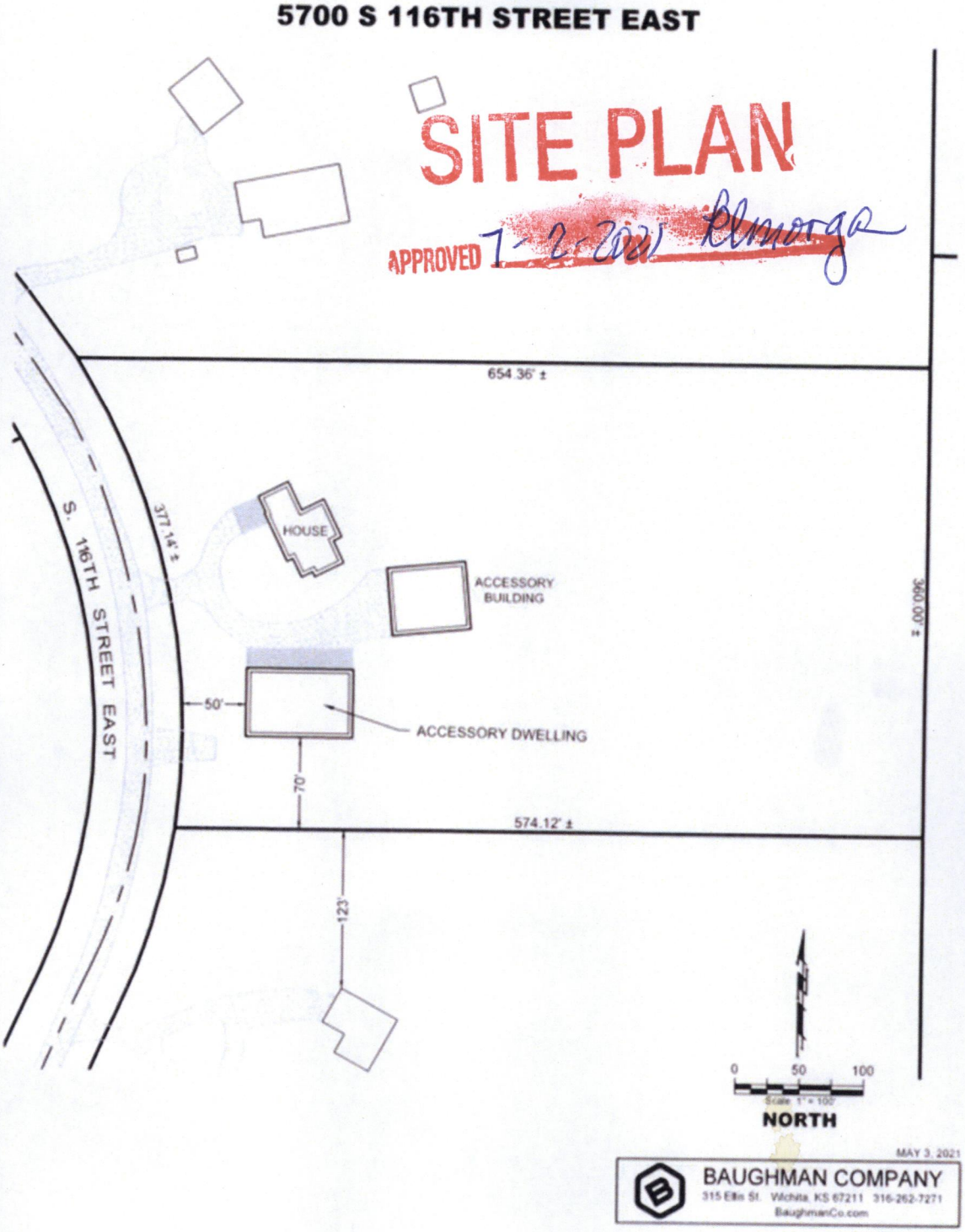
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/651544141

Attend In-Person
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily 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 (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 26, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Site Plan


5700 S 116TH STREET EAST
SITE PLAN
APPROVED 7-2-2021
654.36' ±
S. 116TH STREET EAST
377.14' ±
HOUSE
ACCESSORY BUILDING
360.00' ±
50'
ACCESSORY DWELLING
70'
574.12' ±
123'
0
50
100
NORTH
MAY 3, 2021
BAUGHMAN COMPANY
315 Elm St. Wichita, KS 67211 316-262-7271
BaughmanCo.com