CITY OF WICHITA

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Wichita-Sedgwick County Metropolitan Area Planning Department

January 27, 2004

LeRoy C. Clasen
Janice K. Clasen
759 N. Valleyview
Wichita, KS 67214

RE: CON2003-00042 – Sedgwick County Conditional Use to permit a Private Airstrip on property zoned "RR" Rural Residential. Generally located south of 13th Street North and 1/4 mile west of 343rd Street West.

Dear Ladies and Gentlemen:

At its regular meeting on January 21, 2004, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to DENY the request.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

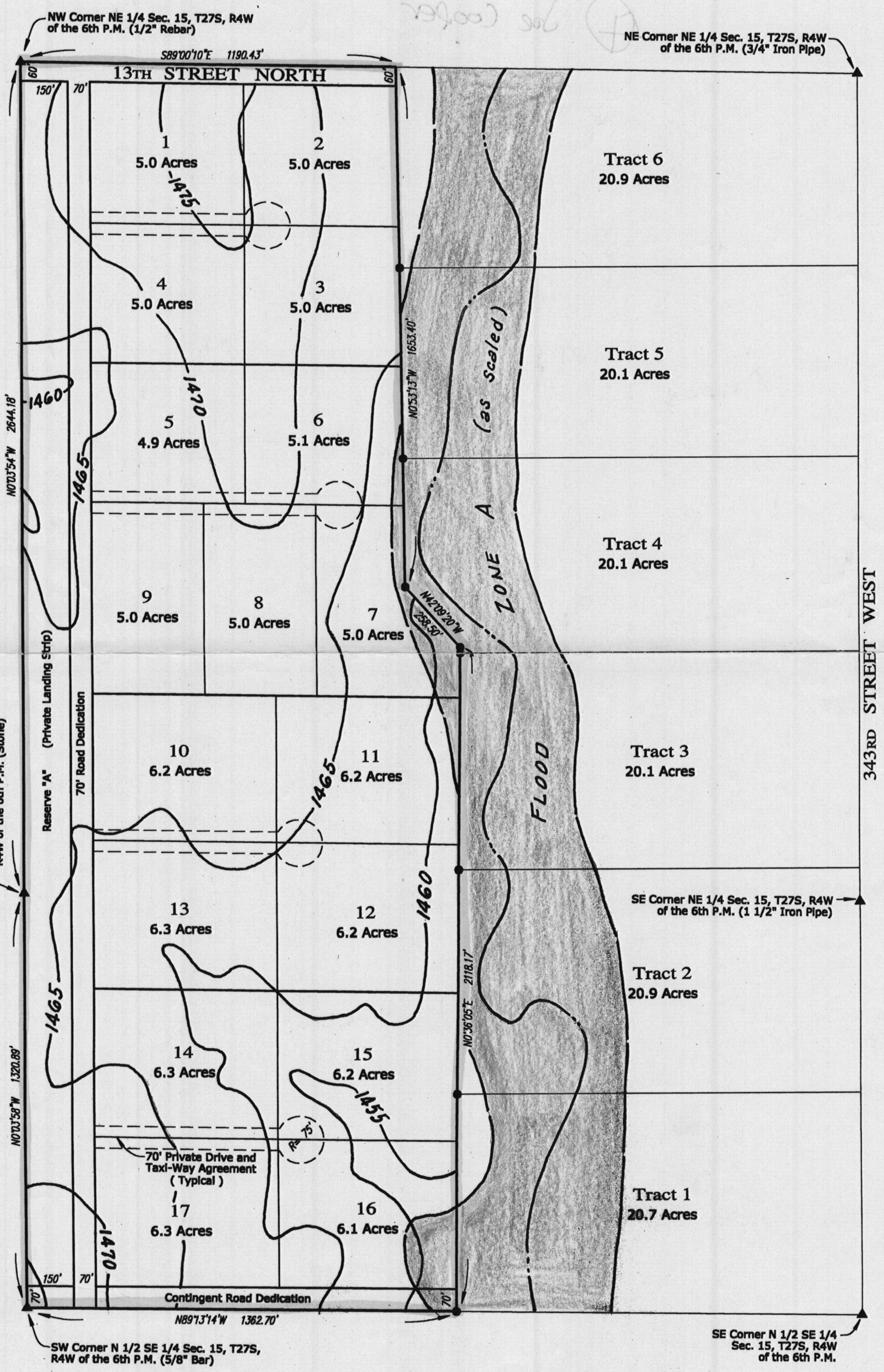
WL/rms

Cc: Susan Atha, Spencer Atha, 605 N. Forestview Ct., Wichita, KS 67235
Michele Webster, Terra Tech Land, 22200 W. 63rd St. South, Viola KS 67149
Randal Robben, 4402 S. 151st W, Wichita, KS 67227
Michael L. Puetz, Gloria J. Puetz, 35405 W. 13th N., Cheney, KS 67205
Gerry K. Armon, Elizabeth M. Armon, 34900 W. 4th , Cheney, KS 67205
Roy E. Bosserman, Charleen R. Bosserman, 35205 W. 13th, Cheney, KS 67025
David R. Foltz, Amelia B. Foltz, 35100 W. 4th St. N., Cheney, KS 67025
Gary J. Cooper, Donna J. Cooper, 35320 W. 4th, Cheney, KS 67025
Ken Lockwood, Susan Lockwood, 927 N. 343rd W., Cheney, KS 67025
David Foltz, 35100 W. 4th St. N., Cheney, KS 67025
Doyle A. Heimerman, 711 N. 343rd W, Wichita, KS 67025

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov


NW Corner NE 1/4 Sec. 15, T27S, R4W of the 6th P.M. (1/2" Rebar)
NE Corner NE 1/4 Sec. 15, T27S, R4W of the 6th P.M. (3/4" Iron Pipe)
S89°00'10"E 1190.43'
13TH STREET NORTH
60'
150'
70'
1 5.0 Acres
2 5.0 Acres
3 5.0 Acres
4 5.0 Acres
5 4.9 Acres
6 5.1 Acres
7 5.0 Acres
8 5.0 Acres
9 5.0 Acres
10 6.2 Acres
11 6.2 Acres
12 6.2 Acres
13 6.3 Acres
14 6.3 Acres
15 6.2 Acres
16 6.1 Acres
17 6.3 Acres
Tract 6 20.9 Acres
Tract 5 20.1 Acres
Tract 4 20.1 Acres
Tract 3 20.1 Acres
Tract 2 20.9 Acres
Tract 1 20.7 Acres
N0°53'13"W 1653.40'
N42°09'20"W 258.50'
(as Scaled)
ZONE A
FLOOD
N0°36'05"E 2118.17'
N0°03'54"W 2644.18'
N0°03'58"W 1320.89'
Reserve "A" (Private Landing Strip)
70' Road Dedication
SW Corner NE 1/4 Sec. 15, T27S, R4W of the 6th P.M. (Stone)
SE Corner NE 1/4 Sec. 15, T27S, R4W of the 6th P.M. (1 1/2" Iron Pipe)
343RD STREET WEST
1475
1470
1465
1460
1455
R= 75'
70' Private Drive and Taxi-Way Agreement (Typical)
Contingent Road Dedication
N89°13'14"W 1362.70'
SW Corner N 1/2 SE 1/4 Sec. 15, T27S, R4W of the 6th P.M. (5/8" Bar)
SE Corner N 1/2 SE 1/4 Sec. 15, T27S, R4W of the 6th P.M.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 14

STAFF REPORT

MAPC December 11, 2003

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CASE NUMBER: CON2003-00042

APPLICANT/OWNER: LeRoy & Janice Clasen (Owner)
Spenser & Susan Atha (Contract Purchaser)

AGENT: Terra Tech Land Survey c/o Michele Webster

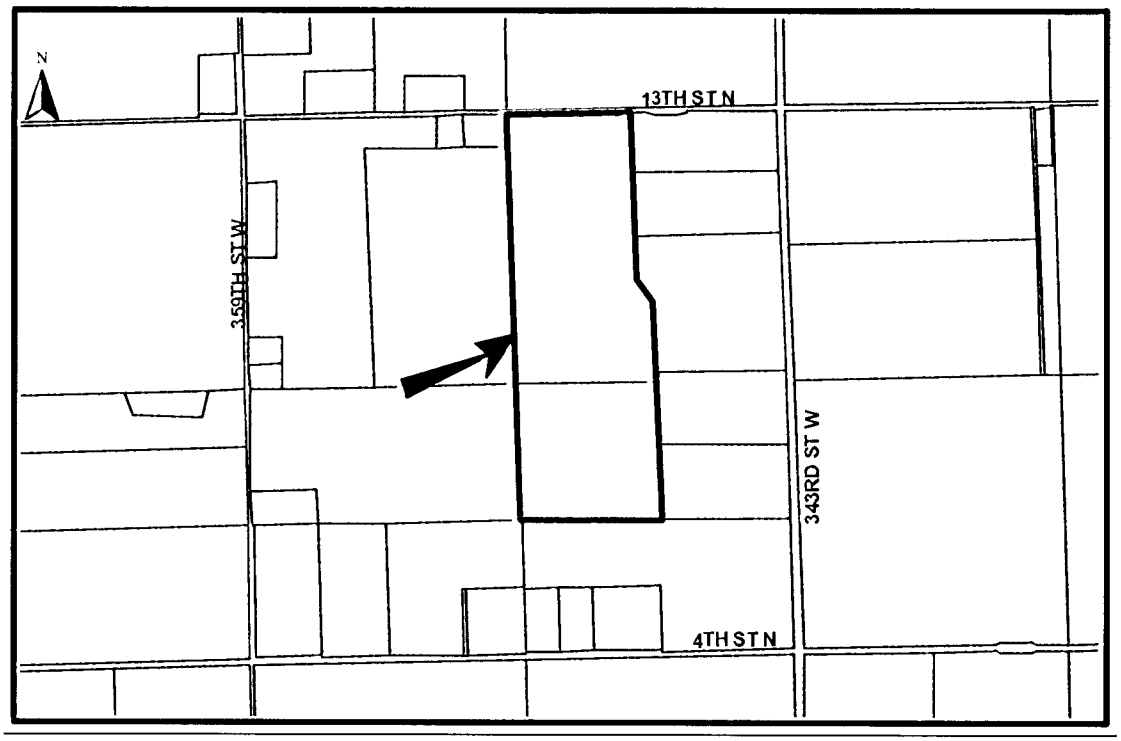
REQUEST: Conditional Use to permit a Private Airstrip

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 118 acres

LOCATION: South of 13th Street North & ¼ mile west of 343rd Street West

PROPOSED USE: Large single family lots with hangars for private aircraft with access to private airstrip



BACKGROUND: The applicant is requesting a Conditional Use to permit the construction of a private airstrip, with hangars to be used by single-family residences on the 118-acre tract located south of 13th Street North & ¼ mile west of 343rd Street West. The proposed site is in an unincorporated far western portion of Sedgwick County and is currently in agricultural use. The subject property is zoned "RR" Rural Residential. 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" as an accessory building as long as it serves the aircraft using the "airport or airstrip". Access onto the "airport or airstrip" would be defined as a taxiway, which is also within the UZC definition of an "airport or airstrip" as accessory feature serving the aircraft using the Airport or Airstrip.

The applicant has provided a site plan, which shows a development including seventeen 5-6 acre lots. These seventeen lots are bunched into four groups of 4 or 5 lots per group. Every lot in each group abuts a cul-de-sac private drive/taxi-way. The private drives/taxi-ways feed into a proposed road, running north-south, located on the west side of the development. The proposed road provides access onto 13th Street North for the development. To access the private airstrip planes would need to cross this road. The airstrip runs north–south along the length of the development's western edge.

The applicant has stated their intention that they and another flyer will own eight of the seventeen lots, each keeping 4 lots for their own single-family residence. The remaining nine lots could each have a single-family residence, with a hangar for private aircraft on each single-family residential lot. The applicant has indicated that no stand-alone hangars will be allowed on the lots; to have a hangar you must live on the lot(s). Storage of personal aircraft is to be available only to the current homeowners living on the lots. The applicant also indicates that no business activities would be permitted in the hangars. The applicant has not indicated how large the hangars will be, but has noted that it could be expected that a resident of the development could have more than one aircraft.

The character of the surrounding area is primarily agricultural and scattered large tract single-family residence. There are 14 single-family residences located northeast, northwest, west, south and southwest of the proposed site, with the closest residences abutting and adjacent to the northwest side of the site. There are 3 large platted lots, identified as the Heimerman Meadows Addition, approximately 670-feet directly south of the site. Two of these lots have houses on them that were built within the last two years. An older home abuts the west side of the Heimerman Meadows Addition. The western two of these four southern homes appear to be directly under the flight path to the airstrip. Another house is going up east of the site. All of the property surrounding the subject property is zoned "RR" Rural Residential.

CASE HISTORY: The site is an unplatted tract.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agricultural, 1 large tract single family residences

SOUTH:	"RR" Rural Residential	Agriculture, 4 large tract single family residences
EAST:	"RR" Rural Residential	Agricultural, 3 large tract single family residences
WEST:	"RR" Rural Residential	Agricultural, 6 large tract single family residences

PUBLIC SERVICES: The subject property has access onto 13th Street North, an unimproved, Grand River Township road. One-quarter mile east of the site is 343rd Street West, a two-lane paved Sedgwick County highway. No traffic volume information is available for these two roads. The subject property is outside any Rural Water service area and public sewer service is not available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being outside the 2030 growth area. 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 Wichita-Sedgwick County Unified Zoning Code (UZC) lists "airport or airstrip" as a Conditional Use in the "RR" district.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED, 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 and the character of the surrounding area are primarily agricultural with established large tract single-family residential development abutting or adjacent to the proposed development/airstrip. There have also been two single-family residences built since 2001 that are approximately 670-feet directly south of the site. One of these houses along with an older home appears to be directly under the approach to the proposed airstrip. Another single-family residence is nearing completion on property abutting the east side of the proposed development.

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 continue to be used for agriculture or developed for residential use. The proposed development of the private Airport/Airstrip on the subject property may be permitted by a Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Two single-family residences have been built since 2001 and another single-family residence is nearing completion. These appear to be the most recent

developments that either are adjacent to or abut the proposed development/airstrip. The two single-family residences built since 2001 are located approximately 670-feet directly south of the site and at least one of them plus another older single-family residence appears to be located directly under the flight path of the airstrip. The effect of the of the proposed development/airstrip on these houses (as well as the remaining undeveloped lot in the Heimerman Meadows Addition) would include increased noise from aircraft approaching or taking off from the airstrip, a loss of privacy due to the low altitude aircraft would be flying at when approaching or taking off from the airstrip and public safety concerns due to approaching or departing aircraft flying over the houses from the strip. According the FAA and the KDOT Division of Aviation most aircraft accidents occur during takeoff or landing. It is doubtful that when these property owners built in 2001, they anticipated being in close proximity to an airstrip or being under the flight path of approaching or departing aircraft from the airstrip. Houses on the northwest side of the site would experience similar effects although not as pronounced, because they are not directly under approaching and departing aircraft's flight path to the airstrip.

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. Private airstrips are located throughout the Sedgwick County either as legal non-conforming uses established prior to the 1996 adoption of the UZC or as Conditional Uses. Locational considerations for an airstrip include keeping them away from large bodies of water and concentrations of population. There are no large bodies of water in the immediate area and the rural setting of the proposed airstrip has removed it from concentrations of population. The issue with this proposed site is the recently constructed houses and an older house being located approximately 670-feet directly south of the site, with two of the houses appearing to be under the flight approach to and from the airstrip. The intrusion of air traffic over these houses and the noise, lack of privacy and possible public safety issues generated by the aircraft make the proposed airstrip site unsuitable and incompatible with the existing uses of the area.

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

If, however the Planning Commission finds this Conditional Use appropriate, Staff recommends that it be subject to platting within a year and the following conditions:

1. A maximum of one aircraft hanger shall be permitted on each single-family residential lot, with each site being a minimum of 5-6 acres in size. No hangars only lots. No more than a total of 15 hangers allowed for the entire site. The square footage of each aircraft hanger shall not exceed 3,000 square feet of floor area.

Aircraft hangers 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. 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 proposed 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 airstrip shall be utilized by non-commercial aircraft only. Uses permitted shall only be those associated with the normal operation of a private airport and this shall include the sales of products or services.

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

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

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