



**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 39<sup>th</sup> Street South and east of South 391<sup>st</sup> Street West (4400 South 391<sup>st</sup> 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 391<sup>st</sup> 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,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly  
Current Plans  
Senior Planner

CC: David Dennis, Commissioner District 3  
MABCD  
Daniel & Sharon Quaney 38739 W. 39<sup>th</sup> 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 39<sup>th</sup> Street South and east of South 391<sup>st</sup> Street West (4400 South 391<sup>st</sup> 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. 39<sup>th</sup> 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 391<sup>st</sup> 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 391<sup>st</sup> 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.

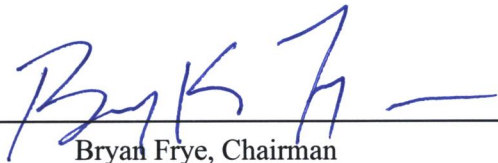
Approved subject to the following conditions:


1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (4400 South 391<sup>st</sup> 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 27<sup>th</sup> Day of December, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
Bryan Frye, Chairman

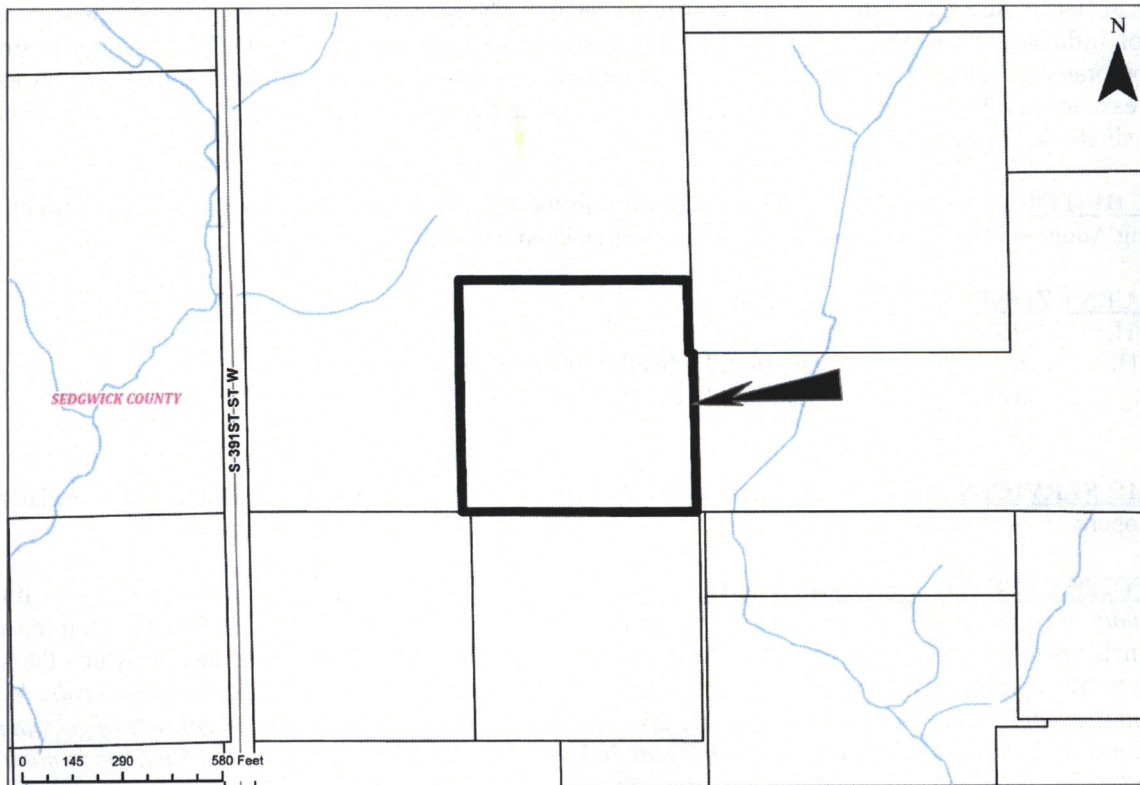
  
\_\_\_\_\_  
Scott Wadle, Secretary





**STAFF REPORT**  
MAPC: December 12, 2024  
CAB 3: No meeting  
Cheney Planning Commission: No meeting

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

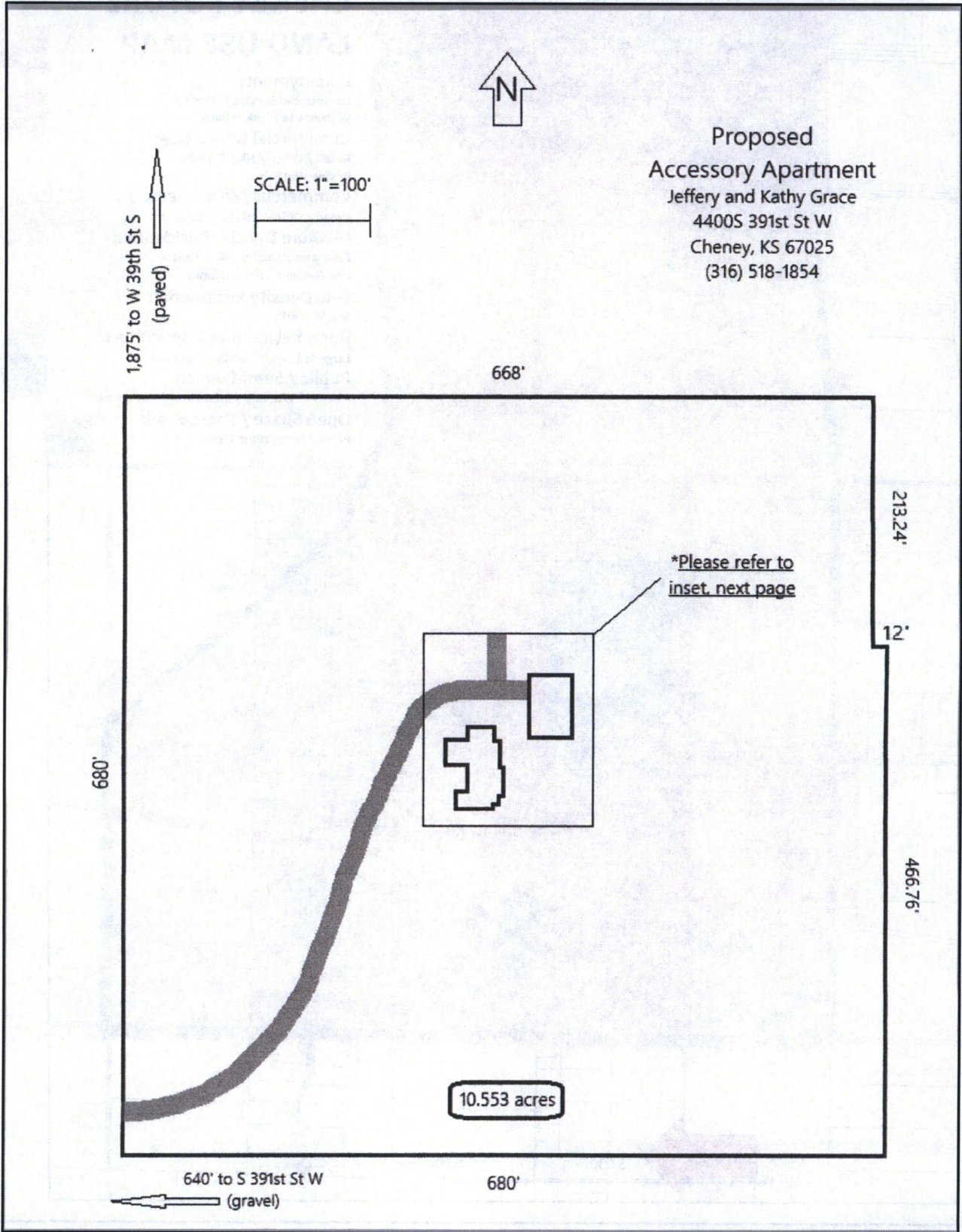
7. **Impact of the proposed development on community facilities:** Staff expects that there will be minimal impact on public roads and services.
  
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff had not received any comments from the public regarding 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

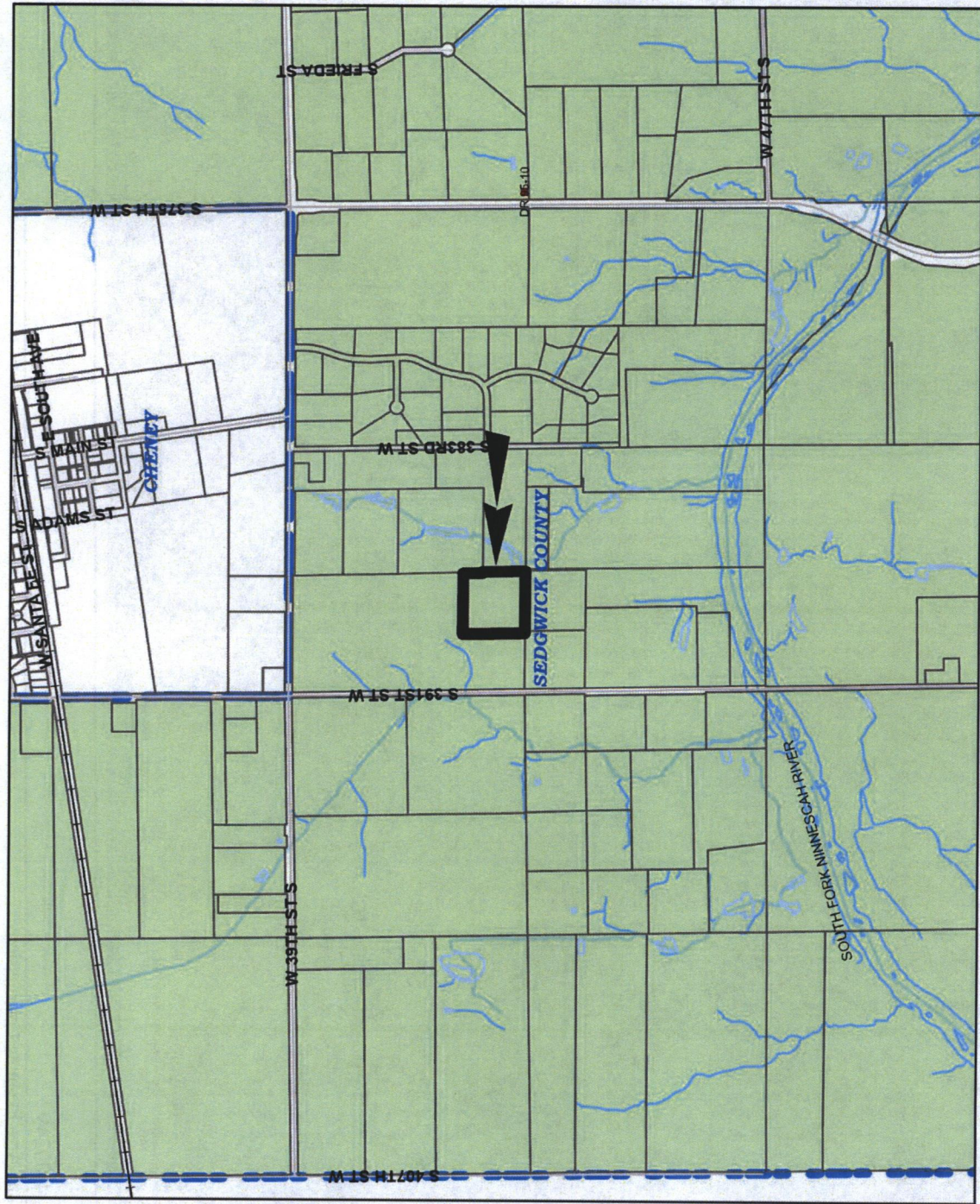






**ZONING**

- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN










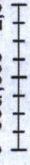
# 2035 Urban Influence Growth Areas Map

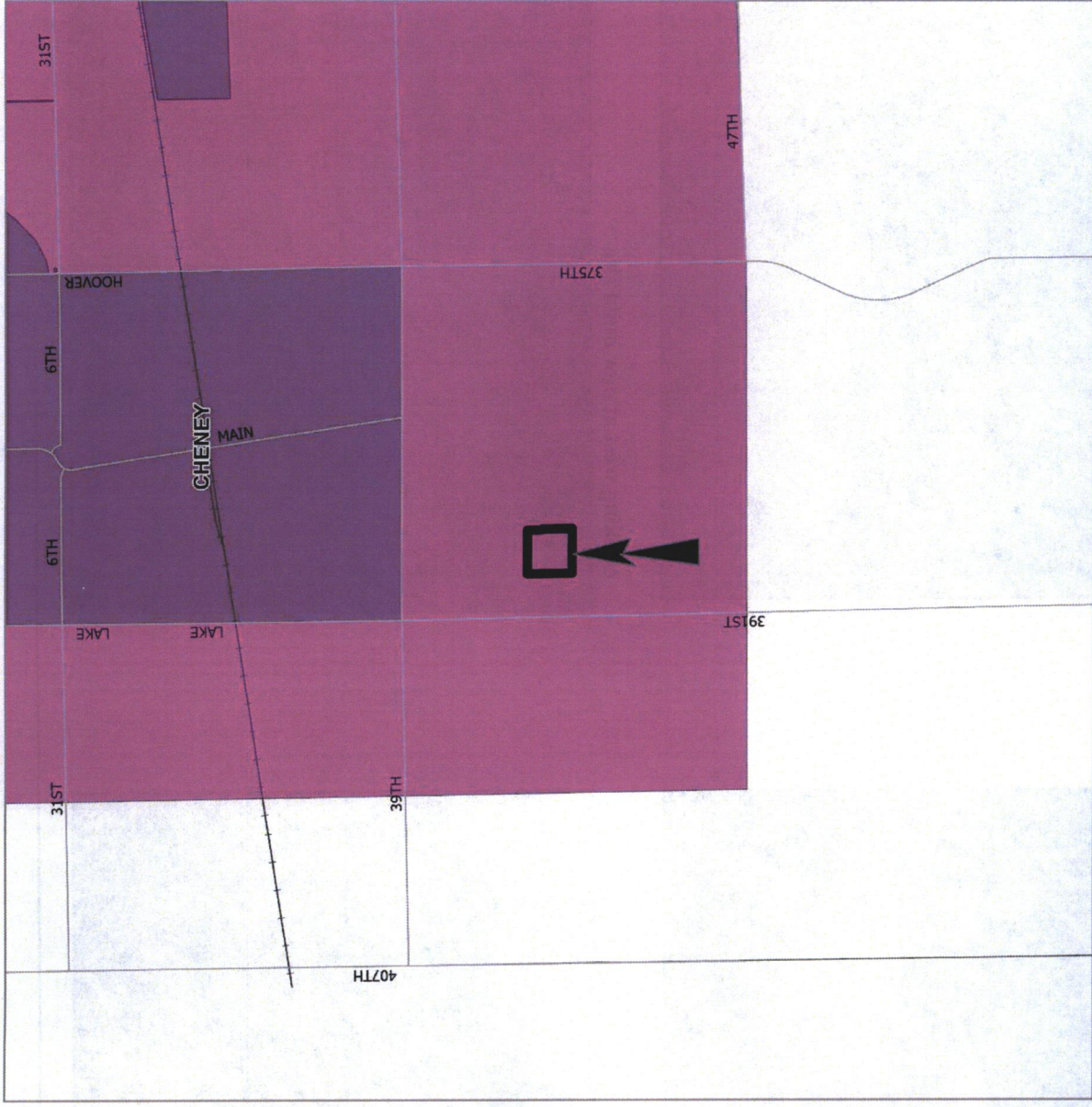
(This map is not reflective of the Zoning Areas of Influence in Sedgwick County)



## 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

0 500,000 2,000 Feet  




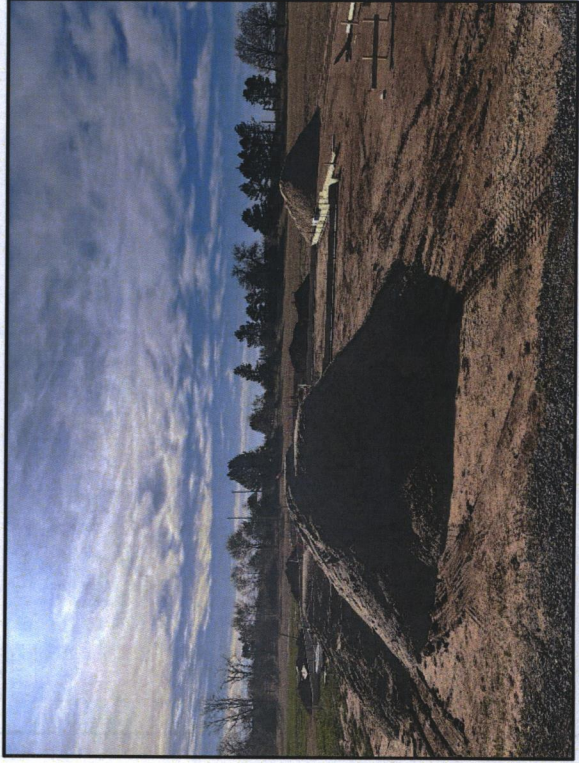
Looking north at existing dwelling



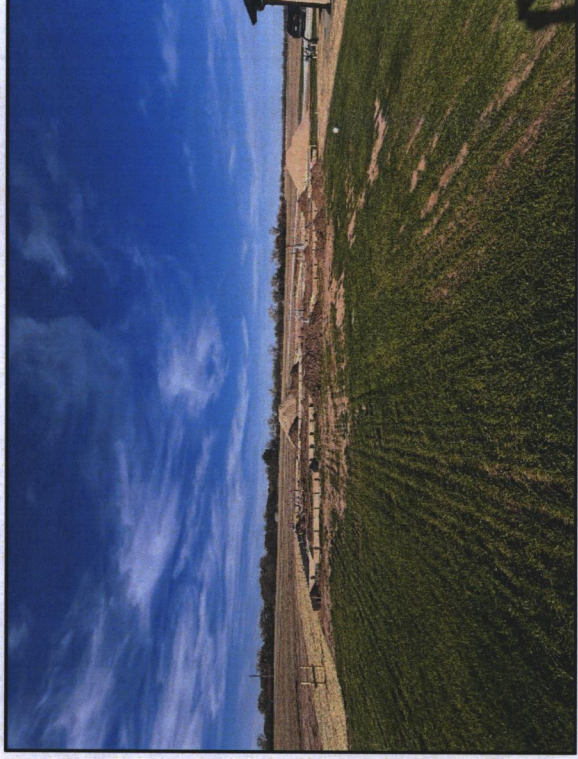
Looking east at existing dwelling



Looking south at new build site



Looking west at new build site



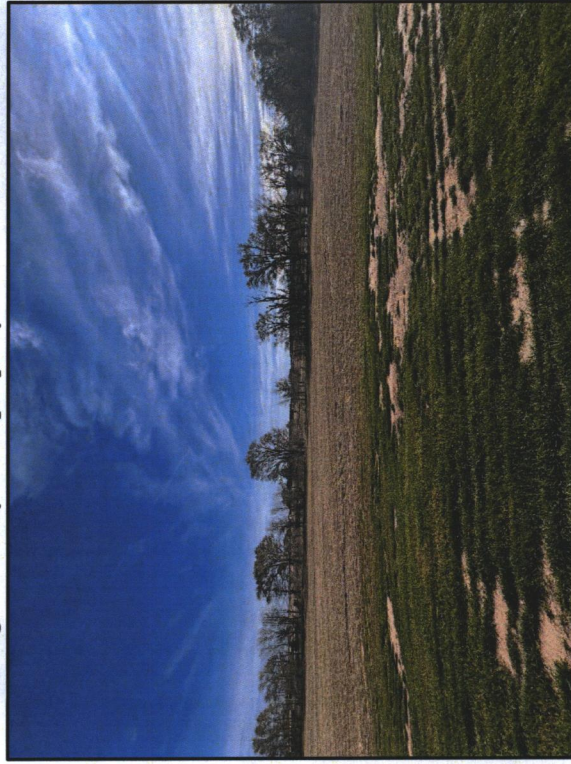
Looking north away from property



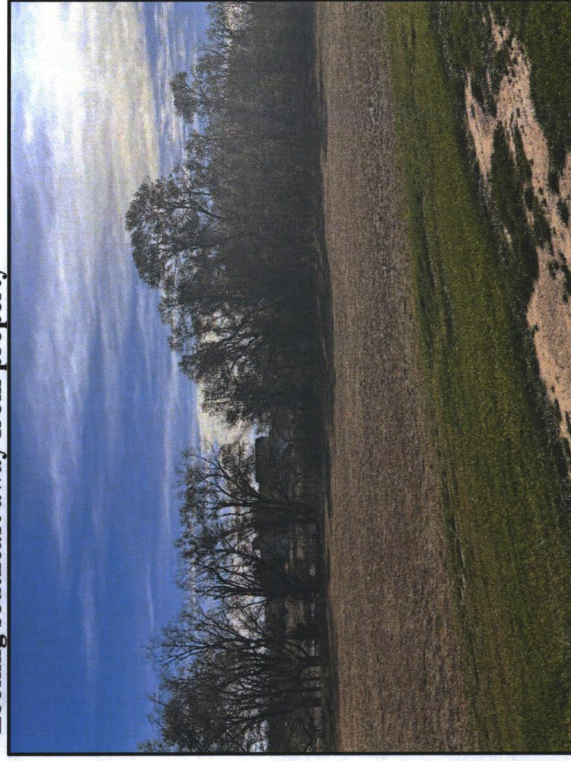
Looking northeast away from property



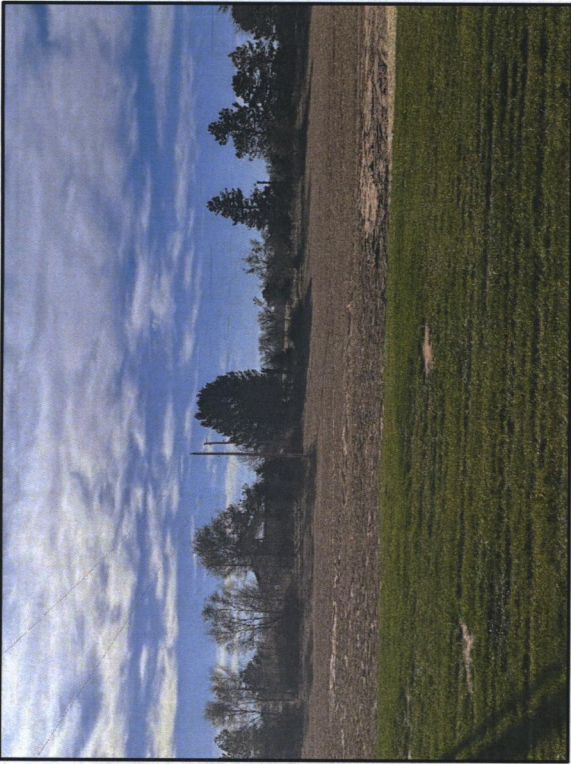
Looking east away from property



Looking southeast away from property



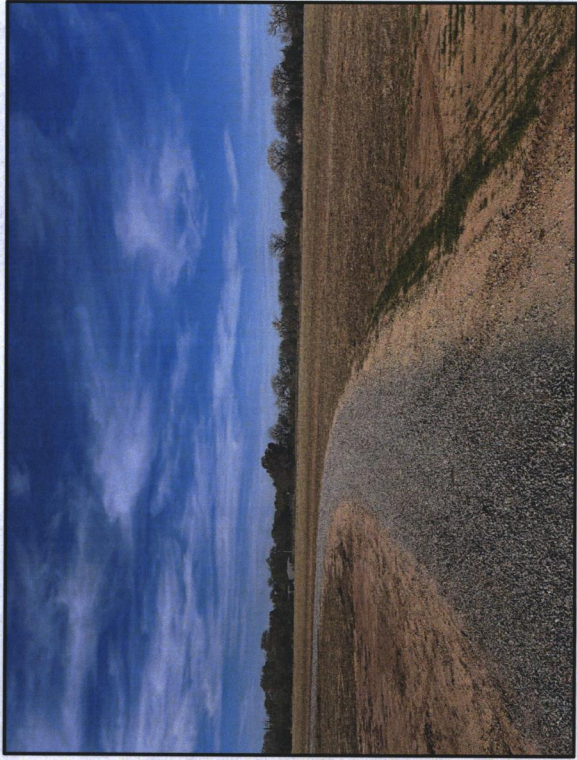
Looking south away from property



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'

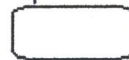
52' 11"

**SITE PLAN**

APPROVED 12/13/24 BY SBC power pole

CON 2021-00249

septic tank  
(buried)



LEGEND

drainage flow  
buried utility  
above ground utility

