

CU-251 - Builders, Inc. request
Conditional Use Permit for Auto-
mobile Race Track & Other Outdoor
Recreational Facilities. Generally
located approximately 1/4 mile
south of 31st St. South & 1/2 mile

ACTION

DATE

COMMITTEE _____

M.A.P.C.

Denied

1-14-82

~~B.C.C./B. CO. C.~~

*Withdrawn by
the applicant*

2-10-82

*POSTED
12-23-81*

CU-251 - Builders, Inc. request
Conditional Use Permit for Auto-
Mobile, Race, Track & other Outdoor
Recreational Facilities, generally
located approximately 1/4 mile
south of 31st St. South & 1/2 mile

Map No. 6043A&D
Sec. _____
Twp. _____
Range _____

DATA SHEET
(~~ZONING~~ & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 251
Filed 12-15-81

ASSOCIATED CASE: SCZ-0497

APPLICATION DATA: From _____ to _____

1. Applicant: Builders, Inc.
Address 300 W. Douglas, Suite 755, 67202 Phone 261-5343
2. Agent: Alexander L. Dean
Address Same Phone 261-5335
3. General Location: Approximately 1/4 mile south of 31st St. South and
1/2 Mile East of Rock Road.
4. Proposed Use: Automobile Race Track & other outdoor recreational facilities.

AREA DATA:

1. Acres: 47.3 (60 ft. by 5200 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East UNDEVELOPED South FARM HOUSE
West MCCORMICK AIR FORCE BASE North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____
2. MAPC Meeting:

Date	Action
<u>1-14-82</u>	<u>Denial</u>
_____	_____
_____	_____

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>2-10-82</u>	<u>Withdrawn by the applicant</u>	
	<u>Closed</u>	

NOTES: Dean Bussert picked up 10 protest petitions 1/5/82

MASTERS PLAN
No. 2153C
LOS ANGELES, CHICAGO, LOGAN, OH
McREGOR, TX, LOCUST GROVE, GA
U.S.A.

Standard
No. 2153C

Map No. 6043A&D
Sec. _____
Twp. _____
Range _____

DATA SHEET

~~CONV~~ & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 251
Filed 12-15-81

ASSOCIATED CASE: SCZ-0497

APPLICATION DATA: From _____ to _____

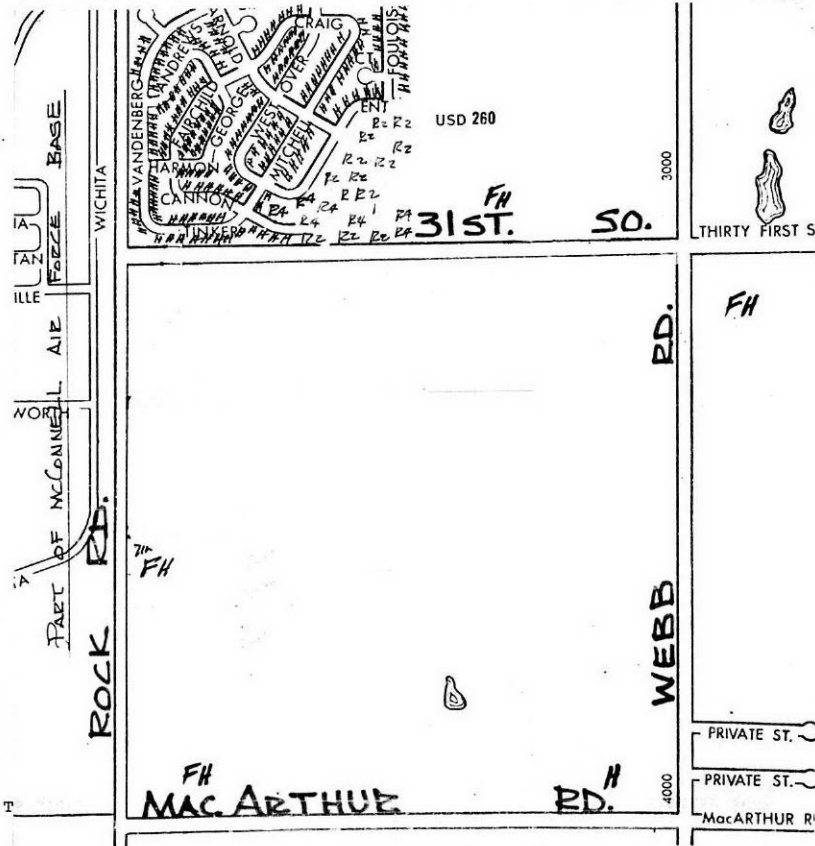
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West McCONNELL AIR FORCE BASE North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



A Site Study accompanying a Conditional Use Rezoning Request

CU-257

LEGAL DESCRIPTION FOR CONDITIONAL USE OF PROPERTY:

The S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 8, T28S, R2E, of the 6 P.M., Sedgwick County, Kansas; *Now located approx 1/4 mi south of 31st St. + 1/2 mi east of Rock Road.*
(to be zoned E, Light Industrial, with the following Conditional Uses:)

PRIMARY USES: A racetrack or speedway and related facilities including grandstands, floodlights, playgrounds, toilet facilities including lagoons, refreshment stands, sales booths, repair facilities including pits, and adequate parking; to be used for auto racing, go-carts, tractor pulls, speed shows, and other spectator racing events.

SECONDARY USES: Structures relating to outdoor public spectator events such as concerts, fairs, circuses, and livestock shows. Also, unenclosed or partially enclosed structures for trade, such as farmers markets, auctioneering stands and Bazaars.

SETBACKS: The racetrack oval shall be setback a minimum of 250 feet from adjoining property lines. Roadways, parking and other accessory buildings shall be setback a minimum of ten feet from adjoining property lines.

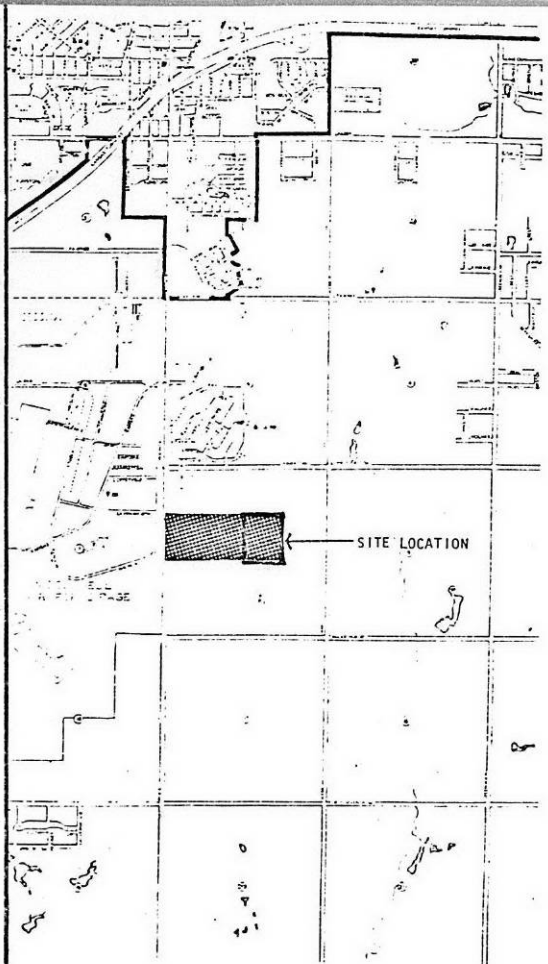
PARKING RATIO: One parking space shall be provided for every five permanent grandstand seats.

ACCESS: Two, 30 foot wide all-weather gravel entrance and exit roads located within two, 60 foot wide access easements, each along the north and south property lines of the South $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of Section 8, T28S, R2E, of the 6 P.M., Sedgwick County, Kansas, owned by Builders Inc.

UTILITIES: Utilities will be provided per County Code Requirements.

SIGNS: Racetrack signs will not exceed two signs, 30 feet in height along Rock Road. The signs will be located within the access road easement and will not be closer to Rock Road than ten feet from the property line.

SCREENING: Existing hedgerows on the adjoining property lines will remain.



VICINITY MAP

NO SCALE

← PASTURE LAND →

February 8, 1982

Commissioner Jack Spratt, Chairman, County Board of Commissioners

Jack H. Galbraith, Chief Planner, Current Plans, MAPD

SCZ-0497 & CU 251 - Change in zoning from "R-1" to "F" and conditional use permit approximately 1/4 mile south of 31st Street South and 1/2 mile east of Rock Road for use as an auto race track and other outdoor recreational facilities.

Attached are copies of letters submitted to the Planning Commission which are associated with the above captioned cases which appear under item U on your agenda for February 10, 1982. These are furnished for your information.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:sad

Attachments

cc: Commissioner Don Graff, County Board of Commissioners
Commissioner Tom Scott, County Board of Commissioners
William Rustin, County Counselor

A. TOTAL AREA	<u>18,727,000</u>	SQF
B. APPLICATION AREA	<u>1,953,600</u>	"
C. STREET R/W	<u>267,200</u>	"
D. NET AREA	<u>16,506,200</u>	"
E. 20% OF NET AREA	<u>3,301,240</u>	"
F. NET PROTEST AREA	<u>8,625,000</u>	"
G. TOTAL % PROTESTING	<u>52.25</u>	%

CU-251

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING
AND CONDITIONAL USE PERMIT

CASE NO. SCZ-0497 & CU-251 CONSIDERED BY MAPC: 1-14-82

REQUEST FOR: "R-1" to "E" & Approval of an Auto Race Track
& other outdoor recreational facilities.

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To permit commercial recreational uses that include an
automobile race track."

GENERAL LOCATION: Approximately 1/4 mile south of 31st Street
South and 1/2 mile east of Rock Road.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
January 14, 1982).

APPLICANT: Builders, Inc., 300 W. Douglas, Suite 755.

AGENT FOR APPLICANT: Alexander L. Dean, 300 W. Douglas, Suite 755.

PROTESTORS (LIST AGENT) IF ANY: Dean Bussart, 1011 Patricia; Dick Davis,
10003 E. 31st St. So.; Robert Vose, 3500 So. Webb Rd.; Spencer DePew,
6322 E. English; John Ramsey, 7629 E. 117th St. No.; Nolan Young, 3230 South
Webb Rd.; Charlie Jones, 3202 W. 13th St.; Joseph R. Betzen, 4205 South
Rock Rd.; Linda Patrick 4437 Jade.

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE; Existing, North, and East, Undeveloped; South, Farm House
& Undeveloped; West, McConnell Air Force Base.

PLANNING COMMISSION RECOMMENDATION:

That these applications be denied. Hansen moved, Cazal seconded and it
carried with a vote of 6 in favor (Hansen, Cazal, Martens, Lofton,
Goebel and Wilson) and 2 opposed (Bayouth and Gardner). Chisholm and
Jones were absent.

NOTE: The percentage of the protest petitions received on these appli-
cations will be pointed out at the time the cases are considered by the
County Commission.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area
Planning Commission and deny the applications; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 14, 1982

- 6a. Case No. SCZ-0497 - Builders, Inc. request zone change from "R-1" to "E" for the SW 1/4 of NE 1/4 of Section 8, TWP. 28S, Range 2E of the 6th P.M., Sedgwick County, Kansas. Generally located 1/2 mile east of Rock Road, in an area approximately 1/4 mile south of 31st Street South.
- 6b. Case No. CU-251 - Builders, Inc. request Conditional Use Permit for the SW 1/4 of NE 1/4 and the north 60 feet and south 60 feet of the S 1/2 of NW 1/4 of Section 8, Twp. 28S, Range 2E of the 6th P.M., Sedgwick County, Kansas. Generally located approximately 1/4 mile south of 31st Street South and 1/2 mile east of Rock Road.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting "E" Light Industrial zoning on a forty acre site located approximately 1/2 mile east of Rock Road and 1/4 mile south of 31st Street South. Access to this site will be through two sixty foot wide strips, on the north and south sides of the site, that extend 1/2 mile to Rock Road. The conditional use area (47.3 acres) includes the two sixty foot strips and the area in the rezoning request. The proposed primary use is an automobile race track and associated uses such as grand stands, parking, pit area, sewage lagoon, concession stand, etc. Secondary uses proposed include concerts, fairs, circuses, livestock shows and tractor pulls.

The general provisions for the "C" and "E" districts in the County permit uses that do not create special problems, such as dust, odor, noise, etc. If the use is presumed to create special problems, it is to be considered under the conditional use provisions. It may then be approved if a way can be found to mitigate the special problems. It has been determined earlier by the administrator and staff that auto race tracks are not permitted in "C" zoning nor as an outright permitted use in the "E" District.

2. Staff feels that, although auto race tracks should not be prohibited in Sedgwick County, this site is questionable due to several factors. The most impactive factor is noise affecting nearby properties and activities. Dust will also be a problem if the track and parking areas are not paved. Other factors that will need to be addressed and resolved include drainage, traffic congestion on Rock Road, sewer facilities, effect on aircraft operations, and the desirability of extending public water to this site.
3. The site is located in a relatively flat area with little or no natural noise barriers to prevent the noise from the race cars from impacting nearby properties. Although there is no existing housing immediately adjacent to this site there is base housing and a school approximately one-fourth mile to the northwest. The hospital at McConnell is located one-half mile to the west on the west side of Rock Road. A church and a house are located on the east side of Webb Road east of this site. The area immediately north of this

site is zoned "R-1" and is being sold for residential development on ten acre tracts. The area to the south is currently undeveloped and is being used for agricultural purposes.

4. Due to the potential for a large noise impact on nearby property, the construction of noise reducing barriers would be appropriate. The barriers can include a combination of masonry walls, wood fences, earth berms, trees, etc. Depressing the track would also reduce the noise impact on nearby property. The existing hedgerows (the only screening proposed by the applicant) will not provide a significant reduction in noise since it takes approximately a one hundred foot wide, densely planted strip to reduce the noise level by five decibels. The Planning Commission may wish to require that the noise level at the property line cannot exceed 70 decibels. Other items that could be required include restrictions on the hours of operation, size of engines, number of days per year that races could be held, etc.
5. The Environmental Health Director has indicated that in addition to the potential noise problem, there is a potential for significant degradation of local air quality because of dust if the tract and parking areas are not paved. A retention facility for storm water run off has been recommended so that the discharge will not exceed what it is in to present state.
6. The Director has also recommended that public water be required to serve this site. According to the Wichita Water Department, the nearest water line that could serve this site is over a mile and a half to the north at Pawnee and Rock Road. Another item that should be considered is that this site is outside of the urban services boundary. Extension of public water to this site could result in extensive development of surrounding property that may not be desirable due to the close proximity of McConnell AFB and the lack of a public sewer system.
7. Officials at McConnell AFB have indicated that they are concerned about the proposed project due to its close proximity to the base hospital and housing. They are also concerned about the potential increase in traffic congestion on Rock Road if this request is approved. Another problem that will exist is that this site is located under the flight path of planes using the Cessna Airport. The dust and lights could create a situation where planes could lose visual contact with Cessna Airport. As a result the small plane may change course and interfere with the operation of military aircraft which would create a hazardous situation.
8. If this site is developed as proposed and the area to the west is developed with commercial or recreational uses, there will be a significant increase in traffic on Rock Road. It may be necessary to improve Rock Road to four lanes so that traffic can move freely. It may also be necessary to require decel lanes and left turn bays to serve this site.
9. A recommendation of approval of the zone change by the Planning Commission should be subject to the approval of the associated conditional use and to the property being platted within one year from date of approval of the zone change by the Board of County Commissioners, or the zone case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds.

10. If the Planning Commission determines that the proposed conditional use for an auto race track and recreation area is appropriate the following are recommended conditions of approval:
- a. All lights shall be hooded and directed to illuminate only the race track and associated uses so as not to interfere with adjacent property or aircraft.
 - b. The applicant shall construct a noise absorbing barrier which may include fencing, concrete wall, or earth berms so designed as to prevent noise from exceeding a noise pressure level of 70 decibels on the A scale as measured on adjacent properties. An acoustic plan prepared by a qualified acoustics engineer showing the location and specifications of the noise barrier shall be submitted to the Environmental Health Director for review and approval prior to the issuance of any building permits for this site. The noise barrier shall be constructed prior to the issuance of a certificate of occupancy for this site.
 - c. The race track, parking areas and other areas used by vehicles shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - d. The development of this property shall proceed in accordance with the conditions of approval as recommended by the Planning Commission and approved by the governing body, and any deviation from the conditions, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the County Commission for their consideration.
 - f. The transfer of title of all or any portion of the land included within the conditional use area does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns, unless amended.
 - g. The site plan, with provisions, titled "Rock Road Raceway", dated December 15, 1981 shall be revised to include the following:
 - 1. The conditions of approval (a, c, d, e and f) of this conditional use.
 - 2. Setbacks for buildings shall be 25 feet from any property line.
 - 3. Parking ratio shall read: one parking space shall be provided for every five seats of the maximum seating capacity.
 - 4. Utilities shall read as follows: Utilities will be provided per County Code Requirements except that public water shall be required.
 - h. Copies of the revised site plan shall be furnished to the Planning Department and the County Department of Public Works for use in administering the conditional use.

- i. Platting of subject property within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
- j. Approval of the associated zone change.

GALBRAITH stated that when the representative of the applicant first approached the staff concerning this site, there was some discussion about what type of zoning would be required. Staff informed him that after Frontier Village on West Highway 54 began to operate a race track a number of years ago, a court case was initiated by area residents. The District Court found that a race track was not a permitted use in the "C" district either by right or as a conditional use. The staff has discussed what zoning classification would be appropriate for a race track with the County Zoning Administrator. GALBRAITH pointed out that an auto race track is not a specified use in any district in the County's Zoning Resolution. It has been determined that since an auto race track has unique characteristics, that the way to approach the case is to request "E" Light Industrial plus an accompanying conditional use application. The conditional use will allow the Commission to place conditions on the operation that will reduce or eliminate the adverse effects.

GALBRAITH stated that the staff report addresses a number of issues that the staff feels are important. One of the primary concerns is the noise that will be generated by use such as this. He pointed out that there are means that the applicant could reduce the noise impacts such as by depressing the race track, use of massive earth berms, walls and plantings. He said that there are existing hedge rows on three sides (north, east and west) of the 40 acre site. He said that they probably would not do much to diminish noise coming from this site unless the applicant depressed the track. GALBRAITH said that in addition to the proposed track that the applicant proposes several other uses such as grandstands, concession stands, fairs, circuses, livestock shows, tractor pulls, concerts, etc. The plan does show a large parking lot to the south.

GALBRAITH pointed out the letters that were received and attached to the commissioners' staff report. He pointed out that directly over this site is an approach zone to Cessna's landing field. Letters from Cessna and McConnell point that out as a concern, mainly due to dust from the site that might obstruct vision to the aircraft landing field. GALBRAITH mentioned the memorandum from Mike Everhart, Director of Environmental Health, that emphasized the same type of concerns that the staff report identifies about what is to be done with sewage and the proposed sewerage lagoon. He said that Everhart emphasized that there should be a municipal water supply. The nearest public water line is a mile and a half to the north at Pawnee and Rock Road. This site is not in a growth area where municipal facilities and utilities have been proposed to be extended. The site is some distance from existing facilities and the extension of water and other utilities would open up an entire new area that has not been anticipated to grow. GALBRAITH stated that Everhart also mentioned noise as being a major environmental concern for the area. GALBRAITH stated that Dr. Hahn, Environmental Resources Director, pointed out those same type concerns for the Commission's consideration. GALBRAITH said that Colonel Roberts from McConnell Air Force Base emphasized the noise and its affect on base housing and hospital. Flight hazard to Cessna was also mentioned by the

base commander. The Base Commander recommends that this use be located further east and to the south so that it would not have adverse affect on base facilities. Rock Road traffic congestion has been mentioned by both the base and the County Public Works Department.

GALBRAITH said that if it is decided that this use is appropriate for this area, there are a number of things that could be done to facilitate the movement of traffic on Rock Road.

GALBRAITH stated that the staff has had several phone calls, and apparently there are a number of protest petitions being circulated in the area. When staff was first approached about this use and site, they felt that these type of uses could probably be located some place in Sedgwick County. They did not know whether or not this would be the proper location. He pointed out that the character of the area was quite open, but within one quarter of a mile there is extensive housing, and that housing goes all the way north to Pawnee. GALBRAITH said that staff believes that this is not an appropriate location for this type of use. There are too many problems associated with this particular location, particularly being too close to existing housing. He recommended that the requests be denied.

MARTENS arrived.

GARDNER asked if there was any reason why staff had not included the AICUZ study in the commentary relative to noise.

GALBRAITH pointed out that this particular quarter section is acceptable for housing according to the AICUZ report, and even the section directly to the west is appropriate for housing with extra installation and noise reducing construction.

BAYOUTH asked what they need water for other than sanitary facilities.

GALBRAITH said that the quality and quantity of available water at this site is questioned.

ALEXANDER L. DEAN, agent, representing the applicant, requested that enough time be allotted to him so he could answer a number of the criticisms that would be raised. He said that his presentation would take more than five minutes.

GARDNER said that every effort would be made to provide ample time to everyone to present their case.

DEAN stated that the the zoning and conditional use requests represents the first phase of the applicant's proposed development. The proposed development is to be a 120-acre outdoor recreational complex of the magnitude and character of Fun Valley in Hutchinson. Ultimate development would include active recreational facilities, such as athletic fields, golf driving range, tennis courts, etc., in addition to the automobile race track which is being proposed today. The primary use of the track would be for automobile racing events which would be held two nights a week for about six months out of a year. The race track is the first phase of a facility which is needed in Sedgwick County to compliment the Kansas Coliseum and to provide for the growing recreational needs of the people of Sedgwick County and the City of Wichita. They anticipate that the facility will attract 20,000 people each year from outside the County who would stay in local hotels and motels, as well as purchase food and other consumer goods in Sedgwick County. The facility would create jobs, generate tax revenue

for the County and school districts through the real estate tax and the State of Kansas through sales tax, food and concessions. The project will be financed with private capital. No public revenue bonds are being requested and no tax abatement is being sought. The proposal will have a positive impact on the economy of Wichita and Sedgwick County and will enhance recreational opportunities available in the area.

DEAN commented on the items in the staff report; relating to the subject of noise. He stated that one reason for selecting the proposed site was that the neighborhood characteristics are compatible with the proposed use. Although the site and the surrounding area are zoned "R-1" Suburban Residential, they are not zoned that way for the reason that homes are the highest and best use of the land. It is zoned that way because that is the way all of the land in the County is zoned prior to rezoning requests by applicants. In fact, this immediate area is unsuitable for residential development. It is demonstrated in part by the fact that urban and suburban residential development has skipped over this entire section of land in favor of more compatible surroundings to the east and south. Although the property is directly in the growth path of southeast Wichita, it has not developed. This is due to such factors as the proximity of McConnell Air Force Base, which generates a good deal of noise in the area. DEAN quoted from the AICUZ report, stating that "nearly all studies on residential aircraft noise compatibility recommends no residential uses in noise zones above 75 decibels. Wherever possible, residential uses should be located below 65 decibels". He noted that the McConnell housing tract is in the 75 to 80 decibel area. DEAN said that there was no existing development within one quarter mile of the proposed race track. DEAN said that much of the opposition today would focus on alleged noise generated by a race track. He said that it should be noted that track officials in Tulsa, Oklahoma, have performed studies of noise levels around their track and have informed them that decibel readings one quarter mile away from the Tulsa track are in the range of 40 to 45 decibels during track events. This is a significantly lower noise factor than is presently being incurred by existing development in this area of the County.

MOTION: That Mr. Dean be allowed an additional five minutes to finish his presentation. Bayouth moved, Cazal seconded and it carried unanimously. Chisholm and Jones were absent.

DEAN continued by saying that the potential for dust from the race track and parking areas would be tightly controlled. For example, the tracks would be constructed of clay with straw or other organic material worked into the top several inches to absorb and retain water. The track would be watered thoroughly before each race event creating a wet surface that would minimize dust. The parking lots and access roads would be all-weather gravel surfaces treated with compounds to stabilize them and reduce the potential for dust. He said that Dr. Hahn, Environmental Resources Director, has reviewed these proposals and commented in his letter to the Planning Department that he anticipated that the problem "dust" would be minimal due to lowered travel speed of the vehicles using the access roads on the north and south sides of the site.

DEAN said that the site had been designed with retention ponds to retain the difference between the runoff of the developed site and the current runoff from the site. The pond would be located in the track infield to accumulate runoff from the bowlshape track itself, and runoff from parking areas would be directed to existing ponds located on an adjacent parcel owned by the applicant.

DEAN pointed out that the race track was designed so that the surrounding land on the site would serve as a berm to shield neighboring properties from the highest noise impact. The track would be depressed into the ground approximately eight feet. Grandstands and parking areas would be elevated by earth mounds above that level at least another two feet causing the noise from the race cars to be reflected upwards from that depression. This design would reduce the noise impact upon adjacent properties.

DEAN said that the applicant has talked with the County Engineering Department concerning traffic generation. He said that they would be working closely with the Department to estimate peak loads on Rock Road generated by the facility during the hours of operation. They will cooperate with the Department to design access routes and traffic management techniques that would handle the traffic safely and efficiently.

DEAN stated that the applicant's proposal contains the provision for an onsite sewerage lagoon for the treatment of domestic waste generated at the site. An engineering firm has been retained to size and design the facility in accordance with State and County Health Department standards. The operation of the facility is contingent on the approval by the State Health Department.

DEAN stated that they have no objections to the extension of public water to the site. They are under the impression that the current City policy may not permit such an extension, and thus the provision in the staff report was a "catch-22". One City Department requires public water and another City Department refuses to provide it. Thus, in effect, denying the use of the land that has been proposed. He suggested that this recommendation be changed to read as follows: "Utilities will be provided per County code requirement except that public water shall be obtained if possible. Otherwise any onsite water supply shall be approved by the State Department of Health".

BAYOUTH asked that if the applicant provides the necessary water and sanitary facilities that are satisfactory to the State and County, where is the problem.

LAKIN stated that it was doubtful the applicant would be able to develop an adequate water supply on site. If a portable supply of water was needed on the site the surest way to have it was through a public line. He said that he was not sure that he would want to recommend that the way to set up a long term major development is to allow somebody to haul water in.

DEAN BUSSART, Realtor and Appraiser, representing himself and area residents, stated that he had official protest petitions signed by 90 percent of the people within a 1000 foot radius. The petitions would be filed with the County Clerk after the meeting. He said that he also had signatures of 200 other concerned citizens and property owners in the immediate vicinity opposing the proposed race track and its related activities. He said that they believed that this type of operation was inconsistent with the things that are taking place there now and that are planned. The race track is not consistent with suburban living. He said that in 1977, they purchased 180 acres with the purpose of subdividing it into five and ten acre home sites. Today they have sold 120 of the acres. There is a new church about 1400 feet from this site on Webb Road with plans to construct a private school and residences. He said that he had a call from Marian Parrish, owner of a riding stable, which is across the street from the application area. She has a large investment there and was very much concerned. She asked that he relay this information to the Commission, and that this proposal would also be adverse to the training of horses.

BUSSART said that a couple of days ago he and one of his associates took a drive up to the 81 Speedway. He wanted to see just what something like this was like. It just so happened that a young man was trying out his racing skills in the dirt parking lot and made it look like the "dustbowl days of the thirties". There was a cloud of dust about 40 feet high. He took a picture of it and he also took a picture of the urban sprawl that is in the area as a result of the activity that is there. There is nothing one can do with land around a race track. He was appalled at the things that were around that area. BUSSART continued that the area around the applications is not farm land per se, this is development land. Its highest and best use in the future is suburban residential living.

MOTION: That Mr. Bussart be allowed five additional minutes to finish his presentation. Bayouth moved, Lofton seconded and it carried unanimously. Chisholm and Jones were absent.

BUSSART disagreed with Dean's figures on the noise level. He said that he has talked with some Valley Center residents about the noise from the 81 Speedway, and they said that they can hear the noise even though it is two miles away.

DICK DAVIS, 10003 East 31st Street South, speaking in opposition, read a prepared statement to the Commission. He said that he purchased twenty acres of land east of this site four years ago with the purpose in mind to retire on a small acreage and pursue his hobby of gardening. He said that he bought 20 acres so he would be able to control what went in around him since he had built a 1620 square foot home. He felt that his home and land were valued at \$165,000. This represents his life time of work. When he thought he was all set for peace and quiet, he discovers that there might be a race track in the neighborhood. He also felt that the noise from the race track would be unbearable. DAVIS pointed out that the noise level from the planes coming in for landing was very low near his house. DAVIS said that he had a list of 50 signatures opposing this proposal. He asked that the neighbors stand that were opposed to the application. (Approximately 75 people stood up).

DAVIS continued that this project would not only lower their property values and decrease taxes from the area, it would prevent further development of nice homes in the area. He said that he had no objections to race tracks, but did feel that the applicant should put the project further out where it would affect less people.

DAVIS said that of all of the people he called on with the petition, there was only one person that would not sign. He was a young man 20 years old.

MARTENS commented that as a point of order he was sure that for many of the people it was their first time to speak before the Planning Commission. He asked that the Chairman to review how, by order of the City Commission, time is allotted to speakers.

GARDNER explained that the public's comments were welcomed either pro or con. The Commission would prefer that remarks be limited to those items that are new and different, instead of having 50 people come to the podium and essentially say the same thing. He asked that future speakers pay greater attention to the time allocation. There are a number of people present to speak on other issues this afternoon.

ROBERT VOSE, Elder in the Reorganized Church of Latter Day Saints, 3500 South Webb Road, speaking to some of the concerns on behalf of the approximately 225 members of the Church, and an additional 45 regularly attending non-members. He pointed out that the Church was located one quarter of a mile east of the proposed race track. He said that the noise level that they anticipate would cause tremendous conflict for the present activities that they hold in the Church; as well as the activities that they hope to have in the oncoming years. They now hear that there is some concern over onsite water, and they are concerned about that because their water supply is from wells which they have drilled. He said that in the summer of 1978 they purchased ten acres at this location. Shortly after that they came before one of the committees of this Commission and asked for approval of their plat of the area and in 1979 began to construct their building. He said that they have spent all of their spare time at this site. He said that the noise from McConnell is not that high. Occasionally there is an aircraft that goes over or near enough to their facility that it interrupts, momentarily only, the services that they have. He said that they believe that because of the activities at the church, that the duration of the noise level associated with the automobile race track would be seriously disruptive. VOSE said that even though the applicant has said that racing would not occur on Sundays, they have every reason to believe that eventually it would occur. As a resident of Valley Center, he assured the Commission that there was no difficulty in hearing the noise from the 81 Speedway. VOSE pointed out all of the plans of the church that would be disrupted if this application was approved.

HANSEN commented as a point of order that under the circumstances, the difficult agenda that the Commission has and the many people who wish to be heard, she felt that the people should realize that the bell means stop, not a warning.

SPENCER DePEW, attorney, representing Virginia House, owner of 480 acres in this area, said that if the race track and the other improvements that are planned are put in, the rest of the area would never develop. The area would be ruined and development will stop. He said that they were not a resident of the area, but there are other people who have an interest in this area also. They too are concerned about the water. He said that this application should be denied.

JOHN RAMSEY, representing his brother and himself, owner of the property on the south edge of the track itself. He said that he farms several tracks of ground about a mile from the site. He stated that trash was a big problem. He did not feel that the trash and people could be controlled. He was also concerned about cigarettes being thrown into his wheat field. RAMSEY said that he was not part of the 90 percent protestors but wanted to be added to the list. He felt that a person should be able to do what he wanted to do with his property as long as it does not hurt someone else.

NOLAN YOUNG, 3230 South Webb Road, speaking in opposition, stated that he and his wife bought 19 acres on the corner of 31st and Webb Road five years ago with the idea of retiring to the country. He said that there had been many impassioned pleas this afternoon about the impacts that noise, dust, trash and water that would have on the neighborhood, but no one has said anything about why people move to the country. They are interested in that quality of life that is accompanied by a quiet, peaceful, tranquil atmosphere that the country offers. The intrusion of the entrepreneurs and profiteers of this kind of program into their neighborhood is intolerable. He asked that the application be denied.

BAYOUTH asked where would Mr. Young suggest that this type of operation be put.

YOUNG said in an area where the noise level is compatible with what is already there, and where the introduction of undesirable elements would be compatible with that which is already there.

CHARLIE JONES, Realtor with Tradition Homes, stated that they were currently in the process of developing single family housing three-fourths of a mile north of the proposed race track. Last year they sold approximately 75 single family homes just south of Pawnee. They are currently purchasing another 160 lots and they are in the second phase and expect to be able to develop out the 160 homes in the \$60,000 and \$70,000 price range in the next two years. They are also working on a project in the same area for condominiums of which they will have about 160. Their concern is that they will have a lot of families in the area just three-fourths of a mile north of the race track. Being involved in sales and services and he knows what people's reactions will be to something like this. Because of high monthly payments both the husband and wife have to work. When they come home at night they want some peace and quiet. He said that most of the people in the southeast part of Wichita have been accustomed, and are attuned, to the 105's periodically flying over. They have had no complaints about the noise from the airplanes from the people who live out there. He felt that people in the area should be given a choice to choose their own recreation in their area.

JOSEPH R. BETZEN, 4205 South Rock Road, speaking in opposition, said that he was concerned about the children in the area due to the Rock Road traffic. He asked that the application be denied.

LINDA PATRICK, 4437 Jade, speaking in opposition, stated that one year ago she purchased acreage about 600 feet from the proposed race track. If this race track goes in, she said that she was sure that she would take an extreme loss and would have to abandon the project of building her dream house. She said hated to see such a project as this take away a person's dream.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the undeveloped character of the general area; the residential uses to the north; the church to the west; the residential zoning to the north, east and west; the opposition of area residents and the comments and recommendation of denial by staff; I move that we recommend to the governing body that this application be denied.
Hansen moved, Cazal seconded.

BAYOUTH commented that he did not believe the noise and problems would be that severe. He felt that they had been exaggerated. He wanted to hear from the developer.

DEAN stated that the staff had identified several items that needed to be addressed. The staff had recommended several conditions that would address and reduce potential problems. They only objected to the one regarding water supply. He mentioned that there had been comparisons made to the 81 Speedway. It is true that 81 Speedway was the only speedway in the area and it is not in the best shape. That is because it is the only speedway and there is no competition. DEAN said that

this track would be run as a profit making enterprise and the goal was to attract people to an attractive facility with the least amount of disruption.

MARTENS commented that he was sure that the Air Force, until today, did not know how much support they had for their airplanes.

BAYOUTH felt that the support of the airplanes should be made a matter of record due to earlier gripes that the noise was disturbing.

MARTENS further commented that one judges a city by what it provides for its young people. He said that he came to the meeting with an open mind hoping that there might be some way for this concept to work. He felt that the planning and conceptual form was good, but did not feel that this particular use in this particular area would work. He said that he could not support this type of land use for this site.

LOFTON stated that he had tried to keep an open mind about the project, but after hearing about the development that would be taking place in the area, from the people who live in the area and the noise that would occur, he did not feel that the proposal was appropriate either.

VOTE ON THE MOTION: It carried with a vote of 6 in favor (Hansen, Cazal, Martens, Lofton, Goebel and Wilson) and 2 opposed (Bayouth and Gardner). Chisholm and Jones were absent.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~in XXXXXXXXXXXX zoning~~). Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

OK ✓

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Dean L. Bussart</u> <u>Rebecca P. Bussart</u> Signature			The North 1/2 of the NE 1/4 of 8-285-2E, Except the East 1/2 of the West 1/2 of the NW 1/2 of the NE 1/4
	<u>Dean L. Bussart and Rebecca P. Bussart</u> Typed or Printed Name			
b)	<u>Gary D. Bussart</u> & <u>Terry L. Bussart</u> Signature			
	<u>Gary D. Bussart and Terry L. Bussart</u> Typed or Printed Name			

FILED

JAN 14 1982

DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7th day of January, 1982, before me, a notary public in and for said County and State, came Dean L. Bussart; Rebecca P. Bussart; Gary D. Bussart & Terry L. Bussart to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Robert S. Brandon
Notary Public Robert S. Brandon

My Commission expires January 5, 1984

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CW-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

*NOT COUNTED
CONTRACT PURCHASER
FROM DEAN BISSART*

<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Philip E. Kottler</u> Signature Sunnyside Sports League, Inc.			The West 1/2 of the East 1/2 of the NW 1/4 of the NE 1/4, 8-285-2E
<u>Philip E. Kottler, Pres.</u> Typed or Printed Name			

b) _____
Signature

Typed or Printed Name

FILED

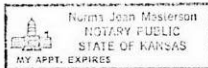
JAN 14 1982
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11th day of January, 1982, before me, a notary public in and for said County and State, came Philip E. Kottler to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

[Signature]
Name
a) [Signature]
Signature
B. H. Morrison
Typed or Printed Name
b) [Signature]
Signature
M. A. Morrison
Typed or Printed Name

NOT COUNTED
CONTRACT PURCHASED
FROM DEAN BUSSARD
Property Owned
Lot(s) Block(s) Addition

The West 1/2 of the West 1/2 of the
NW 1/4 of the NE 1/4 8-28S-2E

FILED

JAN 14 1982

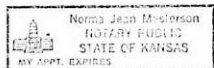
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11th day of January, 1982, before me, a notary public in and for said County and State, came B. H. Morrison and M. A. Morrison to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

*NOT COUNTED
CONTRACT PURCHASER
FROM DEAN BUSSAFT*

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Linda K. Patrick</i></u> Signature			The East 1/2 of the NE 1/4 of the NE 1/4 Except the North 734 feet thereof 8-285-2E
<u>Linda K. Patrick</u> Typed or Printed Name			
b) _____ Signature			
_____ Typed or Printed Name			

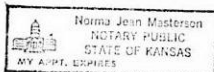
FILED
JAN 14 1982
DOROTHY K. WHITE
COUNTY CLERK
VOID

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of January, 1982, before me, a notary public in and for said County and State, came Linda K. Patrick to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (For establishment of a Conditional Use Permit for Automobile ~~XXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s) OK

	<u>Name</u>	<u>Property Owned</u>	
	<u>Lot(s)</u> <u>Block(s)</u>	<u>Addition</u>	
a)	<u>Joseph R. Betzen Carol Ann Betzen</u> Signature <i>[Handwritten Signature]</i>	The North 1/2 of the SW 1/4 of 8-28-2E Except the north 20 acres thereof	
	<u>Joseph R. Betzen Carol Ann Betzen</u> Typed or Printed Name		
b)	<u>Rosella V. Betzen</u> Signature <i>[Handwritten Signature]</i>		
	<u>Rosella V. Betzen</u> Typed or Printed Name		

FILED
JAN 14 1982
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of January, 1982, before me, a notary public in and for said County and State, came Joseph R. Betzen, Carol Ann Betzen and Rosella V. Betzen, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Joseph R. Betzen
Notary Public

My Commission expires June 1, 1982

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

OK

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Flutcher D. Lyons</u> Signature	The North 20 acres of the north 1/2 of the SW 1/4 of 8-28-2E
<u>Flutcher D. Lyons</u> Typed or Printed Name	
b) <u>Lee Eddie Lyons</u> Signature	
<u>Lee Eddie Lyons</u> Typed or Printed Name	

FILED

JAN 14 1982

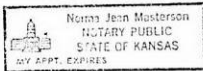
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 8th day of January, 1982, before me, a notary public in and for said County and State, came Flutcher D. Lyons and Lee Eddie Lyons to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from ----- to ----- (for establishment of a Conditional Use Permit for Automobile ~~in XXXXXXXXXXXX zoning~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

OK

<u>Name</u>	<u>Property Owned</u>
<u>Signature</u>	<u>Lot(s) Block(s) Addition</u>
a) <u>Gladys Levitt</u> <u>Gladys Levitt</u> Typed or Printed Name	The North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of 8-285-2E
b) _____ Signature	

Typed or Printed Name	

FILED

JAN 14 1982

DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 8th day of January, 1982, before me, a notary public in and for said County and State, came Gladys Levitt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Robert S. Brandon
Notary Public Robert S. Brandon

My Commission expires January 5, 1984

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from ---- to ---- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s) OK

	Property Owned		
Name	Lot(s)	Block(s)	Addition
a) _____ Signature	<u>Deloris D. Callahan</u>		The East 1/2 of the west 1/2 of the NW 1/4 of the NE 1/4 of 8-28-2E
	<u>Bob G. Callahan Deloris D. Callahan</u> Typed or Printed Name		
b) _____ Signature			
	_____ Typed or Printed Name		

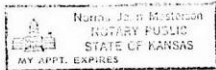
FILED
JAN 4 1982
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 11th day of January, 1982, before me, a notary public in and for said County and State, came Bob G. Callahan and Deloris D. Callahan to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public, Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~XXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s)

OK

	Name	Property Owned	
		Lot(s)	Block(s) Addition
a)	<u><i>Jack Seltman</i></u> Signature		The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 8-28-2E
	<u>Jack Seltman</u> Typed or Printed Name		
b)	<u><i>Jane Seltman</i></u> Signature		
	<u>Jane Seltman</u> Typed or Printed Name		

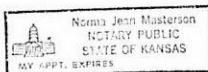
FILED
JAN 14 1982
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 11th day of January, 1982, before me, a notary public in and for said County and State, came Jack Seltman and Jane Seltman to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-251, zone change from --- to --- (for establishment of a Conditional Use Permit for Automobile ~~inXXXXXXXXXXXXXX~~ Race Track and other Outdoor Recreational Facilities)

SECTION II - Protestor(s) OK

	Property Owned
Name	<u>Lot(s)</u> <u>Block(s)</u> <u>Addition</u>
a) <u>Margaret Seltman</u> Signature	The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 8-28-2E Except the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$
<u>Margaret Seltman</u> Typed or Printed Name	
b) _____ Signature	
_____ Typed or Printed Name	

FILED

JAN 14 1982

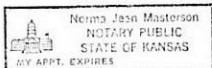
DOROTHY K. WHITE
COUNTY CLERK

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of January, 1982, before me, a notary public in and for said County and State, came Margaret Seltman to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Norma Jean Masterson
Notary Public Norma Jean Masterson

My Commission expires November 16, 1985

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 257, zone change from R1 to _____ (for establishment of a Auto Race Track in _____ zoning).

SECTION II - Protestor(s)

VOID
NOT OF OWNERSHIP LIST

Name	Property Owned
Signature	Lot(s) Block(s) Addition
a) <u>John Betzen</u> Signature	20 acres - 3646 S. Rock Rd.
<u>John Betzen</u> Typed or Printed Name	5 1/2 of the N 1/2 of N 1/2 of
b) <u>Barbara Betzen</u> Signature	SW 1/4 - Section 8 Township
<u>Barbara Betzen</u> Typed or Printed Name	28 S Range 2 E

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

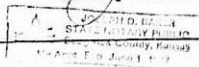
Be it remembered that on this 22 day of Jan, 1982 before me, a notary public in and for said county and state, came

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

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Joseph B. Red
Notary Public

My Commission expires _____



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.



January 15, 1982

Dean Bussart
1011 Patricia
Wichita, Kansas 67208

Re: SCZ-0497 - "R-1" to "E" and
CU-251 - Conditional Use Permit for
Auto Race Track, etc. - approximately
1/4 mile south of 31st Street South and
1/2 mile east of Rock Road

Dear Mr. Bussart:

The Planning Commission at its regular meeting of January 14, 1982, considered the above-captioned requests, and their action was as indicated on the attached letter.

It is my understanding that you filed protest petitions on both applications after the Planning Commission meeting. Should additional protest petition forms are to be filed, they must be in the Office of the County Clerk no later than 5:00 p.m., January 25, 1982.

If you have any questions concerning this matter, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Dick Davis, 10003 East 31st Street South, Wichita 67226
Reorganized Church of Later Day Saints, Presiding Elder, 3500
South Webb Road, Wichita 67210
Spencer DeVev, 6322 East English, Wichita 67218
John Ramsey, 7629 East 117th Street North, Valley Center, Ka. 67147
Roland Young, 3230 South Webb Road, Wichita 67210
Charlie Jones, Realtor, 3202 West 13th Street, Suite 7, Wichita 67203
Joseph R. Betzen, 4205 South Rock Road, Derby, Kansas 67037
Linda Patrick, 4447 Jade, Wichita 67216

January 15, 1982

Alexander L. Dean
Builders, Inc.
300 West Douglas, Suite 755
Wichita, Kansas 67202

Re: SCZ-0497 - "R-1" to "Z" and
CU-251 - Conditional Use Permit for
Auto Race Track, etc. - approximately
1/4 mile south of 31st Street South and
1/2 mile east of Rock Road

Dear Mr. Dean:

At its regular meeting on January 14, 1982, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that these applications not be approved.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, February 10, 1982, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: R. P. Bauer, Senior Vice President, Cessna Aircraft Company,
P. O. Box 1521, Wichita 67201
Matt A. Roberts III, Colonel, USAF Commander, McConnell Air Force
Base, Wichita 67221
Mr. Larry Janssen, Environmental Staff DEEV, McConnell Air Force
Base, Wichita 67221
Michael J. Everhart, Environmental Health Director, Wichita-
Sedgwick County Health Department, 1900 East 9th, Wichita 67214
D. R. Hahn, Director, Department of Environmental Resources,
County Courthouse, 510 North Main, Wichita 67202

Charles Marker, P.E., Deputy Director of County Public Works,
1250 South Seneca, Wichita 67213
Dean Bussart, 1011 Patricia, Wichita 67208
Dick Davis, 10003 East 31st Street South, Wichita 67226
Reorganized Church of Later Day Saints, Presiding Elder, 3500 South
Webb Road, Wichita 67210
Spencer DePew, 6322 East English, Wichita 67218
John Ramsey, 7629 East 117th Street North, Valley Center, Ks. 67147
Noland Young, 3230 South Webb Road, Wichita 67210
Charlie Jones, Realtor, 3202 West 13th Street, Suite 7, Wichita 67203
Joseph R. Betzen, 4205 South Rock Road, Derby, Kansas 67037
Linda Patrick, 4447 Jade, Wichita 67216
Ron Worley, County Zoning Officer

January 6, 1982



Mr. Jack H. Galbraith
Chief Planner
Wichita-Sedgwick County
Metropolitan Area Planning Dept.
455 North Main
10th Floor
Wichita, Kansas 67202

Dear Jack,

We recently learned of the auto race track that has been proposed 1/2 mile east of Rock Road, near 31st Street South.

Such a facility would be right in the flight path of Cessna's east runway, and we believe there is a good chance that dust from the race track could present a hazard to landings and takeoffs.

Sincerely yours,

Bob
R. P. Bauer
Senior Vice President

RECEIVED

JAN 7 1982
METROPOLITAN PLANNING
ROUTE 15



McConnell
Base Housing

31st St. Se.

Rock Road

Gladys Lovitt

APRILSON
CALLAHAN
SUMMERS
SPRUE
LEWIS
BUSBART
BUSBART
PATRICK

O.W. GARVEY

O.W. GARVEY
PROPOSED
RACE
TRACK

MARGARET
SELTMAN

LEEBER
ROAD

Hamstead Living I
(Church of Jesus Christ
with Day Services)

FLUTCHER LYONS

Joseph R. Betzen

Forrest
Ramsley

FORREST
RAMSLEY
John T. Ramsey

SKETCH OF SUBJECT PROPERTY AND OWNERSHIP WITHIN 1,000 Feet Radius

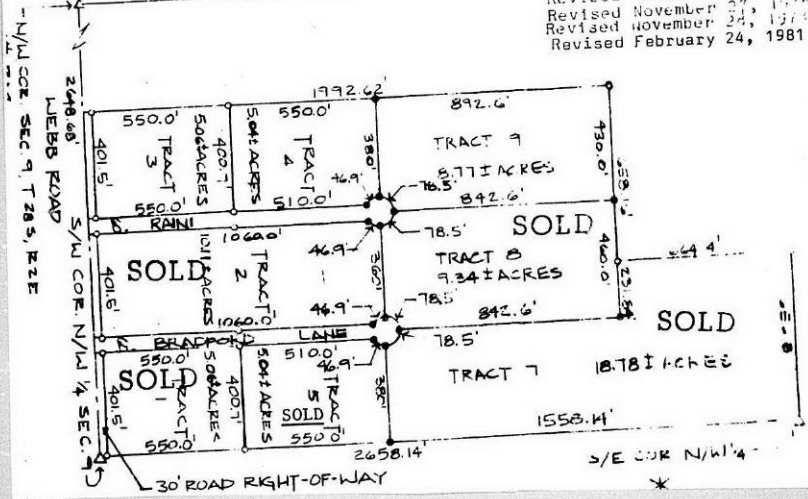
HALL & ASSOCIATES

HOMESTEAD LIVING SECOND ADDITION
 SEDGWICK COUNTY, KANSAS

WEBB ROAD SOUTH
 OF 31ST STREET
 SOUTH.

Bussart Property Survey
 31ST STREET SOUTH

July 19, 1978
 Revised August 3, 1978
 Revised September 19, 1978
 Revised October 21, 1978
 Revised November 27, 1978
 Revised November 24, 1978
 Revised February 24, 1981



DELAMATER, FREUND & ASSOCIATES, P.A.

ENGINEERS AND ARCHITECTS

16-263-6121 412 CENTURY PLAZA

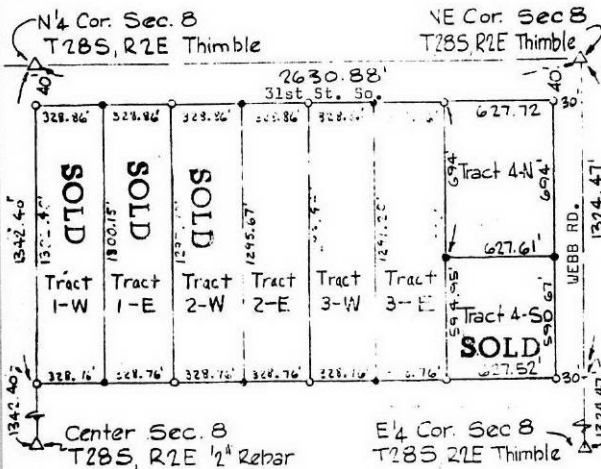
SHITA, KANSAS 67202

R. S. DELAMATER, P. E.
 WILMER FREUND, P. E.
 NORMAN L. ROELFS, P. E.
 C. P. SCHAAR, P. E.

State of Kansas } s.s.
 County of Sedgwick } I, John Herbert Greeley, a Registered Land
 Surveyor in the aforesaid County and State do hereby certify that I did,
 on the 2nd day of January, 1979, survey a tract described as: Tract 3-W,
 the West Half of the West Half of the Northeast Quarter of the Northeast
 Quarter, Section 8, T28S, R2E, of the 6th P.M., Kansas, said tract con-
 taining 10.05 acres, more or less.

The accompanying plat is a true and correct exhibit of said survey.

John Herbert Greeley
 John Herbert Greeley, L.S.



o = 3/4" Iron Pipe (Set)
 o = 3/4" Iron Pipe
 (Previous Survey)

502-48-3-W

14. Driveway culverts must meet County Engineer Specifications.

RECEIVED

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE December 23, 1981

DEC 28 1981

METROPOLITAN PLANNING
ROUTE JK

TO Jack H. Galbraith, Chief Planner, Metropolitan Area Planning Department

FROM Michael J. Everhart, Environmental Health Director

SUBJECT SCZ-0497 and CU251;
Automobile Race Track

We have reviewed the information provided on the above Zone Change and Conditional Use Permit request. Our comments are as follows:

1. The applicant will need to retain a professional engineer to design the sewage facility. The design will have to be approved by and the construction/operational permit issued by the Kansas Department of Health and Environment.
2. Public water should be required to serve the site. A private water supply would not be advisable.
3. If the track and/or parking facilities are not paved, there is the potential for significant degradation of local air quality because of dust.
4. The runoff from the paved parking area will have a detrimental impact on adjoining property unless a retention facility is designed in to moderate flow.
5. Noise from this operation will have an adverse effect on existing housing to the north and on future developments in the area. The absence of a community noise ordinance which would establish limits on this kind of noise source makes it difficult to deny it on that basis, but we can expect numerous and well justified complaints.
6. Concession facilities will have to be approved by the Health Department prior to construction.

In summary, we believe that approval of this facility would have a negative impact on the surrounding community and would not support the Zone Change and Conditional Permit.


Michael J. Everhart
Environmental Health Director

MJE/jk



ORIGINAL COURTHOUSE WICHITA KANSAS 67203

COUNTY OF SEDGWICK
DEPARTMENT OF ENVIRONMENTAL RESOURCES

DOUGLAS R. HAHN, Ph.D.
DIRECTOR

TELEPHONE 268-7380

January 7, 1982

RECEIVED

JAN 8 1982

METROPOLITAN PLANNING

ROUTE

TO: Jack Galbraith, Chief Planner
Metropolitan Area Planning Department

FROM: D. R. Hahn, Director *DRH*
Department of Environmental Resources

RE: SCZ-0497-Zone Change "R-1" to "E" and 04-251-Conditional
Use Permit for Automobile Race Track

We recently received your memorandum regarding a proposed automobile race track and recreational complex just east of McConnell Air Force Base. Department staff including myself met with the applicant, Mr. Alexander Dean of Builders Development, Inc., on January 6 to discuss the proposed project. We also invited environmental staff from McConnell Air Force Base to attend the meeting which they did. During our meeting and discussion with Mr. Dean, Department staff and McConnell staff identified several considerations which should be addressed prior to approval of Mr. Dean's proposed project. Those considerations include the following:

- 1) A source of water of suitable quantity and quality should be identified for the proposed facility. We alerted Mr. Dean to the geological and hydrological problems associated with the general area in which the project is to be located. We noted the problems the Air Base has realized in efforts to locate ground water wells in the vicinity. We also discussed known water quantity problems in the general vicinity. Mr. Dean has not yet identified an appropriate source of water.
- 2) A strategy for addressing drainage for the proposed project should be developed. Mr. Dean's proposed project will alter the present natural drainage and his plan should address potential drainage problems and offer a solution to potential problems.

Mr. Jack Galbraith, Chief Planner
Page 2
January 7, 1982

- 3) Appropriate facilities for handling sewage generated at the site should be addressed. Mr. Dean proposes the installation of sewage lagoons but the details of the system are as yet unknown. Mr. Dean indicated that he is now negotiating the details of a sewage system with City/County Health Department officials.
- 4) Noise associated with Mr. Dean's project may be a major source of complaints from the public and adjacent landowners. Thus, we suggested that Mr. Dean undertake certain measures to mitigate the noise factor. Recessing the race track into the ground, banking the track properly, and establishing appropriate earthen berms along with the surrounding hedgerows may help ameliorate the noise consideration. The nearest residential area is an airbase family housing tract located approximately 1/2 mile northwest of the proposed recreational site.
- 5) Dealing with increased traffic in the area as a result of the facility should be addressed. Mr. Dean's proposed extended entry and exit drives may mitigate this problem to some extent but traffic engineering personnel may wish to review this consideration.
- 6) A dust problem could develop from vehicles entering and exiting from the graveled roads and parking lots of the facility but we anticipate that this problem will be minimal due to lowered traveling speeds of the vehicles.
- 7) We alerted Mr. Dean to the nature of soils in the area of his proposed project and suggested his consideration of soils characteristics when planning his construction activities.
- 8) During our meeting with Mr. Dean, McConnell personnel expressed concern over several items relative to air traffic.
 - a) There is concern over lights from the facility creating visual problems for pilots (especially small aircraft) on final nighttime approaches to airports in the area. This factor may be mitigated by hooding the lights at the proposed facility.
 - b) There is concern over the facility's location in the approach path of some air traffic given altitude restrictions on overflights of assemblages of large numbers of people.
 - c) There is concern that the proposed project could interfere with the approach corridor for aircraft approaching the Cessna landing strip and could lead to interference with McConnell aircraft.

Mr. Jack Galbraith, Chief Planner
Page 3
January 7, 1982

We advised Mr. Dean to discuss these considerations with personnel at Cessna and the FAA.

We advised Mr. Dean to evaluate and respond to the considerations just noted as he carries his project through the public review cycle. We did note that Mr. Dean's proposed project enjoys some positive environmental attributes associated with the selected site including existing screening hedgerows immediately north, east, and south of the 40-acre tract; favorable prevailing wind conditions; low population density and development in the immediate surrounding area; and so forth. Finally, I would note that Department staff do not have strong positive or negative feelings about the proposed project if the identified considerations are properly addressed. If you have any questions about this matter, please feel free to contact me.

cmh

cc: Mr. Alexander L. Dean
President
Builders Development, Inc.
300 West Douglas, Suite 755
Wichita, KS 67202

Mr. Larry Janssen
Environmental Staff
McConnell Air Force Base
Wichita, KS 67221



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK

DEPARTMENT OF PUBLIC WORKS

1259 S. SENECA
WICHITA, KANSAS 67213-4498

PHONE 268-7801

Claud S. Shelor, P.E.
Director of Public Works / County Engineer

TO: Jack H. Galbraith, Chief Planner, M.A.P.D.
FROM: Charles M. Marker, P.E., Deputy Director of Public Works *C.M.M.*
DATE: January 10, 1982
SUBJECT: SC2-0497, CU-251; "Rock Road Raceway", SW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec 8, T28S, R2E

As per telephone conversation with you and Phil Dietrich of this office, we offer the following comments concerning the above referenced Zoning and Conditional Use Case:

1. DRAINAGE: It is recommended that post development discharge from the site not exceed pre-development discharge and velocities. From the information presented thus far, it would appear this requirement could be met with no major problems.
2. ACCESS: It would appear there may be a definite need for improvements to Rock Road to facilitate traffic movements to and from the proposed site. Such improvements need to address allowing through traffic to continue on Rock Road. As an alternative, consideration should be given to locating the access points on 31st St. South, for this road has a considerable less traffic count (see enclosed traffic map). It is understood from discussions with the developer that they do not own the property between the proposed site and 31st St. South, although they might be able to obtain access.

If you should have any questions concerning these comments, please feel free to call.

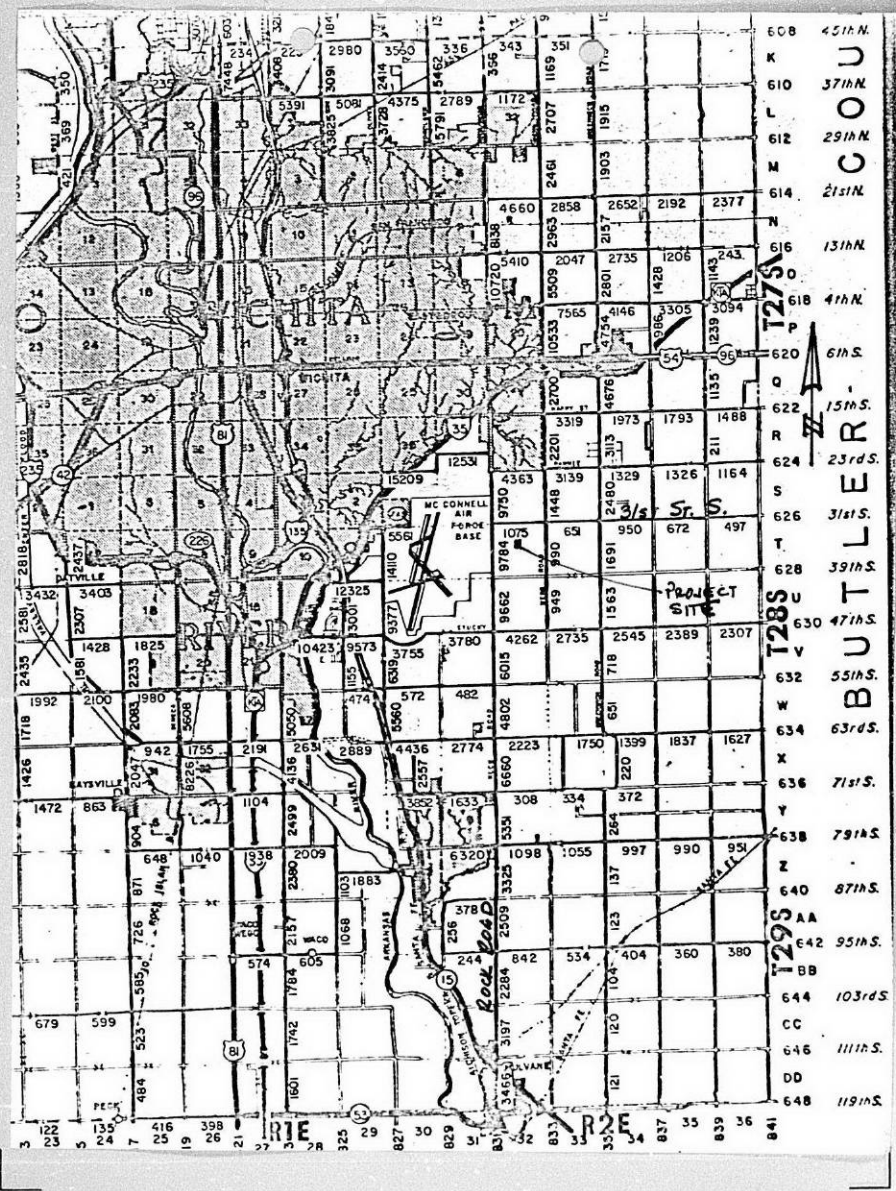
Enclosure

RECEIVED

JAN 12 1982

METROPOLITAN PLANNING

ROUTE _____





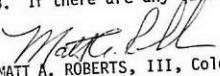
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 361ST COMBAT SUPPORT GROUP (SAC)
MCCONNELL AIR FORCE BASE, KANSAS 67221

JAN 11 1982

REPLY TO: DEEV (Mr Janssen, 681-5525)
ATTN OF:
SUBJECT: Rock Road Raceway

TO: Wichita - Sedgwick County Metropolitan Area Planning Dept
ATTN: Jack Galbraith, Chief Planner
City Hall - Tenth Floor
455 North Main Street
Wichita KS 67202

1. Upon review of your 17 December 1981 letter, the Environmental Planning Office has found several items of concern:
 - a. Noise in the vicinity of the racetrack may affect family housing to the north.
 - b. Disturbance of patient care at the base hospital could be a problem.
 - c. Visual flight hazards will be created for local Cessna air traffic.
 - d. Rock Road traffic congestion will increase due to racetrack usage, as well as access problems which are already present.
2. We recommend that the racetrack be located farther east or south, out of flight tracks and/or noise conscious areas.
3. If there are any questions, please contact Mr Janssen, 681-5525.


MATT A. ROBERTS, III, Colonel, USAF
Commander

RECEIVED

JAN 13 1982
METROPOLITAN PLANNING
ROUTE _____

Peace... is our Profession

381 CSG/CC

McConnell AFB KS 67221

FIRST CLASS

Wichita - Sedgwick County Metropolitan
Area Planning Department
ATTN: Jack Galbraith, Chief Planner
City Hall - Tenth Floor
455 North Main Street
Wichita KS 67202

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 1-14-82

Case No. SCZ-0497 Request: "R-1" to "E"
CU-251 Approval of an Auto Race
Track & other outdoor
recreational facilities

Location: Approximately 1/4 mile south of 31st South and 1/2 mile east of Rock Road.

Reason: To permit commercial recreational uses that include an automobile race track.

Acres: SCZ-0497 40 Size: 1320' x 1320' (irregular)
CU-251 47.3

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R-1"
East	Undeveloped	"R-1"
South	Farm House & undeveloped	"R-1"
West	McConnell Air Force Base	"R-1"

Adequate street right-of-way will be acquired at the time of platting.

Platted: No History: None

COMMENTS:

The following should be considered by the Planning Commission in making in making findings of fact:

1. The applicant is requesting "E" Light Industrial zoning on a forty acre site located approximately 1/2 mile east of Rock Road and 1/4 mile south of 31st Street South. Access to this site will be through two sixty foot wide strips, on the north and south sides of the site, that extend 1/2 mile to Rock Road. The conditional use area (47.3 acres) includes the two sixty foot strips and the area in the rezoning request. The proposed primary use is an automobile race track and associated uses such as grand stands, parking, pit area, sewage lagoon, concession stand, etc. Secondary uses proposed include concerts, fairs, circuses, livestock shows and tractor pulls.

The general provisions for the "C" and "E" districts in the County permit uses that do not create special problems, such as dust, odor, noise, etc. If the use is presumed to create special problems, it is to be considered under the conditional use provisions. It may then be approved if a way can be found to mitigate the special problems. It has been determined earlier by the administrator and staff that auto race tracks are not permitted in "C" zoning nor as an outright permitted use in the "E" District.

2. Staff feels that, although auto race tracks should not be prohibited in Sedgwick County, this site is questionable due to several factors. The most impactive factor is noise affecting nearby properties and activities. Dust will also be a problem if the track and parking areas are not paved. Other factors that will need to be addressed and resolved include drainage, traffic congestion on Rock Road, sewer facilities, effect on aircraft operations, and the desirability of extending public water to this site.

3. The site is located in a relatively flat area with little or no natural noise barriers to prevent the noise from the race cars from impacting nearby properties. Although there is no existing housing immediately adjacent to this site there is base housing and a school approximately one-fourth mile to the northwest. The hospital at McConnell is located one-half mile to the west on the west side of Rock Road. A church and a house are located on the east side of Webb Road east of this site. The area immediately north of this site is zoned "R-1" and is being sold for residential development on ten acre tracts. The area to the south is currently undeveloped and is being used for agricultural purposes.
4. Due to the potential for a large noise impact on nearby property, the construction of noise reducing barriers would be appropriate. The barriers can include a combination of masonry walls, wood fences, earth berms, trees, etc. Depressing the track would also reduce the noise impact on nearby property. The existing hedgerows (the only screening proposed by the applicant) will not provide a significant reduction in noise since it takes approximately a one hundred foot wide, densely planted strip to reduce the noise level by five decibels. The Planning Commission may wish to require that the noise level at the property line cannot exceed 70 decibels. Other items that could be required include restrictions on the hours of operation, size of engines, number of days per year that races could be held, etc.
5. The Environmental Health Director has indicated that in addition to the potential noise problem, there is a potential for significant degradation of local air quality because of dust if the tract and parking areas are not paved. A retention facility for storm water run off has been recommended so that the discharge will not exceed what it is in to present state.
6. The Director has also recommended that public water be required to serve this site. According to the Wichita Water Department, the nearest water line that could serve this site is over a mile and a half to the north at Pawnee and Rock Road. Another item that should be considered is that this site is outside of the urban services boundary. Extension of public water to this site could result in extensive development of surrounding property that may not be desirable due to the close proximity of McConnell AFB and the lack of a public sewer system.
7. Officials at McConnell AFB have indicated that they are concerned about the proposed project due to its close proximity to the base hospital and housing. They are also concerned about the potential increase in traffic congestion on Rock Road if this request is approved. Another problem that will exist is that this site is located under the flight path of planes using the Cessna Airport. The dust and lights could create a situation where planes could lose visual contact with Cessna Airport. As a result the small plane may change course and interfere with the operation of military aircraft which would create a hazardous situation.
8. If this site is developed as proposed and the area to the west is developed with commercial or recreational uses, there will be a significant increase in traffic on Rock Road. It may be necessary to improve Rock Road to four lanes so that traffic can move freely. It may also be necessary to require decel lanes and left turn bays to serve this site.
9. A recommendation of approval of the zone change by the Planning Commission should be subject to the approval of the associated conditional use and to the property being platted within one year from date of approval of the zone change by the Board of County Commissioners, or the zone case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds.

10. If the Planning Commission determines that the proposed conditional use for an auto race track and recreation area is appropriate the following are recommended conditions of approval.
 - a. All lights shall be hooded and directed to illuminate only the race track and associated uses so as not to interfere with adjacent property or aircraft.
 - b. The applicant shall construct a noise absorbing barrier which may include fencing, concrete wall, or earth berms so designed as to prevent noise from exceeding a noise pressure level of 70 decibels on the A scale as measured on adjacent properties. An acoustic plan prepared by a qualified acoustics engineer showing the location and specifications of the noise barrier shall be submitted to the Environmental Health Director for review and approval prior to the issuance of any building permits for this site. The noise barrier shall be constructed prior to the issuance of a certificate of occupancy for this site.
 - c. The race track, parking areas and other areas used by vehicles shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - d. The development of this property shall proceed in accordance with the conditions of approval as recommended by the Planning Commission and approved by the governing body, and any deviation from the conditions, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the County Commission for their consideration.
 - f. The transfer of title of all or any portion of the land included within the conditional use area does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns, unless amended.
 - g. The site plan, with provisions, titled "Rock Road Raceway", dated December 15, 1981 shall be revised to include the following:
 1. The conditions of approval (a, c, d, e and f) of this conditional use.
 2. Setbacks for buildings shall be 25 feet from any property line.
 3. Parking ratio shall read: one parking space shall be provided for every five seats of the maximum seating capacity.
 4. Utilities shall read as follows: Utilities will be provided per County Code Requirements except that public water shall be required.
 - h. Copies of the revised site plan shall be furnished to the Planning Department and the County Department of Public Works for use in administering the conditional use.
 - i. Platting of subject property within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
 - j. Approval of the associated zone change.

SCZ-0497)
&) 14 "Notice to Adjoining Property Owners" mailed 12-31-81
↓ CU-251) for the MAPC meeting for 1-14-82.

1 to Claud Shelor, Director of County Dept. of Public Works
—
15 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

December 31, 1981

This is a notice of a request for a ~~zoning change~~ ^{Conditional Use} in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request ~~for a zoning change~~. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on ~~January 14, 1982~~, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-251

Conditional Use Permit for Automobile Race Track
and other Outdoor Recreational Facilities

The SW 1/4 of NE 1/4 and the north 60 feet and south 60 feet of the S 1/2 of NW 1/4 of Section 8, Twp. 23S, Range 2E of the 6th P.M., Sedgwick County, Kansas. Generally located approximately 1/4 mile south of 31st Street South and 1/2 mile east of Rock Road.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

Summary Description of County Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.

December 29, 1981

Alex L. Dean
% Builders, Inc.
Suite 755
300 West Douglas
Wichita, Kansas 67202

Re: CU-251 - Conditional Use Permit;
SCZ-0497 - "R-1" to "E"
Generally located approx. 1/4
mile south of 31st St. South and
1/2 mile east of Rock Road.

Dear Alex:

Attached is a response from the Director of Environmental Health concerning the automobile race track case. Thought you would be interested in these comments so that you can begin to address the issues raised.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

Attachment

RECEIVED

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE

December 23, 1981

DEC 28 1981

METROPOLITAN PLANNING

ROUTE 96

TO Jack H. Galbraith, Chief Planner, Metropolitan Area Planning Department


FROM Michael J. Everhart, Environmental Health Director

SUBJECT SCZ-0497 and CU251;
Automobile Race Track

We have reviewed the information provided on the above Zone Change and Conditional Use Permit request. Our comments are as follows:

1. The applicant will need to retain a professional engineer to design the sewage facility. The design will have to be approved by and the construction/operational permit issued by the Kansas Department of Health and Environment.
2. Public water should be required to serve the site. A private water supply would not be advisable.
3. If the track and/or parking facilities are not paved, there is the potential for significant degradation of local air quality because of dust.
4. The runoff from the paved parking area will have a detrimental impact on adjoining property unless a retention facility is designed in to moderate flow.
5. Noise from this operation will have an adverse effect on existing housing to the north and on future developments in the area. The absence of a community noise ordinance which would establish limits on this kind of noise source makes it difficult to deny it on that basis, but we can expect numerous and well justified complaints.
6. Concession facilities will have to be approved by the Health Department prior to construction.

In summary, we believe that approval of this facility would have a negative impact on the surrounding community and would not support the Zone Change and Conditional Permit.


Michael J. Everhart
Environmental Health Director

MJE/jk



SEDGWICK COUNTY COURTHOUSE

CU-251

COUNTY OF SEDGWICK

DEPARTMENT OF PUBLIC WORKS

1250 S. SENECA
WICHITA, KANSAS 67213-4408

PHONE 268-7901

Claud S. Shelor, P.E.
Director of Public Works / County Engineer

December 23, 1981

RECEIVED

DEC 28 1981

METROPOLITAN PLANNING

ROUTE 96

Lt. Colonel Nicholas A. Scambilis
Civil Engineer
McConnell Air Force Base
2801 South Rock Road
Wichita, KS 67221

RE: Intersection of Rock Road &
McConnell Air Force Base Entrance

Dear Sir:

Attached is a copy of a letter from the Metropolitan Area Planning Department concerning the above intersection. I have contacted Mr. Galbraith this date forwarding your name and address for information and comments.

If you have any questions or need further information, please contact Mr. Galbraith or myself.

Yours very truly,

Claud S. Shelor, P.E.
County Engineer/Director of Public Works

CSS/DLN/yls

cc: Jack Galbraith, MAPD

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT
COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Builders (Alex Dean) DATE 12-9-81
PHONE _____ PHONE 261-5330 COUNTER _____
PROPERTY LOCATION Rock Rd. Emily Sq MAP # _____
McConnell Housing

NATURE OF REQUEST:

CITY ZONING _____ COUNTY ZONING X CONDITIONAL USE X

PLAT _____ LOT SPLIT _____ BZA _____

VACATION _____ DEDICATION _____ STREET NAME CHANGE _____

REMARKS:

*Discussed Required zoning - advised as per permit notes
attached list. Indicated he wants to file this week for Parcel C.
Put #20, Put Sewer - suggested he contact McConnel Re
legitimacy of area & Re name & impaction housing*

ROUTE TO:

GALBRAITH X SHIRKEY _____ NEWBY _____ RICHTER _____ DOBSON _____ MEEK _____
LAKIN _____ STOCKWELL _____ RETURN TO _____

COMMENTS:

T9-126

PROPOSED CONDITIONAL USES FOR C COMMERCIAL ZONING

on the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8,
TWP 28S, Range 2E of the 6th P.M., Sedgwick County,
Kansas.

Parcel A

- LC 1. Retail convenience store, gas station, or other similar uses. *1/2 mile -*

Parcel B

- C 1. Unenclosed or partially enclosed structures for trade, such as farmers' markets, auctioneering stands and bazaars.
- C 2. Baseball, football, soccer, or other athletic fields and related structures and uses. *Long Range*
- C 3. Outdoor recreational uses, including tent and trailer camping, picnicing, water slides and other water activities, pony riding ring, riding academy, playground, miniature golf course and driving range, shooting range, archery range, and others. *ca*
4. Overflow parking for grandstand events.

Parcel C

- E
E+CH 1. Race track for auto, go-cart, and other spectator racing events, including related structures such as grandstands, concession buildings, restrooms, storage and pit garages, floodlights, signs, and parking lots for 1,000 cars, etc.
2. Outdoor public spectator events such as concerts, fairs, circuses, tractor pulls, speed shows, livestock shows, and related structures.

*Lighting -
1120
Cover*

WICHITA-SEDGWICK COUNTY

DATE
December 17, 1981

METROPOLITAN AREA PLANNING DEPARTMENT

TO Claud Shelor, Director , County Department of Public Works
Douglas R. Hahn, Ph.D. - Department of Environmental Resources
Mike Everhard, Director of Department of Environmental Health

FROM Jack H. Galbraith, Chief Planner

SUBJECT ✓ SCZ-0497 - Zone Change "R-1" to "E" and
CU-251 - Conditional Use Permit for Automobile Race Track.

This is to advise you that we have received an application for "E" Light Industrial zoning for a forty acre tract located approximately 1/4 mile south of 31st Street South and 1/2 mile east of Rock Road. The legal description is as follows:


The S.W. 1/4 of the N.E. 1/4 of Section 8, T28S, R2E of the 6th P.M., Sedgwick County, Kansas.

In addition, a conditional use application has been filed requesting approval of an auto racetrack facility. Accessory uses such as grandstands, parking lots, floodlights, sewage lagoons, etc., are shown on the site plan. Secondary uses include outdoor spectator events such as concerts, fairs, circuses and livestock shows. A copy of their proposed plan is enclosed to each of you for your information.

These cases are scheduled for the Metropolitan Area Planning Commission meeting on January 14, 1982. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would appreciate any comments you might have regarding access to Rock Road, the need for decel lanes, the impact on the Base and Base housing, drainage problems if any and the proposal of the use of a lagoon, by January 4, 1982.

If you have any questions on these cases, please call me at 268-4404.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:el
Enclosure

December 17, 1981

Larry Janssen
Environmental and Contract
Planning Section
381st Civil Engineering Squadron
McConnell Air Force Base, Kansas 67221

Re: SCZ-0497 - "R-1" to "E" &
✓CU-251 - Conditional Use Permit
for Automobile Race Track.

Dear Mr. Janssen:

This is to advise you that we have received an application for "E" Light Industrial zoning for a forty acre tract located approximately 1/4 mile south of 31st Street South and 1/2 mile east of Rock Road. The legal description is as follows:

The S.W. 1/4 of the N.E. 1/4 of Section 8, T28S, R2E
of the 6th P.M., Sedgwick County, Kansas.

In addition, a conditional use application has been filed requesting approval of an auto racetrack facility. Accessory uses such as grandstands, parking lots, floodlights, sewage lagoons, etc., are shown on the site plan. Secondary uses include outdoor spectator events such as concerts, fairs, circuses and livestock shows. A copy of their proposed plan is enclosed for your information.

These cases are scheduled for the Metropolitan Area Planning Commission meeting on January 14, 1982. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would appreciate any comments you might have regarding access to Rock Road and impact on the Base and Base housing, etc., by January 4, 1982.

Page Two
Larry Janssen
December 17, 1981

If you have any questions on these cases, please call me at
268-4404.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
Enclosure

cc: Colonel Charles D. Belt, USAF Commander
Headquarters 381st Combat Support Group (SAC)
McCConnell Air Force Base, Kansas 67221

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4501

January 15, 1982

Dean Bussart
1011 Patricia
Wichita, Kansas 67208

Re: SCZ-0497 - "R-1" to "E" and
CU-251 - Conditional Use Permit for
Auto Race Track, etc. - approximately
1/4 mile south of 31st Street South and
1/2 mile east of Rock Road

Dear Mr. Bussart:

The Planning Commission at its regular meeting of January 14, 1982, considered the above-captioned requests, and their action was as indicated on the attached letter.

It is my understanding that you filed protest petitions on both applications after the Planning Commission meeting. Should additional protest petition forms are to be filed, they must be in the Office of the County Clerk no later than 5:00 p.m., January 25, 1982.

If you have any questions concerning this matter, please call.

Sincerely yours,

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:sad

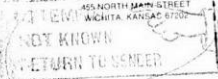
cc: Dick Davis, 10003 East 31st Street South, Wichita 67226
Reorganized Church of Later Day Saints, Presiding Elder. 3500
South Webb Road. Wichita 67210
Spencer DePew. 6322 East English. Wichita 67218
John Ramsey. 7629 East 117th Street North. Valley Center. Ks. 67147
Noland Young. 3230 South Webb Road. Wichita 67210
Charlie Jones. Realtor, 3202 West 13th Street, Suite 7, Wichita 67203
Joseph R. Betzen, 4205 South Rock Road, Derby, Kansas 67037
Linda Patrick, 4447 Jade, Wichita 67216

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



*Art -
any
suggestions?
July
file*



JUN 02 291618N1 01/16/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Charlie Jones, Realtor
3202 West 13th Street, Suite 7
Wichita, Kansas 67203



524

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

January 15, 1982

Alexander L. Dean
Builders, Inc.
300 West Douglas, Suite 755
Wichita, Kansas 67202

Re: SCZ-0497 - "R-1" to "E" and
CU-251 - Conditional Use Permit for
Auto Race Track, etc. - approximately
1/4 mile south of 31st Street South and
1/2 mile east of Rock Road

Dear Mr. Dean:

At its regular meeting on January 14, 1982, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that these applications not be approved.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, February 10, 1982, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

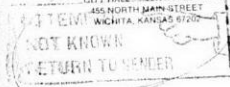
- cc: R. P. Bauer, Senior Vice President, Cessna Aircraft Company,
P. O. Box 1521, Wichita 67201
- Matt A. Roberts III, Colonel, USAF Commander, McConnell Air Force
Base, Wichita 67221
- Mr. Larry Jansen, Environmental Staff DEEV, McConnell Air Force
Base, Wichita 67221
- Michael J. Everhart, Environmental Health Director, Wichita-
Sedgwick County Health Department, 1900 East 9th, Wichita 67214
- D. R. Hahn, Director, Department of Environmental Resources,
County Courthouse, 510 North Main, Wichita 67202

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



Art - Any suggestions? - index file



JUN 02 29161841 01/16/82

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UNABLE TO FORWARD

Charlie Jones, Realtor
3202 West 13th Street, Suite 7
Wichita, Kansas 67203

505



WICHITA - SEDGWICK COUNTY - 2

Charles Marker, P.E., Deputy Director of County Public Works,
1250 South Seneca, Wichita 67213
Dean Bussart, 1011 Patricia, Wichita 67208
Dick Davis, 10003 East 31st Street South, Wichita 67226
Reorganized Church of Later Day Saints, Presiding Elder, 3500 South
Webb Road, Wichita 67210
Spencer DePew, 6322 East English, Wichita 67218
John Ramsey, 7629 East 117th Street North, Valley Center, Ks. 67147
Noland Young, 3230 South Webb Road, Wichita 67210
Charlie Jones, Realtor, 3202 West 13th Street, Suite 7, Wichita 67203
Joseph R. Betzen, 4205 South Rock Road, Derby, Kansas 67037
Linda Patrick, 4447 Jade, Wichita 67216
Ron Worley, County Zoning Officer

WICHITA - SEDGWICK COUNTY

W.S.C.

METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR

485 NORTH MAIN STREET

WICHITA, KANSAS 67202

NOT KNOWN
RETURN TO SENDER



*Art -
Any
Suggestions?
Shirley
file*

JUN 02 291618N1 01/16/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Charlie Jones, Realtor
3202 West 13th Street, Suite 7
Wichita, Kansas 67203

524



FORM 29-

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME

ADDRESS

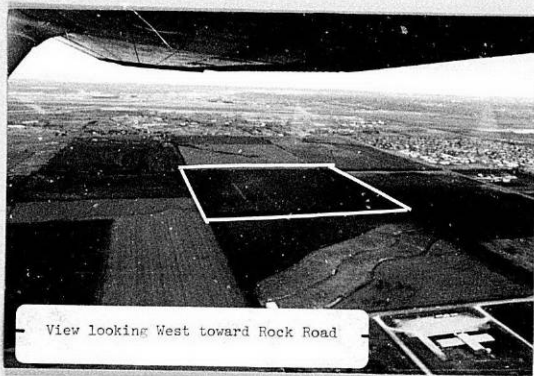
FUND

DUE DATE

COMMENTS

DATE

BY



View looking West toward Rock Road

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*