

DR 74-12 - Westport Airport
Proposed Improvements.

ACTION

DATE

COMMITTEE _____

M.A.P.C. _____

B.C.C./B. CO. C. _____

File

April 5, 1974

Mr. R. B. Davison
Chief, Operations, Procedures
and Airspace Branch, ACE-530
Department of Transportation
Federal Aviation Administration
601 East 12th Street
Kansas City, Missouri 64106

Subject: Westport Airport Proposed
Improvements
D.O.T.-F.A.A. Case No.
74-CE-20 NRA
Reply - ACE-537

Dear Mr. Davison:

This is to advise you that neither the Metropolitan Area Planning Commission nor the City Commission have as yet taken a position on the above request to establish an airport as indicated in your circular. I think Mr. Setter has thoroughly outlined the procedures needed to establish improved airport facilities.

As a staff advisor to those Commissions, it is my feeling that new facilities at the proposed location do not meet the criteria recommended for general aviation facilities. IN the new airport systems plan currently in process of adoption, I will also point out that the land is not yet properly zoned for such an airport. The zoning required, I am sure will be available when conditions of platting has been complied with.

I think there are two major factors to consider in approving an airport at this location. First, of all the ability to maintain integrity and safety of the Wichita Mid-Continent Airport. The second, is the location of housing directly south of this facility less than one half mile from the end of the runway. There is also an elementary school just at the south edge of that housing (Cleveland), and a temporary elementary school immediately east of the runway. I am saying that as a general rule any greatly increased air activity would not be appropriate this close to those schools and residents.

Mr. R. B. Davison
April 5, 1974
Page 2

To my knowledge, there has been no application under the present local ordinance for permission to establish this airport. We would appreciate receiving a copy of the findings made by your office concerning your determination of air space safety on this proposal.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:rme

cc: Ralph Wulz, City Manager
H. Jay Setter, Director of Park Board



503 CITY BUILDING ANNEX
WICHITA, KANSAS 67202

104 SOUTH MAIN
316-262-0611

G. GORDON DOTZOUR, PRESIDENT
GEORGE H. WECKEL
R. C. CLAMPITT
MRS. NANCY WOODARD
KENNETH M. CUSICK, JR.

H. JAY SETTER
DIRECTOR

April 1, 1974

Mr. R. B. Davison
Chief, Operations, Procedures
and Airspace Branch, ACE-530
Department of Transportation
Federal Aviation Administration
601 East 12th Street
Kansas City, Missouri 64106

Subject: Westport Airport Proposed Improvements
D.O.T.-F.A.A. Case No. 74-CE-20 NRA
Reply - ACE-537



Dear Mr. Davison:

The Board of Park Commissioners of the City of Wichita, Kansas, the owner and operator of Wichita Mid-Continent Airport, has been notified of the above application, a copy of which is attached as Exhibit "A". Response time has been set for April 6, 1974, on this proposal, and pursuant thereto the following is submitted for your consideration and that of all other governmental agencies involved.

In order to better comprehend and understand this situation it appears appropriate to go into some of the history and background which discloses the action heretofore taken and the various views and opinions previously expressed. Westport Airport apparently had its inception during 1953 and was acknowledged, at least to some extent, by the Federal Government as being in existence at that time.

April 1, 1974

Ordinance No. 21-407, adopted in October 1955 and entitled "WICHITA AIRPORT ZONING ORDINANCE," provided for airport zoning, including the spacing of adjacent airports, existing nonconforming uses, and permits and variances. This ordinance is now Title 28 Chapter 28.08 of the City Code.

Section 28.08.100, SPACING ADJACENT AIRPORTS, provides in essence that no airport may be located within a radius of eight miles from another unless application for an exception or variance is made and subsequently granted by the Board of City Commissioners. A copy of this section is attached marked Exhibit "B".

Section 28.08.110, EXISTING NONCONFORMING USES, provides for their continuance without diminution. A copy is attached as Exhibit "C".

Section 28.008.140, PERMITS AND VARIANCES - WHEN PERMITS REQUIRED.

- A. FUTURE USES: This provides that no material change shall be made in the use of land and no structures erected or altered and provides certain exceptions thereto.
- B. EXISTING USES: This section provides that a permit must be secured before making material changes and that no permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use to be made or become

April 1, 1974

higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter. A copy of Section 28.08.140 is attached marked Exhibit "D".

Section 28.08.010, DEFINITIONS, Subsection Q, defines non-conforming use as follows: "Nonconforming use means any structure, tree or use of land which, as of the effective date of such regulations, does not conform to a regulation prescribed in this chapter or any amendment thereto."

The foregoing ordinance was adopted pursuant to the Kansas Statutes Annotated 3-701 through 3-713 entitled, "AIRPORT ZONING ACT," passed by the Kansas Legislature in 1947.

In 1960 a request for a conditional use permit was made to the Wichita-Sedgwick County Metropolitan Area Planning Commission by Mr. E. V. Van Long for an expanded and enlarged use of Westport Airport. A copy of the notice dated November 3, 1960, from L. L. Little is attached marked Exhibit "E". Attached as Exhibit "F" is a copy of a memo dated November 4, 1960, from S. B. Maple, Superintendent of Building Inspection, to Jerrold A. Moore, Assistant Planning Director, wherein it is stated that this matter should be considered under the Airport Zoning Ordinance. A letter dated November 8, 1960, to Robert W. Clark from Emory L. Cox requesting the position of FAA on this matter and a copy of the response dated November 9, 1960, from FAA are both attached and marked Exhibit "G".

April 1, 1974

A recommendation to deny the application was made in the form of a memorandum dated November 10, 1960, from C. Edward Straub, Airport Manager, to Emory L. Cox, Director of the Park Board. This memorandum set forth some of the reasons and justifications in support of such denial. A copy of the memorandum is attached marked Exhibit "H".

This matter was initially heard on November 17, 1960, by the Metropolitan Area Planning Commission (MAPC), Case No. CU-39, as shown in the minutes of that meeting on pages 203, 204 and 205. Copies are attached marked Exhibit "I". At a continued hearing on December 1, 1960, the matter was further considered by the MAPC, and it was recommended at that time that the application be denied. A copy of pages 214 and 215 are attached and marked Exhibit "J". On January 6, 1961, the application was denied by the Sedgwick County Commission.

Although at this point in time and to our knowledge no application has been made to the proper city offices seeking a permit or variance to enlarge this nonconforming use of Westport Airport. However, we assume this will be forthcoming after FAA responds to the Airport Alteration Notice ACE-537. The same basic problem exists in this instance as in many previous situations and that is the coordination of compatible land use around airports and the utilization of air space in the safest and most efficient manner possible. As you are aware, the MAPC has developed the Tri-county Airport System

Plan Study. This plan has been approved and should be taken into consideration in any additional airport development in this area. One of the major concerns of that study, as well as the total national aviation system plan, is the location of airports in such a way as to eliminate conflicts and hazards and provide for the efficient utilization of existing air space.

The Board of Park Commissioners of the City of Wichita has no plan, desire, or inclination to cause any demise of general aviation in this community. In fact, quite the contrary attitude exists in that we are constantly striving to improve Wichita Mid-Continent Airport for both general and commercial aviation. We are, however, seriously concerned with any further or increased development of airport activity within the environs of Wichita Mid-Continent. In our considered opinion, any increase in uncontrolled air traffic within this area poses a definite threat to the safety and wellbeing of present and future operations.

If additional development of uncontrolled airport activity is permitted at this airport or any other in the area, we will soon be faced with a comparable situation as now exists on the east side of Wichita. That situation is generally conceded as being potentially unsafe and leaves considerable to be desired.

Every effort should be put forth toward planned and orderly development of airports and especially in regards to their

April 1, 1974

relative location. The opportunity is at hand to avoid certain of the pitfalls and mistakes of other communities and in this regard we urge the support of FAA, as well as all other regulatory bodies and governmental entities which may be involved.

Also attached marked Exhibit "K" is a letter dated September 4, 1970, from Mr. Robert O. Brown, Chief, Airports Field Branch, in response to the Riverside Airport Development. Although the statements therein are not applicable on all fours, they do express some general concern which relates to the present situation.

In summary, we solicit the views of FAA in this particular matter, as well as a general statement of policy in this total area of airport planning and development pursuant to NASP.

Thank you for your consideration.

Very truly yours,

H. Jay Setter, Director

HJS:g

cc: Mr. Ralph Wulz, City Manager
Mr. Robert Lakin, Director of Planning
Mr. James C. DeLong, Airport Manager
Mr. Charles Harris, Chairman, Chamber of Commerce
Aviation Committee

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

DATE: 3/6/74

IN REPLY
REFER TO: ACE-537

Case No. 74-CE-20NRA

SUBJECT: Airport Alteration

CENTRAL REGION
601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106
(Tel. 816 374-3408)



FROM: Chief, Operations, Procedures and Airspace Branch, ACE-530

TO: ALL KNOWN INTERESTED PERSONS:

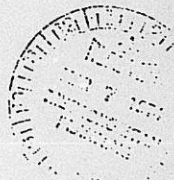
1. Name : Westport Airport
2. Proposal : Construct NNW/SSE 3200' x 40' asphalt runway and parallel 3300' x 200' water strip (sealane) Existing 2600' N/S turn runway to remain open
3. Proponent : Van Long, Owner
4. Location : 3601 W. Pawnee - Wichita, Kansas 67213
5. Elevation : 1290'
6. Federal Aid Involved : No
7. Chart : On reverse of this letter
8. Remarks :

Interested persons are invited to submit comments or recommendations relative to the effect this airport will have on the use of airspace by aircraft.

Please address reply to Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Missouri 64106. Replies received by April 6, 1974 will be considered before final action is taken on this proposal.

R. B. Davison
R. B. DAVISON

AIRPORT MANAGERS PLEASE POST



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CE Form 7230-OT (5/73) -200

Exhibit "A"

28.08.100 Spacing adjacent airports. A. No other airport shall be established hereafter, any portion of whose proposed boundary will be within a radius of eight miles from an airport reference point or under an airport approach zone of an airport established on the effective date of this chapter, unless a permit thereof shall have been applied for and granted in accordance with the provisions of this chapter.

B. Exceptions to the spacing requirements hereinbefore provided in this section may be granted by the board, upon receipt of proper application, but only after public hearing duly held in accord with provisions of this chapter, and where, owing to special conditions, the board duly finds that a literal enforcement of these provisions would result in unnecessary hardship and such variance would not be contrary to the public interest. Prior to granting any such exception or variance, the board shall, for the purpose of study and recommendation, refer the matter to the civil aeronautics administration and to any local planning body having the jurisdiction within the area affected.

If any of the aforementioned bodies to whom the matter shall have been referred does not within forty-five days transmit a report to the board, then it shall be deemed to have approved the proposal; provided, however, that upon request of any such body, the board shall grant a reasonable extension of such time.

In granting such exception or variance the board shall impose special conditions which will ensure the public interest is maintained. (Ord. No. 21-407, § 7.)

EXHIBIT "B"

28.08.110 Existing nonconforming uses. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land not conforming to these regulations and any amendment thereto as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use. (Ord. No. 21-407, § 8.)

EXHIBIT "C"

28.08.140 Permits and variances—When permits required. A. FUTURE USES:

No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established in any zone hereby created, unless a permit therefor shall have been applied for and granted, except that a permit shall not be required for any structure less than twenty-five feet in height.

B. EXISTING USES:

Before any existing use of land may be materially changed or any existing structure may be replaced, substantially altered or repaired or rebuilt within any zone hereby created, a permit must be secured authorizing such replacement, change or repair, except that a permit shall not be required for alterations, repairing or rebuilding of any structure less than twenty-five feet in height. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter or amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. No. 21-407, § 10.)

EXHIBIT "D"

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

OFFICE OF PLANNING DEPARTMENT DATE NOVEMBER 3, 1960

TO EMORY COX, DIRECTOR OF PARKS
FROM L. L. LITTLE, DIRECTOR OF PLANNING
SUBJECT CU-39 - CONDITIONAL USE PERMIT FOR AIRPORT SOUTH OF PAWNEE AND EAST OF WEST STREET

WE HAVE A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN AIRPORT, HANGERS, AND MAINTENANCE FACILITIES FOR A TRACT OF LAND SOUTH OF PAWNEE AVENUE AND EAST OF WEST STREET. THE LEGAL DESCRIPTION IS AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF RIGHT-OF-WAY OF THE MISSOURI PACIFIC RAILROAD AND THE NORTH LINE OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST; THENCE EAST 627 FEET, SOUTH 2,640 FEET, WEST 377 FEET, NORTH 1,640 FEET, THENCE WEST TO THE EAST LINE OF THE MISSOURI PACIFIC RR RIGHT-OF-WAY THENCE NORTHEASTERLY ALONG SAID RR RIGHT-OF-WAY TO POINT OF BEGINNING; ALL IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST, SEDGWICK COUNTY, KANSAS.

THE OWNER AND PROPOSED OPERATOR OF THIS AIRPORT IS E. V. VANLONG.

THIS APPLICATION IS MADE UNDER THE PROVISIONS OF THE SEDGWICK COUNTY ZONING RESOLUTION WHICH ALLOWS AIRPORTS IN THE "R-1", SUBURBAN RESIDENTIAL CLASSIFICATION AS A CONDITIONAL USE. THIS MATTER WILL BE HEARD IN A PUBLIC HEARING BEFORE THE METROPOLITAN AREA PLANNING COMMISSION ON NOVEMBER 17, 1960. WE WOULD APPRECIATE ANY COMMENTS YOU MAY HAVE RELATING TO THIS APPLICATION. IT WOULD ALSO BE APPRECIATED IF YOU WOULD CONTACT THE FAA OR ANY OTHER APPROPRIATE AGENCIES WHICH MAY REGULATE THIS TYPE OF ACTIVITY OR HAVE ANY INTEREST IN THIS MATTER.

L. L.
L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER
cc: FRANK H. BACKSTROM, CITY MANAGER
— CHARLES STRAUB, AIRPORT MANAGER

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EXHIBIT "E"

11/3/60--Copy given to Mr. Fleck

BUILDING INSPECTION DIVISION

November 4, 1960

Jerrold A. Moore, Assistant Planning Director

S. B. Maple, Superintendent of Building Inspection

AIRPORT PERMIT SOUTH OF PAWNEE
AND EAST OF WEST STREET


1-6
I have your memorandum of October 26 relative to the request of E. V. Van Long to the Wichita-Sedgwick County Metropolitan Area Planning Department for a conditional use permit for an airport, together with hangars and maintenance facilities on a tract of land in this vicinity.

This matter is one that comes within the jurisdiction of the Airport Zoning Ordinance. Section 25.08.100 of the City Code has to do with the establishment of airports within eight miles of the reference point of any existing airport. This area is much closer to the Municipal Airport than this.

While it is known that there has been an airport of sorts at this location for some time, it is not known the extent of its use nor are any facts known relative to its possible abandonment in the past. Aside from this, however, it is believed that this matter also is covered in Section 28.08.140 of the City Code, which has to do with the granting of permission for the extended use of land for existing facilities and the erection of structures upon such land.

It is therefore my opinion that as far as the Airport Zoning Ordinance is concerned, this airport could be continued in its present state as a legally nonconforming use, but should any extension be made thereto it would be necessary for an application to be made and a proper hearing had before the Board of City Commissioners, whom the ordinance sets out as the proper party to hear appeals concerning the administration of the Airport Zoning Ordinance.

It seems that before the conditional use could be granted, it would be necessary that the applicant first clear the matter as it might concern the Airport Zoning Ordinance.


S. B. Maple
Superintendent of Building Inspection

SEM MG

Cc Emory Cox, Park Board ✓
E. N. Smith, Dir. of Public Works

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EXHIBIT

"F"

November 6, 1960

Mr. Robert W. Clark
District Airport Engineer
Federal Aviation Agency
Room 2711, 911 Walnut Street
Kansas City 8, Missouri

Subject: Westport Airport--
Request for Conditional Use Permit

Dear Mr. Clark:

The appended copy of a memorandum from the Wichita-Sedgwick County Metropolitan Area Planning Commission regarding a request for a conditional use permit by E. V. Van Long, owner of the Westport Airport, is self-explanatory. This airport is also considered a non-conforming use under the Wichita Airport Zoning Ordinance since it is only two miles from the Wichita Municipal Airport.

We would like to know the Federal Aviation Agency's position in regard to the operations of the Westport Airport, particularly, with respect to its interference with traffic using the Wichita Municipal Airport. Also what would the FAA's position be toward further development of the Westport Airport?

The presence of a representative of the FAA at the Planning Commission Meeting on November 17 would be desirable. However, a letter stating the FAA's position sent to us before the meeting would be quite satisfactory.

Thanking you, in anticipation of your help in this matter, we are

Very truly yours,

BOARD OF PARK COMMISSIONERS

Emory L. Cox
Director

ELC:zs
Attach.

bc: L. L. Little, Director of Metropolitan Planning
W. R. Fleck, Chief Engineer, Park Board
C. Edward Straub, Airport Manager

EXHIBIT "6"

20
26
P. 1170

FEDERAL AVIATION AGENCY
District Airport Engineer
Room 2711, 911 Walnut Street
Kansas City 6, Missouri

November 9, 1960

Mr. Emory L. Cox
Director
Board of Park Commissioners
Wichita, Kansas

Subject: Westport Airport, Wichita, Kansas
Request for Conditional Use Permit

Dear Mr. Cox:

The matter of a conditional use permit for the Westport Airport, about which you wrote in your letter of November 8, 1960, was also discussed in a telephone conversation with Mr. C. E. Straub, Airport Manager, on the same date. On the basis of that telephone discussion, you might appreciate a review of Federal Aviation Agency relationships in these matters although these relationships previously have been thoroughly discussed in a meeting with Mr. Fleck and Mr. Little.

Federal Aviation Agency has no control granted by law or regulations of existing landing areas that are to remain in their present stage of development. Anyone who proposes construction on a landing area or establishment of a new landing area is required to file an official "Notice of Construction" with the District Airport Engineer of the Federal Aviation Agency. Similar notice is required from the proposer of any construction within 15,000 feet of the nearest boundary of a landing area if the height of the structure will be greater than 5' for each 500' from that boundary. These notices are directed to Federal Aviation Agency at 4825 Troost Avenue, Kansas City, Missouri.

Federal Aviation Agency procedures in evaluating such notices include, when applicable, a circularization of inquiries to individuals who may wish to comment on the proposed construction. FAA then notifies the proposer whether or not the construction is objectionable from a standpoint of safe and efficient use of airspace.

We are, in this procedure, very desirous of collaborating with officials responsible for zoning and are most happy to discuss relationships of aviation activities to zoning particularly in the formative stages of zoning action. This is not an indication that zoning or the details of zoning are an FAA requirement, but we do assist in correlation with FAA

11/10/60--Copy made for Mr. Fleck

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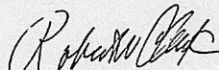
copy
EXHIBIT "G"

procedures so that the governing body can decide on the manner of control. Specifically applied to an existing airport, our procedures and requirements for notice would not be altered by the fact that zoning might allow further development without a permit. We believe in this case that the governing body applying zoning ordinances would be limited in the prevention of construction that might be agreed as objectionable. The FAA must evaluate specific proposals for construction in every case. It would appear desirable that the governing body require a permit for construction so that they would have the opportunity to know the FAA evaluation prior to acting on a permit.

We have discussed the Westport Airport request with the office of the FAA Air Traffic Supervisor and with our Flight Standards District Office (Air Carrier). These offices have agreed that further development of this airport is undesirable. It lies within the control zone of the Wichita Municipal Airport. Flights from the Westport Airport have a potential conflict with the traffic patterns for the Wichita Municipal Airport. This potential is true even for the limited activity we presume has been the case at the Westport Airport, but the potential hazard would increase with any increased traffic. We would prefer that there be no landing area at this location, but if it is necessary to allow it to remain, it can be anticipated that FAA would object to specific items of development as a response to the notices of construction which would be required.

Although each notice for construction would have to be considered individually, we are furnishing this general statement in response to your request for the Federal Aviation Agency position.

Sincerely,



Robert W. Clark
District Airport Engineer

cc: FSDO (Gen.), Wichita, Ks.
FSDO (AC), Kansas City, Ks.
Air Traffic Supervisor, Kansas City, Mo.
Mr. C. E. Straub, Airport Mgr., Wichita, Ks.
Mr. L. L. Little, Director of Planning, Wichita, Ks.

COUNCIL OF PARK COMMISSIONERS
WICHITA, KANSAS

Office Memorandum

DATE: November 10, 1960

TO: Mr. Cox

SUBJECT: Conditional Use Permit - Westport
Airport

FROM: C. Edward Straub

We have contacted Mr. Robert W. Clark, District Airport Engineer, Kansas City. He will answer your letter of November 8th just as soon as possible. Because of the shortness of time, it will have to be hand carried through channels in order to be available by the 17th. The further complications of other applications for airports within the control zones of existing airports and proximity to the city limits may develop a policy by which future applicants may be guided. This will be very important for the Municipal Airport and its Zoning Regulations. We have in mind the applications of the airports at Clearwater and the possibility of a landing strip at the Centennial grounds just west of this airport.

It is not clear to us at this time just what the difference is between what the applicant is now permitted to do and what the change in zoning will then permit. Zoning in general is intended to prevent nonconforming use to become any greater than it was at the time of the adoption of the Zoning Ordinance.

The Nonconforming Use Regulations 28.04.170 state that:

"The lawful use of a building or structure existing at the time of the effective date of this chapter (February 2, 1954) may be continued, although such use does not conform to the provision hereof. Ordinary maintenance and repair may be done on such nonconforming buildings, and such structural alterations may be made which are necessary to maintain the building or structure in good condition; provided, that such alterations do not enlarge or change the general character of the building. If no structural alterations are made other than those necessary to maintain the building, a conforming use of the building may be changed to another nonconforming use of the same or higher restricted classification.--"

It seems to us that his application for a permit should be made for another nonconforming use of the same or higher restricted classification. He does not need a permit to continue his present level of operations. If, however, he is applying for a Conditional Use Permit which will allow any additional operations other than what his buildings and runway appointments were at the time of the adoption of the Ordinance, then his application should come under the requirements of the City Commission and the Airport Zoning Ordinance. Such a permit under the Airport Zoning Ordinance would permit new structures to be erected without permit if not over 25 feet high. However, 28.05.110 says:

"No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or non-conforming use to be made or become higher, or become a greater hazard to air navigation, or than it is when the application for a permit is made.--" Ord. No. 21-407, pp10.

(This is not to be used for scratch paper. Please sign memorandum. Use reverse side if necessary.)

EXHIBIT "H"

The effect of airports and landing strips within the control zone of this airport lessen the value of the airport and affect the safety of its users. The establishment of expensive approach areas and complicated approach patterns to safeguard the surrounding community are in error if landing strips and airports can be suffered to become more non-conforming without having to provide similar protective devices for the community, and without separating traffic areas sufficiently for safety of the flying public. We may be in error, but it does not appear that the applicant needs anything more than what he has now to operate as he did at the time the ordinance was passed, but that the application for a permit which would change his status in any way (except to a higher classification) is an extending of his conforforming use and should be denied.

C. Edward Straub

14. CASE No. CU-38 - CASE INITIATED BY PLANNING COMMISSION FOR CONDITIONAL USE PERMIT FOR A SAND PIT FOR SAND AND GRAVEL EXTRACTION ON A TRACT BEGINNING 1885 FEET EAST OF NW CORNER, SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST; THENCE SOUTH 2640 FEET; WEST 200 FEET; NORTH 2640 FEET AND EAST 200 FEET TO POINT OF BEGINNING, EXCEPT STREET, ALL IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST - GENERALLY LOCATED ON THE SOUTH SIDE OF PAWNEE AND BETWEEN WEST STREET AND SHERIDAN.

15. CASE No. CU-39 - CASE INITIATED BY PLANNING COMMISSION FOR CONDITIONAL USE PERMIT FOR AN AIRPORT, INCLUDING TWO 10 UNIT AIRPLANE HANGERS, FIVE INDIVIDUAL AIRPLANE HANGERS AND AIRCRAFT MAINTENANCE FACILITIES, ON A TRACT BEGINNING AT THE INTERSECTION OF THE EAST LINE OF RIGHT-OF-WAY OF THE MISSOURI PACIFIC RR AND THE NORTH LINE OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST; THENCE EAST 627 FEET; THENCE SOUTH 2640 FEET; THENCE WEST 377 FEET; THENCE NORTH 1640 FEET, THENCE WEST TO THE EAST LINE OF THE MOP RR RIGHT-OF-WAY TO POINT OF BEGINNING; ALL IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST - GENERALLY LOCATED ON THE SOUTH SIDE OF PAWNEE BETWEEN WEST STREET AND SHERIDAN.

16. CASE No. CU-40 - CASE INITIATED BY PLANNING COMMISSION FOR CONDITIONAL USE PERMIT FOR A GO-KART TRACK AND CONCESSION STAND ON A TRACT BEGINNING 30 FEET SOUTH AND 1885 FEET EAST OF THE NW CORNER OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST; THENCE SOUTH 600 FEET; THENCE EAST 600 FEET; THENCE NORTH 600 FEET; THENCE WEST 600 FEET TO THE POINT OF BEGINNING - GENERALLY LOCATED ON THE SOUTH SIDE OF PAWNEE AND BETWEEN WEST STREET AND SHERIDAN.

HARRIS STATED THAT HE WOULD ABSTAIN FROM DISCUSSION OR VOTING ON THE ABOVE THREE CASES, BUT WOULD CONTINUE AS CHAIRMAN IN THE ABSENCE OF MR. BLOOD, THE VICE CHAIRMAN. KESSLER ABSTAINED FROM VOTING OR DISCUSSION ON CASES CU-38 AND CU-39.

MR. E. V. LONG, OWNER OF THE PROPERTY INCLUDED IN THE ABOVE THREE APPLICATIONS, STATED THAT THE SAND PIT OPERATION HAS BEEN IN EXISTENCE PRIOR TO ADOPTION OF THE COUNTY ZONING RESOLUTION AND HE RECENTLY LOST A CONTRACT TO SELL DIRT FROM THIS PIT BECAUSE HE DID NOT HAVE A PERMIT. THE USUAL REQUIREMENTS ATTACHED TO PREVIOUS APPROVALS OF SAND PIT CONDITIONAL USE PERMITS WERE REVIEWED. BECAUSE OF THE NARROW WIDTH OF SUBJECT TRACT, IT WAS CONSIDERED UNLIKELY THAT CERTAIN OF THOSE CONDITIONS SUCH AS A 5 TO 1 SLOPE COULD BE COMPLIED WITH. IT WAS POINTED OUT THAT NON-CONFORMING STRUCTURES ARE PERMITTED TO EXPAND 50% UNDER THE RESOLUTION, BUT USE OF LAND CANNOT EXPAND UNDER THE PROVISION.

THERE WAS NO OPPOSITION FROM ADJOINING PROPERTY OWNERS.

EXHIBIT "i"

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY AS TO THOSE VOTING (HARRIS, KESSLER AND LAW ABSTAINED) THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT CU-38 BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. A FIFTY-EIGHT (58) INCH V-MESH FENCE ON NO LESS THAN SEVEN (7) FOOT STEEL POSTS WITH THE POSTS AT NO MORE THAN SIXTEEN (16) FOOT SPACING SHALL BE CONSTRUCTED ALONG THE PROPERTY LINE (AS DESCRIBED IN THE APPLICATION) AND MAY PROVIDE FOR REASONABLE ACCESS GATES INSTALLED AT THE HEIGHT OF THE FENCE WHICH SHALL BE KEPT LOCKED EXCEPT WHEN IN USE.
2. EXCAVATION SHALL NOT APPROACH NEARER THAN 100 FEET TO THE CENTER LINE OF PAWNEE AVENUE NOR NEARER THAN SIX FEET TO THE EAST AND WEST SIDES OF THE TRACT DESCRIBED IN THE APPLICATION NOR NEARER THAN 100 FEET TO THE $\frac{1}{2}$ SECTION LINE ON THE SOUTH.
3. ALONG THE EAST AND SOUTH BOUNDARY LINES THERE SHALL BE INSTALLED A SHELTER BELT CONSISTING OF TWO ROWS OF PLANTINGS AND THE INSTALLATION AND COMPOSITION OF SAID SHELTER BELT SHALL BE IN ACCORDANCE WITH SPECIFICATIONS OF THE SOIL CONSERVATION SERVICE.
4. VEGETATIVE COVER FOR SLOPES SHOULD CONSIST OF A SHORT, PERENNIAL, DROUTH-RESISTANT GRASS OR COMBINATION OF GRASSES WHICH WILL PERMIT THE ESTABLISHMENT OF A GOOD SOD COVER.
5. THE SIDE SLOPE OF THE EXCAVATION SHALL BE NO MORE STEEP THAN THREE (3) TO ONE (1).
6. A PERFORMANCE BOND SHALL BE PRESENTED TO COVER THE MAINTENANCE OF THE SHELTER BELT AND IN SUCH AMOUNT AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS. SUCH BOND TO BE FILED IN THE OFFICE OF THE COUNTY CLERK AND TO RUN IN FAVOR OF THE COUNTY. THIS BOND SHALL BE KEPT IN FULL FORCE AND EFFECT DURING THE OPERATION OF SAND PIT AND FOR A PERIOD OF TWO YEARS FROM THE CESSATION OF SUCH OPERATION OF THE SAND PLANT OR EXCAVATION OPERATION.
7. THE APPLICANT SHALL SUBMIT A RESTRICTIVE COVENANT SATISFACTORY TO COUNTY LEGAL COUNSEL PROVIDING THAT NO FOREIGN MATTER SUCH AS RUBBISH, CAR BODIES, SALVAGE, ETC., BE DEPOSITED WITHIN THE EXCAVATION AREA.

BECAUSE THREE MEMBERS OF THE QUORUM OF 5 PRESENT WERE ABSTAINING, THE CHAIRMAN POINTED OUT THAT ONLY 2 MEMBERS WOULD BE DECIDING THE ACTION OF THE PLANNING COMMISSION ON CU-38. HE STATED THAT BECAUSE HE IS ABSTAINING HE WOULD NOT CARE TO MAKE A RULING AS TO WHETHER TO PROCEED WITH A RECOMMENDATION TO THE COUNTY COMMISSION UNDER THE CIRCUMSTANCES, AND PASSED THE GAVEL TO JENNINGS.

JENNINGS RULED THAT THE RECOMMENDATION AS VOTED ON BE FORWARDED TO THE COUNTY COMMISSIONERS AND THAT THEY BE ADVISED TO SEEK THE OPINION OF THEIR LEGAL COUNCIL BEFORE THEY TAKE FINAL ACTION ON THIS APPLICATION.

RE. CU-39: MR. LONG STATED THAT THE AIRPORT OPERATION WAS IN EXISTENCE PRIOR TO COUNTY ZONING REGULATIONS, AND AT THIS TIME DESIRES A CONDITIONAL USE PERMIT SO THAT HE CAN EXPAND THE OPERATION.

MR. LITTLE NOTED THAT S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT OF THE CITY OF WICHITA, HAS ADVISED THAT THIS AIRPORT COULD CONTINUE AS A NON-CONFORMING USE BUT THAT ANY EXPANSION THEREOF WOULD COME UNDER THE JURISDICTION OF THE AIRPORT ZONING ORDINANCE ADMINISTERED BY THE BUILDING INSPECTION SUPERINTENDENT OF THE CITY OF WICHITA. HE ALSO STATED THAT A COMMUNICATION FROM THE FEDERAL AVIATION AGENCY INDICATES THAT THAT AGENCY CONSIDERS FURTHER DEVELOPMENT OF THIS AIRPORT UNDESIRABLE INASMUCH AS FLIGHTS THEREFROM HAVE A POTENTIAL CONFLICT WITH THE TRAFFIC PATTERNS OF THE WICHITA MUNICIPAL AIRPORT. THIS SITUATION IS TRUE EVEN FOR THE LIMITED ACTIVITY CURRENTLY EXISTING AT THIS AIRPORT.

LAKIN INDICATED THAT A LETTER IN PROTEST TO THE CONDITIONAL USE REQUEST FOR THE AIRPORT WAS RECEIVED FROM PAULINE TISCHENKO, A PROPERTY OWNER IN THE AREA.

IT WAS POINTED OUT THAT APPROVAL OF FAA IS NEEDED, COMPLIANCE WITH THE AIRPORT ZONING ORDINANCE, AND APPROVAL OF A CONDITIONAL USE PERMIT BY THE BOARD OF COUNTY COMMISSIONERS ARE ALL NECESSARY BEFORE THE AIRPORT OPERATION MAY BE EXPANDED.

IT WAS NOTED ALSO THAT THE SKETCH PLAN FOR LAND USE HAS INDICATED RESIDENTIAL USE FOR PROPERTY INVOLVED IN CU-38, CU-39, AND CU-40.

MR. FLECK, PARK BOARD ENGINEER, INDICATED THAT THE PARK BOARD IS OPPOSED TO ANY EXPANSION OF THE AIRPORT AT THIS LOCATION.

IN CONSIDERING CU-39, IT WAS NOTED THAT HARRIS, KESSLER, LAW AND ANDERSON INDICATED THEY WOULD ABSTAIN ON A MOTION CONCERNING THIS CASE. THIS LEFT ONLY ONE MEMBER TO VOTE, AND IN VIEW OF THIS, THE CHAIRMAN DECLARED THE HEARING ON CU-39 DEFERRED UNTIL DECEMBER 1, 1960.

7. CASE No. SCZ-0111 - HOMER P. MOSLEY REQUESTS CHANGE FROM "R-1" AND "LC" TO "E" FOR AN AREA BEGINNING 83.8 FEET SOUTH AND 508.3 FEET WEST OF THE NE CORNER OF SECTION 31, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH P.M., IN SEDGWICK COUNTY, KANSAS; THENCE WESTERLY 752.7 FEET ALONG THE SOUTH EDGE OF THE HIGHWAY; THENCE SOUTH 287 FEET MORE OR LESS TO THE NORTH LINE OF THE A.T. & S.F. RAILROAD RIGHT-OF-WAY; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 803 FEET MORE OR LESS, THENCE NORTH 120 FEET MORE OR LESS TO THE POINT OF BEGINNING - GENERALLY LOCATED IN AN AREA BETWEEN U.S. HIGHWAY 54 AND THE A.T. & S.F. RAILROAD RIGHT-OF-WAY AND WEST OF MAIZE ROAD.

GREY DRESIE, ATTORNEY FOR THE APPLICANT, SPOKE IN SUPPORT OF THIS APPLICATION. HOMER R. MOSLEY ALSO SPOKE. HE STATED THAT HE DESIRES THE ZONING CHANGE TO PERMIT USE OF THE AREA BY A SMALL INDUSTRIAL PLANT OF SOME KIND, BUT THAT HE HAS NO DEFINITE PLANS AT THIS TIME.

NO ONE WAS PRESENT TO OBJECT TO THIS APPLICATION.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THIS APPLICATION BE DENIED FOR "E" ZONING, AND THAT THE SUBJECT AREA BE RECOMMENDED FOR A CHANGE TO "C" ZONING.

8. CASE No. CU-39 - INITIATED BY PLANNING COMMISSION, A CONDITIONAL USE PERMIT TO ESTABLISH AN AIRPORT, INCLUDING TWO 10 UNIT AIRPLANE HANGERS; FIVE INDIVIDUAL AIRPLANE HANGERS AND AIRCRAFT MAINTENANCE FACILITIES, FOR AN AREA DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE EAST LINE OF RIGHT-OF-WAY OF THE MISSOURI PACIFIC RR AND THE NORTH LINE OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST; THENCE EAST 627 FEET; THENCE SOUTH 2640 FEET, WEST 377 FEET, NORTH 2640 FEET, THENCE WEST TO THE EAST LINE OF THE MOP RR RIGHT-OF-WAY, THENCE NORTHEASTERLY ALONG SAID RR RIGHT-OF-WAY TO POINT OF BEGINNING, ALL IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 1 WEST - GENERALLY LOCATED ON THE SOUTH SIDE OF PAWNEE BETWEEN WEST STREET AND SHERIDAN.

VAN LONG, OWNER OF PROPERTY INVOLVED IN THIS CASE, SPOKE IN SUPPORT OF THIS APPLICATION. HE STATED THAT THE AIRPORT WAS IN EXISTENCE PRIOR TO ZONING. HE INDICATED ALSO THAT HE IS AWARE OF THE FACT THAT HE MUST OBTAIN APPROVAL FOR EXPANSION OF THE AIRPORT FROM THE FEDERAL AVIATION AGENCY, AND MUST ALSO COMPLY WITH THE AIRPORT ZONING ORDINANCE WHICH IS ADMINISTERED BY THE CITY BUILDING INSPECTION SUPERINTENDENT.

EXHIBIT "J"

MOORE REPORTED THAT A LETTER RECEIVED FROM PAULINE TISCHENKO, A NON-RESIDENT PROPERTY OWNER, INDICATES SHE IS OPPOSED TO THE APPLICATION.

MOORE READ A LETTER FROM THE FEDERAL AVIATION AGENCY IN WHICH THAT OFFICE INDICATED THAT FLIGHTS FROM THE SUBJECT AIRPORT HAVE A POTENTIAL CONFLICT WITH TRAFFIC PATTERNS FOR THE WICHITA MUNICIPAL AIRPORT.

NO ONE APPEARED IN PERSON IN OPPOSITION TO THIS APPLICATION.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY AS TO THOSE VOTING THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THIS APPLICATION BE DENIED. KESSLER AND ANDERSON ABSTAINED FROM DISCUSSION OR VOTING.

NEW CASES

9. CASE No. CU-41 - GLENVILLE IMPROVEMENT DISTRICT, REQUESTS CONDITIONAL USE PERMIT TO ESTABLISH A FIRE STATION AND COMMUNITY BUILDING COMBINED ON LOTS 16 AND 17, BLOCK 9, PURCELL'S 10TH ADDITION - GENERALLY ON THE WEST SIDE OF OAK STREET BETWEEN 44TH AND 45TH STREETS SOUTH.

WAYNE POOL, MEMBER OF THE BOARD OF DIRECTORS OF GLENVILLE IMPROVEMENT DISTRICT, STATED THAT THE DISTRICT DESIRES TO BUILD A FIRE STATION AND COMMUNITY BUILDING. HE STATED THAT SUCH BUILDING WAS STARTED BEFORE IT WAS KNOWN THAT A PERMIT WAS NECESSARY.

IN ANSWER TO A QUESTION BY THE COMMISSION, MOORE POINTED OUT THAT THE MASTER PLAN FOR FIRE STATIONS INCLUDES A FIRE STATION IN THE GENERAL VICINITY OF 47TH STREET SOUTH AND SENECA WHICH IS CLOSE TO SUBJECT LOCATION. HE STATED ALSO THAT THERE IS INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM FOR 1961-1966 A PROPOSED FIRE STATION TO BE BUILT BY THE CITY OF WICHITA IN THIS LOCATION SHOULD ANNEXATION TAKE PLACE.

THE QUESTION WAS RAISED OF WHETHER OR NOT AN IMPROVEMENT DISTRICT CAN LEGALLY OPERATE AND LEVY AN ASSESSMENT FOR OPERATION OF A FIRE STATION.

MR. POOL STATED THAT THE DISTRICT DOES NOT CONTEMPLATE A SPECIAL ASSESSMENT, BUT EACH YEAR DOES SET ASIDE OR BUDGET FUNDS FOR DISTRICT IMPROVEMENTS AND THAT THE BUILDING WOULD BE FINANCED FROM SUCH FUNDS. HE STATED ALSO THAT THE FIRE DEPARTMENT IS OPERATED ON A VOLUNTARY BASIS.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CENTRAL REGION
OFFICE LOCATION: 477 TROOST
MAIL ADDRESS: 601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106



4 September 1970

Mr. Jack H. Galbraith
Chief Planner
Wichita-Sedgwick County Metropolitan Planning Department
City Building Annex
104 South Main
Wichita, Kansas 67202

Subject: Riverside Airport
Wichita, Kansas
Conditional Use Permit

Dear Mr. Galbraith:

We appreciate the concern of the Wichita-Sedgwick County Metropolitan Planning Department in matters connected with the area's system of airports.

Regarding the addition to Riverside Airport discussed in your letter 28 August 1970; we cannot object to the acquisition of this parcel of land. However, should the proponent propose to use the land to make such modifications or to erect such structures that would require notification of FAA under the provisions of Federal Aviation Regulations, Parts 77 or 157, FAA would then render an official determination as to the effect such development would have on the safe and efficient use of airspace.

As we have expressed in previous correspondence, the Federal interest in promoting the development of metropolitan area airport systems normally favors a minimum number of highly developed airports rather than a large number of unsophisticated airports. These recommended airports should be located in such a way as to utilize the existing airspace in the most efficient manner possible. If such a plan were to be prepared, it is unlikely that Riverside Airport would be included, for economic and environmental reasons as well as possible airspace problems.

Although the above represents our general views concerning long range planning, the fact remains that an up-to-date airport system plan does not now exist, whereas Riverside airport does exist. While the site conditions and location may not be ideal, the airport is nonetheless currently providing a portion of the total airport facilities needed in the metropolitan area. Therefore, as long as its operation is not found to have an adverse affect on aviation safety, we cannot object to its operation.



Exhibit "K"

We hope this has been responsive to your inquiry. If you have further questions, please let us know.

Sincerely,

Robert O. Brown

ROBERT O. BROWN
Chief, Airports Field Branch CE-670