CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 29, 2005

Revised Resolution – Legal Description

Gregory O. Thomas
Crosswinds Aviation, Inc.
7015 S. 143rd Street E.
Derby, KS 67037

RE: CON2004-00014 – Sedgwick County Conditional Use to permit an airport on property zoned "RR" Rural Residential. Generally located at the northwest corner of 71st Street South and 143rd Street East. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on April 22, 2004, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Steve Logue, Crosswinds Aviation, Inc., 1922 S. Stacey, Wichita, KS 67207
Chad Abbott, Benchmark Land Survey, 617 E. William, Wichita, KS 67202
Bradley Mohr, 1439 Windmill Ct., Derby, KS 67037
Ben Sciortino, County Commissioner District V, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Adopted this 22nd DAY of APRIL, 2004. 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

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2004-00014

WHEREAS, Crosswinds Aviation, Inc., c/o Greg Thomas and Steve Logue (Owner/Applicant); Benchmark Land Survey c/o Chad Abbott (Agent) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit an airport on 80 acres zoned "RR" Rural Residential described as:

> The East Half of the Southeast Quarter of Section 35, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northwest corner of 71st Street South and 143rd Street East.

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 April 22, 2004, 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 an airport on 80 acres zoned "RR" Rural Residential described as:

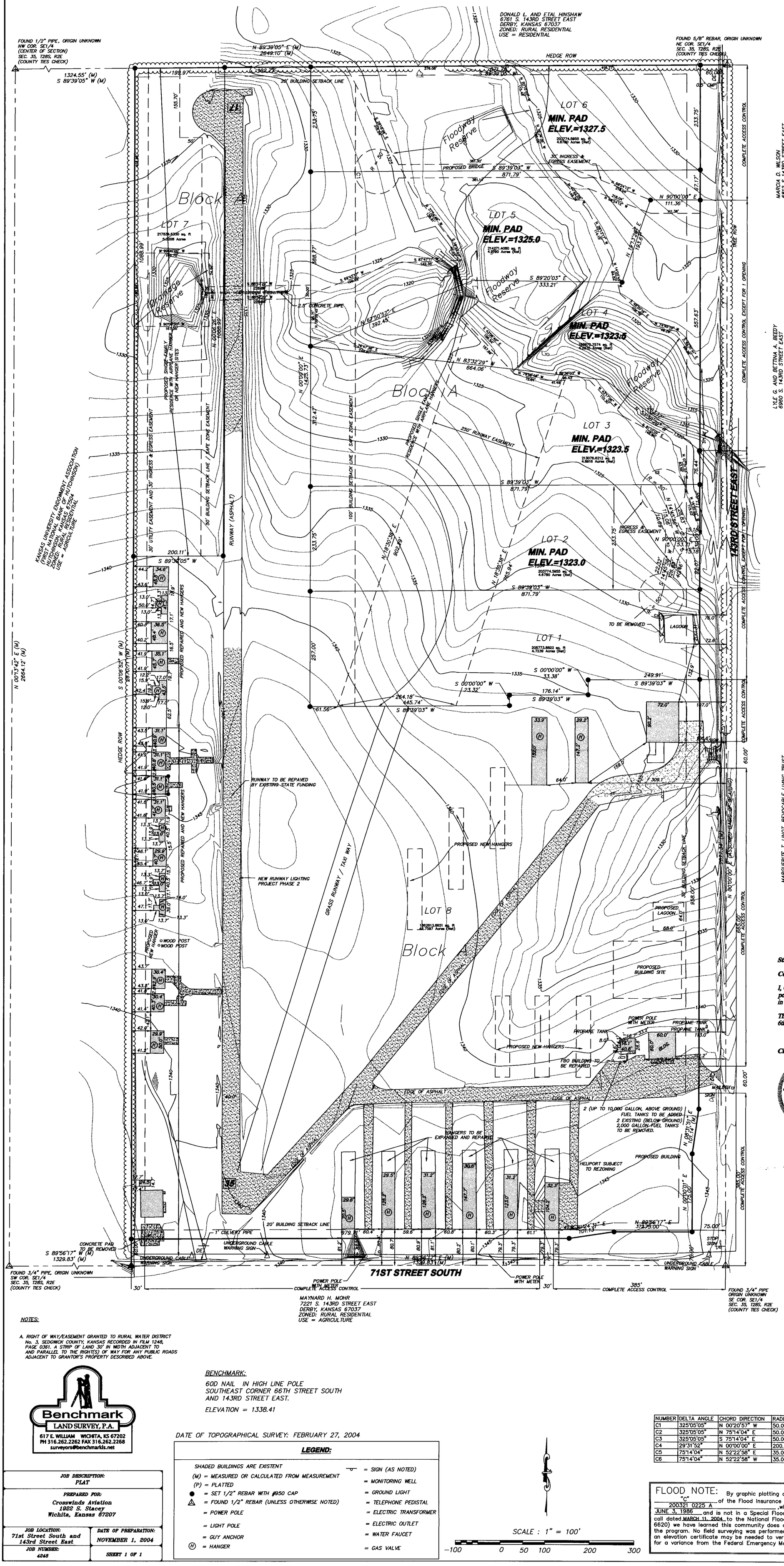
> The East Half of the Southeast Quarter of Section 35, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northwest corner of 71st Street South and 143rd Street East.

APPROVED, subject to platting within one year and subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. Operation of a heliport on the subject property shall be permitted only at such time as the underlying zoning of the area to be used as a heliport is changed to a zoning district that permits a heliport as a Conditional Use.
3. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
4. The applicant shall submit four 24" x 36" folded copies of the approved site plan to the MAPD within 60 days after approval.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CONDITIONAL USE SITE PLAN DRAWING 5-16-05
DOWNWIND ESTATES TO SEDGWICK COUNTY, KANSAS

CON2004-00014
SITE PLAN
APPROVED 4-22-04 BY MAPC
MAPD Copy 2 of 2



NOTES:

A. RIGHT OF WAY/EASEMENT GRANTED TO RURAL WATER DISTRICT No. 3, SEDGWICK COUNTY, KANSAS RECORDED IN FILM 1248, PAGE 0361. A STRIP OF LAND 30' IN WIDTH ADJACENT TO AND PARALLEL TO THE RIGHT(S) OF WAY FOR ANY PUBLIC ROADS ADJACENT TO GRANTOR'S PROPERTY DESCRIBED ABOVE.

State of Kansas)
) SS
County of Sedgwick)

I, Chad R. Abbott, L.S. #1340 do hereby certify that this is a Condional Use Site Plan drawing performed by me or under my direct supervision and that I am a duly licensed Land Surveyor in the State of Kansas.

The East Half of the Southeast Quarter of Section 35, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas .

Chad R Abbott L.S. # 1340

CHAD R. ABBOTT LICENSED LS-1340 5-17-05 KANSAS LAND SURVEYOR

BENCHMARK:

60D NAIL IN HIGH LINE POLE
SOUTHEAST CORNER 66TH STREET SOUTH
AND 143RD STREET EAST.

ELEVATION = 1338.41

DATE OF TOPOGRAPHICAL SURVEY: FEBRUARY 27, 2004

Benchmark
LAND SURVEY, P.A.
617 E. WILLIAM WICHITA, KS 67202
PH 316.262.2262 FAX 316.262.2268
surveyors@benchmarkls.net

LEGEND:

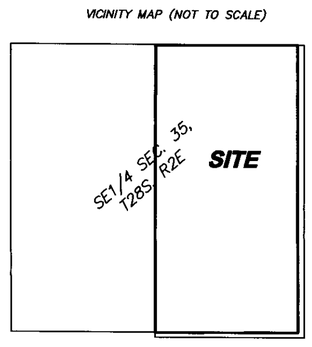
SHADED BUILDINGS ARE EXISTENT
(M) = MEASURED OR CALCULATED FROM MEASUREMENT
(P) = PLATTED
● = SET 1/2" REBAR WITH #950 CAP
△ = FOUND 1/2" REBAR (UNLESS OTHERWISE NOTED)
= POWER POLE
= LIGHT POLE
= GUY ANCHOR
Ⓗ = HANGER
= SIGN (AS NOTED)
= MONITORING WELL
= GROUND LIGHT
= TELEPHONE PEDISTAL
= ELECTRIC TRANSFORMER
= ELECTRIC OUTLET
= WATER FAUCET
= GAS VALVE

SCALE : 1" = 100'
-100 0 50 100 200 300

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	325°05'05"	N 00°20'57" W	50.00	283.69	30.00
C2	325°05'05"	N 75°14'04" E	50.00	283.69	30.00
C3	325°05'05"	S 75°14'04" E	50.00	283.69	30.00
C4	29°31'52"	N 00°00'00" E	200.00	103.08	101.95
C5	75°14'04"	N 52°22'58" E	35.00	45.96	42.73
C6	75°14'04"	N 52°22'58" W	35.00	45.96	42.73

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) "C" of the Flood Insurance Rate Map, Community Panel No. 200321 0225 A, which bears an effective date of JUNE 3, 1986 and is not in a Special Flood Hazard Area. By telephone call dated MARCH 11, 2004 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

VICINITY MAP (NOT TO SCALE)



JOB DESCRIPTION: PLAT	
PREPARED FOR: Crosswinds Aviation 1922 S. Stacey Wichita, Kansas 67207	
JOB LOCATION: 71st Street South and 143rd Street East	DATE OF PREPARATION: NOVEMBER 1, 2004
JOB NUMBER: 4248	SHEET 1 OF 1

Plan identifies the subject property as appropriate for "Rural" development. This category is intended to accommodate agricultural uses and rural based uses that are no more offensive than normal agricultural uses. The proposed airport expansion is consistent with the Land Use Guide of the Comprehensive Plan.

4. Impact of the proposed development on community facilities: Any impacts on community facilities will be addressed through the platting process.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 7

STAFF REPORT

MAPC April 22, 2004

CASE NUMBER: CON2004-00014

APPLICANT/AGENT: Crosswinds Aviation, Inc. c/o Greg Thomas and Steve Logue (Owner/Applicant); Benchmark Land Survey c/o Chad Abbott (Agent)

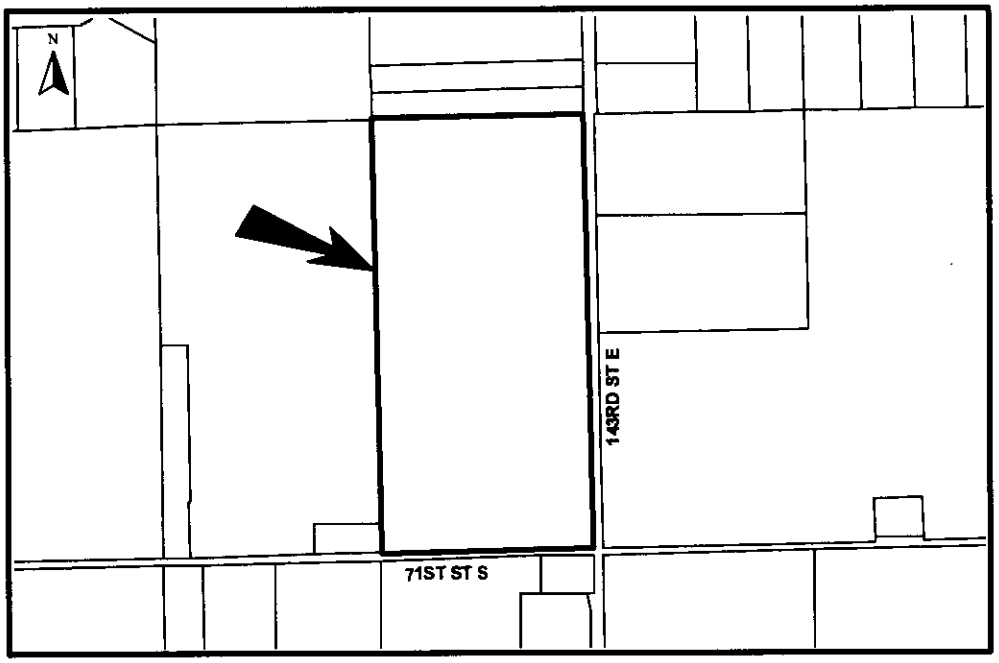
REQUEST: Conditional Use to permit an airport

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 80 acres

LOCATION: Northwest corner of 71st Street South and 143rd Street East

PROPOSED USES: Expansion of existing public use airport



BACKGROUND: The applicant owns Cook Field, a public use airport on an 80-acre unplatted tract that is zoned "RR" Rural Residential and is located at the northwest corner of 71st Street South and 143rd Street East. According to aerial photographs, Cook Field has been in operation on the subject property since prior to 1960 and was developed in its current configuration in 1985 when the property was first zoned "RR" Rural Residential. In 1985, Cook Field became a legal non-conforming use, as an airport requires approval of a Conditional Use in the "RR" Rural Residential zoning district. Non-conforming uses may expand by up to 30 percent of the floor area; however, the applicant proposes to more than double the floor area of hangars for the airport (see attached hangar list). The property must conform with the zoning regulations to permit the proposed expansion; therefore, the applicant has requested approval of a Conditional Use for a public use airport on the subject property.

The attached site plan shows the proposed expansion of Cook Field. The proposed expansion is for facility improvements only and does not include any additional land area. The existing hangars are illustrated on the site plan in gray, and the applicant proposes to remodel, expand, and/or replace the existing hangars. The applicant also proposes to construct additional hangars and other support buildings as illustrated on the site plan. The site plan indicates that the existing paved runway and taxiways will be repaved and that additional paved taxiways will be constructed. The applicant proposes six residential lots with accessory hangars to be served by an existing grass runway and proposed new grass taxiway. Easements are proposed on the residential lots to keep structures away from runways and taxiways. A heliport also is proposed, and it may be approved as part of this request. However, the underlying zoning of the area to be used as a heliport will need to be changed to at least the "B" zoning district before the heliport will be permitted by the zoning regulations.

The character of the surrounding area is rural with the airport, agriculture, and large-lot residential uses being the predominate uses in the area. All of the surrounding properties are zoned "RR" Rural Residential.

CASE HISTORY: The subject property is a legal non-conforming public use airport.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Large-lot residential
EAST:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: The subject property has access to 71st Street South and 143rd Street East, which are unpaved section line roads. Additional right-of-way for the section line roads will need to be dedicated as part of the plat. The subject property is

within the service area of Rural Water District #3. The subject property is served by on-site sewer service.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Rural" development. The "Rural" category is intended to accommodate agricultural uses and rural based uses that are no more offensive than normal agricultural uses. The proposed airport expansion is consistent with the Land Use Guide of the Comprehensive Plan.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to platting property within one year and subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. Operation of a heliport on the subject property shall be permitted only at such time as the underlying zoning of the area to used as a heliport is changed to a zoning district that permits a heliport as a Conditional Use.
3. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
4. The applicant shall submit four 24" x 36" folded copies of the approved site plan to the MAPD within 60 days after approval.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is rural with the airport, agriculture, and large-lot residential uses being the predominate uses in the area. All of the surrounding properties are zoned "RR" Rural Residential. The proposed expansion of the airport is consistent with the zoning, uses, and character of the area.

2. Extent to which removal of the restrictions will detrimentally affect nearby property. The subject property has been used as a public use airport for more than 40 years with no apparent detrimental impacts on nearby property. The proposed expansion should improve conditions at the airport, which has deteriorated from a lack of maintenance.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive