

Map No. K-8W-D
Sec. 18
Twp. 28S
Range 2W

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 181
Filed 8-4-75

To establish airport in "R" Rural Residential

APPLICATION DATA:

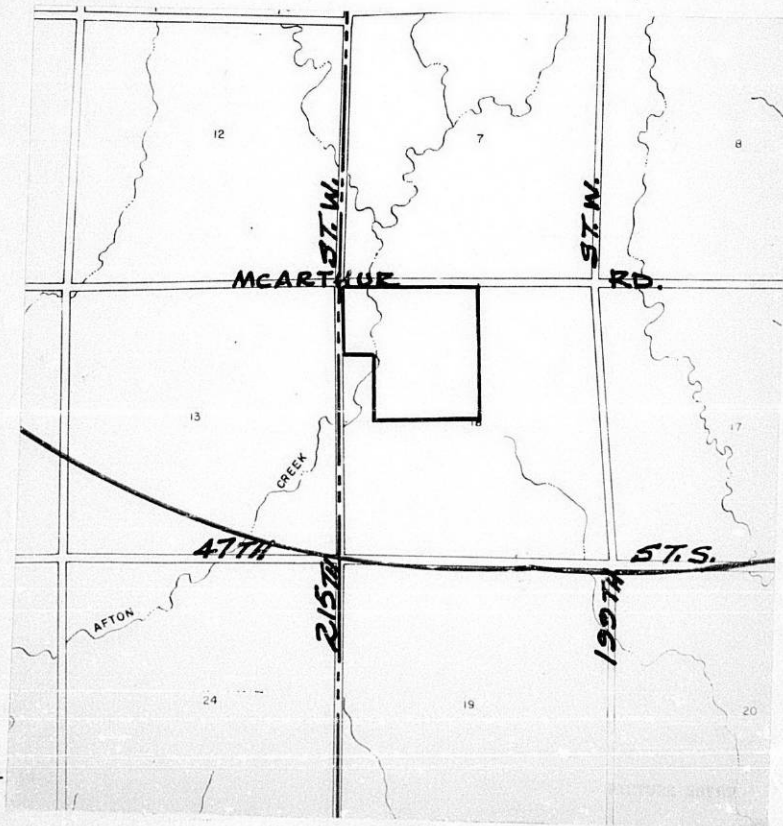
1. Applicant: Lightner Bros. Construction Co.
Address 219 North Market, 67202 Phone 263-2277
2. Agent: E. W. Lightner, Co-owner
Address 219 North Market, 67202 Phone 263-2277
3. General Location: on the south side of McArthur Road (39th St. So.) and east of 215th Street west Address _____
4. Proposed Use: to establish airport in "R" Rural Residential

AREA DATA:

1. Acres: 139.9 (2620 (IRREGULAR) ft. by 2620 ft.)
2. Adjoining Zoning: E "R" S W "R" N "R"
3. Land Use: East UNDEVELOPED South UNDEVELOPED
West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: U
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS
REQUEST FOR CONDITIONAL USE

CASE NO.	CU-181	CONSIDERED BY GPCPC:	8-25-75	Deferred
		RECONSIDERED BY GPCPC:	9-8-75	No quorum
REQUEST FOR:	Conditional Use	CONSIDERED BY MAPC:	9-11-75	Deferred
	Permit	RECONSIDERED BY GPCPC:	9-22-75	Approved
REASON FOR REQUEST		RECONSIDERED BY MAPC:	9-25-75	Denied
		CONSIDERED BY B.Co.C:	10-22-75	Ref to
To establish an airport in the				GPCPC
"R" Rural Residential zoning		RECONSIDERED BY GPCPC:	11-24-75	Denied
district		RECONSIDERED BY MAPC:	12-11-75	Denied

GENERAL LOCATION: South side of MacArthur Road and
east side of 215th Street West

LEGAL DESCRIPTION:

The NW Quarter of Section 18, Township 28 South, Range 2 West
of the 6th P.M., Sedgwick County, Kansas, except the south
1,250.4 feet of the west 617 feet thereof.

APPLICANT: Lightner Bros. Construction Co.
219 North Market 67202

COUNSEL FOR APPLICANT: Stan Smith, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: Leilson Wilson and Otis Melcher, property
owners in the area, spoke in opposition. Opposition on behalf of Lake
Waltanna residential development was also submitted, and Peter Ginocchio,
a resident of the Waltanna area, was opposed.

SURROUNDING ZONING: To the north, east, south,
and west is "R" zoning

LAND USE: Subject property and that to the north, east,
south, and west is agricultural land

PLANNING COMMISSION RECOMMENDATION:

That this application be denied. Kamen moved, Hennessy seconded and
it carried unanimously. Taylor was absent.

NOTE: A recommendation of denial by the Planning Commission requires
a unanimous vote of the County Commission in order to approve the
application.

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning
Commission and deny the application; or
2. Adopt a resolution effectuating the conditional use, and
instruct the Planning Department to withhold publication until such
time as the property has been platted and the plat has been recorded.

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 25, 1975:

10. Case No. CU-181 - Lightner Bros. Construction Co. requests approval of a conditional use to permit establishment of an airport in the "R" Rural Residential zoning district, on property legally described as the NW quarter of Section 18, Township 28 South, Range 2 West of the 6th P.M., except the south 1,250.4 feet of the west 617 feet thereof. Generally located on the southeast corner of 215th Street West and McArthur Road.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. In accordance with Section 3 of the County Zoning Resolution, Rural Residential District, A.8. under "Uses Permitted," the applicant has requested a conditional use permit to establish an airport in an area two miles south of Goddard and approximately 8 1/2 miles southwest of the reference point of Mid-Continent Airport.
2. The Goddard Planning Commission, at its regular meeting on August 25, 1975, considered this conditional Use request. The action of the Goddard Planning Commission was to defer this case to September 8, with a request to the applicants that they attempt to furnish anticipated noise levels and the amount of air traffic expected, and also the type of service and activities proposed on the site. A request was also made to determine whether or not the use of this property as an airport affected the use of adjacent property, particularly off the end of the runway. A request was also made that the Planning Department hand deliver notices for a distance of one mile from such property. Based on this request, 37 notices were delivered, plus the other notices that were mailed.
3. At its special meeting on September 8, 1975, the Goddard Planning Commission failed to obtain a quorum and, therefore, the matter was deferred to their regular meeting on September 22, 1975. Based on this deferral, the MAPC at its meeting on September 11, 1975, deferred full consideration of this request until their meeting on September 25, 1975. New notices were again mailed and hand delivered to interested parties advising them of the new hearing dates.
4. Upon receiving this application, the Planning Department contacted the Air Traffic Division of the Federal Aviation Agency, requesting their evaluation and comments as to the location of this airport and what conflicts, if any, it would have on air traffic to and from Mid-Continent Airport. By letter to Robert E. Bestgen, dated September 5, 1975, FAA stated, in part:

"From information furnished us there is a county highway approximately 75' north of north end of runway and a hedge row approximately 150' north of north end of runway at a height of approximately 30'. Part 77 of the Federal Aviation Regulations requires a 15' road clearance over a road of this category. The required 20:1 approach over the road can be obtained by removal/trimming the trees and relocating runway end to provide a 20:1 approach over the road and trees.

"This airspace determination is conditional. After the obstructions have been removed or runway displaced to provide a 20:1 clear glide slope, please notify us and we will gladly issue a more favorable (no objection) airspace determination."
5. The Comprehensive Development Plan for Goddard points out that the Wichita Mid-Continent Airport facility is only a little over 7 miles from Goddard. The transportation link (U.S.54), between Goddard and the airport is good, and Mid-Continent provides adequate service now and within the planning period for commercial and private aircraft service. Even if the function of the Mid-Continent should change to exclude private aircraft, there are additional private fields on the west

side of Wichita with good access from Goddard that would appear capable of handling the needs of private aircraft.

6. The recently adopted Tri-County Airport Systems Plan recommends that forecasted general aviation demand be accommodated by three upgraded general-utility class airports located in the northeast, northwest, and southeast quadrants. No additional general aviation facility would be required in the southwest quadrant which is served by Mid-Continent. The intent of the Plan recommendation is to encourage the concentration of general aviation operation at safe, efficient, upgraded and well-located sites. Conversely, the proliferation of private (open to public use) general aviation facilities should be discouraged.
7. The plot plan submitted by the applicant indicates the location of contours and the proposed location of the runway, hangers and service area. No definite information has been provided as to the number of aircraft proposed to be accommodated. It would be anticipated that at the time of platting, the handling of drainage can be resolved and that appropriate street dedications, building setbacks and the establishment of appropriate clear zones at the ends of the runway can be resolved.
8. Should the Planning Commission determine that a general service airport facility is justified at this location, and recommend approval of the conditional use request, the following are suggested conditions of approval:
 - a. Platting within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
 - b. No buildings shall be constructed closer than 100 feet from any street right-of-way line.
 - c. Uses permitted shall be only those associated with the normal operation of the airport itself.
 - d. Approval of the Federal Aviation Agency and compliance with any conditions attached thereto.
 - e. The Planning Commission may want to consider placing a limit on the number of based aircraft permitted.

GALBRAITH said he had received a letter from FAA setting out certain airspace requirements to be complied with. He also reported that at the Goddard Planning Commission on August 25, 1975, questions were raised as to whether the airport would be open for general aviation service activities, and there was concern as to the noise decibel and if it would have an adverse affect on adjacent properties. They were also interested in what other plans the applicant might have for the land other than as an airport. He reported that there were a number of people at the meetings, some in favor and some opposed, and a protest petition was submitted containing 46 names representing a distance of 3 miles around the site.

A number of comments were made at the meeting about the Wichita Mid-Continent not having hangers available for lease. Wichita-Mid-Continent was represented at the meeting in September and it was reported that they don't build hangers in advance of need, but future plans for extension of the runway on the west side, and to focus general aviation services on the east side, were outlined.

GALBRAITH reported that a motion to recommend denial of the request failed to receive a second. A motion was then made to approve the request as a public use airport subject to several conditions, one being that the area be platted and that there be no industrial activity; and that the number of aircraft based on the site not exceed 50, all of which shall be less than 8,000 pounds.

The applicant indicated that nothing larger than a Cessna 410 or single aircraft is anticipated. Noise levels were also discussed. The motion for approval carried by a vote of 2 in favor and 1 opposed, with the chairman not voting as is the custom for the Goddard City Planning Commission. The Goddard Commission did not discuss the 100-foot setback suggested by the staff.

GALBRAITH reviewed specifically the conditions of approval suggested in the staff report, noting also that while the Commission may want to consider limiting the number of aircraft, the applicant prefers that there be no such restrictions.

Referring to the letter from FAA, GALBRAITH pointed out it is in the usual form, stating that the proposed airport will not adversely affect the safe and efficient use of airspace, provided the approach slope to each end of the runway is cleared to 20:1. He stated that his understanding is that the applicant contemplates removal of a hedge row to the south and will shorten the runway to the north so there would be 20:1 slope over McArthur Road. FAA indicates final approval will be given upon submission of final plans.

STAN SMITH, attorney for the applicants, said that it is proposed to establish a public airport, as a member of the Goddard Planning Commission had requested that it be public as opposed to private, and that the restrictions imposed by the Goddard Commission are agreeable with the applicants. Although the Goddard Commission had not specified a 100-foot building setback, SMITH said they were agreeable to such a requirement.

Referring to the letter from FAA, they would expect to comply with all requirements of that agency. SMITH maintained that the facility proposed is particularly needed in this area, even though the Tri-County Airport System Study indicates it is not needed. He said they are not competing with Mid-Continent Airport so far as small aircraft, but only that there is the need for such a facility as stated by many pilot and owners of small aircraft.

SMITH submitted pictures of the three airports now serving the southwest quadrant (other than Wichita Mid-Continent), pointing out specifically that the facilities are inadequate, in his opinion and that of most pilots he has talked to; as for one thing, they are all sod runways whereas the one being proposed would have hard-surfaced runway.

A representative of Wichita Mid-Continent was present at the Goddard hearing, SMITH stated, and when questioned said that hangers are not available at Mid-Continent, in that they do not build them until there is actually the need. The ones presently at Mid-Continent are all leased to Yingling or United, so an individual wanting hanger space would have to deal with Yingling or United to determine if such companies could sublet hanger space.

There has been considerable talk as to the expected noise level, and SMITH pointed out that, except for several homes, the general area is basically agricultural in use. SMITH reported that a single engine or light twin engine aircraft is all the proposed field could handle, or roughly in the area of 80 decibels, while a diesel truck rates 100 to 125. Also, the Cessna facility rating in their assembly line is about 80, so it seems that not a great deal of noise would be involved. Further, SMITH said that this is the same area used by Yingling and United for training operations which amounts to more air traffic than anticipated from the proposed field. When asked at the Goddard meeting how many planes were anticipated, SMITH said they do not have that information at this time - what is proposed is new and there is no history from which to draw. The Goddard Commission did restrict the number to 50, and while the applicants don't like to be restricted too much, they have accepted the 50 limitation.

Although SMITH noted that it is probably not within the realm of this Commission, several business men in Goddard think what is proposed will be a help to Goddard, in that it is close to their City and available.

SMITH said they had heard from two people at Lake Waltanna that the airfield would devalue properties there, and he pointed out there is now an airstrip at Lake Waltanna from which four or five planes operate, and he doubted that the proposal would be anything but an asset to the area in general, and he repeated that they have no plans to do anything, but operate small aircraft - no housing plans or plans to extend on to the south.

In response to questions as to increase in ground traffic, SMITH said they do not anticipate any problem as far as automobile traffic on McArthur Road, as the operation will not be that big, and there is no possibility of a problem such as at U.S. 54 and the Mid-Continent Airport Road.

LEILSON WILSON spoke in opposition as a resident living in the same section as subject property. He noted that the applicant has had considerable advantage in his presentation, having had all the time he wanted to prepare his case, while those in opposition have had only about 4 1/2 weeks to prepare a case. He reported that a number of people from Goddard who wanted to be present could not because they had to work.

Referring to the affect of an airport on real estate values, WILSON referred to an appraisers handbook which specifies that noise is a depreciation factor in the evaluation of residential real estate for a distance of two or three miles of an airport. Further, the same publication recommends zoning of adjacent lands to avoid having residential properties or other development that would be adversely affected by noise. WILSON said that residents who live close to subject location do not want their area changed, with the introduction of this use.

WILSON said they disagreed with the attorney's statement that there would not be a noise problem, pointing out that at Lake Afton (3 miles away), the once-a-year Grand Prix race creates a noise problem which is a nuisance in subject area, and this airport is proposed only 1/2 mile away. He said they already have a problem with airplane activity because of the pilot training flights in the area and they do not want the problem increased, which can be expected since pilot training is anticipated for the proposed airport. While the applicant's attorney has pointed out the noise decibel associated with certain types of indoor work, WILSON maintained that everyone should be entitled to have a quiet environment once they are in their own homes. According to one of the Environmental Protection Agency bulletins published in 1974, from a health standpoint, it was suggested for both urban and rural residential areas, the decibel rating indoors be no more than 45 decibels and outdoors not exceeding 55 decibels at a distance of approximately 3 meters, and a rating of no more than 32 decibels for sleep periods. WILSON pointed out that the chart submitted by the applicant's attorney starts at 65 decibels.

WILSON brought up the fact that the government is being urged to give local communities grants to purchase residential property adjacent to airports, and the FAA is recommending the purchase or condemnation of such lands for rezoning and resale for other than residential use. He thought this was meant to relate more to larger airports, but that it does affect the small ones also.

Referring to another source of his information, WILSON noted that it is indicated that the chief source of excessive noise such as aircraft, cannot be designed to operate quietly for 15 years or so, and that the number of intrusions from such activity should be restricted, especially during the critical morning and evening hours.

While the applicant at this time did not state there would be a lighted field and nighttime activities, WILSON reported that that had been brought out at the Goddard meeting.

Referring to a Report of the President's Airport Commission, WILSON pointed out that on page 21 it indicates that the immediate problem is to find a way to protect present airports and the people residing near them, and the necessity for some means to control ground use in approach zones. It was noted that local authorities should prevent further use of the lands for public and residential

building near the ends of existing runways, and if this is not done homeowners will be added to the ranks of those who protest against noise. WILSON said it is suggested in that same report that certain extensions be encouraged in the airport itself and larger areas beyond such extension be zoned to prevent the erection of structures that might be harmful to aircraft as well as to the people utilizing those structures on the ground. In the same report, WILSON noted that it is stated that some excuse may be found for failure to have foreseen the rapid rate of aeronautical progress in designing airports in the past, which is regrettable, because full consideration had not been given to the comfort and welfare of people living on the ground in the vicinity of airports. He stressed that in this case, the Commission does have a chance to consider such factors before the development is permitted. In the same publication, page 28, WILSON reported that the statement is made that aircraft noise extending over a great period of time, as well as space, threatens to exceed human tolerance and is harmful to the individual health. An adverse affect was indicated on farm animals also, so far as size and weight and milk production.

WILSON submitted a chart from an EPA report showing the percentage of people disturbed by aircraft noise by various types of reasons concerned with rest, the chart starting at 45 decibels and extending to 75 decibels. The various reasons given for annoyance by noise related to interference with television, vibration of dwellings, interference with conversation and rest. He said they were convinced that there will be a noise problem. Another source publication indicates that homes near airports may be exposed to as much as 100 decibels. Various other presentations were made by Wilson concerning the noise factor and its relation to people, noting specifically that research indicates a reasonable decibel rate of 55 outdoors in residential areas would be compatible for the protection of health and welfare, and a small aircraft motor at 10 meters represents 125 decibels. According to one study made by EPA, decibel levels for various distances for various types of noise was illustrated, and on small single engine aircraft at 3.5 miles from take off, the rating was 63. WILSON submitted charts to illustrate the facts with respect to varying degrees of decibels at varying distances for various noise generators.

WILSON said he had prepared a map showing the ownership of the various residents who are opposed to the application, and it included the names of those opposed. Referring again to his source material, WILSON pointed out that it indicates the percentage of people who want to get away or move from an area subjected to as much as 55 decibels.

Referring to the Airport System Plan for the Tri-County, WILSON noted that it indicates that protection should be provided for the airports suggested therein, and he maintained that consideration should also be given for the neighborhoods adjoining and something done for their protection. He felt that it does affect real estate values, otherwise there would not be so many people wanting to leave such areas, or that adjacent areas should be rezoned to prohibit residential development. WILSON commented that when one compares the generation of 125 decibels by small aircraft engines, and 63 decibels 3.5 miles from take off, with the recognized standard of 35 decibels at night and 55 at day, there is reason to consider other land uses around an airport, and that this petition should be rejected.

He reminded the Commission that they have a good Airport Plan and it is quite recent, which recommends the area for airports, and none is recommended in the southwest segment of the County. He suggested that if there is to be proper use of land, then the plan should be followed. He asked again that the Commission not approve the application because what is proposed would devalue real estate values, there is a noise nuisance for residents in the area, and it would be a hazard, and further, according to the Tri-County Plan, there is no need for an airport in this portion of the County.

In addition, a number of residents in the area have submitted their protest petitions and object to the airport.

WILSON did ask, however, that if the Commission does not agree with the opposition, then consideration be given to an environmental

impact study for the area, and that they be given more time to prepare more information before it is recommended for approval.

A representative of J. J. Schartz, President of Lake Waltanna Homeowners Association, presented a statement in opposition summarized as follows: There are 45 residential homes, and many residents are opposed; the south end of the landing strip will be within one mile of the residential area, and more consideration should be given to this project and further investigation is needed to satisfy Lake Waltanna homeowners.

OTIS MELCHER, after pointing out that he had received a delayed notice of this proposal because the first notice was addressed to him at Goddard rather than Viola, stated that he lives within 1 1/2 miles northeast of subject land and has a business within 1 1/2 miles southwest of Mid-Continent Airport, his business being in the flight area. He protested subject proposal on the basis that it would hurt the area a great deal. He stated he had moved to this rural area of homes, and contended that subject location is wrong for an airport, as an airport does have factors involved with its operation which are not compatible with residential properties. He pointed out that the members of the Goddard Planning Commission don't realize the nuisance which can be created. He suggested that if a new airport is to be established in the southwest quadrant, then it should be in an industrial area, or in an area where there is already other noise factors, such as possibly along U. S. 54.

MELCHER was fearful also that a small airport would not control the smaller planes or other planes as Mid-Continent does, and he referred to the fact that at Mid-Continent they do have facilities for the small man, where they can be controlled so far as safety and noise factors. Further, MELCHER pointed out that the area generally is within 10 or 15 minutes of a good facility (Mid-Continent).

PETER GINOCCHIO, submitted the following comments on behalf of a resident representing the Waltanna development, where there are presently 50 homes and about 90 planned. He said in this residential development there is an airstrip where 5-10 planes are based at all times and the strip is available for guests of the residents also. He cited the fact that there is a potential conflict of airspace if what is proposed is permitted, and it was doubted that the airport, as presently planned, would have significant public or industrial benefit in view of the fact that the total amount of land available limits the runway to 2,500 feet, which in turn limits the size of planes that could utilize the service, and thus any benefit to business aviation activities would be insignificant. If there is a conflict between the proposed airport and the Waltanna airstrip, then it becomes a conflict between the rights of a long established group of homeowners, and the rights of a new group. The report stated that they favored the establishment of a new general aviation facility in the southwest portion of the metropolitan area, however, questioned this location and general public benefit. The report indicated support in general of the rights of a property owner to use his property as he deems fit, as long as it does not trespass upon the rights of others. It was further requested that if this request is approved, the applicant be required to establish the airport traffic pattern on the east side of the airport requiring a right hand, or non-standard, pattern for landing to the north, and Waltanna would then establish its pattern to the west, which would minimize the possibility of conflict of traffic. The report asked that the record show that in case of any future conflicts between the proposed new airport, which it was felt would satisfy primarily private interests and not the general public, and the Waltanna airstrip, that the Waltanna airstrip was there first.

PETER GINOCCHIO then submitted his own report as follows: He favored an airport west of Wichita such as proposed and believed it would be of public benefit and well used; however, he was opposed to the particular plan being considered in that the site is inadequate for such an operation and rezoning of adjacent land from agricultural/residential is not included for consideration. GINOCCHIO, as an employee of Cessna Aircraft, said the general aviation requires growth in airports, but that more harm is done by ill-conceived or short sighted planning of airports than by lack of airports, and that most prob-

lems stem from residences building around existing airports because of inadequate zoning protection. GINOCCHIO'S presentation noted that complaints of homeowners must be considered against the investment of airport owners and their need to grow and expand to survive.

GINOCCHIO submitted the following to support his belief that the proposal is inadequate. An FAA study of general aviation activity at non-towered airports (February 1975), shows that average acreage for airports having between 25 and 50 based aircraft is 623 acres, and subject proposal provides for about 1/4 that amount of land. The runway fully occupies the land, leaving no room for growth, parallel runways or crosswind runways.

Further facts presented by Ginocchio were as follows: The north end of the runway is within 100 feet of McArthur Road, a major east-west paved arterial. The FAA comment on the proposed plan requires displacement of the landing zone about 300 feet further southward from its present position to achieve a minimum of 20 to 1 glide ratio. Even landing 500 feet from McArthur, aircraft could cross this road at 20 feet height, and even if this were deemed acceptable, it illustrates the altitude over either end of the runway that aircraft could operate yet be over property owned by other citizens which is zoned residential/agricultural and for which no zoning is requested to protect the airport. Houses and silos could be built within 200 feet of either end of the runway.

This same FAA study shows that between 7,000 and 8,000 landings can be expected per year for between 25 and 50 privately owned light aircraft based, and more landings could be expected of aircraft used for business and flight training purposes.

In closing, GINOCCHIO recommended disapproval of the request and a desire for a paved, night lighted, public use airport somewhere on the west side of Wichita, but that it be done properly and in a manner that will not pit the homeowners against the aviation community.

PATRICK CLARKE, representing the Goddard School Board, said that although the Board has not taken an official position, in plans for financing of the Goddard schools, the Board has consistently recognized the need for additional evaluation and expansion, particularly if the expansion does not add to the school enrollment, and it appears what is proposed would not and it would be welcomed, and if there is a way to resolve the problems posed by the residents so far as noise, etc., the airport would be helpful to the school board from a tax standpoint.

CLARKE continued that he did not know if the location is proper but he pointed out that the end of Cessna's landing strip is within 100 feet or so of Pawnee, which is more heavily traveled than McArthur ever will be. CLARKE felt the possibility of air conflict or suitability of the location should be left to FAA to decide, and he would be inclined to go along with their opinion.

STAN SMITH spoke again to point out that at the Goddard meeting, the controller at Mid-Continent was present and spoke in support of the plan and did not see any conflict with the operations at Lake Waltanna or any other airport facility. He pointed out also that the airstrip at Waltanna has not devalued the expensive homes there. Further, the runways proposed are in the same alignment as at Mid-Continent and McConnell Air Force Base and is the proper alignment for subject area.

SMITH noted that any time something different is planned, not everyone is going to support it; however, in this case, the Goddard Planning Commission has recommended approval and recognized it as a benefit, placing certain restrictions thereon, and while not required by the Goddard Commission, the applicants are willing to set back 300 feet from McArthur Road.

LANKIN referred to the decibel rating chart submitted on behalf of the applicant, and the fact that the particular levels identified are not in relation to any specific distances and he was not sure how such information should be evaluated. If noise is a factor, it is obvious that it will be different in subject area than it is today. As

an example, he referred to the rating for 707 aircraft with respect to highrises, and the fact that a rating of 55 decibels is given for the interior and 70 as exterior noise level.

Referring to the Airport System Plan, LAKIN said that it has been indicated that general aviation with 50 based aircraft, and assuming itinerant activity in and out, plus normal range of training flights, should produce about 35,000 operations a year. In respect to zoning and protection of airports, he said this would be done on the airports that are established under the Airport System Plan, because they will be the ones to be established at public benefit and to be preserved over a period of time so that they will always be available. As such, McConnell Air Force Base, Mid-Continent and Beech do have special glide patterns applied which would prevent any hazard, such as a radio tower, being built in the approach zones. He anticipated the same thing would be applied for the three general aviation facilities identified in the plan as being needed. Relative to high noise level associated particularly with military and commercial operations, LAKIN felt that every effort should be made to prevent residential development in the approach zones. In subject area, it is zoned "R" Rural Residential which requires two acres per dwelling site, and which is the least intense of the County zoning districts. Referring specifically to subject area, LAKIN said he didn't know what adjacent property owners have in mind so far as a different use possibility for their properties, but he would not like to see additional residential development in the area where there are not municipal services.

LAKIN continued that the applicant indicates there is a need for the airport, yet in the system plan a methodology was utilized of trying to establish need based on income, density, etc., as evident at that time, and he was interested in seeing figures to support the claim that there is a need - something in terms of the demand and anticipated activity.

In the adoption of the Airport System Plan, LAKIN pointed out that it was indicated that there is a need for long term good airport facilities for general aviation, and three general location were suggested, however, the report does not indicate such a need in the southwest quadrant, anticipating that Mid-Continent would be able to accommodate the demand. He noted that while there are other aviation facilities in the southwest quadrant, they are not to the standards proposed in the plan. He stated that the more substandard airports established, will mean less opportunity to carry out the goals of the adopted Airport System Plan. He realized that it is a matter of controlling the economy which is a sensitive issue, but that is what would happen if the market is diluted continually. He referred to page 73 of the plan, pointing out the factors to be considered in order to develop a facility for general aviation identified in the adopted plan.

In response to a question as to when Mid-Continent facilities are proposed for expansion, LAKIN indicated that it is in the Capital Improvement Program, the first phase being the building of parallel general aviation runway which would serve the light aircraft, thus separating the light aircraft from commercial and general aviation traffic. He said that Mid-Continent is operated entirely on revenue and not tax dollars, and that improvements cannot always be made as quickly as desirable.

A pilot and owner of a plane, said that at the Goddard meeting, the engineer from Mid-Continent indicated improvements would be 5 to 10 years hence. He said hangers are not available at Mid-Continent and fees are high there. He did not think the proposed airport would come anywhere near 35,000 operations per year, but felt that there is an adequate demand to justify its development, and that there would be many pilots utilizing the service.

CLARKE spoke again to ask that the Commission seriously consider the validity of the airport system plan, because he felt there was a large vacuum on the west side of Wichita so far as airport services. The facilities at Mid-Continent are designed for heavy aircraft and any expansion there would likely be related to the dollar income which could be anticipated, and this doesn't provide the facilities that general aviation requires.

CLARKE said that at present in the Goddard area there are many forces at work to get air transportation to Goddard, which is outside the 8 mile limitation of the nearest airport.

SMITH referred to Lakin's comments, to point out that the facility being proposed will be financed privately, and will not involve funds from any city, the County or the Federal government. If the applicant makes a big investment and doesn't get the aircraft anticipated, then the loss is his. The Airport System anticipates funding assistance from the City, State or Federal agencies, and the improvements at Mid-Continent apparently are 5 to 10 years in the future, according to the manager at Mid-Continent.

LAKIN referred to the current CIP which indicates improvement of the runway at Mid-Continent is scheduled for 1977. He realized that the programming of improvements at Mid-Continent and the Airport System Plan are sensitive issues, but felt the goals of the plan should be pointed out. He stated further that improvement at Mid-Continent would eventually separate the small aircraft from the heavier and commercial type aircraft.

CHAIRMAN KAMEN referred to the fact that the Goddard Commission did not have a full Commission when this matter was considered.

LARRY GROVES, secretary of the Goddard Planning Commission, said that certain information was presented at this time which was not submitted at the Goddard hearing, although he did not mean to infer that the decision would have been different. He said they were made aware of the position of the homeowners and Mr. Bell, Manager of Mid-Continent was present and provided certain facts. GROVES indicated some conflicts of alignment of runways which some felt would always be at crosswind, while the applicant indicated the alignment was in conformance with Mid-Continent and McConnell Air Force Base. GROVES said they attempted to consider the impact on their community as well as the impact to the residents involved and he supposed it was a matter of values. With respect to the noise factor, he did not feel that should be any serious problem from small planes, and said that he lives fairly close to U.S. 54 and the diesel trucks on the highway are more of a noise problem than small planes would be. GROVES stated further that some of the business people in the Goddard community feel that what is proposed would be an advantage as far as business planning is concerned.

At the first hearing by the Goddard Commission, GROVES stated that because there were doubts as to whether all interested property owners had been notified or were aware of the application, the Goddard Commission had deferred a decision and asked that property owners be renotified and notices delivered personally to the homes. At the second meeting, there was general response from the owners, and it resulted in a determination in terms of value. At the second meeting, one member did not attend because he has a private airstrip and did not want to appear because of that; two other members were out of town on business, so there were four members present to deal with the matter. GROVES continued that it was their feeling the airport should be a public use facility because they could foresee problems with a private airstrip, and had approved the request as reported previously in this meeting. He said that after the meeting, they had helped the residents realize that they could appear at this meeting and air their opposition.

It was GROVES' feeling that there is a great difference between operation of Mid-Continent and what is being proposed by the applicant, and the fact that the runway proposed cannot be expanded, in their judgment was an advantage, because it would permit control of the size of the aircraft utilizing the facility and would tend to confine any noise factor to a very minimum.

In summary, GROVES said he was present not to speak in favor or in opposition particularly, but just interested in the matter being taken care of on behalf of all concerned.

KAMEN asked if it might be desirable to refer the matter back to Goddard since it appears not all of the information provided at this meeting was submitted to the Goddard Commission. GROVES said that Mr. Wilson had presented a few more facts, but that he did not think it was necessary to be reheard by the Goddard Commission, as they had heard the basic arguments.

CHAIRMAN KAMEN pointed out that no member of the MAPC is a pilot and probably not familiar with the statistics, and it was his opinion that possibly the only recommendation this Commission could make would be to approve, since the Goddard Planning Commission has recommended approval, but that a 2 to 1 vote does not represent the opinion of very many members.

In further discussion of the possibility of referring the matter back to Goddard, GROVES said he would not be adverse to having more time with Mr. Wilson's presentation, particularly his reference to the Environmental Protection Agency publications as related to airstrips, in that in some other areas EPA doesn't always have the facts.

When asked how many were at the Goddard meeting, GROVES estimated about 50 people in all, with possibly 35 appearing in opposition.

PORTER commented that according to the Tri-County Airport Study, the last thing needed is another substandard general aviation airport, and it is not just private, but does affect everyone. According to the System Plan report, the reason for the substandard airports is because there are too many, and with respect to subject request, she was interested in going through the information in detail as to whether or not each minimum requirement was being met in this proposal. She was opposed to permitting another airport which did not meet the recognized standards. PORTER pointed out further that the System Plan was developed and paid for by the taxpayers and she did not feel that it could be ignored, but that the guidelines therein should be followed.

COLLIER agreed with Porter's statements. BAYOUTH did not think it would change anything to refer the matter back to Goddard and was in favor of this Commission make a decision now.

PORTER commented further that it appeared to her that to permit the request would be a detriment to the community and definitely against the minimum guidelines of the Airport System Report, which is a recently adopted plan.

MOTION: That the Planning Commission recommend to the County Commission that this application not be approved. Porter moved, Kamen seconded and it carried by a vote of 4 in favor (Porter, Kamen, Bayouth and Collier) and 1 opposed (Goebel). Gragg, Savina and Taylor were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 11, 1975:

4. Case No. CU-181 - Lightner Bros. Construction Co. requests approval of a Conditional Use to permit establishment of an airport in the "R" Rural Residential zoning district, on property legally described as the NW quarter of Section 18, Township 28 South, Range 2 West of the 6th P.M., except the south 1,250.4 feet of the west 617 feet thereof. Generally located on the southeast corner of 215th Street West and MacArthur Road.

GALBRAITH pointed out the area on the map and reviewed the staff report previously submitted as shown in the Planning Commission minutes of September 25, 1975; and presented the following case history.

Case History

GPC - 8-25-75 - Goddard City Planning Commission recommendation:
That this application be deferred two weeks with a request that the applicants attempt to furnish anticipated noise levels and amount of air traffic expected; whether use of

property as an airport affects use of adjacent property.
9-8-75 - The Goddard Planning Commission failed to obtain a quorum and the matter was deferred to 9-22-75.

MAPC - 9-11-75 - Based on Goddard's deferral, the Metropolitan Area Planning Commission deferred full consideration of this request until their meeting of 9-25-75.

GCPC - 9-22-75 - Goddard City Planning Commission recommendation: That this application be approved subject to several conditions.

MAPC - 9-25-75 - Metropolitan Area Planning Commission recommendation was to deny the application.

B Co.C. - 10-22-75 - The Board of County Commission action was to refer the case back to Goddard for reconsideration.

GCPC - 11-24-75 - Goddard City Planning Commission recommendation was that the application be denied. Motion passed 3 to 2.

GALBRAITH called the attention of the Commissioners to the two letters before them concerning this case; one letter was from the Chairman of the Goddard Planning Commission, Mr. Stovall, and one from Mr. Lightner requesting that this case again be sent back to the Goddard Planning Commission for reconsideration.

GALBRAITH said when the Goddard Planning Commission first considered the case, they moved to recommend that it be approved. The vote was two in favor, and one opposed. When the Metropolitan Area Planning Commission considered the case, they took into consideration the Tri-County Airport Systems Plan and recommended to the County Commission that the request not be approved. The case, GALBRAITH said, went on to the County Commission and after they had discussed it at great length, they determined that Goddard should be given an opportunity to consider the request again when more Goddard Planning Commissioners were in attendance. When they again met, GALBRAITH continued, there were five Commissioners present. At the end of that meeting, the Goddard Planning Commission recommended that the application not be approved. The vote was three in favor to deny the request and two opposed.

GALBRAITH advised the Commission that he thought the two letters requesting that the case go back to Goddard again were written in hopes that there would be a full Commission present.

GALBRAITH advised that Stanford Smith, attorney for the applicant was present, as well as representatives of the opposition.

BAYOUTH asked if there was anyone present from the Goddard Planning Commission. There was no one present.

STANFORD SMITH spoke and indicated that Galbraith had correctly stated the reason why the letters were written, and his (Galbraith's) tracing of the history of the case was correct. He discussed the different votes that had been taken by members of the various commissioners who had heard the case and said at this point, the applicants just wanted to get it settled. He said members of the Goddard Planning Commission had expressed a desire to him to hear the case again.

BAYOUTH asked if there was anyone present who wished to speak in opposition to the application, and OTIS MELCHER, Route 1, Viola, Kansas, spoke. He protested the proposed action to return the case to Goddard. He pointed out to the Commission that he and the other adjoining property owners do not have professional help. MELCHER said they are just people who are living in the area and having an interest in the area. He said that in regard to the endless meetings concerning the case, it becomes harder and harder to get people to come to the meetings. He said he felt that there had been a thorough discussion of the case by all bodies concerned and it was not fair for the people in the area to have to go through these meetings over and over again. He also reviewed the series of meetings to which Galbraith had earlier referred.

In connection with returning the case to Goddard again, MELCHER asked the Commissioners why, if Goddard is so interested in hearing this case again, were they not present at this meeting?

MELCHER told the Commission that neither he nor the other adjoining property owners are getting paid to come to the meetings as was Mr. Smith, and he concluded his remarks by indicating that he felt the matter was turning into a political issue where one body passes it along to another, and that body passes it on to another, and it was constantly deferred with no action ever being taken.

MELCHER was told by Chairman Bayouth that it was not the intention of the Metropolitan Area Planning Commission to cause adjoining property owners great inconvenience, and he also pointed out that as far as professional help was concerned, he, MELCHER, was getting the same attention from the Planning Commission as the professional people were receiving.

GALBRAITH said he had attended several meetings concerning the matter and he had observed a great number of people who favored the application and also many who were opposed. He said he believed Goddard had fairly listened to all sides. He told the Commission that Goddard had asked at the first meeting how many notices had been sent out. GALBRAITH said notices had first been mailed to adjoining property owners within 1,000 feet, and then they had been instructed by Goddard to hand deliver notices to adjoining property owners within a one mile radius of the area involved in the application. He went on to say that members of the planning staff had been sent out on three different occasions to hand deliver notices of distances of 1 1/4 miles to 1 1/2 miles because Goddard felt that an airport was of significant importance in that area that more people should be notified. GALBRAITH said he felt all sides had been given an opportunity to be heard.

GALBRAITH said that it was his opinion from observing the proceedings at Goddard that there were those who felt the airport would be a good thing for the City. However, he said that three of the Commissioners of the Goddard Planning Commission had said that they were in favor of the airport being developed at some other location. They had also said they did not feel the airport could be expanded adequately to really serve the area because it is only 1/2 mile in length and the general consensus was that it should be located in an area where it could be properly expanded as the need for expansion arose. GALBRAITH told the Commission that this was his personal assessment of the comments he had heard at the meetings.

GALBRAITH told the Commissioners that the Planning Department had no objection to sending it back to Goddard and hand delivering notices again. He said the case would probably be heard at their meeting in January.

BAYOUTH asked if they did send it back to Goddard again, would they (the Metropolitan Area Planning Commission), have to hear it again. GALBRAITH stated yes, that MAPC should make the final recommendation. He said the Commission could approve it - they could deny it - or they could send it back to Goddard again as the applicant had requested.

GRAGG asked Galbraith to point out the area in question on the map again and Galbraith did so.

SMITH then spoke and said his clients were anxious to get the matter settled and members of the Goddard Planning Commission had expressed a desire to hear the case again and that was the reason for their request to return it to Goddard. He said his clients had no desire to cause inconvenience to the adjoining property owners.

BAYOUTH asked if the Commission sent it on to the County Commission, and deferrals were requested from the County Commission and it went back to Goddard, would the Metropolitan Area Planning Commission have to hear it again, and KAMEN said they would have to hear it again.

LEILSON WILSON spoke next in opposition to the application. He told the Commission that he lived on the east side of the section under consideration. He discussed the meetings he had been required to attend in regard to the matter and protested sending it back to Goddard, saying it would just be a continuation of all that has already taken place. He said there had been a fair hearing of the case and he urged the Commission to settle it at this meeting. He said he felt enough time had been wasted. He said he believed to return it to Goddard would be unfair.

SMITH spoke again, citing the letters from the Goddard Planning Commission expressing a desire to hear the case again. He said all the applicant was trying to do was comply with the requests of the Goddard Planning Commission. He told the Commissioners he thought that Goddard should be given the opportunity to hear the case again.

GALBRAITH said he had been contacted by the Chairman of the Goddard Planning Commission, who said he had been solicited by one of the applicants, to hear the case again.

GALBRAITH told the Commissioners that the Chairman of the Goddard Planning Commission had wanted to know how Goddard could get the case back and this had happened two days before the meeting and it was too late to defer the case because there was no time to get notices out, so GALBRAITH had told him he could submit a letter to the Metropolitan Area Planning Commission asking that the case be sent back to Goddard.

GALBRAITH said after reading Lightner's letter, he had come to the conclusion that perhaps there were Commissioners on the Goddard Planning Commission who were in favor of the establishment of the airport who had not been present when the case was heard before.

SMITH said that none of the applicants had done any soliciting of the Goddard Planning Commission to have the case sent back.

WILSON again spoke and expressed his feeling that politics was involved, and asked why members of the Goddard Planning Commission were not present at the meeting if they were so interested in hearing the case another time.

BAYOUTH asked if there was anyone else to be heard in opposition; there was no one else who wished to speak in opposition.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this application be denied. Kamen moved, Hennessy seconded and it carried unanimously. Taylor was absent.

NW Corner sed: 18-28-2W

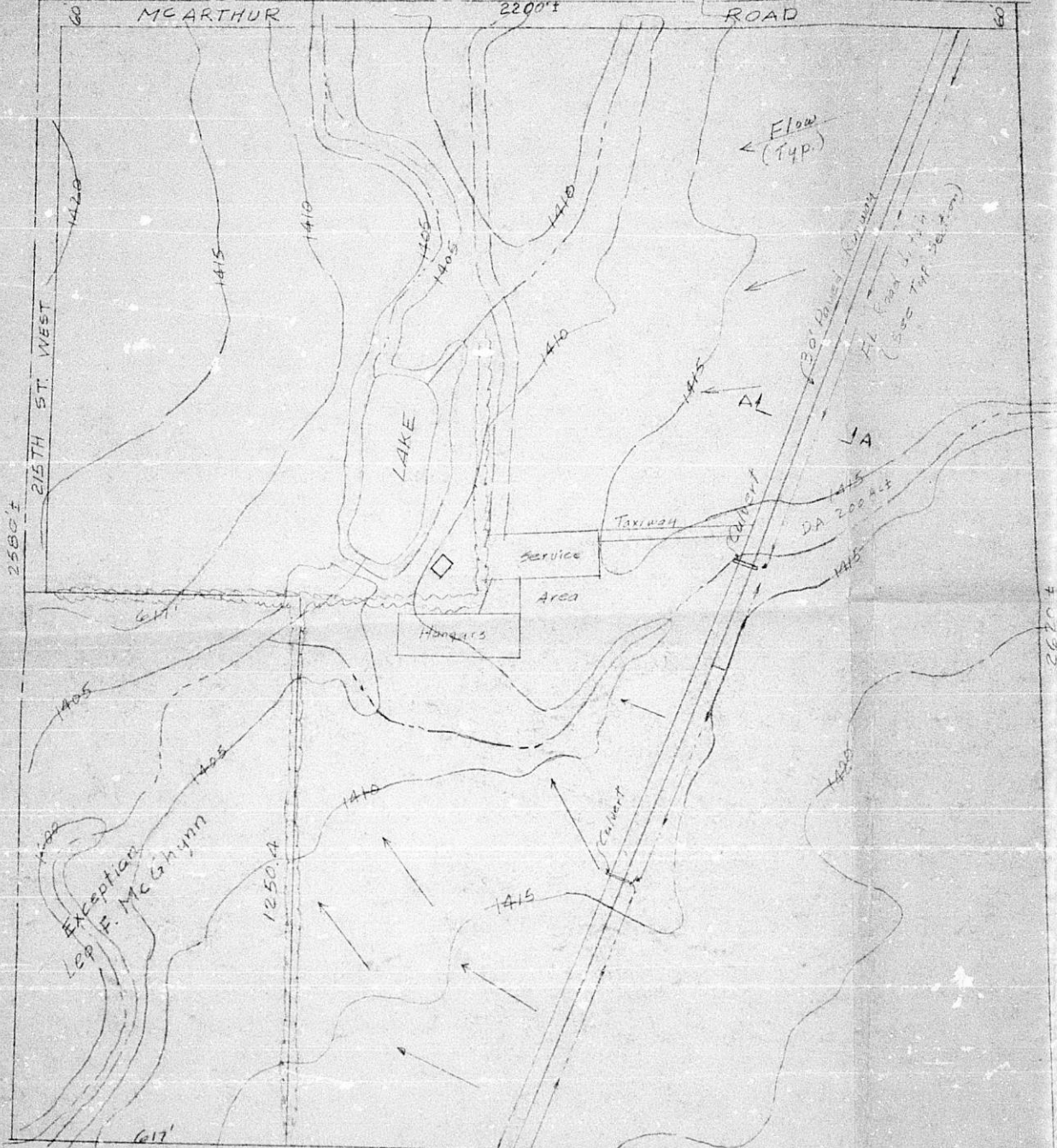
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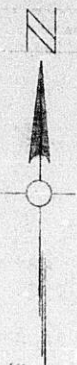
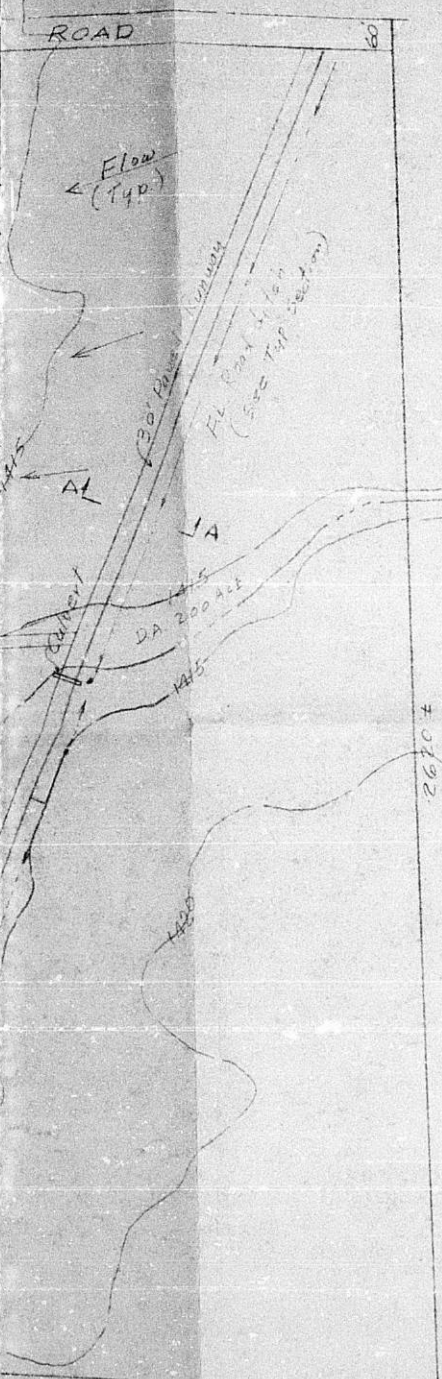
2350'±

Austin B. Craig
56 Stafford Road
Wichita

J. Stewart Bailey
255 North Water, Wichita

ROAD

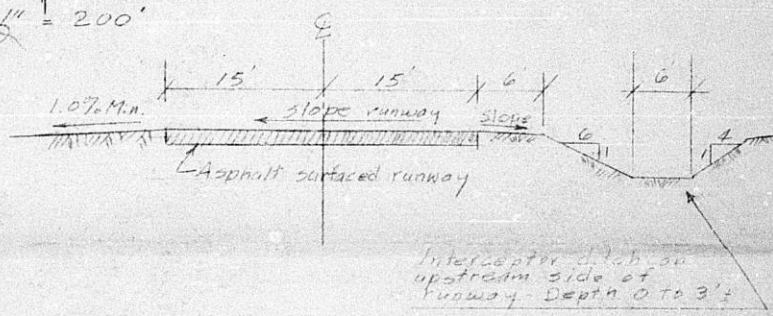
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CU-181



SECTION A-A
(Typ. runway section)

PLOT PLAN

PART OF NW 1/4 SEC. 18-28-3W

FOR

CONDITIONAL USE APPLICATION

OWNER: LIGHTNER BROS. CONST. CO.

PREPARED BY: K.O. TAYLOR, P.E.

From aerial photograph

7-23-75

REV. 8-21-75

Topo from U.S.G.S. Quadrangle

Stewart Bailey
North Water, Wichita

CU-181