

Published in The Daily Reporter on _____, 1996

RESOLUTION NO. 74-1996

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT, ALLOWING A PRIVATE RECREATIONAL AREA FOR A PAINTBALL FIELD ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

FILE COPY

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 17.C of the Zoning Regulations, a Conditional Use permit to allow a paintball field on property zoned "R-1" Suburban Residential, legally described below:

Case No. CU-391

Conditional Use Permit for a private recreation area for purposes of a paintball field on property zoned 'R-1' Suburban Residential, described as:

Beginning at the Northeast corner of the Southwest Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence west 1005 feet; thence bearing S 60°00' E a distance of 940 feet; thence east 590 feet to the east line of the Southwest Quarter; thence north to the point of beginning, generally located in an area south of Highway K-96 and east of Tyler Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. This Conditional Use Permit shall authorize a private recreation area for the purpose of playing a recreational game known as "paintball" and commonly described as a game in which players can be eliminated when marked by a soft gelatin paint capsule fired from a CO₂ marking pistol. Guns shall be limited to paint-marking guns. This Conditional Use Permit shall not be construed to authorize a firing range, gun shooting, or any other use involving firearms. No overnight camping shall be permitted.
2. Prior to publishing the Resolution authorizing the Conditional Use Permit, the applicant shall receive approval from the County Engineer for the location of the access opening to Tyler Road.
3. Prior to publishing the Resolution authorizing the Conditional Use Permit, the applicant shall receive approval from the County Zoning Administrator and the County Fire Department for the parking area.
4. The applicant shall receive approval from the Wichita-Sedgwick County Health Department for any on-site water and any necessary restroom facilities and sewage disposal. Such facilities shall be provided as required by all applicable codes, including the health code and the building code.
5. The applicant shall receive approval from the Kansas Department of Health and Environment for any necessary permits for a drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
6. The disposal of any solid waste that is generated at this site shall be in accordance with Sedgwick County's Sanitation Code.
7. A minimum 50 foot setback shall be required along Highway K-96. The applicant shall be required to inform game participants that no paint capsules shall be fired toward Highway K-96 or aimed at any vehicle traveling along Highway K-96. Any violation of this condition shall be considered grounds to render this Conditional Use Permit null and void. If a violation of this condition occurs, the Sedgwick County Zoning Administrator shall be authorized to immediately suspend all games on this property until a public hearing is called to determine if the Conditional Use Permit should be terminated.
8. The installation of lights shall be prohibited.

9. Hours of operation shall be limited to daylight hours.
10. The maximum number of persons permitted on the private recreation area at any one time shall be 200 persons.
11. A gate shall be installed at the Tyler Road entrance and shall remain locked after operating hours.
12. A temporary directional sign (maximum 12 square feet in size) shall be permitted at the Tyler Road entrance for purposes of directing game participants to the site. However, this Conditional Use Permit does not authorize any permanent advertising signs or billboards along or oriented toward Highway K-96.
13. Alcoholic beverages shall be prohibited.
14. The private park shall comply with all necessary fire prevention procedures and equipment as required by the County Fire Department.
15. If the private park for a paintball field ceases operation, all structures, equipment, ect. shall be removed from the property.
16. Any violation of the conditions of approval shall render the Conditional Use Permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office 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.

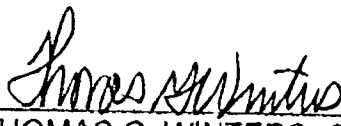
Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER

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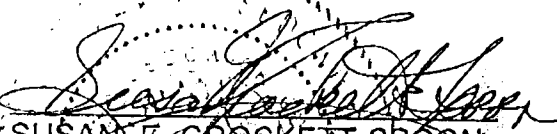
DATED this 10th day of April, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



THOMAS G. WINTERS, Chairman

ATTEST:



SUSANYE CROCKETT-SPOON
County Clerk

APPROVED AS TO FORM ONLY:



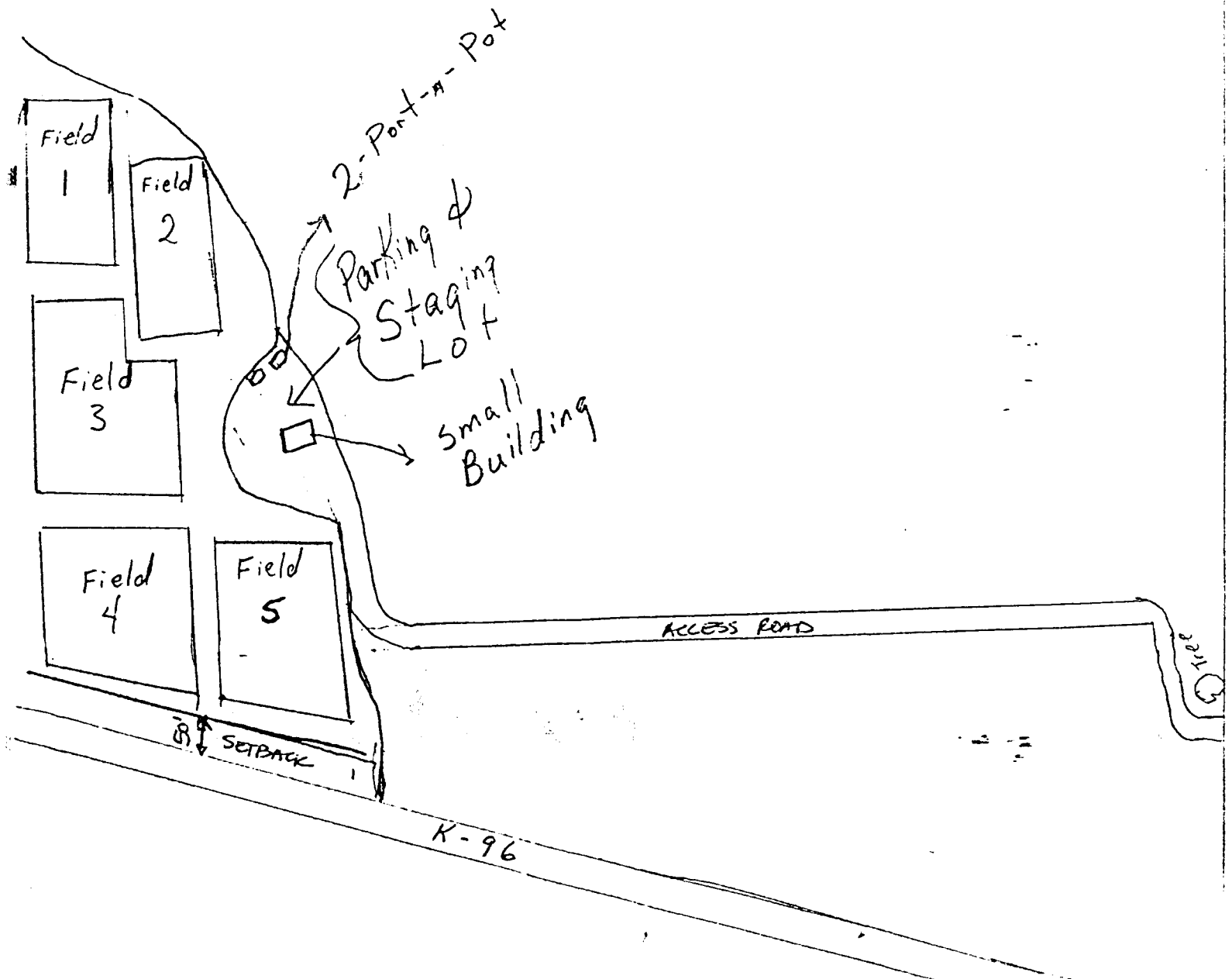
Assistant County Counselor

CW-391

NORTH



(SUBMITTED BY THE APPLICANT)



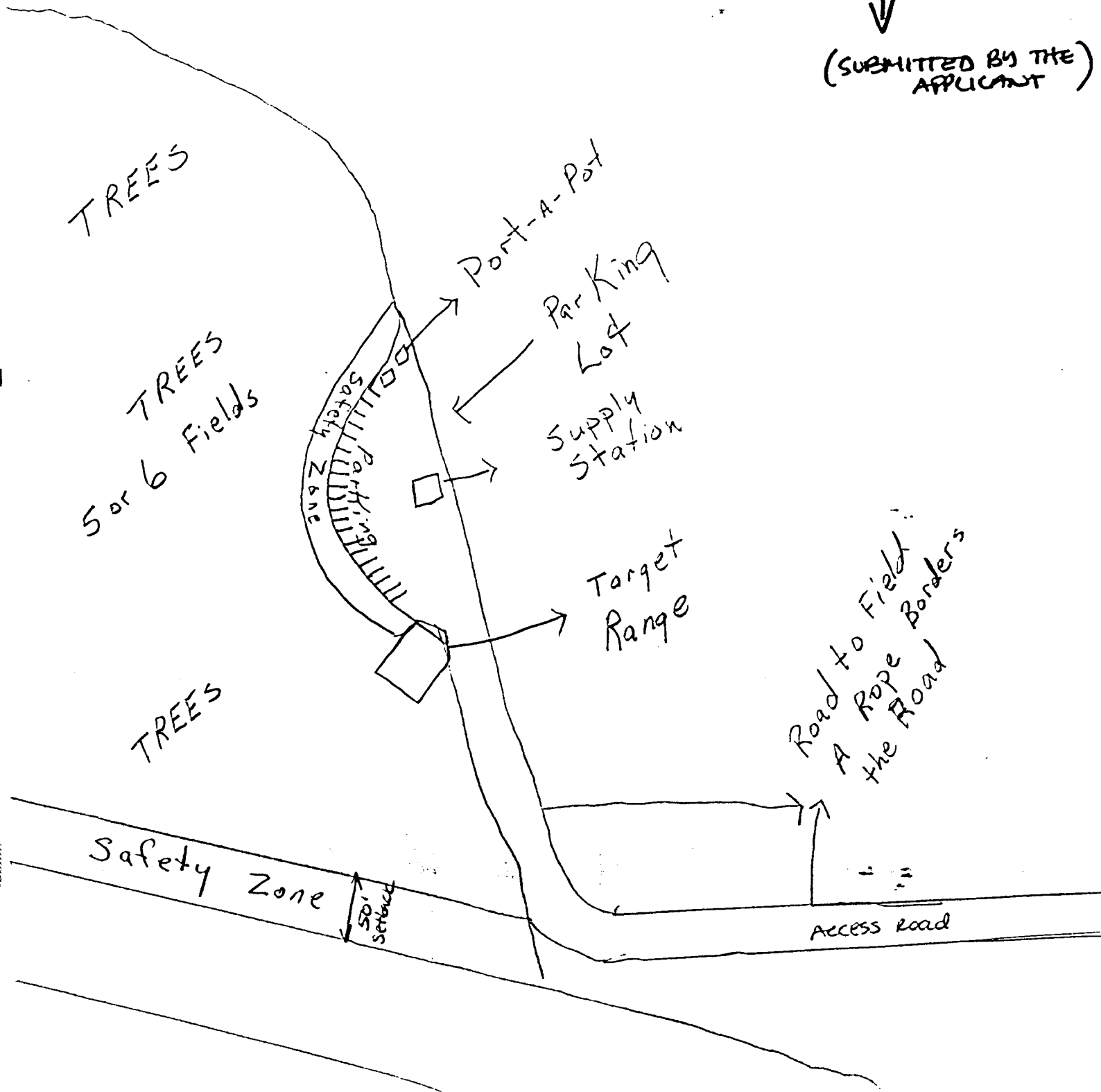
Safety Zones- Are No Playing Zones to help
Keep players and By Standers safe. No Firing of
paintguns in or around Safety Zones

CU-391

NORTH



(SUBMITTED BY THE
APPLICANT)



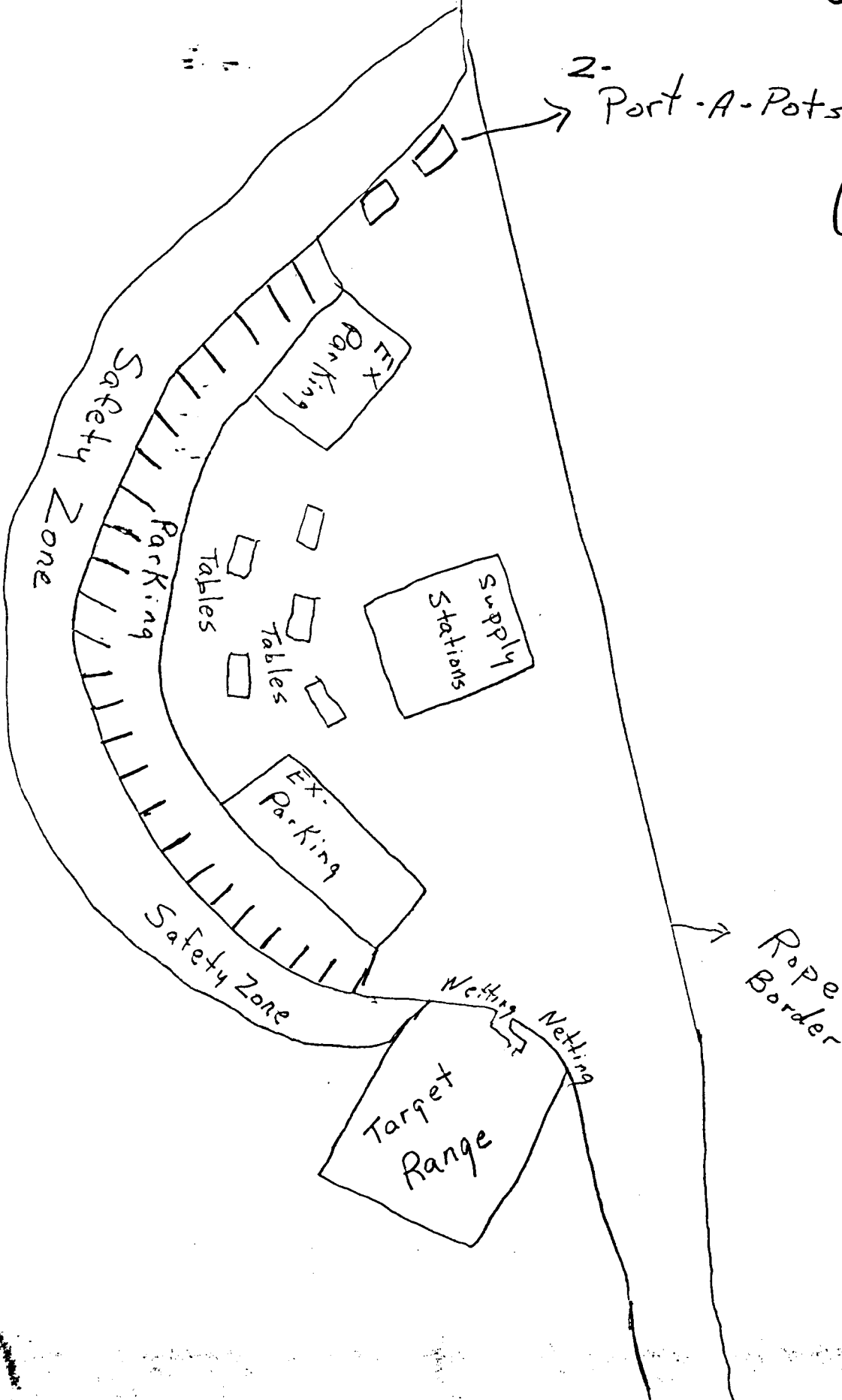
CU-391

NORTH



2- Port-A-Pots

(SUBMITTED BY THE APPLICANT)



STAFF REPORT

Maize PC March 7, 1996
MAPC March 14, 1996

CASE NUMBER: CU-391

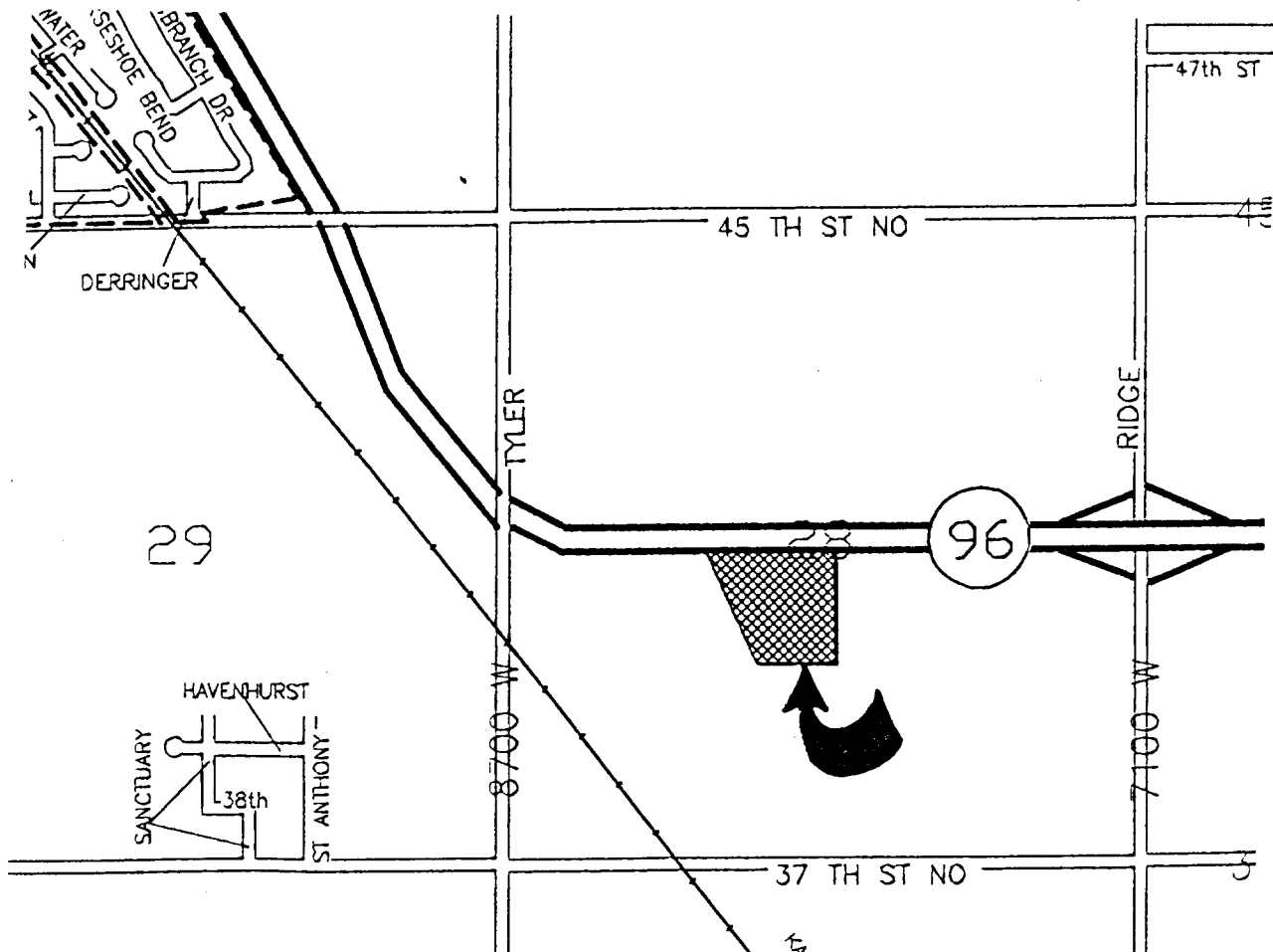
APPLICANT/AGENT: Charles & Connie Woodard (property owners), Samuel J. Osner (leasee), Robert M. Shook (leasee)

REQUEST: Conditional Use Permit for a private park for a paintball field.

CURRENT ZONING: 'R-1' Suburban Residential

SITE SIZE: Approximately 15 acres

LOCATION: An area south of Highway K-96 and east of Tyler Road.



BACKGROUND: The applicants request a Conditional Use Permit to establish a private recreation area on 15 acres zoned 'R-1' Suburban Residential District located on the south side of Highway K-96 in an area east of Tyler Road. The Conditional Use Permit is requested for the purpose of playing a recreational game known as "paintball".

The subject property is located in the Maize Zoning Area of Influence. The site is a vegetated area along the Big Slough and is located in an area predominately characterized by agricultural uses, with suburban single family homes located approximately ½ mile to the east along Ridge Road and a tree farm and suburban residence located ½ mile to the west along the west side of Tyler Road. The suburban single family homes to the east are buffered from the site by vegetation along the Big Slough. The adjacent property to the south and west is under the same ownership as the subject property. The site is bordered on the north by Highway K-96.

Paintball is a recreational sport that while the game is in progress, players can be eliminated when marked by a soft gelatin paint capsule fired from CO₂ powered marking pistols. The applicants indicate that the paint pellets are made of food gluten that dissolves in water and can travel only 75 yards. According to the applicants, any noise from the discharge of the capsule should not be audible for more than 40 yards.

The applicants indicate that the 15 acre site will be roped off and designated with up to five playing fields. The fields would have boundaries and referees like other sports, except the fields would be located in a wooded area. According to the applicants, the proposed recreation area would be used by corporations, youth groups, teens, and families. Also, the applicants plan to host national events where as many as 200 people may attend.

Because of the potential intensity for this site, the Health Department has expressed concern about the use of portable chemical toilets on the site. The Health Department has asked that a restriction be placed on the Conditional Use Permit to require the applicant to meet the Department's standards for on-site sewage disposal. Depending on the maximum intensity, the Health Department may require restroom facilities with a septic or lagoon system for sewage disposal.

The site would be accessed by way of an access road through the applicant's property and extending to Tyler Road. A dirt access road for agricultural purposes currently exists to the site. However, the applicant indicates that the road would be upgraded to a sand road. It is not clear as to the exact location of the drive entrance from Tyler Road. However, the existing farm access road is near the Tyler Road bridge over Highway K-96 and may be too close to the crest of the bridge for a use that may generate a significant number of vehicles. The applicant will need

to receive approval from the County Engineer of the location of the access opening to Tyler Road.

The applicant indicates that a grass parking area would be provided for up to 30 vehicles, with the potential to accommodate more vehicles during large events. The County Zoning Administrator has indicated concern about the grass parking area and has asked that a restriction be placed on the Conditional Use Permit to require the parking area be reviewed and approved by the Code Enforcement Department and the Fire Department.

The last request for a "paintball" recreation area (CU-285) was in 1985 for an 80 acre site generally located on the north side of Maple between 183rd Street West and 199th Street West in the Goddard Zoning Area of Influence. That request had opposition from a number of area residents concerned about the "morality" of the sport and also because of the death of a Goddard school principal due to a shooting. Both the Goddard Planning Commission and the MAPC recommended denial of the request and the Board of County Commissioners denied the application.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: 'R' Highway K-96, agricultural uses
SOUTH: 'R-1' Agricultural uses
EAST: 'R-1' Agricultural uses, suburban residences (along Ridge)
WEST: 'R-1' Agricultural uses, tree farm (west of Tyler)

PUBLIC SERVICES: Neither municipal water and sewer services are available to serve this site. Therefore, any on-site drinking water and sewage disposal shall require approval by the Wichita-Sedgwick County Health Department and/or the Kansas Department of Health and Environment.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for agricultural uses. The Plan recommends that such areas can allow other uses common in rural areas, which are no more offensive than normal agricultural uses, thus preserving the rural flavor of the county.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. This Conditional Use Permit shall authorize a private recreation area for the purpose of playing a recreational game known as "paintball" and commonly described as a game in which players can be eliminated when marked by a

limited to paint-marking guns. This Conditional Use Permit shall not be construed to authorize a firing range, gun shooting, or any other use involving firearms. No overnight camping shall be permitted.

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5. The applicant shall receive approval from the Kansas Department of Health and Environment for any necessary permits for a drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
6. The disposal of any solid waste that is generated at this site shall be in accordance with Sedgwick County's Sanitation Code.
7. A minimum 50 foot setback shall be required along Highway K-96. The applicant shall be required to inform game participants that no paint capsules shall be fired toward Highway K-96 or aimed at any vehicle traveling along Highway K-96. Any violation of this condition shall be considered grounds to render this Conditional Use Permit null and void. If a violation of this condition occurs, the Sedgwick County Zoning Administrator shall be authorized to immediately suspend all games on this property until a public hearing is called to determine if the Conditional Use Permit should be terminated.
8. The installation of lights shall be prohibited.
9. Hours of operation shall be limited to daylight hours.
10. The maximum number of persons permitted on the private recreation area at any one time shall be 200 persons.
11. A gate shall be installed at the Tyler Road entrance and shall remain locked after operating hours.

12. A temporary directional sign (maximum 12 square feet in size) shall be permitted at the Tyler Road entrance for purposes of directing game participants to the site. However, this Conditional Use Permit does not authorize any permanent advertising signs or billboards along or oriented toward Highway K-96.
13. Any violation of the conditions of approval shall render the Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is predominantly characterized by agricultural uses. The proposed use is most appropriately located in rural areas, and thus suitable for this site.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use should have minimal site development, except for a parking area for vehicles and restroom facilities. The nearest residential homes are located ½ mile away and should not hear any noise from the recreational game or discharge of marking pistols. Therefore, the recreational area should have minimal impact upon the surrounding area.
3. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan does not specifically address private park facilities. However, the agricultural classification of the Comprehensive Plan suggests that such areas can allow other uses common in rural areas, which are no more offensive than normal agricultural uses, thus preserving the rural flavor of the county.
4. Impact of the proposed development on community facilities: The applicant will be required to meet all necessary health and sanitation code requirements. The recreational park should not have a significant impact upon traffic along Tyler Road. However, the applicant will need to receive approval by the County Engineer for the location of the access opening to Tyler Road.