CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 21, 2003

HDD, Inc.
c/o Matt Freund
10 Lakeridge Drive.
Goddard, KS 67052

RE: CON2002-01 – Sedgwick County Conditional Use to permit two non-commercial aircraft hangars to serve the Lake Waltanna Airstrip on property zoned "RR" Rural Residential. Generally located north of 55th Street South and west of 231st Street West.

Dear Mr. Freund:

We have reviewed your request for an Administrative Adjustment to Condition of Approval #1 for CON2002-01. Condition of Approval #1 states that the combined square footage of the two aircraft hangars shall not exceed 7,300 square feet; however, you propose to increase the size of the second hangar by 1,100 square feet. Therefore, you have submitted an Administrative Adjustment request to allow an additional 1,100 square feet of floor area for aircraft hangars.

Sec. V-D.14. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to a Conditional Use as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that adjusting the Conditional Use as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed increase in floor area will have no impact on the safety and convenience of vehicular and pedestrian circulation.

2) Impact on existing uses in surrounding areas: The proposed new 3,600 square foot hangar will be set back significantly from nearby residences, and the proposed 1,100 square foot increase in floor area should not negatively impact existing uses in surrounding areas.

3) Compatibility with existing or permitted uses on abutting sites: Use of the subject property for aircraft hangars has been found to be compatible with existing or permitted uses on abutting sites through the approval of CON2002-01. The compatibility with existing or permitted uses on abutting sites should not be reduced by allowing an additional 1,100 square feet of floor area.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Adjustment to CON2002-01 on the aforementioned property is hereby granted subject to the following conditions:

1) The combined square footage of the aircraft hangars shall not exceed 8,400 square feet of floor area.

2) The site shall be developed in general conformance with the revised site plan.

3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Administrative Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Administrative Adjustment is null and void.

Dale Miller
Acting Planning Director

Glen Wiltse
Code Enforcement Director

Enclosure

cc: Glen Wiltse, Sedgwick County Code Enforcement

CONDITIONAL USE RESOLUTION NO. CON2002-00001

WHEREAS, HDD Inc., c/o Matt Fruend (owner/applicant), 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 two non-commercial aircraft hangars to serve the Lake Waltanna Airstrip on 2.34 acres zoned "RR" Rural Residential described as:

> Lot 1, Block A, Big Foot Estates Addition, Sedgwick County, Kansas. Generally located north of 55th Street South and west of 231st 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 February 7, 2002, 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 two non-commercial aircraft hangars to serve the Lake Waltanna Airstrip on 2.34 acres zoned "RR" Rural Residential described as:

> Lot 1, Block A, Big Foot Estates Addition, Sedgwick County, Kansas. Generally located north of 55th Street South and west of 231st Street West.

subject to the following conditions:

1. A maximum of two aircraft hangars shall be permitted on site. The combined square footage of the aircraft hangars shall not exceed 7,300 square feet of floor area. The aircraft hangars shall not exceed 35 feet in height. The exterior of the aircraft hangars shall be muted in color. Except for uses permitted by right in the "RR" Rural Residential zoning district, use of the aircraft hangars shall be restricted to the storage, servicing, and maintenance of non-commercial aircraft, and shall be restricted to use by homeowners represented by the Miles Village-Lake Waltanna Homeowners Association. No business activities, including an aircraft repair business, shall be permitted in the aircraft hangars.

2. Prior to the issuance of a building permit for aircraft hangars, written documentation in a form satisfactory to the Zoning Administrator of Sedgwick County shall be submitted documenting that the owner of the Lake Waltanna Airstrip has granted permission for airplanes stored in the hangers on the subject property to use the airstrip. The written document shall be recorded with the Register of Deeds for the subject property.

3. No outside storage of aircraft shall be permitted.

4. On-site storage or dispensing of aircraft fuel shall be permitted only upon approval of applicable fire and health/environment agency permits.

5. The site shall be developed in general conformance with the approved site plan.

6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

7. Any violation of the conditions of approval shall render the Conditional Use null and void.

Adopted this 7th day of February, 2002. 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

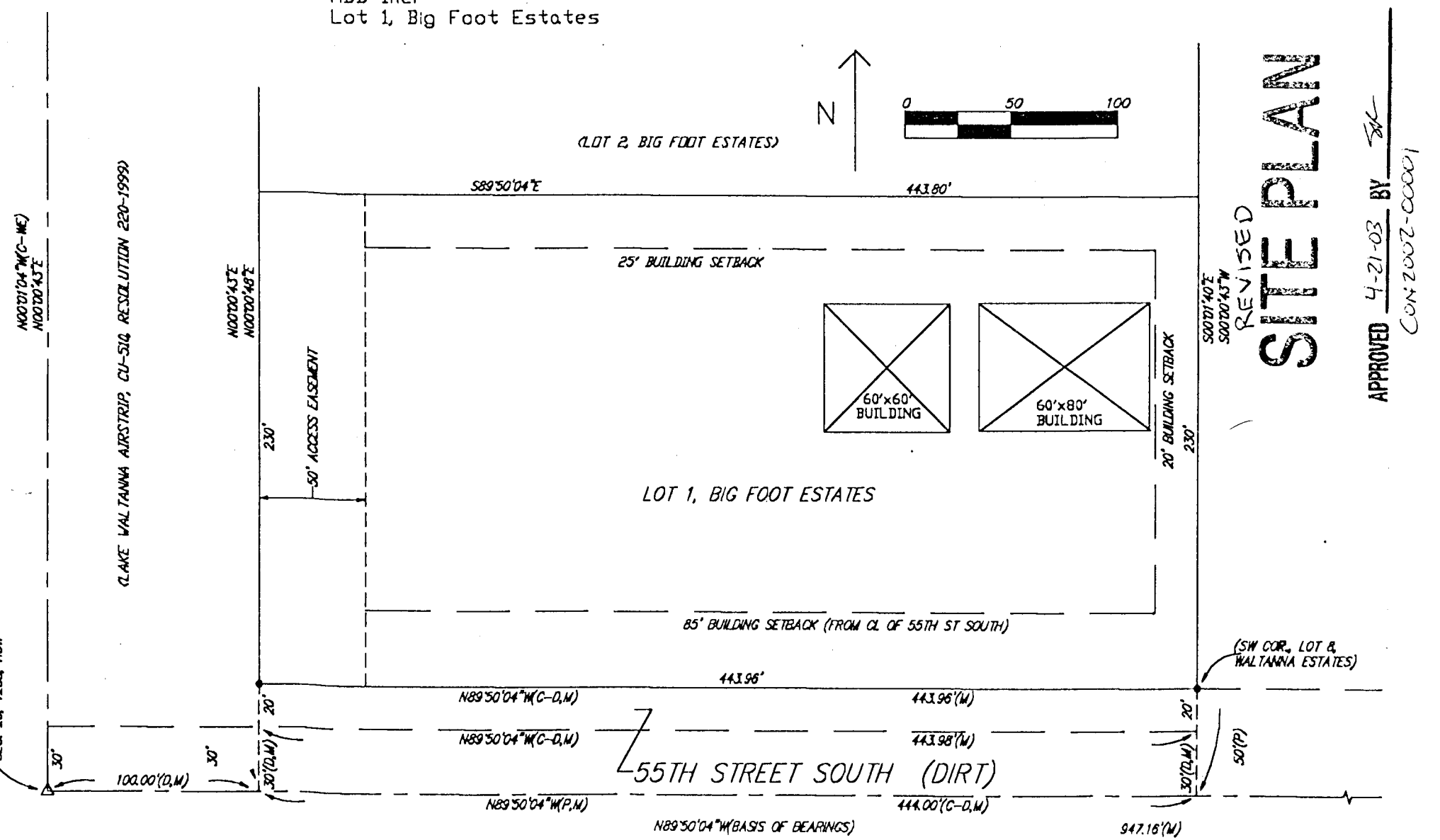
J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:

Marvin S. Krout, Secretary

Non-Commercial Hangars Adjacent to Lake Waltanna Airstrip

HDD Inc.
Lot 1, Big Foot Estates



REVISED SITE PLAN

APPROVED 4-21-03 BY

CON2002-00001

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC February 7, 2002

CASE NUMBER: CON2002-00001

APPLICANT/AGENT: HDD Inc. c/o Matt Fruend (Owner/Applicant)

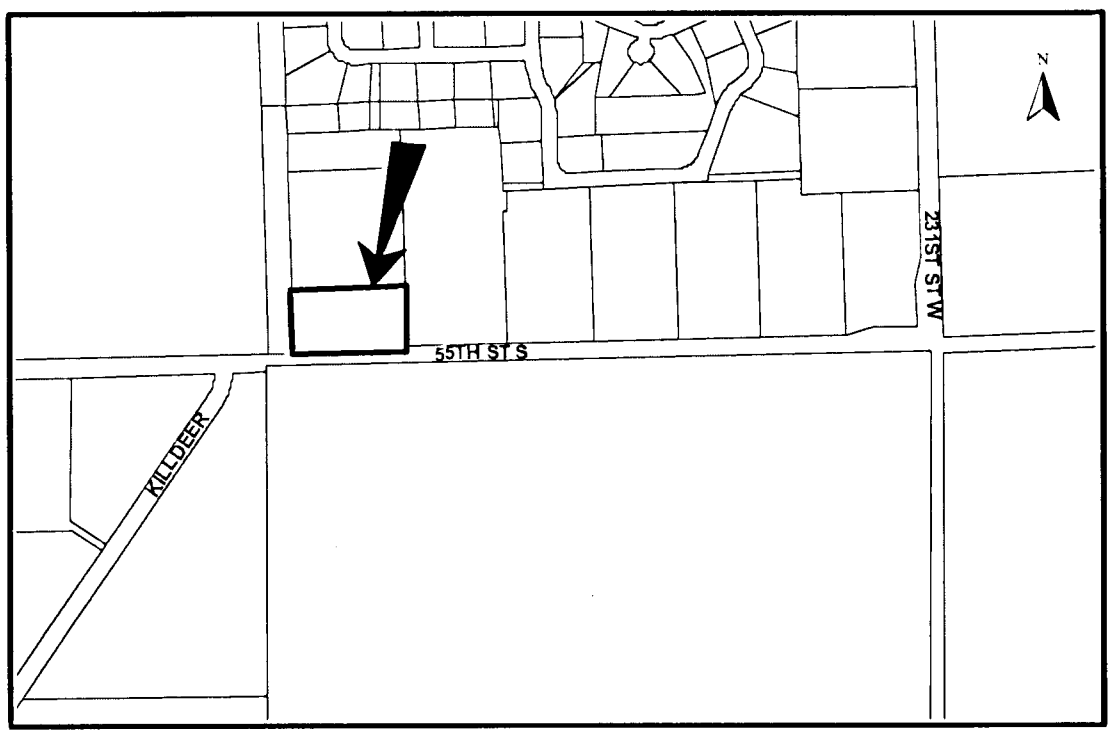
REQUEST: Conditional Use to permit two non-commercial aircraft hangars to serve the Lake Waltanna Airstrip

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 2.34 acres

LOCATION: North of 55th Street South and west of 231st Street West

PROPOSED USE: Two non-commercial aircraft hangars



BACKGROUND: The applicant is requesting a Conditional Use to permit the construction of two non-commercial aircraft hangars on a 2.34 acre platted lot located north of 55th Street South and west of 231st Street West. The subject property is zoned "RR" Rural Residential, and the "RR" district permits an Airport or Airstrip with the approval of a Conditional Use. A hangar is included within the Unified Zoning Code's definition of an Airport or Airstrip and may be permitted as a principal use on a different zoning lot than the landing area or runway as long as the hangar serves a permitted landing area or runway via a taxiway. The proposed hangars would serve the Lake Waltanna Airstrip, which is located immediately west of the subject property on land owned by the Lake Waltanna Homeowner's Association.

In 1999, a Conditional Use request for hangars on the applicant's property was submitted, but the request for the hangars was subsequently withdrawn (see case history). The new request for hangars has reduced the number of proposed hangars from four to two and has relocated the proposed hangars approximately 600 feet further south of residences located to the north in the Lake Waltanna neighborhood (see attached site plan). The applicant indicates that the proposed hangars would be available only to current Lake Waltanna homeowners for the storage of personal aircraft. The applicant also indicates that no business activities would be permitted in the hangars.

The character of the surrounding area is a mixture of residential and agricultural uses, with two airstrips in the immediate vicinity. All of the property surrounding the subject property is zoned "RR" Rural Residential. An airstrip is located immediately west of the subject property, which also contains an outdoor aircraft tie-down area at the north end of the airstrip. Another airstrip is located southwest of the subject property. Residential uses are located north, east, and southwest of the subject property. Several of the residential properties in the area contain aircraft hangars as accessory uses to the residential structure. The remainder of land surrounding the subject property is used for agricultural purposes.

CASE HISTORY: The following is a chronological account of events associated with the applicant's request that was compiled from information contained in MAPD files:

- On March 10, 1998, the Board of Directors of the Lake Waltanna Homeowner's Association voted in favor of allowing hangars on the subject property to access the Lake Waltanna Airstrip (see attached newsletter).
- On January 25, 1999, the Lake Waltanna Homeowner's Association, the owner of the subject property, and the owner of land immediately east of the subject property applied for a Conditional Use to permit the Lake Waltanna Airstrip (which at the time was a non-conforming use that had been established prior to zoning of the area by the County) and four hangars connected to the airstrip by a 50-foot wide taxiway.

- On February 16, 1999, the Lake Waltanna Homeowner's Association held another meeting regarding the proposed hangars and decided to request a deferral of MAPC action on the Conditional Use request to allow time to reevaluate and assess other building and location options for the hangars (see attached minutes).
- On March 30, 1999, the Lake Waltanna Homeowner's Association reviewed options for location of the proposed hangars, selected a revised location plan, and indicated continued support for the Conditional Use request (see attached minutes and site plans).
- On April 15, 1999, the MAPC approved the Conditional Use request for the airstrip and hangars based upon the revised location plan for the hangars, and the action of the MAPC was protested.
- On May 12, 1999, the Board of County Commissioners voted to return the Conditional Use request to the MAPC for reconsideration to give the parties involved an opportunity for further dialogue.
- On August 10, 1999, the applicants requested that the subject property be removed from the Conditional Use request and that the request be amended to be for approval of the airstrip only without approval of the proposed hangars (see attached letter).
- On September 16, 1999, the MAPC approved the Conditional Use request for the airstrip only.
- On October 13, 1999, the Board of County Commissioners approved the Conditional Use request for the airstrip only.
- On October 25, 2001, the proposed location of the two non-commercial aircraft hangars was platted as Lot 1, Big Foot Estates Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Vacant; single family residences, several with hangars
SOUTH:	"RR"	Agriculture; large lot single family residences; airstrip
EAST:	"RR"	Large lot single family residences
WEST:	"RR"	Airstrip; agriculture

PUBLIC SERVICES: The subject property has access to 55th Street South, an unimproved, section-line road. No traffic volume information is available for 55th Street South. The subject property is within the service area of Rural Water District #4. Public sewer service is not available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Rural" development. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. A maximum of two aircraft hangars shall be permitted on site. The combined square footage of the aircraft hangars shall not exceed 7,300 square feet of floor area. The aircraft hangars shall not exceed 35 feet in height. The exterior of the aircraft hangars shall be muted in color. Except for uses permitted by right in the "RR" Rural Residential zoning district, use of the aircraft hangars shall be restricted to the storage, servicing, and maintenance of non-commercial aircraft, and shall be restricted to use by homeowners represented by the Miles Village-Lake Waltanna Homeowners Association. No business activities, including an aircraft repair business, shall be permitted in the aircraft hangars.

2. Prior to the issuance of a building permit for aircraft hangars, written documentation in a form satisfactory to the Zoning Administrator of Sedgwick County shall be submitted documenting that the owner of the Lake Waltanna Airstrip has granted permission for airplanes stored in the hangers on the subject property to use the airstrip. The written document shall be recorded with the Register of Deeds for the subject property.

3. No outside storage of aircraft shall be permitted.

4. On-site storage or dispensing of aircraft fuel shall not be permitted.

5. The site shall be developed in general conformance with the approved site plan.

6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

7. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning of all properties surrounding the subject property is "RR" Rural Residential. Uses in the surrounding area include two airstrips, several hangars as accessory uses to residential structures, large lot single family residential, and agriculture. The character of the surrounding area is a mixture of residential and agricultural uses. The development of two non-commercial aircraft hangars on the subject property is consistent with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The "RR" Rural Residential zoning district restricts uses permitted by right on the subject property to residential, agricultural, and related uses, and the subject property could be used for these purposes. The proposed development of two non-commercial aircraft hangars on the subject property may be permitted by a Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code should limit noise, lighting, and other activity from adversely impacting residential areas to the north, east, and southwest.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Rural" development. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. The storage of aircraft in hangars is no more offensive than normal agricultural uses.

5. Impact of the proposed development on community facilities: No negative impacts on community facilities are anticipated.