Wichita-Sedgwick County Metropolitan Area Planning Department

October 21, 2021

Spencer and Amanda Levin
15601 W. Highview Drive
Goddard, KS 67052

RE: **CON2021-00041-** County Conditional use for Accessory Apartment on property zoned RR Rural Residential; Generally Located on the South Side of West Highview Drive, 1,300 Feet North of West Pawnee Avenue and 1,400 Feet West of South 151st Street West (15601 Highview Drive, Goddard, KS).

Dear Applicant:

There were no protests filed. The decision of the MAPC is final. Attached please find a signed copy of the signed resolution.

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

Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2021

Spencer and Amanda Levin
15601 W. Highview Drive
Goddard, KS 67052

RE: **CON2020-00041-** County Conditional use for Accessory Apartment on property zoned RR Rural Residential; Generally Located on the South Side of West Highview Drive, 1,300 Feet North of West Pawnee Avenue and 1,400 Feet West of South 151st Street West (15601 Highview Drive, Goddard, KS).

Dear Applicant:

At its regular meeting on **October 7, 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 15601 Highview Drive) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

(2) On-site 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 **October 21, 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 **October 21, 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, October 21, 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 **November 17, 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
Justin Waggoner, County Law

CONDITIONAL USE RESOLUTION NO. CON2021-00041

WHEREAS, Spencer and Amanda Leven, 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; generally located 1300 feet north of W Pawnee Avenue and 1400 feet west of S 155th Street W. (15601 Highview Dr.).

A tract in the Southeast Quarter of Section 34, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point on the South line of said Southeast Quarter, 1,326 feet West of the Southeast corner of said Southeast Quarter; thence North parallel to the East line of said Southeast Quarter, 1,313.10 feet; thence West with a deflection angle to the left of 90°10', 334 feet; thence South parallel to the East line of said Southeast Quarter, 1,310.77 feet to the South line of said Southeast Quarter; thence East 334 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 October 7, 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:

A tract in the Southeast Quarter of Section 34, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point on the South line of said Southeast Quarter, 1,326 feet West of the Southeast corner of said Southeast Quarter; thence North parallel to the East line of said Southeast Quarter, 1,313.10 feet; thence West with a deflection angle to the left of 90°10', 334 feet; thence South parallel to the East line of said Southeast Quarter, 1,310.77 feet to the South line of said Southeast Quarter; thence East 334 feet to the point of beginning.

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 15601 Highview Drive) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

(2) On-site 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 **7th** Day of **October** 2021.

METROPOLITAN AREA PLANNING COMMISSION

William M. Johnson, Chairman

ATTEST:

Scott Wadle, Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, 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 **September** 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this 15th day of September, 2021.

Rhonda Cott
Notary Public

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

Legal Publication

OCA 150004
Published in The Derby Informer on September 15, 2021

MAPC October 7, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, October 7, 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.**

CON2021-00040: County Conditional Use for an accessory apartment on 10 acres zoned RR Rural Residential; generally located 1400 feet north of E 119th Street S on the west side of Greenwich Road (11801 S Greenwich Rd).

CON2021-00041: County Conditional Use for an accessory apartment on property zoned RR Rural Residential; generally located 1300 feet north of W Pawnee Avenue and 1400 feet west of S 155th Street W. (15601 Highview Dr.)

CUP2021-00046: County request for a mixed use community unit plan (CUP) on property generally located on the northeast corner of East 29th Street North & North Greenwich Road (associated with zone change ZON2021-00040 to LC Limited Commercial).

ZON2021-00040: County request to rezone from RR Rural Residential & SF-20 Single-Family Residential to LC Limited Commercial on property generally located on the northeast corner of East 29th Street North & North Greenwich Road (associated with CUP2021-00046).

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

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 September 15, 2021

members to visit area

Official Hearing Notice - MAPC - October 7, 2021

Printer's Fee: $48.44
Additional copies: $_____

Site Plan

SITE PLAN

APPROVED 10-21-2021