



Wichita-Sedgwick County Metropolitan Area Planning Department

March 29, 2005

Donald D. and Janet S. Yoder
3010 W. Central
Wichita, KS 67203

RE: CON2005-05 – Sedgwick County Conditional Use for an airstrip on property zoned “RR” Rural Residential. Generally located south of 63rd Street South approximately one-third mile east of 135th Street West. (District II)

Dear Ladies and Gentlemen:

At its regular meeting on March 10, 2005, 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,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner

SK/rms

Cc: Terry Smythe, Baughman Company, 315 Ellis, Wichita, KS 67211
Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

APPROVED, subject to the following conditions:

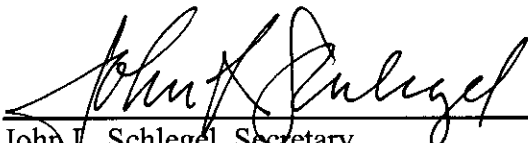
1. The subject property shall be developed in general conformance with the approved site plan.
2. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations including, but not limited to, building and construction codes, health codes, and operational standards.
3. 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.

Adopted this 10th DAY of MARCH, 2005. 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. CON2005-00005

WHEREAS, Donald and Janet Yoder (Owner/Applicant); Baughman Company, c/o Terry Smythe (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 airstrip on 8 acres zoned "RR" Rural Residential described as:

The East 100.00 feet, together with the north 360.00 feet of the following described tract: From the NW corner of Section 36, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, N 90 degrees 00'00" E along the north line of the NW/4 of said Section 36, a distance of 1305.78 feet to the point of beginning; thence S 00 degrees 19'39" E, a distance of 1338.58 feet; thence N 90 degrees 00'00" E, a distance of 17.08 feet; thence S 00 degrees 27'00" E, a distance of 1325.25 feet to a point in the south line and 1320.00 feet east of the SW corner of said NW/4; thence S 89 degrees 54'08 E along the south line of said NW/4, a distance of 327.00 feet; thence N 00 degrees 27'00" W parallel with the west line of said NW/4, a distance of 2664.41 feet to a point in the north line of said NW/4; thence west 341.22 feet to the point of beginning, all being subject to road rights-of-way of record. Generally located south of 63rd Street South and east of 135th Street West.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of March 10, 2005, 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 airstrip on 8 acres zoned "RR" Rural Residential described as:

The East 100.00 feet, together with the north 360.00 feet of the following described tract: From the NW corner of Section 36, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, N 90 degrees 00'00" E along the north line of the NW/4 of said Section 36, a distance of 1305.78 feet to the point of beginning; thence S 00 degrees 19'39" E, a distance of 1338.58 feet; thence N 90 degrees 00'00" E, a distance of 17.08 feet; thence S 00 degrees 27'00" E, a distance of 1325.25 feet to a point in the south line and 1320.00 feet east of the SW corner of said NW/4; thence S 89 degrees 54'08 E along the south line of said NW/4, a distance of 327.00 feet; thence N 00 degrees 27'00" W parallel with the west line of said NW/4, a distance of 2664.41 feet to a point in the north line of said NW/4; thence west 341.22 feet to the point of beginning, all being subject to road rights-of-way of record. Generally located south of 63rd Street South and east of 135th Street West.

EXHIBIT "A"



LEGAL DESCRIPTION:

The east 100.00 feet, together with the north 360.00 feet of the following described tract: From the NW corner of Sec. 36, Twp. 28-S, R-2-W of the 6th P.M., Sedgwick County, Kansas, N90°00'00"E along the north line of the NW 1/4 of said Sec. 36, a distance of 1305.78 feet to the point of beginning; thence S00°19'39"E, a distance of 1338.58 feet; thence N90°00'00"E, a distance of 17.08 feet; thence S00°27'00"E, a distance of 1325.25 feet to a point in the south line and 1320.00 feet east of the SW corner of said NW 1/4; thence S89°54'08"E along the south line of said NW 1/4, a distance of 327.00 feet; thence N00°27'00"W parallel with the west line of said NW 1/4, a distance of 2664.41 feet to a point in the north line of said NW 1/4; thence west 341.22 feet to the point of beginning, all being subject to road rights-of-way of record.

31 JANUARY 2005

"Rural" category is intended to accommodate agricultural uses and rural based uses that are no more offensive than normal agricultural uses. The proposed airstrip 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 the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations including, but not limited to, building and construction codes, health codes, and operational standards.
3. 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 airstrip, agriculture, and large-lot residential uses being the predominate uses in the area. All of the surrounding properties are zoned "RR" Rural Residential. The airstrip 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 an airstrip for more than 30 years with no apparent detrimental impacts on nearby property. No future detrimental affects are anticipated from approval of the requested Conditional Use, as no changes to the airstrip would be permitted by the Conditional Use.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive 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 airstrip is consistent with the Land Use Guide of the Comprehensive Plan.
4. Impact of the proposed development on community facilities: No impacts on community facilities are anticipated.

STAFF REPORT

MAPC March 10, 2005

CASE NUMBER: CON2005-00005

APPLICANT/AGENT: Donald and Janet Yoder (Owner/Applicant); Baughman Company c/o Terry Smythe (Agent)

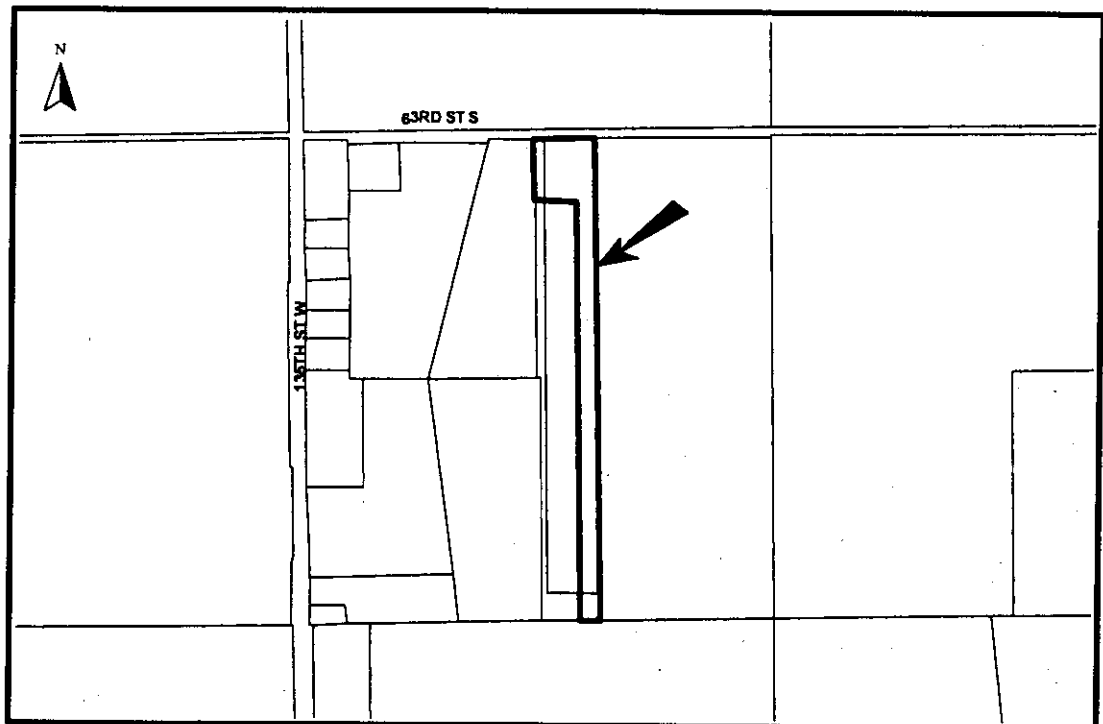
REQUEST: Conditional Use to permit an airstrip

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 8 acres

LOCATION: South of 63rd Street South and east of 135th Street West

PROPOSED USES: Airstrip



BACKGROUND: The applicant owns an existing airstrip on an 8-acre unplatted tract that is zoned "RR" Rural Residential and is located south of 63rd Street South and east of 135th Street West. According to aerial photographs, the airstrip has been in operation on the subject property since prior to 1974 and was developed in its current configuration in 1985 when the property was first zoned "RR" Rural Residential. In 1985, the airstrip became a legal, non-conforming use, as beginning in 1985 an airstrip required approval of a Conditional Use in the "RR" Rural Residential zoning district. Since the airstrip is non-conforming, the applicant has requested approval of a Conditional Use so that the existing airstrip on the subject property will conform with the zoning regulations.

"Exhibit A" (attached) shows the existing conditions of the subject property. The subject property is developed with approximately 10,000 square feet of hangar space and a grass runway that is approximately one-half mile long. The nearest home is located approximately 150 feet west of the south end of the runway and is owned by the applicant. There are no existing homes in the vicinity that are located under the approaches to the runway.

No changes are proposed for the airstrip, nor would any changes be permitted after approval of the Conditional Use. Were the property to remain a non-conforming use, the hangar space could be expanded by as much as 30% of the existing floor area. However, were the hangars damaged to an extent greater than 50% of their value, they could not be repaired or replaced without the requested Conditional Use approval.

The character of the surrounding area is rural with the airstrip, 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 airstrip.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: The subject property has access to 63rd Street South, which is an unpaved section line road. Traffic generated by the airstrip can be supported by the existing condition of the road. The subject property will need to be served by on-site water and sewer service, if such services are necessary.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Rural" development. The