



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Jeffery & Kathy Grace
15310 W. Hendryx Dr.
Goddard, KS 67052

December 27, 2024

RE: CON2024-00249 –A Conditional Use request to allow an Accessory Apartment in the County, Generally located south of West 39th Street South and east of South 391st Street West (4400 South 391st Street West).

Dear Applicant:

At its regular meeting on **December 12, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (4400 South 391st Street West) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the Accessory Apartment, if necessary.
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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 352-4864.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: David Dennis, Commissioner District 3
MABCD
Daniel & Sharon Quaney 38739 W. 39th St S Cheney, KS 67025



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Jeffery & Kathy Grace
15310 W. Hendryx Dr.
Goddard, KS 67052

December 13, 2024

RE: CON2024-00249 –A Conditional Use request to allow an Accessory Apartment in the County, Generally located south of West 39th Street South and east of South 391st Street West (4400 South 391st Street West).

Dear Applicant,

At its regular meeting on **December 12, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned request.

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 December 26, 2024.** 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 1,000 feet of the property for which the application was filed, or 200 feet into the City limits of Wichita, and must be submitted to the County Clerk by **December 26, 2024, at 5:00 p.m.**

This application is scheduled for consideration by the Board of Sedgwick County Commissioners on **Wednesday, January 22, 2024**, beginning at 9:00 a.m. The Board of County Commissioners meeting will be held at 100 North Broadway, Lower Level, Wichita, Kansas.

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 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: David Dennis, Commissioner District 3
MABCD
Daniel & Sharon Quaney 38739 W. 39th St S Cheney, KS 67025

CONDITIONAL USE RESOLUTION NO. CON2024-00249

WHEREAS, Jeffery & Kathy Grace, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request an Accessory Apartment in the County, located at 4400 South 391st Street West, legally described as:

A portion of the Northwest Quarter of Section 17, Township 28 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 17; thence East 660.29 feet for the point of beginning; thence North 680 feet; thence East 668 feet; thence South 213.24 feet; thence East 12 feet; thence South 466.76 feet; thence West 680 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 December 12, 2024, 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 in the County, located at 4400 South 391st Street West, legally described as:

A portion of the Northwest Quarter of Section 17, Township 28 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 17; thence East 660.29 feet for the point of beginning; thence North 680 feet; thence East 668 feet; thence South 213.24 feet; thence East 12 feet; thence South 466.76 feet; thence West 680 feet to the point of beginning.

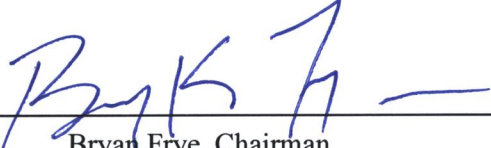
Approved subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (4400 South 391st Street West) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the Accessory Apartment, if necessary.
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 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 27th Day of December, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Bryan Frye, Chairman



Scott Wadle, Secretary

Sedgwick Co. public notice

(Published In The Ark Valley News Nov. 21, 2024.)

MAPC December 12, 2024 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 12, 2024, no earlier than 1:30 p.m.**, the Wichita Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **If you have any questions regarding the meeting or items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

CON2024-00249: Conditional Use request in the County to allow an Accessory Apartment on property zoned RR Rural Residential, generally located south of West 39th Street South and east of South 391st Street West (4400 South 391st Street West). (Cheney Area of Influence)

CON2024-00256: Conditional Use in the County for a Single-Use RV Campground on property zoned RR Rural Residential; located approximately 680 feet east of the intersection of East 60th Street South and South 143rd Street East (14600 East 60th Street South).

CON2024-00258: Conditional Use in the County to allow Oil and Gas Drilling on property zoned RR Rural Residential District, generally located on the southeast corner of West 71st Street South and South 135th Street West.

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 Wichita Sedgwick 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.

Options to participate:

1) **Attend In-Person** at the **Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. **Written Comments** should be submitted by 5:00 PM the day before the meeting. **Video and Audio Comments** (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.**

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on November 21, 2024

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center 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 consecutive weeks, the

first publication thereof being made as aforesaid on the 21st day of November, 2024.

with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

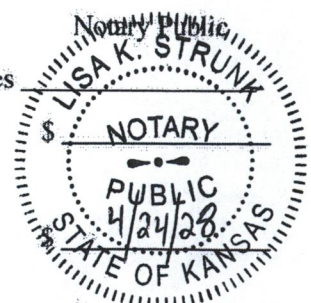
_____, 2024 _____, 2024

Subscribed and sworn to before me this 21st day of November, 2024.

My commission expires

Additional copies

Printer's fee





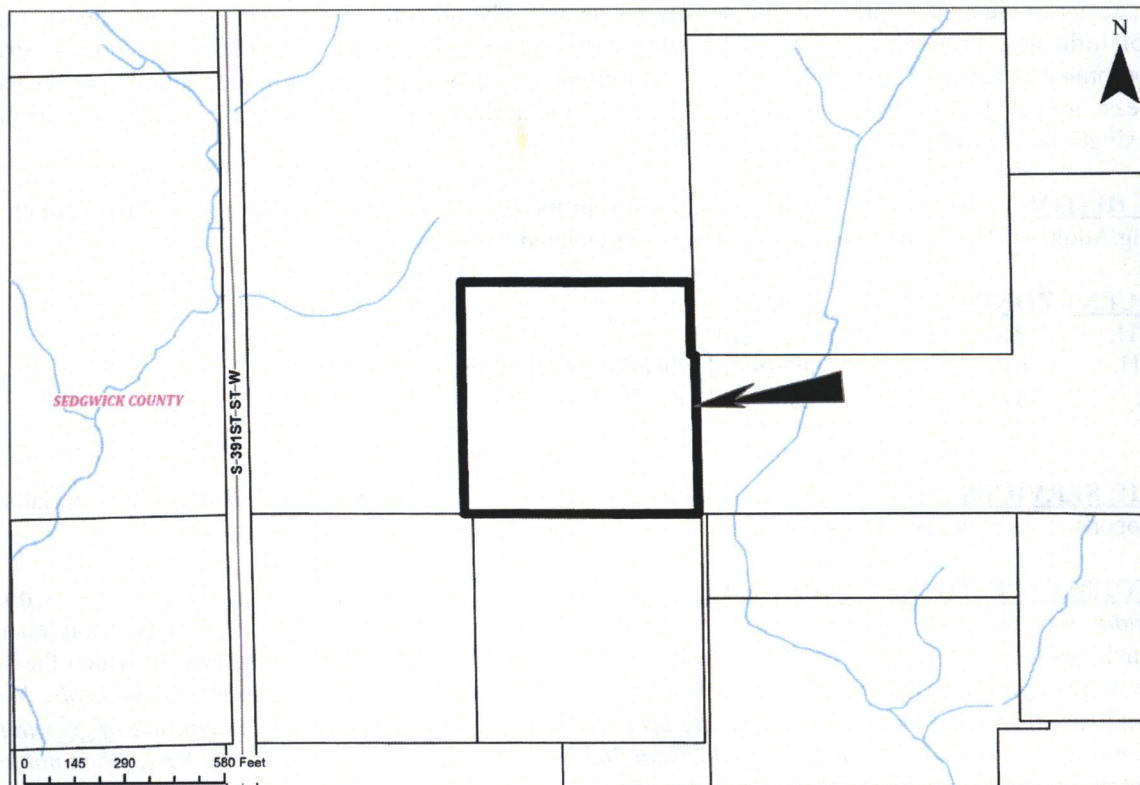
STAFF REPORT

MAPC: December 12, 2024

CAB 3: No meeting

Cheney Planning Commission: No meeting

<u>CASE NUMBER:</u>	CON2024-00249 (County)
<u>APPLICANT/OWNER:</u>	Jeffery and Kathy Grace (Applicants)
<u>REQUEST:</u>	Conditional Use to permit an Accessory Apartment
<u>CURRENT ZONING:</u>	RR Rural Residential District
<u>SITE SIZE:</u>	10.553 acres
<u>LOCATION:</u>	Generally located south of West 39 th Street South and east of South 391 st Street West (4400 South 391 st Street West).
<u>PROPOSED USE:</u>	Accessory Apartment.
<u>RECOMMENDATION:</u>	Approval with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential District. The 10.553-acre subject site is generally located south of West 39th Street South and east of South 391st Street West (4400 South 391st Street West).

The property is currently developed with a single-family dwelling. The applicants are currently constructing a new single-family dwelling and would like the existing building to serve as an accessory apartment at the time of completion of the one currently being constructed. The proposed Accessory Apartment is defined as such because it would have living facilities for sleeping, eating, sanitation and a kitchen, which requires water and sewer services. The proposed building measures 40 feet by 60 feet. It is located almost directly in the center of the 10.553-acre lot. Access to the Accessory Apartment would be from the driveway that currently serves the property. The principal structure and the Accessory Apartment would share a wastewater lagoon and wells.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “Accessory Apartment” (Sec. II-B.1.b) as a dwelling unit that may be wholly within or may be detached from a principal building. Accessory Apartments are also subject to Supplementary Use Regulation Sec.III-D.6.a:

1. a maximum of one Accessory Apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an Accessory Apartment;
2. the appearance of an Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood;
3. the Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium; and
4. the water and sewer service provided to the Accessory Apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The character of the area is rural and low-density residential. The property is within the City of Cheney’s Urban Area of Influence. Properties to the north, south, east and west are zoned RR Rural Residential District in unincorporated Sedgwick County. Property to the north and west is developed with agricultural uses. Properties to the east are developed with a single-family dwelling and agriculture uses. Property to the south is developed with a single-family dwelling and agriculture uses.

CASE HISTORY: The subject property is currently in the process of being platted as part of the South Fork Landing Addition. There are no other zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agriculture
SOUTH:	RR	Single-family dwelling/Agriculture
EAST:	RR	Single-family dwelling/Agriculture
WEST:	RR	Agriculture

PUBLIC SERVICES: This site has access to South 391st Street West, a gravel, two-lane county arterial street. The property uses onsite sewage and well water.

CONFORMANCE TO PLANS/POLICIES: The requested Conditional Use is in conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Small City Urban Growth Area”, which the *Plan* defines as: “Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure

limitations, cost effective delivery of future municipal services, and environmental factors.” With the subject site being in the Cheney Urban Growth Area, staff reviewed the Cheney Comprehensive Plan to identify the proposed future land use of the subject site. The attached Cheney Future Land Use Map does not identify a future zoning classification. Therefore, staff believes that the proposed Accessory Apartment conforms to the planned future use for the subject site. The City of Cheney Planning Commission declined to hear this case.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the Accessory Apartment be **APPROVED**, subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (4400 South 391st Street West) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the Accessory Apartment, if necessary.
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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

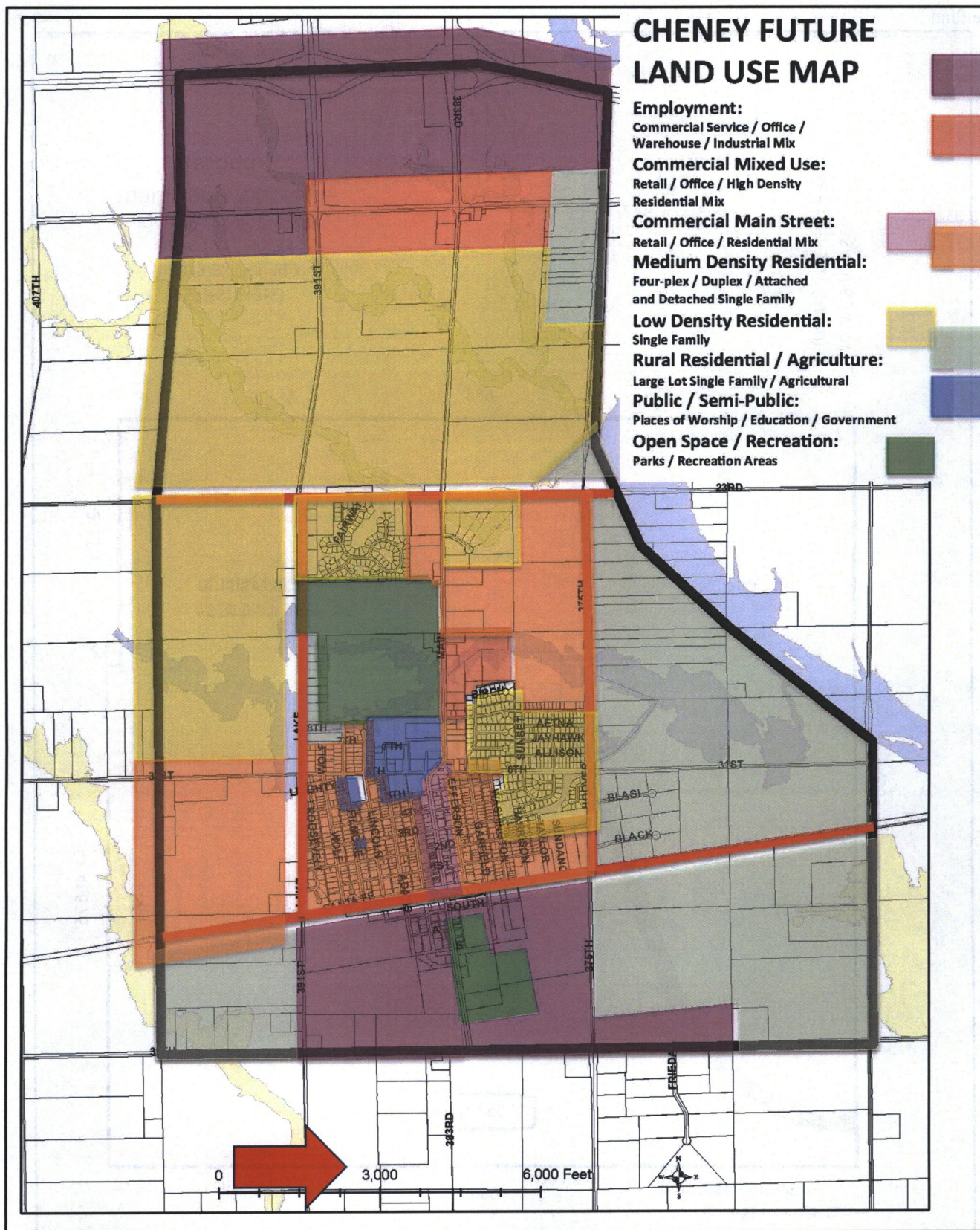
1. **The zoning, uses and character of the neighborhood:** The character of the area is rural and low-density residential. The property is within the City of Cheney’s Urban Area of Influence. Properties to the north, south, east and west are zoned RR Rural Residential District in unincorporated Sedgwick County. Property to the north and west is developed with agricultural uses. Properties to the east are developed with a single-family dwelling and agriculture uses. Property to the south is developed with a single-family dwelling and agriculture uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR Rural Residential District, which is suitable for a single-family residence and an Accessory Apartment with an approved Conditional Use. The size of the property can easily accommodate a separate Accessory Apartment and the additional required parking space.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate that approval of the request will generate significant amounts of additional traffic and there is ample space for parking on site. The conditions of approval should minimize any potential detrimental impacts.
4. **Length of time subject property has remained vacant as zoned:** The subject property has been developed with a single-family dwelling. The applicant is in the process of constructing a second single-family dwelling and would like to convert the existing building into an Accessory Apartment after construction is complete.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and**

policies: The request for an Accessory Apartment is in conformance with the *Community Investments Plan*, as discussed in this staff report.

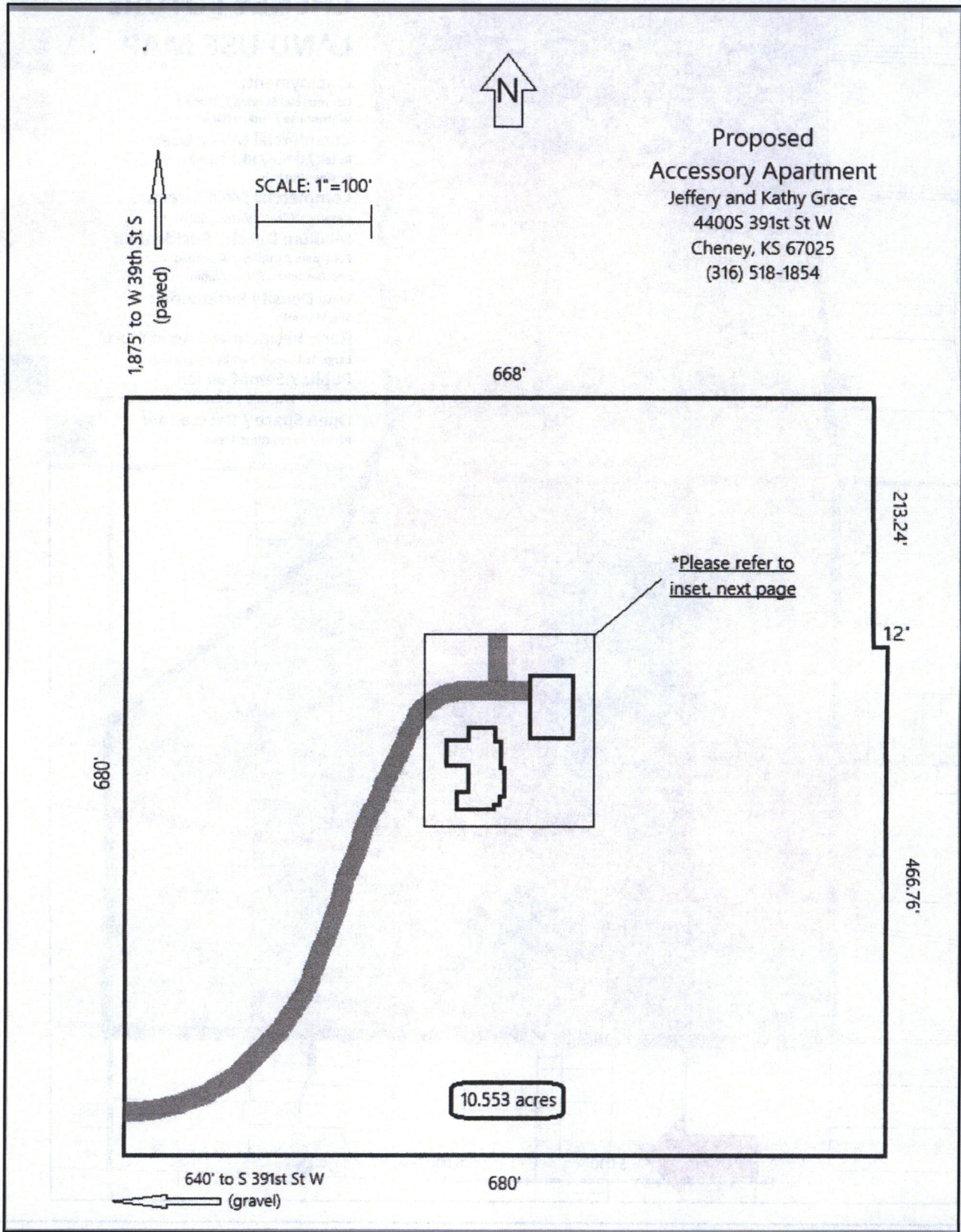
7. **Impact of the proposed development on community facilities:** Staff expects that there will be minimal impact on public roads and services.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff had not received any comments from the public regarding the requested Conditional Use. City of Cheney Planning Staff indicated the Cheney Planning Commission would not want to consider this item. The City of Cheney is not opposed to the application.

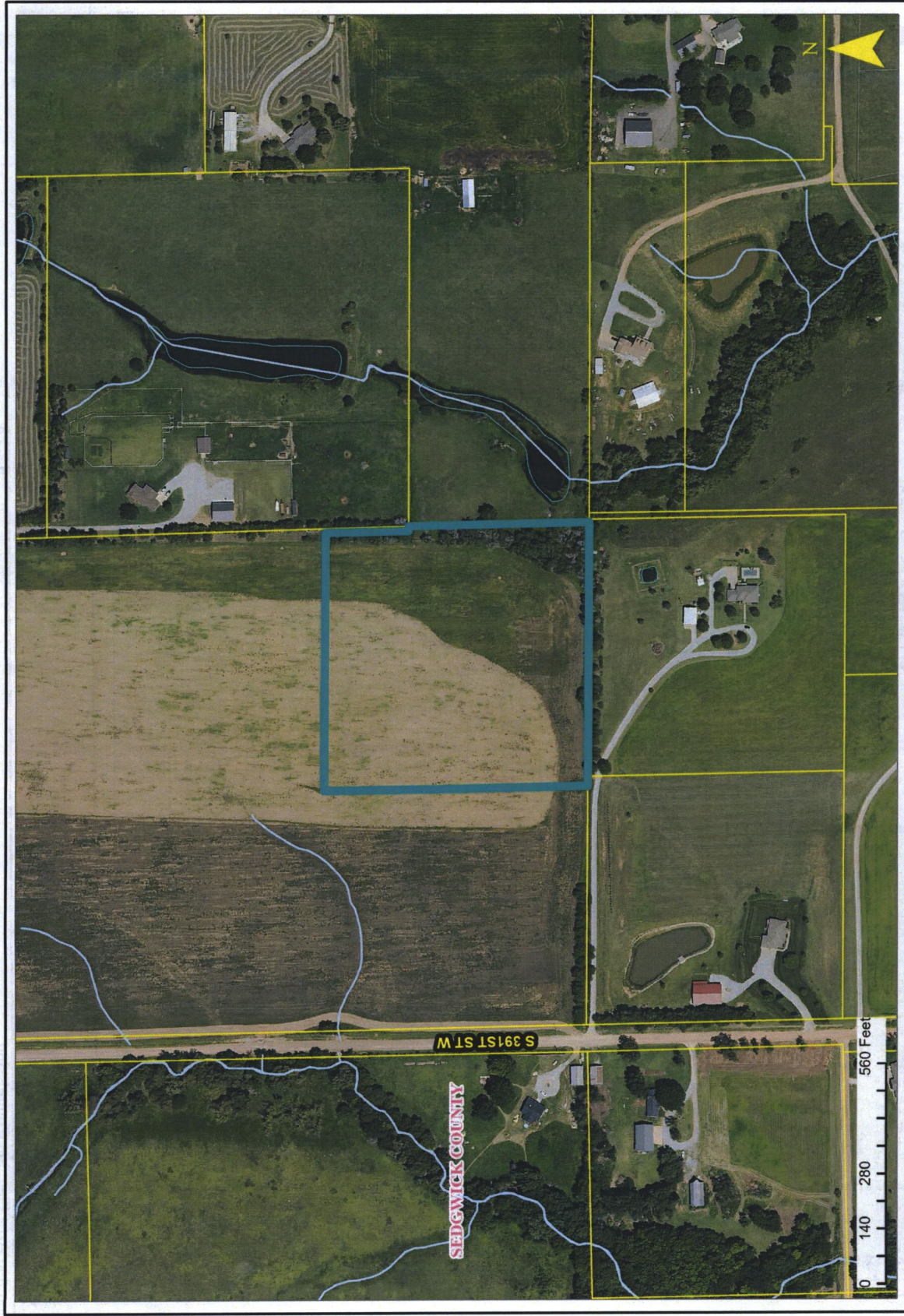
Attachments:

1. Cheney Future Land Use Map
2. Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos



Site Plan





2035 Urban Influence Growth Areas Map

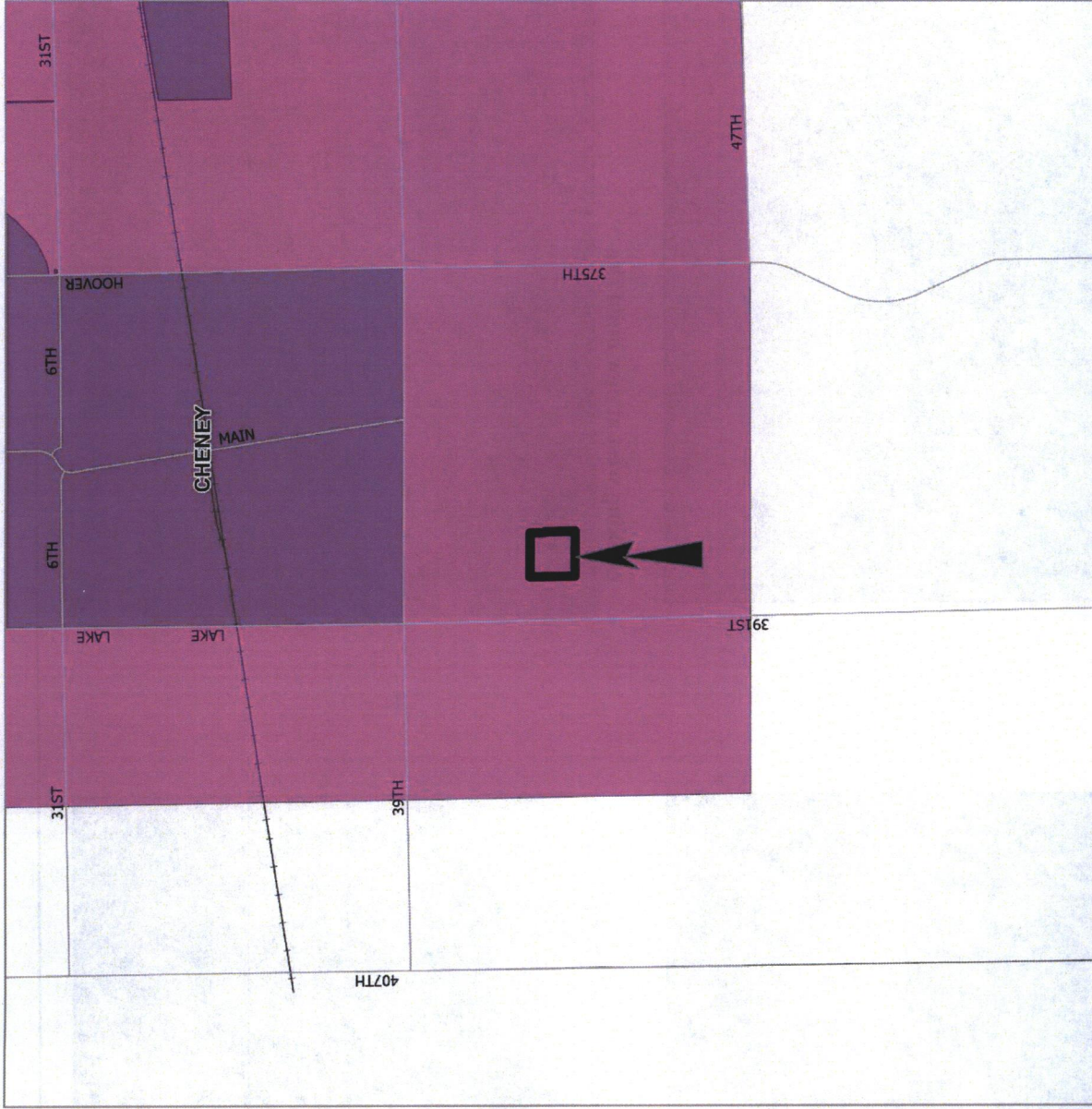
(This map is not reflective of the Zoning Areas of Influence in Sedgwick County)



Legend

-  Application Area
-  Wichita Growth Area
-  Small City Urban Growth Area
-  Small City Urban Growth Area
-  Small City Urban Growth Area
-  Rural Area
-  Small City Limits
-  K-96 Special Use Corridor

0 500 1,000 2,000 Feet
 +-----+



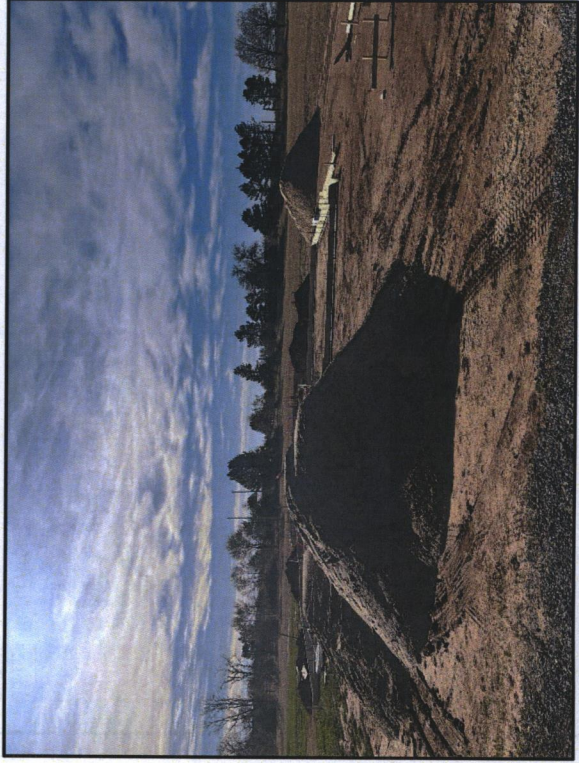
Looking north at existing dwelling



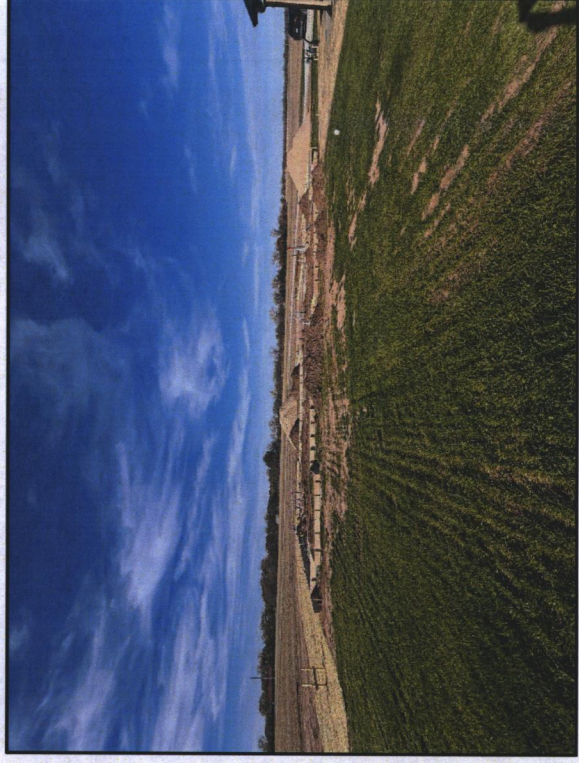
Looking east at existing dwelling



Looking south at new build site



Looking west at new build site



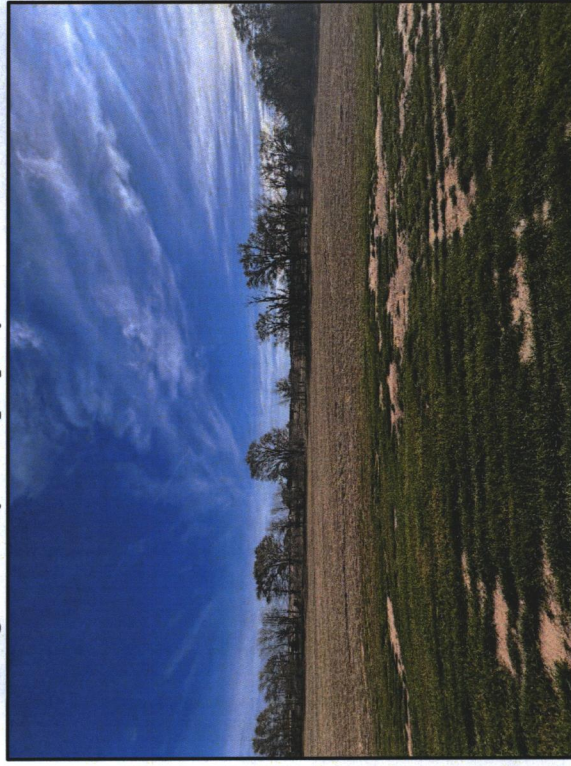
Looking north away from property



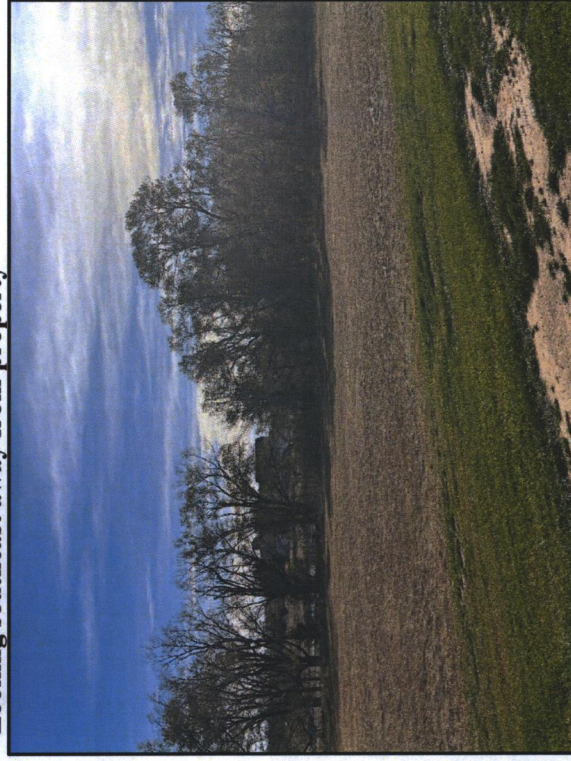
Looking northeast away from property



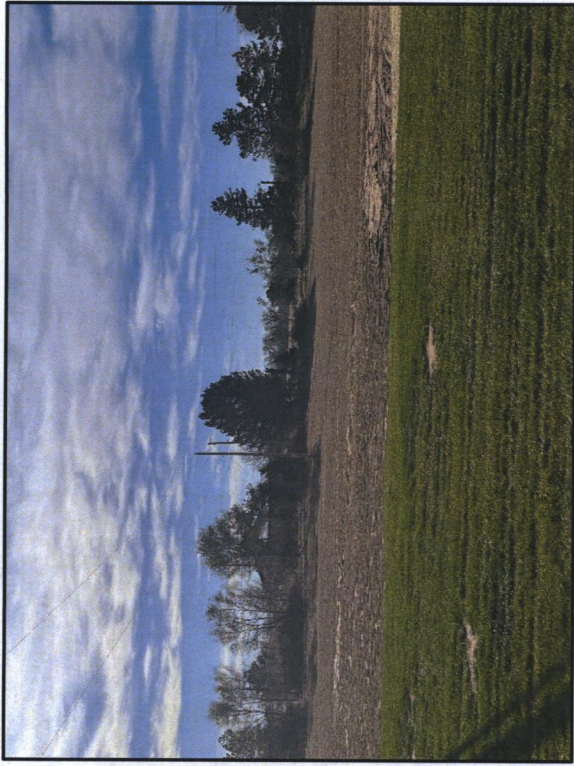
Looking east away from property



Looking southeast away from property



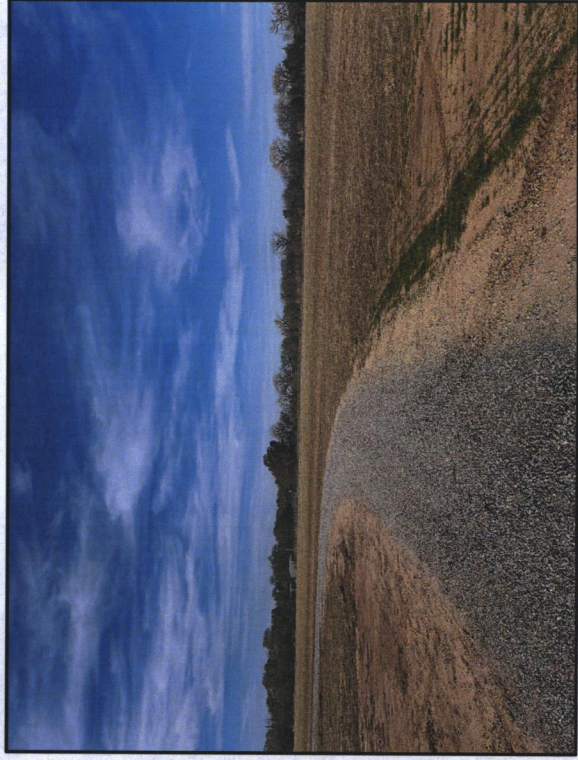
Looking south away from property



Looking southwest away from property



Looking west away from property





SCALE: 1"=20'



Map inset



propane tank



driveway

Current Home

*proposed
accessory
apartment
once new
home is
built*

1,050 sq ft
AGLA

60'

water
well



40'

New Home

*under
construction*

2,484 sq ft
AGLA

83'

52' 11"

LEGEND

drainage flow



buried utility



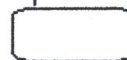
above ground utility



SITE PLAN

APPROVED 12/13/24 BY SBC
CON 2021-00249

septic tank
(buried)



power
pole