

DR 67-52 Request from Cheney  
to become member of MAPC

# ACTION

**DATE**

**COMMITTEE**

*acknowledged  
receipt of Request 12-28-69*

**M.A.P.C.**

**B.C.C./B. CO. C.**

*Closed*

*12-28-69*

OK 67-52

January 5, 1968

Mr. Richard H. Rumsey, City Attorney  
City of Cheney  
Suite 800-14 Beacon Building  
Wichita, Kansas 67202

Dear Mr. Rumsey:

At the Planning Commission meeting of December 28, the Commission acknowledged the request of the City of Cheney and its Planning Commission to become a member of the Metropolitan Area Planning Commission. Under separate cover we are sending the Chairman of the Planning Commission (with copies to you and the Mayor and the City Clerk) appropriate ordinances for your consideration and adoption which, under the new procedure, would accomplish this act.

You inquired as to receiving copies of any rules and regulations pertaining to the MAPC and its zoning and subdivision regulations for the three mile ring around the City. I will send over to your office several copies of the existing Subdivision Rules and Regulations of the MAPC (which apply only to the City of Wichita and its three mile ring), copies of the proposed subdivision rules which would be effective countywide in the unincorporated areas, and copies of the current County Zoning Resolution, which would be the document which would be used in the three mile ring around Cheney. The MAPC does not have any formalized by-laws but operates primarily from custom and normal parliamentary procedure. The Commission does establish a series of closing and hearing dates for its year's operation in which zoning and subdivision cases must be filed in order to be heard on a specific date. Also, as a general rule, the Commission agenda closes the Friday preceding their next Thursday's meeting, in order for the agenda to be typed and mailed out to the members and other interested parties sufficiently in advance of the meeting. There are also two or three adopted policy statements of general application which we are enclosing. These are occasionally

Page 2 - Richard H. Rumsey  
January 5, 1968

added to from time to time and it is the intention of the MAPC to formally adopt a set of by-laws as soon as time permits.

We are certainly available to attend any meeting that the Council or the Planning Commission may want to hold to comment on what the benefits of membership in MAPC are. It is difficult to write all of these down as the letter would be somewhat lengthy and many of the points do need some explanation. If the Commission or the Council would like to have us out again, please give me a call and we will arrange a meeting date on which I will come out and bring any staff member who might be of some assistance in explaining our operating procedures. Specifically, we might want to bring Jack Galbraith along who handles the zoning and subdivision items. He can answer questions as to the content of the County Zoning Resolution and explain the procedures followed by our staff in advertising, sending notices, referrals to member city planning commissions, etc.

The Planning Commission, and particularly the Council, may wish to discuss the question of zoning jurisdiction which we have reviewed in the past as it may pertain to Kingman County and Grand River Township. We understand there has been a meeting with Grand River Township officials and one or more of the County Commissioners involving their concern in this matter. Certainly, we feel that those thoughts expressed in a letter written to you earlier on this subject would probably still hold; however, the County Counselor has not officially ruled in any of these matters. It would seem to us that the question of zoning jurisdiction, as it may relate to the three mile ring around Cheney and Grand River Township, is a matter which will have to be resolved based on local desires and, of course, is a decision which will ultimately have to be reached by the decision makers, the County Commissioners.

Again, we are available to meet at your convenience. Let us have three or four days notice in advance so we can make sure staff personnel is available.

Very sincerely yours,

C. Bickley Foster  
Director of Planning

CBF:RAL:ber  
Attachment

cc: Honorable Ted Duane Dewey, Mayor, City of Cheney  
Leon Haden, Chairman, Cheney City Planning Commission

*Joyce*

August 26, 1968

C. Bickley Foster, Director of Planning

Robert A. Lakin, Assistant Planning Director

Grand River Township Zoning

As a result of our meeting Wednesday, August 21, with the Cheney Planning Commission and the Grand River Township Zoning Board, I am of the opinion that the office ought to take a position to encourage Cheney to go ahead with the zoning irrespective of what Grand River Township may do. In our meeting with Grand River Township, I believe that we can offer them two basic courses of action along with their suggestion that their zoning regulations conform as nearly as possible to those in use throughout the bulk of Sedgwick County. We should re-draft one of our zoning resolutions and orient it toward the township enabling act law, providing for Grand River Township administration and providing for an automatic required referral to the Cheney Planning Commission and Cheney City Council on all cases within a specified area and set forth the specific sections or boundaries of that area. Such referral procedure should provide for either (1) a reply from Cheney within X number of days prior to the Grand River Township Board hearing, or (2) a joint hearing with the Cheney Planning Commission and Grand River Township Zoning Board setting together, with the Cheney Planning Commission providing advise and counsel and the Township Board conducting the public hearing. I don't know of any state law authorizing this procedure; on the other hand, I know of no law that it violates by holding such an informal meeting in association with their formal and legal public hearing.

The other alternate that we may offer Grand River Township is to have them ask to become a part of MAPC and receive the same treatment that we provide other cities - that of automatic referral to their area and a tacit understanding that they will have the prime recommendation for zoning cases. We should not over-sell this, however, because with an area as important as this in relation to the Cheney Reservoir and U. S. 54, if the Township Board takes an action not satisfactory to MAPC, we would still be in a position to override their recommendations and I don't want to hear any cries of "foul" if this should occur. Frankly, I do not see why the Grand River Town-

Page 2 - C. Bickley Foster  
August 26, 1968

ship Board would accept the latter course of action when they can do the same thing under the first proposal in this memo.

Also, before we offer them membership in MAPC, we should check our Joint Ordinance-Resolution and Agreement to determine that townships, as well as cities and counties, may unilaterally join us. We might have to broaden our language to do this and I am not sure that if it gets down to that that we really want to do that.

I would further suggest that we do not do anything with Kingman because we have a dual situation there with a township without zoning and one with. It will be difficult enough to deal with another governing body in setting up the coordination referral procedures or joint membership, and I don't believe we should overly confuse what is already a confusing issue in the Sedgwick County side.

Please advise what action you would like to have taken before we meet again with them. Do you want a revised handwritten draft of Grand River Township zoning regulations or do we want to hold back and do a simple step-by-step analysis before we take them a brand new set?

RAL:ber

cc: Steve Thompson  
Planner II

December 20, 1967

Mr. Richard H. Rumsey, City Attorney  
City of Cheney  
Suite 800-14 Beacon Building  
Wichita, Kansas 67202

Dear Mr. Rumsey:

This is to acknowledge receipt of your letter dated December 15, 1967, requesting the Wichita-Sedgwick County Metropolitan Area Planning Commission to formally consider membership in MAPC for the City of Cheney. This matter will appear on the MAPC agenda at their regular meeting of December 28, 1967, beginning at 1:45 p.m. in the Planning Commission Conference Room. At that time, I would suggest to the MAPC that they acknowledge receipt of the request for their minutes in order to establish the necessary 15 days notice as provided in the new Joint Ordinance-Resolution and Agreement procedure just recently adopted by the Sedgwick County Commissioners and the Wichita City Commissioners. Assuming that this is acceptable to the Planning Commission, I will then forward to you a suggested draft of an ordinance for local consideration by your City Council, perhaps at their January meeting.

By our telephone conversation of December 19, I understand that this request does include the desire to have our Planning Department provide community planning services to the Cheney City Planning Commission in the preparation of plans for future development and possibly zoning in the 3-mile area. This letter will confirm our understanding that a priority for the services of our County Planner has now been established and we will look forward to meeting with your local Planning Commissioners, if convenient for them, in January of 1968. As presently established, there is no charge for these services, except in the event it might be desired locally to publish maps or reports in considerable quantity for which some direct cost might be appropriate. Our intention has been to allocate a certain number of days per month so that concurrent work might be done in several cities at one time. We are presently at work in the Cities of Goddard and Andale.

Page 2 - Richard H. Rumsey  
December 20, 1967

We appreciate your desire to be a member city of MAPC and will look forward to a satisfying relationship with your City Council and Planning Commission. May I take this opportunity to send you holiday greetings and to look forward to a promising new year.

Very sincerely yours,

C. Bickley Foster  
Secretary

CBF:ber

cc: Theodore H. Hill  
Chairman, MAPC

Honorable Ted Duane Dewey  
Mayor, City of Cheney

Leon Haden, Chairman  
Cheney Planning Commission

LAW OFFICES OF  
**RICHARD H. RUMSEY**  
SUITE 800-14 BEACON BUILDING  
WICHITA, KANSAS 67202

OFFICES IN  
CHENEY, KANSAS

TELEPHONE  
AN 2-4481  
AREA CODE 316

December 15, 1967

Mr. Bickley Foster, Director  
Metropolitan Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Re: City of Cheney, Kansas

Dear Mr. Foster:

Both the Planning Commission and the City Council of the City of Cheney, Kansas, have voted to have the City of Cheney become a member of the Metropolitan Area Planning Commission.

Since there was at least some dissention in the Planning Commission on this move, we shall appreciate your again taking whatever action might be necessary to advise both the Council and the Commission of the many benefits of membership. We shall also appreciate your forwarding copies of any rules and regulations pertaining to the Metropolitan Area Planning Commission and zoning and subdivision regulations for the three-mile "ring" around the City and any other information which you might consider helpful. Also, please advise of your estimate as to when membership may be perfected.

We appreciate your courtesies and cooperation. Thank you.

Very truly yours,

LAW OFFICES OF  
RICHARD H. RUMSEY

By: 

RHR/gc

cc: Hon. Ted Duane Dewey, Mayor  
Mr. Leon Haden, Chairman  
Planning Commission

PERSONAL AND CONFIDENTIAL