

6157
 Map No. B-11-D
 Sec. 33
 Twp. 26S
 Range 2E

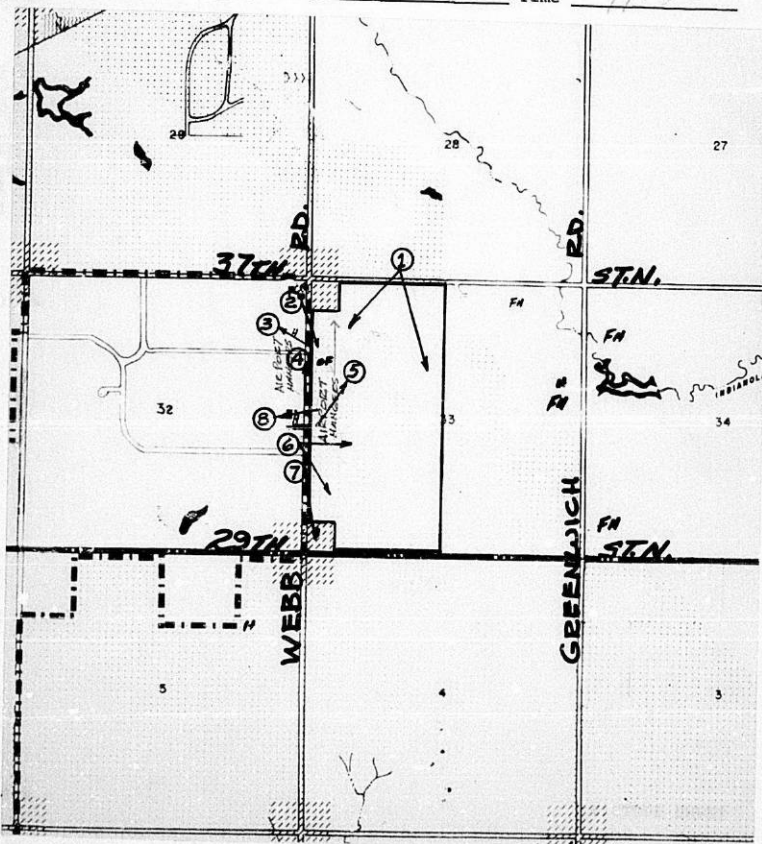
DATA SHEET
 (ZONING & CONDITIONAL USE)

6-26-75
 Z- _____
 SCZ- _____
 CU- 178
 Filed 5-21-75

- APPLICATION DATA: Permit for expansion of existing airport facilities.
- Applicant: Wichita Land Company
 Address: 2500 Claiborn Circle Phone 686-7451
 - Agent: Vandoren-Hazard-Stallings
 Address: 260 N. Rock Rd., Suite 250 Phone 686-7303
 - General Location: East side of Webb Rd. between 29th & 37th St. No.
 - Proposed Use: expansion of airport facilities Address _____

- AREA DATA:
- Acres: 303.48 (IRREGULAR) (2640 ft. by 5280 ft.)
 - Adjoining Zoning: E _____ S _____ W _____ N _____
 - Land Use: East AGRICULTURE South UNDEVELOPED
 West SINGLE FARM AIRPLANE Hangar North UNDEVELOPED
 - Sketch Plan Land Use is for: _____
 - Present Land Use is for: AIRPORT
 - Area ~~(is not)~~ (is) plotted.

PHOTO DATA:
 Taken by TD Date 6-16-75 Time 11:30





1.



3.



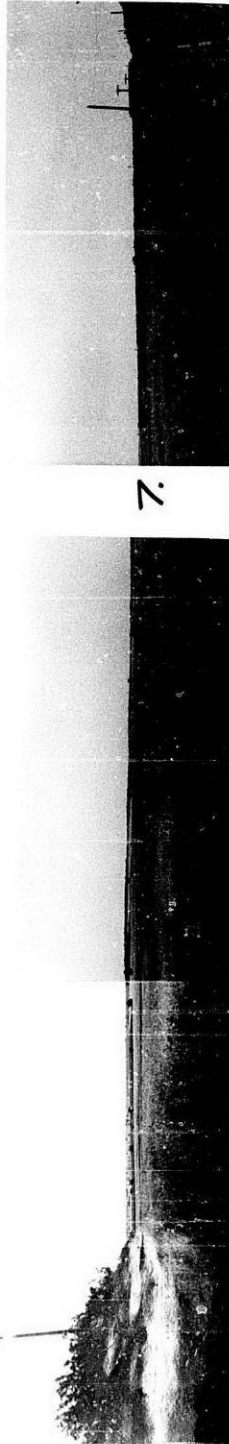
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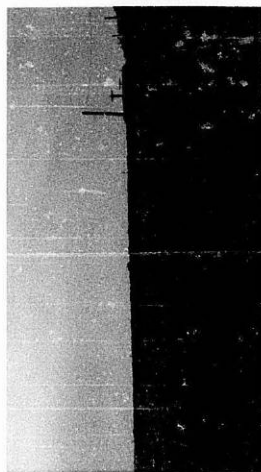
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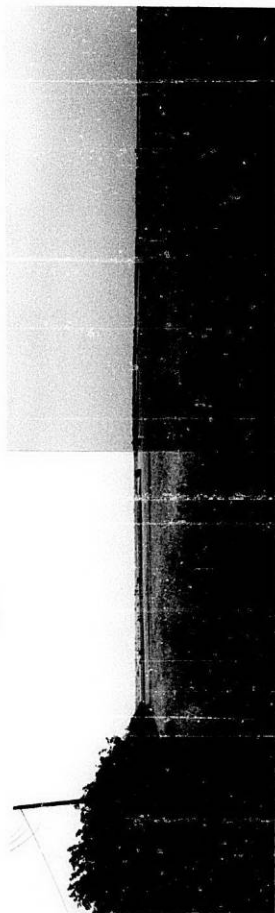
5.



4.



7.



6.



8.

Map
Sec.
Twp.
Range

APPL

- 1. A
- 2. A
- 3. G
- 4. P

AREA

- 1. A
- 2. A
- 3. L
- 4. S
- 5. P
- 6. A

PHOTO
Taken

() Published in The Wichita Beacon on Sept. 15, 1975

R E S O L U T I O N

CASE NO. CU-178

A RESOLUTION PERMITTING THE COMOTARA AIRPARK
EXPANSION IN THE "R-1" SUBURBAN RESIDENTIAL
DISTRICT,

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.F) AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 4.A.10.f) and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow the Comotara Airpark expansion in the "R-1" Suburban Residential District,

is hereby approved on the lands legally described as follows:

The west half of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the west 600 feet of the north 600 feet and except the west 600 feet of the south 600 feet. Generally located on the east side of Webb Road between 29th and 37th Streets north,

subject to the following:

- A. The applicant shall dedicate by separate instrument the 50 and 75 feet of half-street right-of-way for all section line roads for their entire ownership in this half section of land.
- B. No new buildings shall be erected closer than 35 feet from any street right-of-way line.
- C. Uses permitted shall be only those associated with the normal operation of the airport itself, unless permitted by zoning resolution.
- D. Approval is subject to receiving satisfactory letters from Beech Aircraft Corporation and McConnell Air Force Base, and subject to approval by the Federal Aviation Agency and compliance with any conditions attached thereto.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 3rd day of September, 1975.

Earl E. Rush
Earl Rush, Chairman

John Hale
John Hale

Tom Scott
Tom Scott

ATTEST

George Pierce
George Pierce, County Clerk

(SEAL)

Approved as to form by:

Jack Turner
Jack Turner
County Counselor



4. Proposed Use: expansion of airport facilities

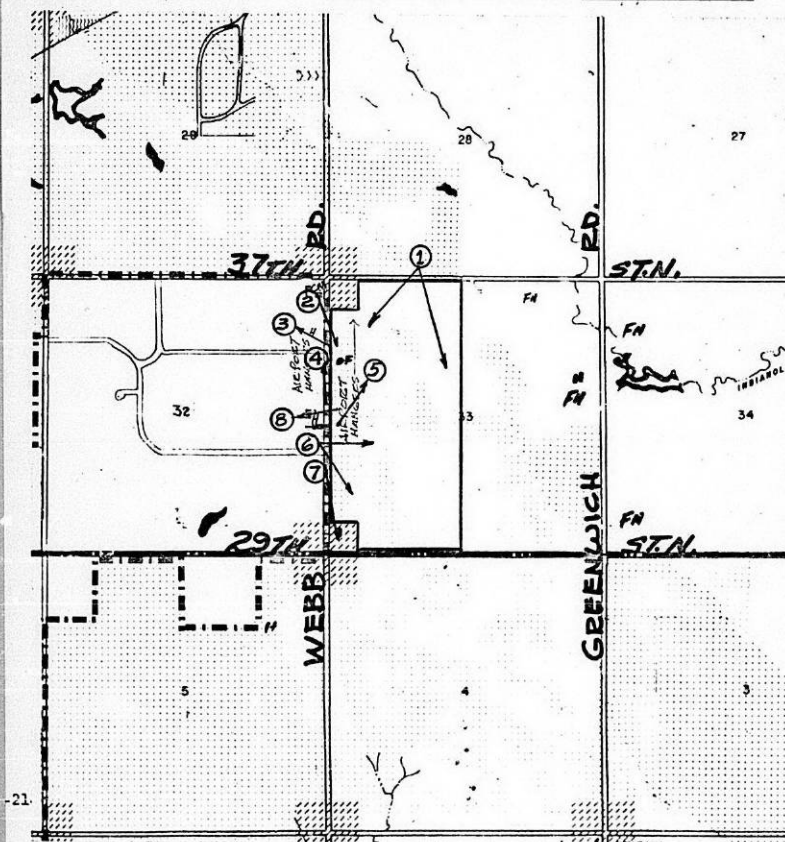
AREA DATA:

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3. Land Use: East AGRICULTURE South UNDEVELOPED
West SINGLE FAM AIRPORT North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: AIRPORT
6. Area ~~(is)~~ (is not) platted.

CUI 78

PHOTO DATA:

Taken by TBS Date 6-16-75 Time 11:30



CV178

D E D I C A T I O N

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

the undersigned, Wichita Land Company

being the owner of the following described real estate in Sedgwick County, Kansas to wit:

Part of the west one-half of Section 33, T 26 S, R 2 E of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of 37th Street North, said point being 25.00 feet south and 370.00 feet east of the northwest corner of said Section 33; thence easterly, along said south line, to the east line of said west one-half of Section 33; thence southerly, along said east line, 25.00 feet; thence westerly, parallel with the north line of said Section 33, to a point 840 feet east and 50.00 feet south of the northwest corner of said Section 33; thence northwesterly, 470.66 feet to the point of beginning.

Also beginning at a point on the east line of Webb Road, said point being 750.00 feet south and 30.00 feet east of the northwest corner of said Section 33; thence southerly, along said east line to the north line of 29th Street North; thence easterly, along said north line to the east line of the west one-half of said Section 33; thence northerly, along said east line 20.00 feet; thence westerly, parallel with the south line of said Section 33 to a point 415.00 feet east and 50.00 north of the southwest corner of said Section 33; thence northwesterly to a point 315.00 feet east and 75.00 feet north of said southwest corner of Section 33; thence westerly; parallel with the south line of said Section 33 to a point 65.00 feet east of the west line of said Section 33; thence northerly, parallel with the west line of said Section 33, 250.00 feet; thence northwesterly to a point 425.00 feet north and 40.00 feet east of the southwest corner of said Section 33; thence northerly, parallel with the west line of said Section 33, to a point 750.00 feet south and 40.00 feet east of the northwest corner of said Section 33; thence westerly 10.00 feet to the point of beginning.

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 16th day of July, 1975.

Howard R West

Wichita Land Co. by Howard R West
Vice-Pres. & General Manager

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 16th day of July, 1975, before me a Notary Public in and for the said County and State came

Howard R. West, Vice President of
Wichita Land Co.

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Elaine B. Jischkhauser
Notary Public

My Commission expires Sept. 5, 1976.

CV178

August 11, 1975

Mr. Howard West
Wichita Land Company
2500 Claiborn
Wichita, Kansas 67226

Re: Manufacturing as an Accessory
Use to Aircraft Landing Fields

Dear Mr. West:

I have reviewed the zoning law available to me and other planning materials relative to whether or not manufacturing of aircraft would be considered an accessory use to an aircraft landing field. As a general rule of law, it appears that accessory uses must be those which are "clearly incidental and customarily found in connection with and located on the same zoning lot as is the principal use to which it is related." There are several parts of that definition which I think preclude me from concluding that manufacturing is a basic accessory use to an airport. First of all, accessory uses are, as indicated, most often tied to a particular primary use, which is on the same lot or zoning lot. Zoning lots are normally those which are identified with ownerships and land use. A separate lot for sale or long term lease would preclude a manufacturing use from meeting this particular test. One must look to the customary location for aircraft manufacture, and in this regard, I find somewhat conflicting practices. Obviously Cessna operates off of a major airport, which is the primary use. On the other hand, Beechcraft and Cessna Pawnee East, have an aircraft landing field accessory to the basic and main activity of manufacturing. Even Boeing is not on the same site, but only adjacent to an airport. I certainly don't have a good catalog of these activities around the United States, but it seems to me that many of these operations fall in the same general categories that they are obviously preferable near and next to, and when possible, on, aircraft landing field areas.

Another facet of the definition is that such is "customary" suggests that all or most aircraft landing fields, would have manufacturing facilities of aircraft located thereon. It would seem to me that such is a relatively small proportion and is not a customarily found use, such as fixed base operations and many of the other activities which we have previously discussed. There is also the

Page 2 - Mr. Howard West
August 11, 1975

question of level of activity. If one utilized the above definition of accessory as being "incidental," then the level of activity of that manufacturing must be such as to be less than the activity of some other measurable device of the airport itself. Once the manufacturing activity, such as Beechcraft, becomes the prime activity and the aircraft landing field secondary, then the use is no longer an accessory one (assuming it is on the same lot), but becomes the main use and then must comply with the provisions of the zoning ordinance for main uses.

The City and the County zoning regulations do not speak specifically to this issue, merely specifying what type of structure is an accessory structure and not speaking at all as to "an accessory use." In the County zoning resolution, however, airport or aircraft landing field is defined as "any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces." I do not find that manufacturing would be a "necessary building." Based on this logic, it is my judgment, subject to the concurrence of those administering the respective regulations (County Zoning Administrator and Central Inspection Superintendent), that manufacturing such as we discussed with the Beede aircraft and similar activities, would not be an accessory use. Therefore, it is my recommendation that such areas as are to be devoted for such activities, be considered for industrial zoning. I am sure that if located properly in relation to the airport and in relation to adjacent land uses, that our office can and will support your application for this type of zoning.

If there is any additional information we can provide at this time, please advise.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

cc: Robert Feldner, Supt of Central Inspection
Don Yelton, Assistant County Engineer

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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