R#145-1992

Published in The Daily Reporter on June 9, 1992

RESOLUTION NO. 145-1992

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A PRIVATE AIRPORT IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to establish a private airport on property zoned "R" Rural Residential District is hereby approved on lands legally described below:

Case No. CU-339
Conditional Use Permit request to establish a private airport on property zoned the "R" Rural Residential District

Lot 1, Block A, Yoder Airport Addition, Sedgwick County Kansas. Generally located at the southwest corner of Kellogg (U.S. 54) and Andale Road (247th St. W.) if extended from the north.

SUBJECT TO THE FOLLOWING CONDITIONS:

A. Development of the private airport shall be limited to the construction of the landing strip, and a maximum of four aircraft storage hangers or associated buildings. The four permitted airport buildings shall not exceed 35 feet in height and shall observe the setback requirements set forth in item "G" of these conditions. The combined square footage of the four permitted buildings shall not exceed 12,000 square feet of floor area, including any attachments thereto. The aircraft hangers or associated buildings shall be used only for the storage, servicing and maintenance of non-commercial aircraft or the equipment necessary for the maintenance of the aircraft landing field. The four

permitted airport buildings may also be used for any use that is permitted outright by the provisions of the "R" Rural Residential District.

B. The airport authorized by this resolution shall be utilized by private aircraft only.

C. The uses permitted shall be only those associated with the normal operation of the private airport. Nothing in the approval of this request shall be construed to permit the sales of products or services.

D. The operation of the private airport shall comply with all applicable rules and regulations of the Federal Aviation Administration.

E. Aircraft hangers or other permanent buildings associated with the airport use shall not be located within the north 100 feet or the west 35 feet of the property subject to conditional use resolution.

F. Any on-site sewerage shall be provided in accordance with the standards of the Wichita-Sedgwick County Health Department.

G. Any violation of the foregoing conditions shall render this conditional use permit null and void.

SECTION II. That upon the effective date of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

SECTION IV. Sedgwick County Resolution No. 295-1990 is hereby repealed.

Commissioners present and voting were:

BETSY GWIN	Aye
PAUL W. HANCOCK	Aye
BERNARD A. HENTZEN	Aye
BILLY Q. McCRAY	Absent
MARK F. SCHROEDER	Aye

DATED this 20th day of May, 1992.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

BETSY GWIN, Chair

MARK F. SCHROEDER, Chair Pro Tem

PAUL W. HANCOCK, Commissioner

BERNARD A. HENTZEN, Commissioner

BILLY Q. McCRAY, Commissioner

ATTEST:

DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

County Counselor/Assistant

State of Kansas
County of Sedgwick

I, County Clerk of said County, do hereby certify this to be a true and correct copy of the original instrument which is on file or of record in my office.
Done this 21st day of May, 1992
DON WRIGHT, County Clerk

By Mary Ann Kramer, Deputy

YODER AIRPORT ADDITION

SEDGWICK COUNTY, KANSAS

State of Kansas,
Sedgwick County SS Me, Engineering Company, P.A. a licensed
Kansas county and state do hereby certify that have surveyed and
did platted "YODER AIRPORT ADDITION" being in South, Range and
that the accompanying plat is a true and correct exhibit of the prop-
erty surveyed, described as the E½ of the NE¼ of Sec 34, T
27-S, R-3-W of the 6th P.M, Sedgwick County, Kansas, subject the
north 60 feet thereof for highway and subject the right-of-way of
the A. T. & S.F. Railroad.

Existing public easements being vacated by this plat are
82-512(b).

Engineering Company, P.A.

Date _____

_____ Surveyor
Mark A. Savoy

1" = 100'
• = PIN
Min Pad Elev
Lowest Opening
Lot 8, Blk A,
Elev. = 1451 MSL

Know all men by these presents that we, the undersigned, have caused the land described in the surveyors certificate to be platted into Lots, a Block and Streets to be known as "YODER AIRPORT ADDITION", Sedgwick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The drainage and utility easements are hereby granted as indicated for the construction and maintenance of all public utilities and for drainage purposes. The drainage easements are hereby granted as indicated for drainage purposes. The Floodway easement is hereby granted as indicated for Floodway purposes and shall be the responsibility of the owner of Lot 8, until such time as the appropriate governing elects to assume the responsibility for maintenance and improvement of the drainage. No building shall be constructed on or within said floodway; nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of said appropriate governing body. The streets are hereby dedicated to and for the use of the public. Access control to or from U.S. 54 (Harry St) Highway are per Case No. B-17272. Lot 8, Block A, shall maintain a minimum pad elevation for the lowest opening to structures of 1451 mean sea level.

_____ _____
Donald D. Yoder Janet S. Yoder

State of Kansas)
Sedgwick County) SS The foregoing instrument acknowledged before me, this _____ day of _____ 199__, by Donald D. Yoder and Janet S. Yoder, husband and wife.

_____ Notary Public
My App't. Exp. _____

This plat of "YODER AIRPORT ADDITION", Sedgwick County, Kansas has been submitted and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.
Dated this _____ day of _____ 199__.
Wichita-Sedgwick County Metropolitan Area Planning Commission.

_____ Chairman
George D. Sherman

_____ Secretary
Marvin S. Krout

This plat approved and all dedications shown hereon, accepted by the Board of County Commissioners of Sedgwick County, Kansas this _____ day of _____ 199__.

_____ Chairman
Billy Q. McCray

_____ Chairman Pro-Tem
Betsey Gwin

_____ Commissioner
Paul W. Hancock

_____ Commissioner
Bud Hentzen

_____ Commissioner
Mark F. Schroeder

_____ County Clerk
Don Wright

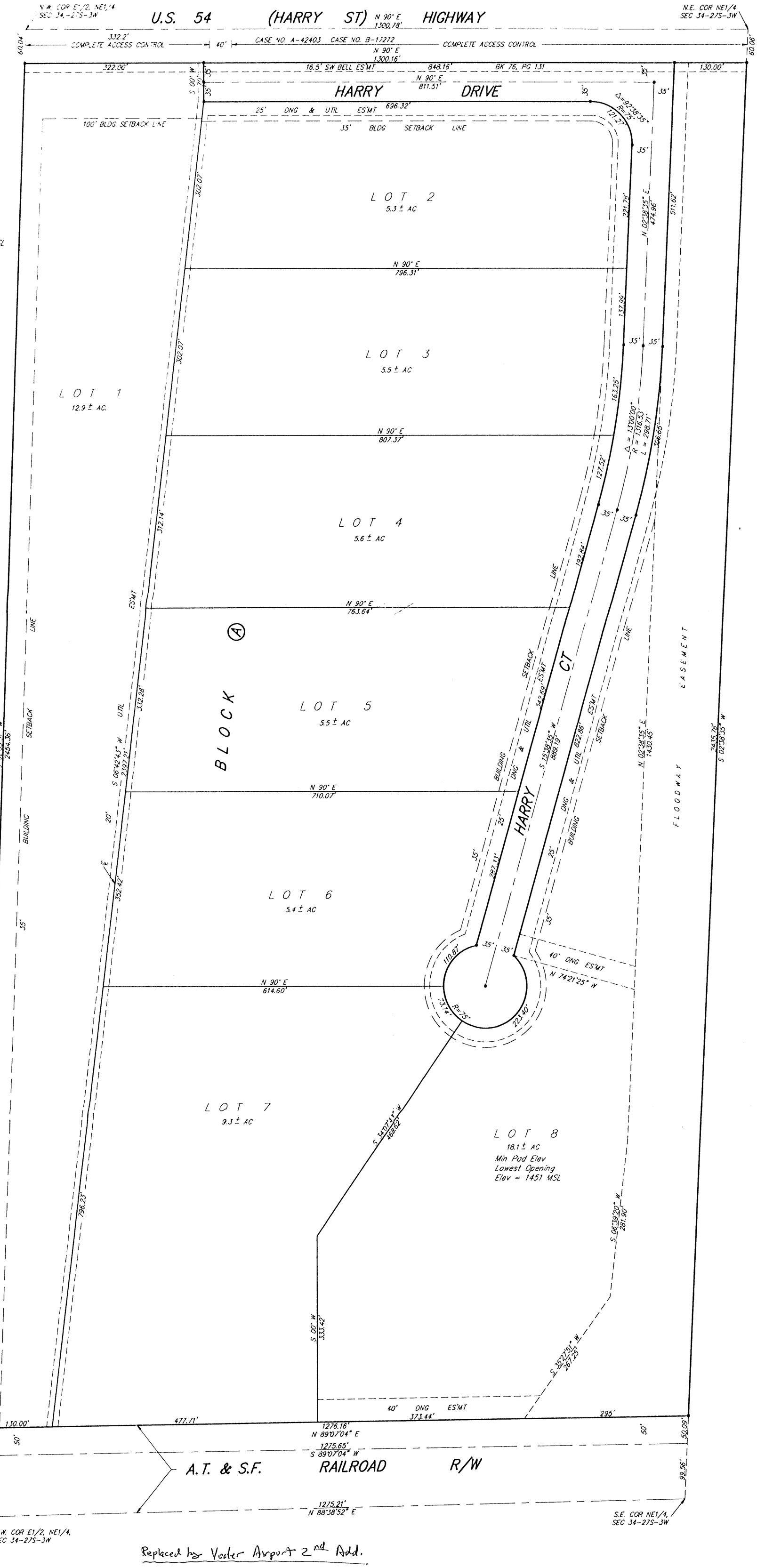
Entered on transfer record this _____ day of _____ 199__.

_____ County Clerk
Don Wright

State of Kansas)
Sedgwick County) SS This is to certify that this plat has been filed for record in the office of the Register of Deeds, this _____ day of _____ 199__, at _____ o'clock __ M; and is duly recorded.

_____ Register of Deeds
Pat Kettler

_____ Deputy
Ed Resa



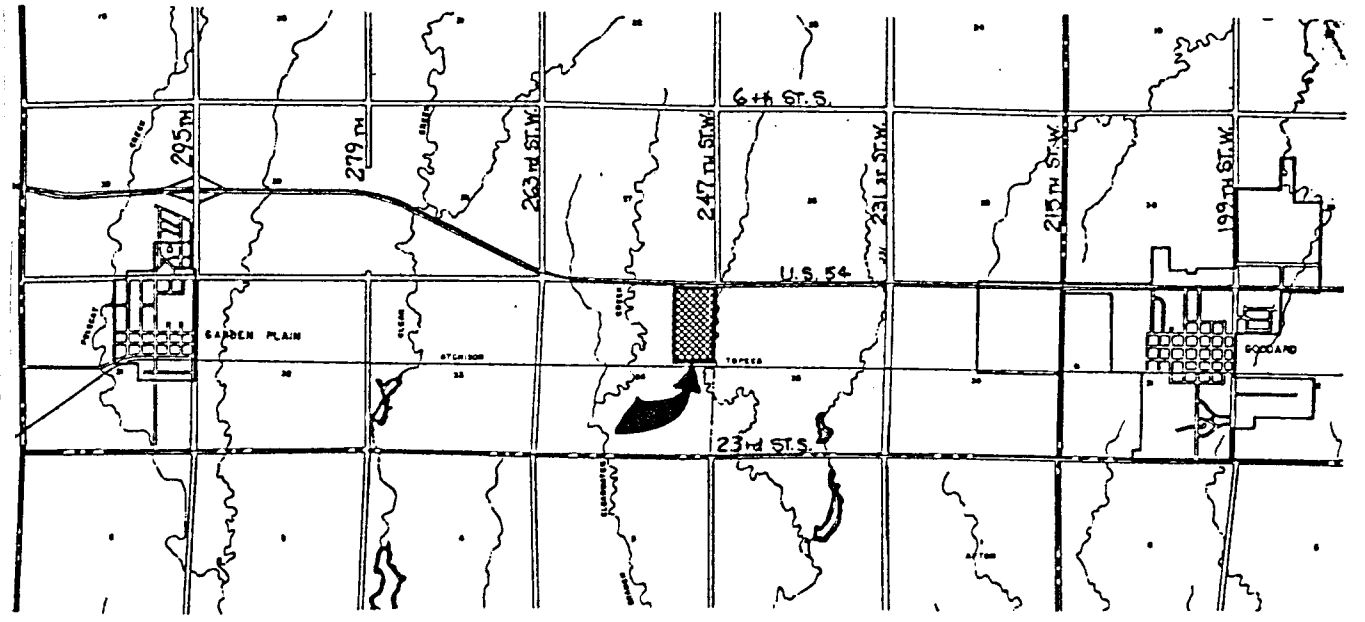
Replaced by Yoder Airport 2nd Add.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3
GCPC 11/15/90
MAPC 11/19/90

STAFF REPORT

CASE NUMBER:	CU-339
OWNER/APPLICANT/AGENT:	Mr. & Mrs. Donald Yoder (owners/applicants) John Terry Moore for Hinkle, Eberhart and Elkouri (agent)
REQUEST:	Conditional Use Permit to establish a private airport
CURRENT ZONING:	"R" Rural Residential District
SITE SIZE:	71.4 acres (1,320 ft. x approx. 2,500 ft.)
LOCATION:	Southwest corner of U.S. Highway 54 & 247th Street West (if extended from the north)
PROPOSED USE:	Private airport



BACKGROUND: The applicants are requesting a conditional use permit for the establishment of a private airport on a 71.4-acre unplatted tract of land located at the southwest corner of U.S. Highway 54 and 247th Street West, if 247th Street was extended from the north. The property is currently used for agricultural purposes and is zoned "R" Rural Residential.

The applicants' rough site plan indicates the construction of a 100-foot-wide turf runway that will be approximately 2,500 feet long. Attached to this staff report is a one-page narrative prepared by the applicants which describes both short and long range uses of the land. The applicants state that only 12 acres of the overall site will be used for the runway and associated hangers. In the future, they plan to sell up to five tracts of land measuring 5 acres each for development of single-family residences. Each of these residences will have access to the private airport. The remainder of the site (approximately 34 acres) will remain in the applicants' ownership for construction of their residence.

Also attached to this report is a copy of a letter from the Federal Aviation Administration (FAA) in which that agency agrees to reserve air space for the proposed airport until February 1, 1992. If the private airport has not been constructed by that date and the applicants have not obtained an extension of time, tentative FAA approval will expire. In the FAA letter of approval, certain minimum approach glide slopes and flight transition surfaces are established. Also, minimum aircraft clearances are set forth for the railroad tracks to the south and Highway 54 to the north.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	U.S. Highway 54 right-of-way
SOUTH	"R"	Railroad right-of-way
EAST	"R"	Agricultural use
WEST	"R"	Agricultural use

PUBLIC SERVICES: This property is not served with either sanitary sewer or municipal water. Adjacent U.S. Highway 54 in a 4-lane divided highway. The County Engineer's Office has advised that additional right-of-way may be needed for this highway. A KDOT recommendation on this issue will be provided at the time of platting.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts this site for agricultural land use. Section 4(A)(9)(a) of the County Zoning Resolution provides for airports or aircraft landing fields in the "R" zoning district, provided the MAPC reviews the request and the Board of County Commissioners approves the use by issuing a conditional use permit. Development of this site

with on-site water and sewerage facilities will require Health Department approval. This request has been reviewed by Mid-Continent Airport officials and is determined not to be a potential conflict with Mid-Continent air operations.

RECOMMENDATION: It is recommended that this conditional use permit for a private airport be approved subject to the following conditions:

A. Prior to the scheduling of this case for County Commission review, the applicant shall submit a legal description for that part of their overall ownership where they intend to construct the private aircraft runway and aircraft hangers and associated buildings. The conditional use resolution shall authorize the private airport only on that lesser area.

B. In order to have a drainage plan for the property approved, establish a simple legal description for the property approved for this conditional use, obtain platted access control to U.S. Highway 54, resolve how this land use will be provided sewerage and water, and resolve the issue of whether additional right-of-way is needed for U.S. 54, the property shall be platted within one year after approval by the County Commission or this case shall be considered denied and closed.

C. Development of the private airport shall be limited to the construction of the landing strip, and a maximum of four aircraft storage hangers or associated buildings. The four permitted airport buildings shall not exceed 35 feet in height and shall observe the setback requirements set forth in item "G" of these conditions. The combined square footage of the four permitted buildings shall not exceed 12,000 square feet of floor area, including any attachments thereto. The aircraft hangers or associated buildings shall be used only for the storage, servicing and maintenance of non-commercial aircraft or the equipment necessary for the maintenance of the aircraft landing field. The four permitted airport buildings may also be used for any use that is permitted outright by the provisions of the "R" Rural Residential District.

D. The airport authorized by this resolution shall be utilized by private aircraft only.

E. The uses permitted shall be only those associated with the normal operation of the private airport. Nothing in the approval of this request shall be construed to permit the sales of products or services.

F. The operation of the private airport shall comply with all applicable rules and regulations of the Federal Aviation Administration.

G. Aircraft hangers or other permanent buildings associated with the airport use shall not be located within the north 100 feet or the west 35 feet of the property subject to conditional use resolution.

H. Any on-site sewerage shall be provided in accordance with the standards of the Wichita-Sedgwick County Health Department.

I. Any violation of conditions attached shall declare the conditional use permit null and void.