

RESOLUTION NO.

220-177

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW EXPANSION OF A PRIVATE AIRSTRIP ON APPROXIMATELY 5.8 ACRES ZONED "RR" RURAL RESIDENTIAL ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 57-1997

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use to allow expansion of a private airstrip on 5.8 acres zoned "RR" Rural Residential, legally described below:

Case No. CU- 510

A Conditional Use Permit to allow the expansion of a private airstrip on 5.8 acres zoned "RR" Rural Residential described as:

Reserves B & C, Miles Country Club Estates - Lake Waltanna - Miles Village Addition, Sedgwick County, Kansas; Together with a tract of land described as follows: Beginning at a point 30 feet north of the Southwest corner of the Southeast Quarter, Section 23, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; thence north along the West line of said Southeast Quarter, 984.12 feet to the Southwest corner of Reserve B, Miles Country Club Estates -Lake Waltanna - Miles Village Addition, Sedgwick County, Kansas; thence east, 100 feet to the Southwest corner of Lot 8, Block 12, Miles Country Club Estates -Lake Waltanna - Miles Village Addition; thence south to a point 30 feet north of the south line of said Southeast Quarter; thence west, 100 feet to beginning. Generally located North of 55th Street South approximately one-half mile west of 231st Street West.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall dedicate additional right-of-way along 55th Street South equal to 50 feet from centerline by separate instrument prior to the issuance of any building permits.

- B. The airstrip shall be utilized by non-commercial aircraft only.
- C. Uses permitted shall be only those associated with the normal operation of a private airport. Nothing in the approval of this request shall be construed to permit the sales of products or services.
- D. Any violations of the above conditions shall render this conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be shown on the "Official Zoning District Map" on file in the Office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>Absent</u>
BILL HANCOCK	<u>Abs</u>
THOMAS G. WINTERS	<u>Abs</u>
CAROLYN McGINN	<u>Abs</u>
BEN SCIORTINO	<u>Abs</u>

DATED this 13 day of October, 1999.



BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

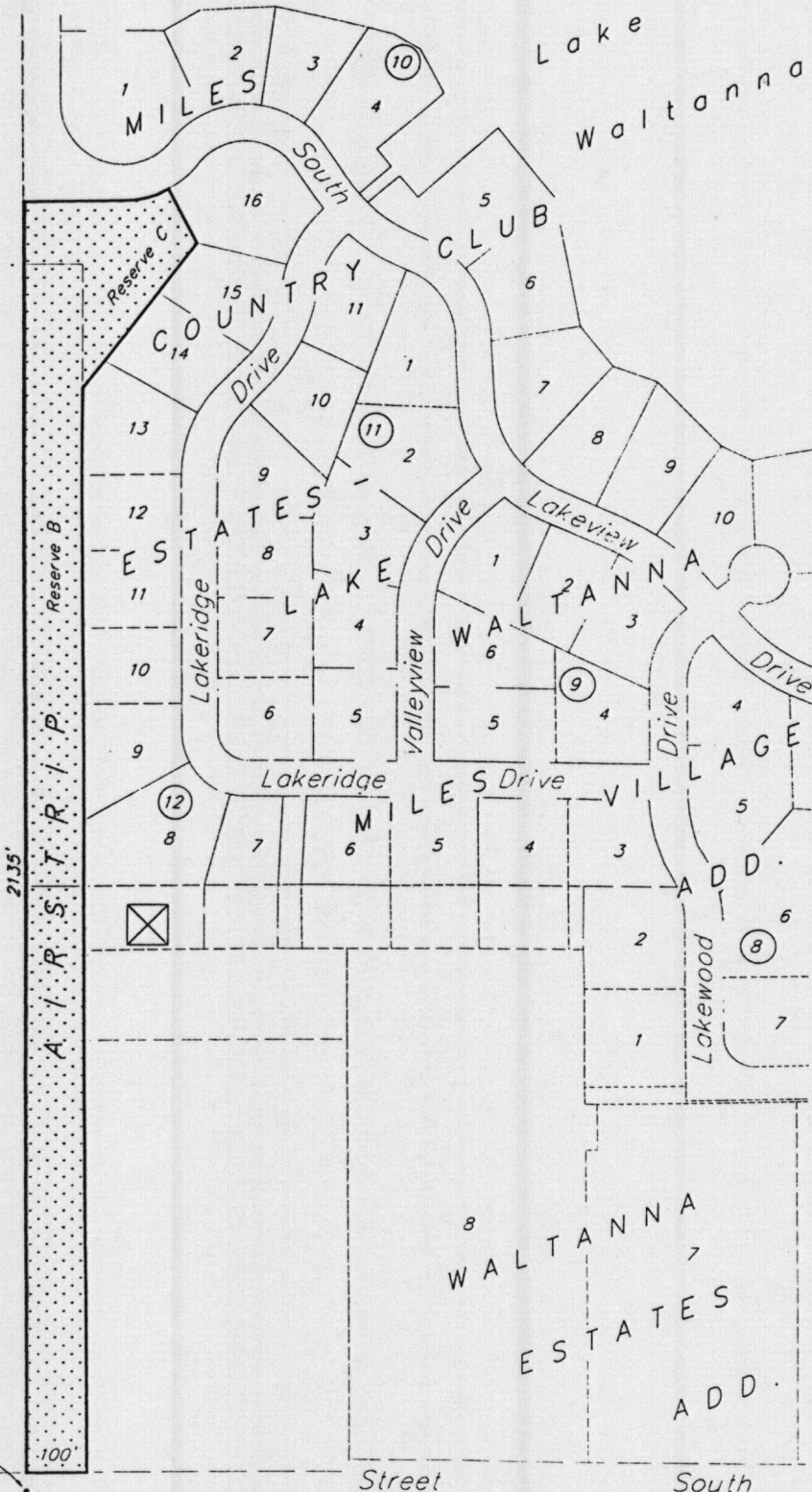
ATTEST:

James Alford
JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

Richard Euson
RICH EUSON
County Counselor

LAKE WALTANNA AIRSTRIP CONDITIONAL USE CU-510



SITE PLAN

APPROVED 9/14/99 BY DG

SW cor SE 1/4
Sec 23-T28S-R3W

LEGAL DESCRIPTION - LAKE WALTANNA AIRSTRIP
Reserves B and C, Miles Country Club Estates - Lake Waltanna - Miles Village Addition, Sedgwick County, Kansas;
TOGETHER with a tract of land described as follows, beginning at a point 30 feet north of the SW corner of the SE 1/4, Sec. 23, Twp. 28-S, R-3-W of the 6th P.M., Sedgwick County, Kansas; thence north along the west line of said SE 1/4, 984.12 feet to the SW corner of Reserve B, Miles Country Club Estates - Lake Waltanna - Miles Village Addition, Sedgwick County, Kansas; thence east, 100 feet to the SW corner of Lot B, Block 12, Miles Country Club Estates - Lake Waltanna - Miles Village Addition; thence south, to a point 30 feet north of the south line of said SE 1/4, thence west, 100 feet to beginning (containing 252,644 square feet, or 5.8 acres, more or less).

Revised: August 10, 1999
BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
316-283-7971 • 315 ELLIS • MOORE, KANSAS 67210

BACKGROUND: The applicant is requesting a Conditional Use for property zoned "RR" Rural Residential for a private airstrip located north of 55th Street South, approximately two miles west of 231st Street West. The private airstrip has been operating at this location as a non-conforming use since the earliest phase of development in the late 1960s, in conjunction with the Miles Country Club Estates-Lake Waltanna Village Addition. It could continue to exist as a private airstrip, however the effect of approval of the Conditional Use is to ratify the appropriateness of this use.

The application was originally heard by MAPC on April 15, 1999, and by the Board of County Commissioners on May 12, 1999. At that time, the application area included additional land to be developed with hangars for storing airplanes owned by residents of Lake Waltanna. The Board remanded the application to MAPC for reconsideration. At the time of the hearing, there were protests equal to approximately 67 percent of the land ownership represented by the larger application area encompassing the property for the hangars. Several of these petitions were withdrawn, reducing the amount of protests to 44 percent.

Since that time, the request for the hangars, and the land associated with that portion of the request, has been withdrawn. The scope of the request to be considered today comprises only the existing private airstrip owned by the Miles Village-Lake Waltanna Homeowners Association.

The private airstrip is available for use by all members of the homeowners association. It is a 100-foot grass strip that extends northward from 55th Street South, along the western edge of the subdivision.

The surrounding land use is a mix of rural residential and agricultural uses. Miles Country Club Estates-Lake Waltanna Village Addition ("Lake Waltanna") is a single-family residential subdivision of lots averaging 1/2 acre in size. The development includes recreational facilities, a horse stable, a lake, and the airstrip. The land southeast of the application area is developed with large lot (5 acre) residences fronting onto 55th Street South. The land across 55th Street South is in agricultural use, with one residence located southwest of the application area that has another, smaller airstrip for private use. The land to the west is in agricultural use. Drainage of the airstrip is northerly for the northern 1/3 and southwesterly for the remaining southern portion. It drains toward the adjacent agricultural property. The strip was designated on the subdivision plat as a drainage reserve.

CASE HISTORY: Miles Country Club Estates - Lake Waltanna Village Addition was platted May 12, 1965.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" "Rural Residential"	Single family residences
SOUTH:	"RR" "Rural Residential"	Agricultural, airstrip, single family residence
EAST:	"RR" "Rural Residential"	Single family residences
WEST:	"RR" "Rural Residential"	Agricultural

PUBLIC SERVICES: The application area is located along 55th Street South, a two-lane unimproved arterial. Public sewer and water are not available.

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

RECOMMENDATION: The approval of the Conditional Use would serve to endorse the existing land use as being appropriate, and would not change the status quo with regard to use of the property as an airstrip. The airstrip is owned by the homeowners association and has been available for the use and benefit of all members of Lake Waltanna since the subdivision was established. Based upon this and information available prior to the public hearing, planning staff recommends that the request be APPROVED with the following conditions:

- A. The applicant shall dedicate additional right-of-way along 55th Street South equal to 50 feet from centerline by separate instrument prior to the issuance of any building permits.
- B. The airstrip shall be utilized by non-commercial aircraft only.
- C. Uses permitted shall be only those associated with the normal operation of a private airport. Nothing in the approval of this request shall be construed to permit the sales of products or services.
- D. Any violations of the above conditions shall render this conditional use permit null and void.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: The surrounding property is agricultural to the south, the west, and the northwest across 55th Street South, and is residential to the northeast and east. A small lake is located north of the strip. Another small private airstrip is located across 55th Street South.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The airstrip has been in existence and has been a feature of the Lake Waltanna development since its inception. A small group of homeowners use the strip. Most of the homeowners with property adjacent to the strip have hangars to house their private airplanes. Approval of the Conditional Use would allow this use to discontinue its non-conforming status.
3. Suitability of the subject property for the uses to which it has been restricted: The existing airstrip could continue to be used in its current configuration without approval of this request due to its non-conforming status.
4. Conformance of the requested change to adopted or recognized Comprehensive Plan: Small, private airstrips are generally considered compatible with areas in agricultural use and zoned "RR" Rural Residential. The locational guidelines recommend not having airports located near large water bodies, large concentrations of population, or landfills. There is no landfill nearby. Lake Waltanna is a small water-body of roughly 25 to 30 acres in size. Most of the houses nearby were built after the airstrip was established. The airstrip is a unique recreational amenity offered by Lake Waltanna, similar to the other amenities offered by the subdivision such as the horse stables and the boating facilities.
5. Impact of the proposed development on community facilities: The proposed use should not generate any significant traffic affecting the road network. Public sewer and water service are not available.