



Wichita-Sedgwick County Metropolitan Area Planning Department

April 24, 2006

James M. Morgan
Paige A. Morgan
8438 W. Northridge Ct.
Wichita, KS 67205

RE: CON2006-05 – Conditional Use to allow Outdoor Recreation (paintball park) in “SF-20” Single-family Residential zoning. Generally located north of K-96 and west of Ridge. (District IV)

Dear Ladies and Gentlemen:

At its regular meeting on April 19, 2006, the Board of County Commissioners considered the above-captioned request. The action of the BOCC 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 'Jess McNeely'.

Jess McNeely
Senior Planner
Current Plans Division

JMC/rms

Cc: James A. & Janice L. Nichols, 4425 N. Ridge Road, Wichita, KS 67205
Mark C. & Mary L. Reed, 4435 N. Ridge Road, Wichita, KS 67205
Shirley R. Helm, Revocable Trust, 7777 W. 45th Street North, Maize, KS 67101
Charlie L. Rich Jr., and Lola M. Rich, 4411 N. 71st Street N., Wichita, KS 67205
Ronald Schulze, Lela Schulze, 450 S. Socora, Wichita, KS 67209
Lillian Cipriani, 4430 N. Ridge Rd., Wichita, KS 67205

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CON2006-00005 SITE PLAN EDGE PAINTBALL PLAYING PARK K-96 EXPRESSWAY & RIDGE ROAD


 SCALE: 1" = 200'

APPROVED

SITE PLAN
 Mr. [Signature]

Date: 4-24-06



Rebecca L. Burtnett, County Commissioner District IV, Mail Stop, County Room 320
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

RESOLUTION N.O. 56-06

A RESOLUTION APPROVING A CONDITIONAL USE TO ALLOW OUTDOOR RECREATION (PAINTBALL PARK) ON 30 ACRES, ZONED "SF-20" SINGLE-FAMILY RESIDENTIAL, LOCATED NORTH OF K-96 AND WEST OF RIDGE ROAD, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
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-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

Case No. CON2006-00005

A Conditional Use to allow Outdoor Recreation (paintball park) on property legally described as:

The West Half of the South Half of the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part taken for Highway on South. Generally located north of K-96 and west of Ridge Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health, drainage and zoning.
2. No structures to include buildings or bridges, materials, or debris shall be placed in the floodplain, nor shall grading take place in the floodplain without approval by the appropriate reviewing agency.
3. If the property is not platted, the applicant shall submit a drainage plan, to be approved by the County Engineer, prior to making any building, parking, road, or site improvements.
4. All buildings on the site shall require a building permit from the appropriate permitting agency.
5. The site plan shall include a minimum 125-foot playing field buffer from the property boundaries.

6. Playing field boundaries shall be physically marked and maintained on the ground with a barrier to ensure that players do not encroach into the 125-foot buffer.
7. Development and maintenance of the site shall be in conformance with the approved site plan and drainage plan.
8. The Conditional Use for Outdoor Recreation shall be for the use of a paintball park and supporting infrastructure only.
9. No lighting of the fields or lighting of parking lots shall be permitted.
10. No sound amplification systems shall be permitted on the site.
11. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

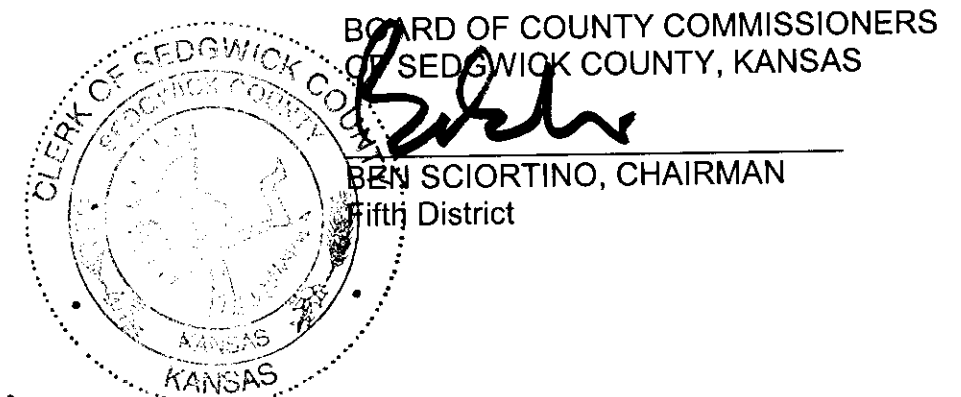
SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
LUCY BURTNETT	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 19th day of April, 2006.



ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor

STAFF REPORT

MAPC March 16, 2006

CASE NUMBER: CON2006-05

APPLICANT/AGENT: James Morgan (property owner), Robert Shook (applicant)

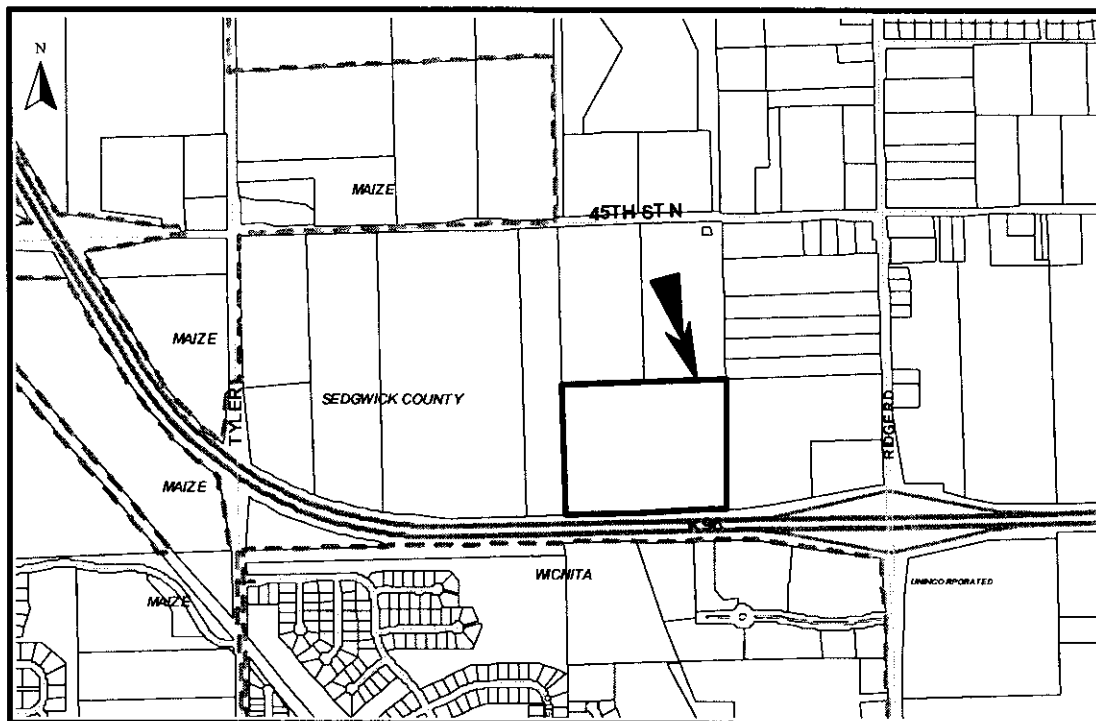
REQUEST: Conditional Use to allow Outdoor Recreation (paintball park) in "SF-20" Single-family Residential zoning

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 30 acres

LOCATION: North of K-96 and west of Ridge

PROPOSED USE: Paintball park



BACKGROUND: The applicant is requesting a Conditional Use for Outdoor Recreation (a paintball park), on a 30-acre "SF-20" Single-family Residential zoned site, generally located west of Ridge Road and north of K-96. The unplatted parcel would have access to Ridge via the parcel to the east, which is under the same ownership as the application area. Properties to the north and east are also zoned SF-20, and are primarily used as residential farmsteads. Property to the west is zoned "RR" Rural Residential, and is used for a small airport and agriculture. The nearest residence is over 900 feet from the proposed paintball park site.

The applicant indicates intent to run a commercial paintball park. The attached site plan indicates a vegetated site, with a dry stream-way running through the site. The 1986 FEMA Floodway Map identifies this stream-way as the "Little Slough", a floodway, bounded by the floodway fringe consisting of the 100-year flood boundary and the 500-year flood boundary. Existing vegetation on the site, and proximity should keep the proposed use screened from surrounding properties. The site plan proposes an unpaved access road and parking, an equipment building, and two restrooms. The site plan indicates seven separate fields; the field boundaries are 50 and 125 feet from the exterior property boundaries. The applicant does not indicate how the various fields will be marked on the ground. The applicant has not indicated a desire for field or parking lighting.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Farmsteads, single-family residences
SOUTH:	"SF-5", "LC"	K-96, agriculture
EAST:	"SF-20"	Farmsteads, single-family residences
WEST:	"RR"	Airport, agriculture

PUBLIC SERVICES: This site is accessed via Ridge Road, a paved two-lane section-line road with a 40-foot half-width right-of-way at the site. The site has no water or sewer.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the "Wichita 2030 Urban Growth Area", and designated as an "Employment/Industry Center."

The UZC provides for Outdoor Recreation as a Conditional Use limited to tennis courts, miniature golf, and similar uses that the Planning Commission has determined will not produce undue noise or attract large numbers of spectators. The UZC goes on to apply supplementary use regulations for the Outdoor Recreation Conditional Use to include lighting, noise, driveway/parking surfacing, the option to establish operating

hours, maintenance requirements, and a standard stating that street access shall be contiguous to an arterial or expressway. Because this application does not meet the driveway and parking area paving requirement, this request will require governing body approval according to the UZC section V-D.6.

RECOMMENDATION: As the Comprehensive Plan identifies this intersection of K-96 and Ridge as a future Employment/Industry Center; the proposed conditional use could be an interim low impact use of the land, requiring little site prep. The floodway on the site could be of some concern, any structures or debris blocking the floodway could cause upstream flooding during heavy rains. Several opposed neighbors contacted staff with concerns about trespassing, disturbing animals, trash, and upstream flooding, see the attached letters. For safety considerations, staff finds that the field boundaries could be a uniform 125 feet from the property boundaries, and physically marked. Because the requested use may not require platting, County Engineering should be consulted to ensure that improvements will not cause flooding problems. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to an updated site plan and the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health, drainage and zoning.
2. No structures to include buildings or bridges, materials, or debris shall be placed in the floodplain, nor shall grading take place in the floodplain without approval by the appropriate reviewing agency.
3. If the property is not platted, the applicant shall submit a drainage plan, to be approved by the County Engineer, prior to making any building, parking, road, or site improvements.
4. All buildings on the site shall require a building permit from the appropriate permitting agency.
5. The site plan shall include a minimum 125-foot playing field buffer from the property boundaries.
6. Playing field boundaries shall be physically marked and maintained on the ground with a barrier to ensure that players do not encroach into the 125-foot buffer.
7. Development and maintenance of the site shall be in conformance with the approved site plan and drainage plan.
8. The Conditional Use for Outdoor Recreation shall be for the use of a paintball

park and supporting infrastructure only.

9. No lighting of the fields or lighting of parking lots shall be permitted.

10. No sound amplification systems shall be permitted on the site.

11. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: All property surrounding the application area is zoned SF-20 or RR, and used for agricultural purposes, farmsteads, and an airport. The site is immediately north of a busy limited access highway.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-20, which primarily permits agriculture and large lot residential uses. The site could be used for a single-family residence or agriculture without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed paintball park could have negative affects on the residences to the north through increased activity, noise, and light. These issues should be mitigated through the proposed conditions limiting lighting, noise, and requiring a 125-foot buffer. Likewise, appropriate agency review should ensure that improvements on the site do not contribute to flooding problems on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in general conformance with the Wichita-Sedgwick County Comprehensive Plan. The request does not meet the driveway and parking area paving standard of the Wichita-Sedgwick County Unified Zoning Code, and must therefore be reviewed by the governing body.
5. Impact of the proposed development on community facilities: The requested Conditional Use will generate increased traffic on this portion of Ridge Road. However, access to K-96 and the improved state of Ridge Road should accommodate increased traffic. The proposed conditions should ensure that the floodway is not impeded, and area storm water systems should not be affected.