

CONDITIONAL USE RESOLUTION NO. CU-531

WHEREAS, James Roberts (Owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a private landing strip on 20 acres zoned "RR" Rural Residential described as:

S 20 Acres of the N 40 acres of N ½ of SW ¼ exc the W 50 feet for road of sec. 14, Township 25 S, range 2 W of 6th P.M., Sedgwick County, Kansas. Generally located north of 101st Street North and east of 151st Street West.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of August 26, 1999, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow a private landing strip on 20 acres zoned "RR" Rural Residential described as

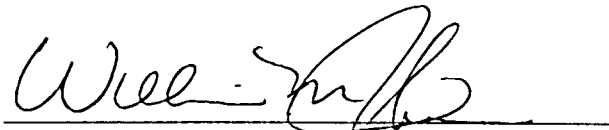
S 20 Acres of the N 40 acres of N ½ of SW ¼ exc the W 50 feet for road of sec. 14, Township 25 S, range 2 W of 6th P.M., Sedgwick County, Kansas. Generally located north of 101st Street North and east of 151st Street West.

subject to the following conditions:

1. Development of the private airport shall be limited to the construction of the landing strip and accessory structures. All structures shall meet the height limitations and setback requirements of the Zoning Code. The aircraft hangers or associated building shall be used only for the storage, servicing and maintenance of non-commercial aircraft or the equipment necessary for the maintenance of non-commercial aircraft or the equipment necessary for the maintenance of the aircraft landing field. Airport buildings may also be used for any use that is permitted outright by the provisions of the "RR" Rural Residential district.
2. The site shall be developed in general conformance with the approved site plan attached to and made a part of this resolution.
3. The airport shall be utilized by noncommercial aircraft only.
4. 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.
5. The operation of the private airport shall comply with the advisory determination of the Federal Aviation Administration.
6. Should weather conditions prevent the safe and efficient use of airspace by aircraft with respect to the safety of persons and property on the ground given the take off and landing restrictions, all such take offs shall be prohibited and landings shall be directed to another airport facility.
7. Any violation of the foregoing conditions shall render this Conditional Use permit null and void.

Adopted this 26th day of August, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



William M. Johnson, Chair

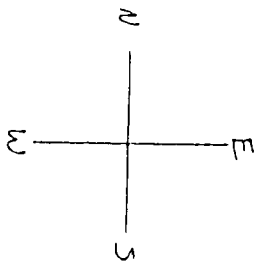
ATTEST:



Marvin S. Krout, Secretary

REUSED
APPUR TENION

Farm Field



Edge of house drive

Farm Field

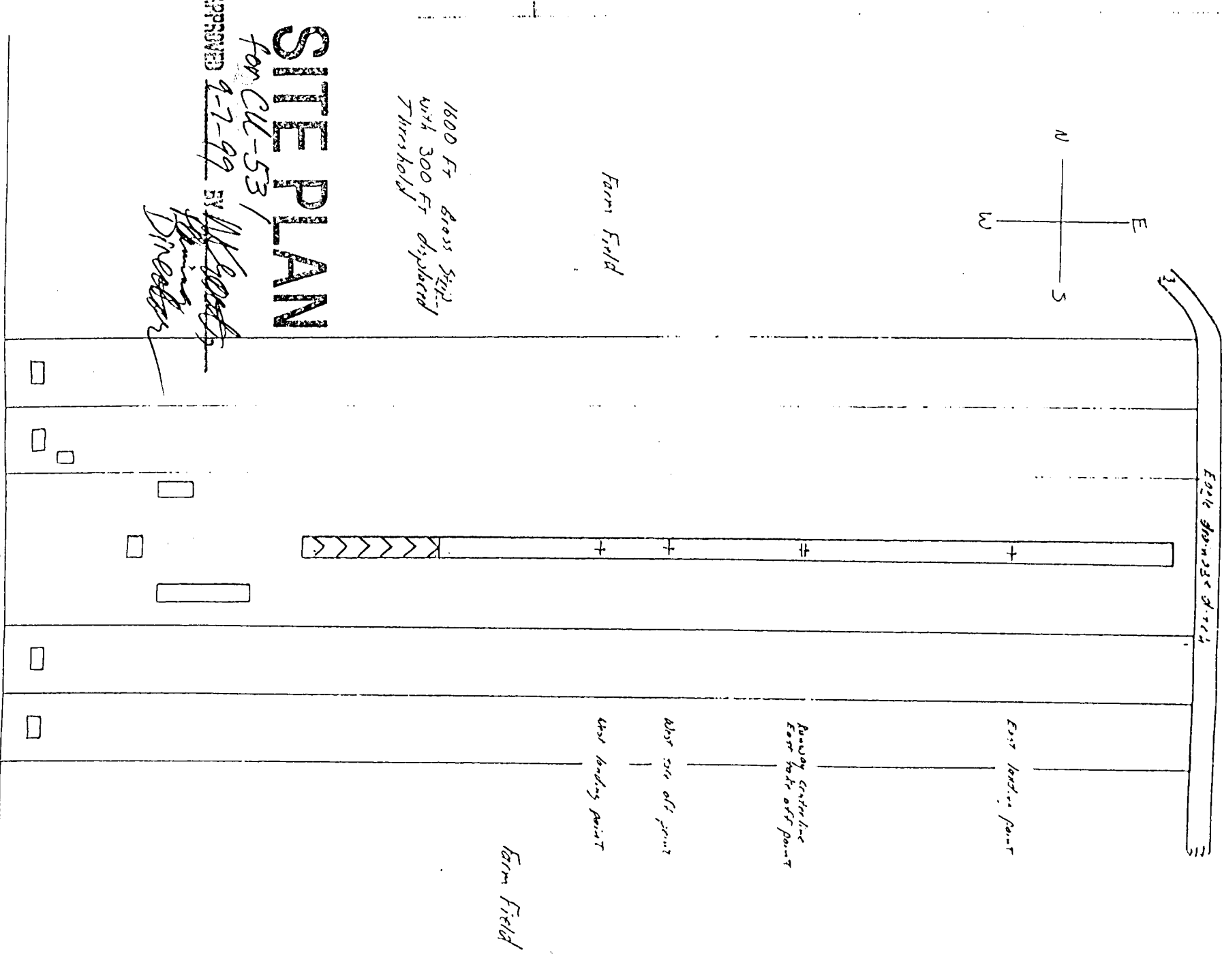
1600 Ft Gross Sept-
with 300 Ft displaced
Threshold

SITE PLAN

for CU-53 /

APPROVED 9-7-99 BY *[Signature]*

[Signature]
Planning Director





AGENDA ITEM NO. 5

STAFF REPORT

Bentley Planning Commission August 23, 1999
MAPC August 26, 1999

CASE NUMBER: CU-531

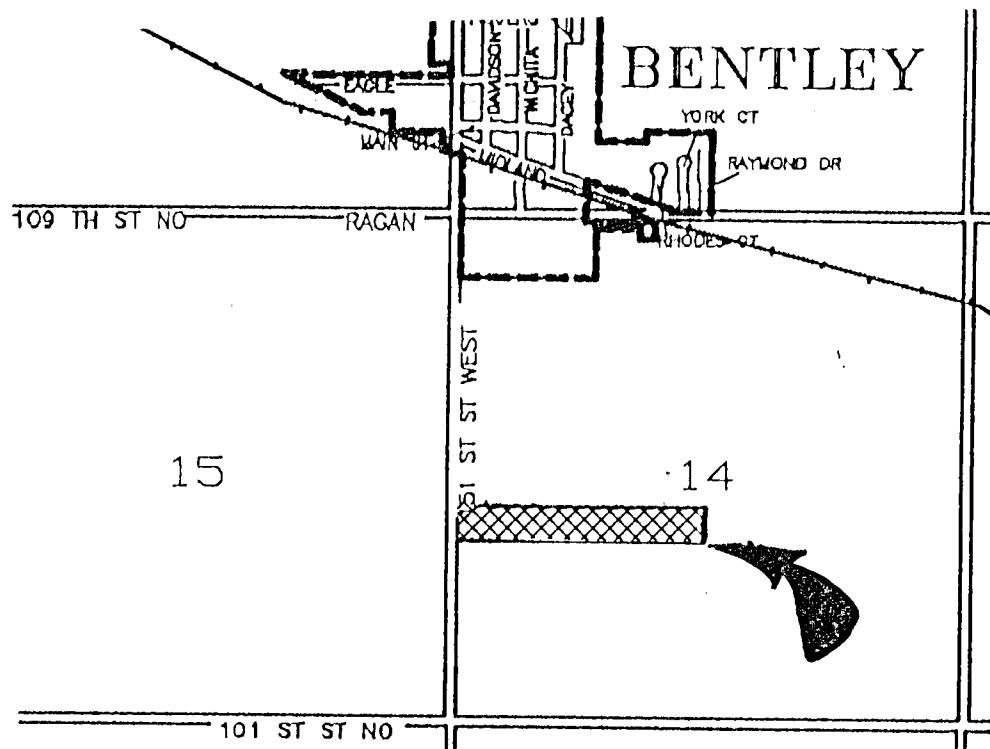
APPLICANT/AGENT: James Roberts (Owner)

REQUEST: Conditional Use permit to allow a private landing strip

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 20 acres

LOCATION: North of 101st Street North and east of 151st Street West



BACKGROUND: The applicant is requesting the renewal of a Conditional Use permit for a 2,000 foot turf landing strip for private aircraft on a 20 acre tract south of Bentley. In addition to the runway, a single family home and a shed are currently located on the property. The applicant has stated he operates a single engine airplane from this airstrip. A private landing strip is defined as a strip for the use by the property owner and those specifically authorized by the owner to use the facility.

This request was approved by the Bentley Planning Commission and the Sedgwick County Commission in 1994, subject to several conditions and a five year time limit. Therefore, the applicant is required to reapply for a Conditional Use.

All surrounding property is zoned "RR" Rural Residential. Property to the east and west of the proposed runway is undeveloped, agricultural ground. Eight single-family homes exist to the north and south of the runway. The closest home is north of the application area, approximately 500 feet from the end of the runway.

CASE HISTORY: Stated in background section.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single family home
SOUTH:	"RR"	Single family home
EAST:	"RR"	Undeveloped agriculture land
WEST:	"RR"	Undeveloped agriculture land

PUBLIC SERVICES: This site has access to 151st Street West, a two-lane County highway with traffic volumes of 2,181. The 2030 Transportation Plan estimates these volumes will increase to 4,689. There are no improvements identified for this stretch of roadway in the Sedgwick County Capital Improvement Program.

CONFORMANCE TO PLANS/POLICIES: The adopted Land Use Guide of the Comprehensive Plan identifies the application area as appropriate for agricultural use. The locational guidelines of the Comprehensive Plan recommend that airports be sited away from large water bodies, landfills and concentrations of people.

RECOMMENDATION: Planning staff did recommend denial of this case, when the original request was filed. However, Planning staff and Sedgwick County Code Enforcement have not received any complaints from the surrounding property owners. Therefore, based upon the information available prior to the MAPC, planning staff recommends this request be approved, subject to the following conditions:

1. Development of the private airport shall be limited to the construction of the landing strip and accessory structures. All structures shall meet the height limitations and setback requirements of the Zoning Code. The aircraft hangers

or associated building shall be used only for the storage, servicing and maintenance of non-commercial aircraft or the equipment necessary for the maintenance of non-commercial aircraft or the equipment necessary for the maintenance of the aircraft landing field. Airport buildings may also be used for any use that is permitted outright by the provisions of the "RR" Rural Residential district.

2. The site shall be developed in general conformance with the approved site plan.
3. The airport shall be utilized by noncommercial aircraft only.
4. 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.
5. The operation of the private airport shall comply with the advisory determination of the Federal Aviation Administration.
6. Should weather conditions prevent the safe and efficient use of airspace by aircraft with respect to the safety of persons and property on the ground given the take off and landing restrictions, all such take offs shall be prohibited and landings shall be directed to another airport facility.
7. Any violation of the foregoing conditions shall render this Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are single family homes on property zoned "RR" located to the north and south of this property. To the east and west is undeveloped agriculture land, zoned "RR."
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The airstrip was originally approved five years ago. During this time, staff has not received any complaints about the airstrip, and therefore, it does not seem that allowing this use to continue will detrimentally affect the nearby properties.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: Airstrips are generally considered compatible with areas in agricultural use and zoned "RR" Rural Residential. The locational guidelines recommend not having airports located near large water bodies, large concentrations of population, or landfills. There are no water bodies or landfills in the immediate vicinity. The applicant will be required to take off and land

away from the surrounding single family homes.

4. Impact of the proposed development on community facilities: The proposed use should not generate any significant traffic affecting the road network. Public sewer and water service are not available.