

CU-285 - Gary R. Shaffer, et al. re
quests conditional use permit to
establish a private recreation
area on the north side of Maple be
tween 183rd & 199th Streets West

POSTED 7-23-85
Seymour Has IV
108

ACTION

COMMITTEE	DATE
<u>Goddard P.C.</u>	<u>8-5-85</u>
<u>M.A.P.C.</u>	<u>8-8-85</u>
<u>B.C.C./B. CO. C.</u>	<u>Denial 3-0 9-4-85</u>

COMMISSION DISTRICT #3

4247

DATA SHEET

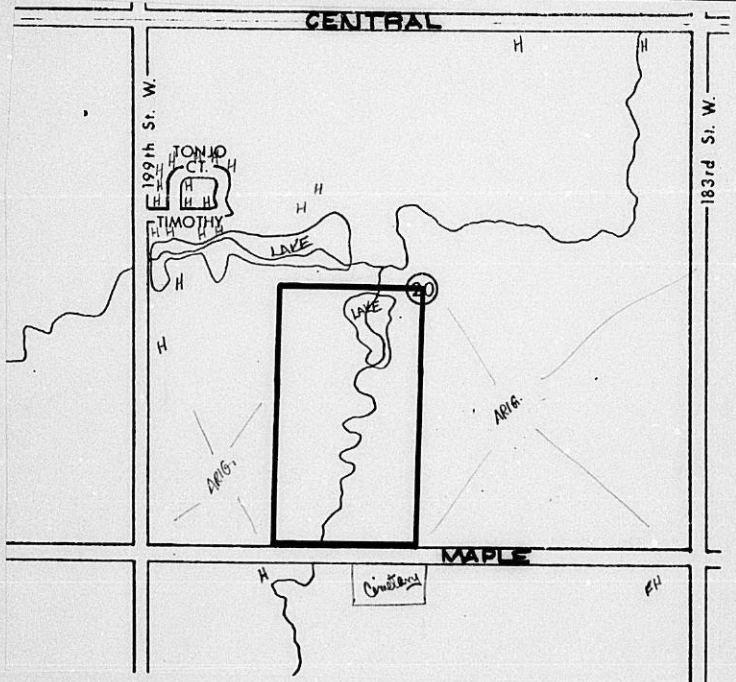
Z- _____
 SCZ- _____
 CU- 285 _____
 DR- _____
 DP- _____
 Amend- o
 Case Filed: 7-11-85
 Associated Case: _____

- APPLICATION DATA: Map No. Attica Twp.
- General Location: On the north side of Maple between 183rd and 199th Streets West.
 - From _____ to _____
 - Proposed Use: To Establish a Private Recreation Area for the Purpose of Playing the "National Survival Game".
 - DP Name: _____
 - Applicant: Cary R. Shaffer, etal.
 Address: 7500 South Pattie, Wichita, Kansas 67233 Phone 522-2779
 - Agent: N/A
 Address: _____ Phone _____

- AREA DATA:
- Acres: 80 (1320' ft. by 2640' ft.)
 - Adjoining Zoning: N "R" S "R" E "R" W "R"
 - Land Use: North Lake/Small families East agr
 South Cemetery / Single family West agr

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

Spaul
 No. 2133C
 EASTING, PEN OGAN, ON
 MEMBERSHIP, TULOCULT GROVE, SA
 U.S.A.

IMPORTANT MESSAGE

FOR Jenny
DATE 8-15 TIME 2:45 P.M.

WHILE YOU WERE AWAY

Mary Shaffer
OF 1148 ARMSTRONG COURT, DORRY 67037
PHONE No. 788-3911

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE

ABC MAKE
and copy of number
CU-285

SIGNED [Signature]

FORM 000-017

extra

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 8, 1985

LEGAL:

9. Case No. CU-285 - Gary R. Shaffer, et al, request Conditional Use Permit for the East Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Attica Township, Sedgwick County, Kansas. Generally located on the north side of Maple between 183rd Street West and 199th Street West.

SMYTHE pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use permit to establish a private recreation area on 80 acres zoned the "R" Rural Residential District located on the north side of Maple generally between 183rd and 199th Street West. This conditional use permit is requested for the purpose of playing a recreational game known as the "National Survival Game". The most common form of the game is similar to capture the flag. While this game is in progress, players can be eliminated when marked by a soft gelatin paint capsule fired from the marking pistols. It is anticipated that within this 80 acre site approximately 10-20 acres will be roped off and designated as the playing field.

A grass parking lot proposed to be cut and maintained, is identified on the site plan and is located 175 feet north of the entrance gate off of Maple. A chemical toilet, two picnic tables and trash barrels are also identified near the east property line. Additional street right-of-way is needed for Maple Street to meet the 50 feet of half-street right-of-way requirement.

The Sedgwick County Department of Public Works will require a Floodway Reserve Agreement covering the existing channel and ponds on subject property if permanent structures are to be built. As approximately one third of this property is in a Zone A Flood Hazard Area, a minimum pad elevation must be established prior to the issuance of any building permits.

The Health Department has indicated that providing bottled water and a chemical toilet for a recreation area is not a suitable long-range solution. In the past, these temporary arrangements have not always been satisfactory.

A review of the intensity of usage by the Health Department after six months will be required to determine the need for a permanent water supply and on-site sewage facilities.

A recommendation of approval by the Planning Commission should include the following conditions:

- a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for Maple.
- b. The applicant shall grant a Floodway Reserve covering the existing channel and ponds on the property as determined by the County Public Works Department.
- c. Minimum pad elevations shall be established by the County Public Works Department.
- d. A review in six months by the Health Department to determine if the intensity of usage would require either a lagoon or sub-surface wastewater disposal system (septic tank and lateral field).

- e. The applicant receiving from the Kansas Department of Health and Environment the necessary permits approving the drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
- f. The installation of lights shall be prohibited.
- g. Gates providing access to this site shall remain locked after operating hours.
- h. Firearms shall be limited to the Nel-Spot 007 or other similar paint-marking guns. All other weapons shall be prohibited.

DISCUSSION:

SMYTHE stated that the Health Department has expressed concern about the bottled water and the chemical toilet that the applicants want to use for the recreational area, and are in agreement with staff that they really are not a long term solution to the problem. The Health Department has asked that, after six months, if this recreational game does catch on, and more and more people come, that they go back to the Health Department and determine the intensity of uses, and at that time they will determine the need for a permanent water supply and an on-site sewage facility. SMYTHE said that this case was heard by the Goddard Planning Commission one week ago, and at that time, the Goddard Planning Commission voted 5-0 to deny the request.

GARY SHAFFER, applicant, stated that the National Survivor Game has been in existence for about four years. It is a nationally known, recognized form of recreation. It has been covered by all of the major TV network news programs and has been on national PM Magazine three times, Phil Donohue's show, ABC Nightline, NBC's Today show, and covered by all of the major news services. He said that there had been articles in magazines, such as Sports Illustrated, Sports Field, Time, Life, People, Entrepreneur, Business Week and Penthouse. He said that there were about 18,000 people who play the game every week. There are about 200 dealers throughout the world, most of them in the United States. He said that these numbers are expected to double shortly, and those numbers are from the Planning and Zoning News, June 1985 edition. Also, from that article, a survey of who plays the game: 55 percent were not hunters, nor did they own handguns; 73 percent had no military background; 73 percent had some college education; 60 percent were between the ages of 18 and 29; 70 percent were participating more than seven times a year. Also a direct quote from that same article, "of equal importance is who is not playing. Despite the outward appearance, the game as organized by National Survival Game dealers, is not para-military training or anti-social survivalist planning to overthrow the government. It is a basic cross-section of middle class America with fewer women." SHAFFER read an article from the Wall Street Journal, May 22, 1984 stating that the rage among the computer crowd is playing the National Survival Game. He also read other quotes from familiar magazines.

SHAFFER said that the basic issue and concerns of the Goddard people were basically moral issues similar to his wife's response when she knew he was interested in starting up the game. But as she found out more about the game and participated in the game as a field judge, she now likes the game and has a very positive attitude about it. He said that the game was like everything else, it was not going to appeal to everybody just as football and boxing was not everybody's cup of tea. SHAFFER said that the site would be open to any and all law enforcement personnel so long as they present their identification. The game would be limited to Saturdays and Sundays and would only be played during daylight hours. This site was selected because it was a wooded parcel and it has good proximity to the Wichita area, easy access off of Highway 54, and provides off-street parking. He said that a number of sites were looked at, but this seemed to be the best site that they could find. He mentioned that there had been a hunting club using the site for the past year which had unlimited access. He felt that since there were people using the site with live ammunition, he could not see what objections there would be to people with limited range, paint pellets,

playing a safe recreational game. SHAFFER said that as far as demand, he has talked with numerous people in the area, and there has been a good response from people interested in playing the game. He said that to take a city of comparable size, Grand Rapids, Michigan, where the game has been going on for several years, they ran a feature article in their Sunday Grand Rapids Press, August 19, 1984, front page coverage, a nice well-illustrated article. Mike Newberry, who runs the Waywind Fields, just south of Grand Rapids, after that article ran, received 3,000 phone calls the following week from people wanting to play the game. SHAFFER stated that it was a basic zoning principle that lawful land use should not be excluded from a community unless there is no appropriate location on which that use could be sited. He said that politically it may be easier for the legislative body to read the pulse-fixed community and say, "no, not here", but administratively under zoning regulations it is not necessarily a lawful practice. He said that there were currently fields in Hays and Topeka, as well as one in Kansas City, and he would like to bring this recreational activity to the Wichita area.

GARDNER asked Shaffer if he owned the property in question.

SHAFFER said no, he was leasing the property.

PETERS wondered what good it does for this body to hear a case if the satellite community has already heard it and made a recommendation.

GALBRAITH explained that when they operated with three-mile ring zoning, each community that had county zoning outside its city limits was given an opportunity to first consider the case. When zoning went countywide, there were a number of cities that had their city zoning ordinances outside their municipality, and it simply was an expression of those communities that they still wanted to consider county cases, and they wanted an area of influence, so to go to countywide zoning, it was agreed that those communities would have an area of influence, and in the event they recommended against a zoning change, it took a unanimous vote of the governing body to grant the zoning. He felt that the Planning Commission was simply honoring a request from all of the smaller communities that wanted an input about what was going next to their city limits or within close proximity to their city limits.

PETERS said his point was, why does this Planning Commission hear the cases?

GALBRAITH further explained that the Metropolitan Area Planning Commission, by statute, were the people who are charged with the holding of the official public hearing.

RICHARD CIEMNY, 19721 West Timothy Drive, stated that the people of Strunk Addition are opposed to this type of activity within their vicinity. The recent tragedy within their community related to the school incident and the death of their principal should be enough to hinder this type of activity in their community. As had been brought out by the media, this young man was involved and did play military games. CIEMNY said that traffic was also a concern of theirs. The cemetery to the south was visited regularly by elderly people, particularly on Fridays, Saturdays and Sundays. They felt that the war game going on across the road would hinder the people in their area. They also believed that the individuals that it might attract, as pointed out in an article written in the Pro-Family Forum, stated that it has been brought before several police departments that playing the fantasy role game and incidents showing up on their police blotter are closely related in some areas. Second, they feel there were other hazards to having them in this area, one of which has been pointed out by the sanitation, the trash receptacles were supposedly to take care of it. He felt that the more people there are in an area, the more susceptible they were to fire hazards. CIEMNY said that the people of Strunk Addition stated in the meeting with the Goddard Planning Commission that these men give up their morality for two days to play the war games. He said that he did not see how people could give up their moralities to play the war games. He said that they, the people, feel that the moral act of killing was not what they wanted in their area. They did not want this to be

emulated by their children. CIEMNY said that he has two boys and it would not be a problem for them to walk around and go over into the area. They play in the total area of the country and they are inquisitive and they would be going over into the area to see what was going on.

CROCKETT asked Ciemny to cite from the authority that "the people who engage in this game are more likely to have increased police records."

CIEMNY said that it was an article put out by the Pro-Family Forum (Dallas-Fort Worth, Christian Life Ministries). He added that he had recently spoken with a friend of his in California in regards to the games that are played in California. They have asked that they take their games totally outside to a remote area in which there is no residential area near.

CROCKETT asked Ciemny if the article he cited was referring to this particular sport, or were they referring to Dungeons and Dragons.

CIEMNY said they were referring to Dungeons and Dragons, and this pamphlet has to deal with Dungeons and Dragons, with the role playing games.

BAYOUTH did not feel that the killing of the principal in Goddard had any bearing on this request whatsoever. He felt that there was an over-reaction on Mr. Ciemny's part. He felt that other games such as football and boxing were more dangerous than this game will ever be. It is entertainment and fun for some. He saw nothing wrong with it. He mentioned that as far as the noise factor around cemeteries, there are cemeteries across from Shocker Stadium that makes this sound like a peanut vending operation, and that seems to survive well. There is a mausoleum and everything there. He said that this is quite an isolated area, and if it is well supervised, he may not go for an indefinite time on this, but would like to see it go for a year, and if there were no problems, he saw nothing wrong in them coming back for another year.

CIEMNY responded that he made no reference to the noise factor. All he was stating was the number of elderly who visit the graves of their husbands or wives, that it might create problems.

GREGORY MENGES, 300 South 199th Street West, stated that basically he was representing himself and his neighbor, Mr. Phil Fields, of which both of them own property that is probably closest to this area that is in question. He said that he did not believe that they were overreacting in relation to this and what happened in their school. He said that they had a young man that in essence was playing a war game. He was fantasizing a war game which is basically what this is doing. That young man walked into a school building with a gun with live ammunition and killed a man. He said that he could not see any way one could overreact to something such as that. To them they are concerned people, concerned parents, concerned citizens. This game may be fine in its own certain area. MENGES said their belief was it did not belong in this area. The applicant has stated at the meeting in Coddard that he was from the Derby area. If anyone has been down towards Derby, they know that there is a lot of desolate wooded areas there. He felt that if the applicant wanted to pursue this enterprise and have a game such as this, he recommended that he take it out somewhere where it is a long ways away from people. The applicant has maintained that he wanted it close enough to a city that he can draw people from that city. MENGES said that as Mr. Ciemny stated, they all have children who would be drawn to something such as this. It did not matter how many ropes or how high a fence was put up, you could not keep people out of an area. MENGES said that the applicant indicated at the meeting in Goddard that possibly 100 people would play this game at different times in one day. MENGES maintained as yellow page advertising does, nobody is in business to grow smaller, and he believed that the applicant was entering into a definite profiteering thing, and would enter into it to try to build this up into a business. There was going to be more people drawn into the area, and as there would be more people in the area, there would be more problems with litter and trash, and it is

something that concerns each and every one of them. MENGES said that the people of Goddard are in an atmosphere where they are trying to recoup and trying to put some things back together, and starting something such as this was not going to help them in any way.

KENNETH G. SMITH, 201 North 183rd Street West, stated that they really did not care how dangerous this is, they are talking about what the game would do to people who are not participating. He said that if the game was started and 3,000 people were interested, how would a person feel with 3,000 people parading through their back yard all the time. SMITH mentioned that the applicant stated at the Goddard meeting that if he had more people then he would extend the game through the week. He stated that there were dirt roads which the County does not have enough money to maintain on a regular basis with normal farm traffic. SMITH said that the community was not concerned about the danger to the contestants, they are talking about the effect on the community. He also mentioned that this area was susceptible to fires, before and after harvest, and all through the summer when it is dry. He said that what they are after was to keep their community quiet and safe, which is why most of them are out there instead of downtown Wichita.

SHAFFER, speaking again, stated that they have decided, due to neighborhood concern, they will limit their play to Saturdays and Sundays for about four hours at a time. Also, with the amount of equipment and the size of the area, at no time would there be over 40 people participating at one time on this site playing this game.

CIEMNY, speaking again, wished that if the Planning Commission granted the zoning that a number of restrictions be placed on it of which the Commission would decide the restrictions rather than letting a national survival game packet of restrictions be the rules. He would like for this to be opened to any law enforcement agent at any point in time, unannounced, and should fall under the realm of any business operation, and keep in mind the area residents when the restrictions are made.

CROCKETT stated that he has a real problem with the arguments that had been made in opposition to this application based on moral grounds. He said that if a person does not want to participate in a sport, that person does not have to participate in the sport. He said that he has looked at other sports that have been attacked as immoral, damaging or somehow harmful to the fabric of society; sports such as ice hockey, hunting and boxing, and he has a hard time understanding the rationale for it. He said that it was hard for him to believe that if people did not want to participate, that they are forced to participate. It was hard for him to believe that if they choose not to participate, and do not do so, that they are somehow harmed in the result of the participation. So in his opinion that argument carries no weight whatsoever. CROCKETT said that he was conscious of Mr. Smith's arguments some of which he thought were excellent, but felt, however, in view of the numbers that the applicant had stated that he was willing to accept as a condition, that those numbers certainly were not going to propose the magnitude of problems that Mr. Smith expressed, and therefore if a motion was made to recommend approval of this application, he would vote for it.

HANSEN commented that she did not care to speak to the games because right now it was not her first concern. In her four years on this bench she felt that some of them had made a special point of honoring the small communities. When they had County zoning discussions, one of their greatest fears was that this bench would impose its will and wisdom on the small towns and try to plan for them the kind of basic zoning they would have within their sphere of influence, and for that reason she felt it was real important that they be sensitive to these communities when they make decisions, but in her opinion, they were not always the best land use decisions that might be made, but she did believe that the Planning Commission, as a metropolitan area group, had some obligation to respect the local communities, and for that reason she would be voting against it.

BAYOUTH stated that if they thought he was going to sit on the bench and rubber stamp Coddard or Derby or anybody else just because they should honor their request right or wrong, they had another guess coming. He said that he would not sit there and honor anything he thought was wrong, and he did not care how many planning commissions approved or disapproved of it.

CHISHOLM stated that he had attempted to keep fairly quiet, but it seemed to him that they have got a massive overreaction on both sides. It seemed to him that what they should be confronted with was a question of "Is this the proper use for this ground". He said that he has heard nothing that would indicate to him that it was not a proper use for the ground, so his vote would be in the affirmative.

GARDNER stated that he would like to boil the issue down to something that was fairly simple and move away from what he considered to be an overreaction in terms of an emotional appeal. This is an application for a private recreational area within a mile or so of Coddard, and he felt that there was a substantial precedent for considering the opinion of the smaller town planning groups as they review these applications, and he felt that they, within their specific turfs and particularly that close, have valid say-so. Whether the proposed site would be utilized for the national survivalist game or a swimming beach, or a private recreational facility that would host a steak fry or watermelon feast, or whatever; whether it was for a 4-H use or Sheriff's Department use, recreational areas, as long as they fall under the conditional use permit, will be subject to the input of the surrounding neighbors and a great deal of their response was going to be predicated upon what they perceive to be an influx of traffic into their area and uses in their area that they are either concerned about or that they think will infringe upon their use rights as they know them. GARDNER said that he was sensitive to people in a rural setting resisting influx of other people, particularly people from outside their community or outside their local area in quantity. That objection has some validity to it. He felt that the use for the site, whether it was the national survival game or other recreational uses, was to some degree an irrelevant consideration. He said that he believed that if they have opposition to establishing a private recreational area in a specific location, then that is probably the essence of the question before them. To alter the issue slightly, and to charge it with emotion, was to do it a disservice. He felt that to ignore the wishes of a small town planning commission, at least in this case the Coddard Commission, was to do them a disservice. GARDNER did not feel that there were very many County Commission people who would find themselves in a position of voting in a contrary fashion to a recommendation from a small town planning commission unless there is really a sufficient cause, and this is an issue that has kind of a minor flavor to it as opposed to being a major issue. GARDNER felt that the thing that really complicates the ability to hold a game like this, or use a site recreationally in this fashion, was whether or not you do so on a commercial sense. If you do so on a commercial sense you are required to obtain a conditional use permit. He said that he could hold the same kind of game on his farm without obtaining a permit if he did it privately and did not make it a commercial enterprise, and he could do it everyday of the week, morning through night and never have a problem. However, as soon as it goes from a private venture to a commercial venture, you find yourself subject to regulations and all of your neighbors input, and the local town's input, and another planning commission's input, and you are probably trying to push a peanut up a big mountain, and he did not feel the odds were necessarily in your favor regardless of how right or wrong the cause might be. If you want to play a game like this you are probably going to have to do it on a private basis and a noncommercial basis on a piece of property that you own so that you are not encumbered by all of the regulations and you can do so legally without any particular problems. It would probably be wise to have it insured and have it covered. By the same token, if you are going to do it commercially and move it into that realm, you really fall prey to all of the input of all of the other people, and in some regards that is good, simply because it precludes an abusive situation occurring in the future that no one might have intended. GARDNER said that while he could support the game on privately owned property, he has difficulty ignoring the small town recommendation to prohibit a

commercial venture in their immediate vicinity, and he was in sympathy with their position on more of a technical basis than anything else.

CROCKETT said that he wanted to address the issue raised by Commissioners Peters, Hansen and Gardner. He said that he would be the first to admit that he really was not sure what his roll on this sort of situation is, but they are required by law to hold a hearing and all of these witnesses have been kind enough to come up and tell them what they feel, and he felt it was a disservice to that law and a disservice to those witnesses and a disservice to the system to say "hey, we don't have to decide this because Goddard already decided it for us". He said that just could not be right. If they are holding a hearing it has got to be because there is some function that they are to serve, and it has got to be a function independent of Goddard's, for if it was only Goddard's decision, as implied, then this hearing would be meaningless, and surely the law would not require them to hold a completely meaningless hearing. He said that he rejects that as rationale to voting against approval of this application.

PETERS said that Crockett was just using that as a rationale for voting. His vote won't mean a thing. He mentioned that no matter what this body does, it still takes a unanimous vote of the County Commission to approve the application because of the satellite community of Goddard.

CROCKETT responded that it was presumptuous that such a unanimous approval won't be forthcoming, and if they are going to make that presumption, they might as well disregard this hearing altogether, and they might as well tell all of these good people, "thank you for coming, here is your pass, the County Commission is located across the street, and you report on such and such a date". If they are going to hold a hearing and if it was going to be useful, then they have an obligation to do their best to make their best independent recommendation with as much integrity as they can.

PETERS said that he did not have a problem with that, he only raised the question because he thought somebody like Crockett would give him the right answer, but it still was going to end up that, no matter what the Planning Commission does, it was not going to have any bearings on the outcome.

WILSON commented that this was true whether the Goddard Planning Commission voted 100 percent in favor of it or 100 percent against it. It does not make any difference, the Metropolitan Area Planning Commission still has to have the public hearing. It is just a matter of discussion that they were going through. The fact that the Goddard Planning Commission disapproved this, that is one of the facts that has to be weighed. He said that he would not vote for or against it because of what they said, but it does influence him on his vote, because he knew they said it. Everything influences him.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses to which it has been restricted; and the opposition of neighborhood residents; I move that we recommend to the governing body that this application be denied. Moore moved, Peters seconded and it carried with a vote of 7 in favor (Moore, Peters, Banzer, Gardner, Goebel, Hansen and Wilson) and 3 opposed (Bayouth, Chisholm, and Crockett).

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION 33

TO BOARD OF COUNTY COMMISSIONERS

Protest Map

REQUEST FOR CONDITIONAL USE

CU-285 - CONDITIONAL USE FOR A PRIVATE RECREATION AREA GENERALLY LOCATED ON THE NORTH SIDE OF MAPLE GENERALLY BETWEEN 183RD WEST AND 199TH WEST.

The MAPC recommends that the application be denied. (see minutes for full motion)

Moore moved, Peters seconded and it carried with a vote of 7 in favor (Moore, Peters, Banzer, Gardner, Goebel, Hansen and Wilson) and 3 opposed (Bayouth, Chisholm and Crockett).

Denial 7-3

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 establishing the conditional use.

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

1.5%

Goddard Unanimous to deny - requires 30 people in attendance

DATA AND MINUTES

GCPC Hearing Date: 8-05-85

MAPC Hearing Date: 8-08-85

BCoC Hearing Date: 9-04-85

COMMISSION DISTRICT #3

AREA DATA:

Acres: 80

Size: 1320' x 2640'

*Chick Farms.
German Anni Club.
Coburn Club.
Private Park or other type of Recreation Area.*

Reason: For playing the "National Survival Game"

	Land Use	Zoning
Existing	<u>Undeveloped, lake</u>	"R"
North	Undeveloped, lake	"R"
South	<u>Cemetery, one-family dwelling</u>	"R"
East	Agriculture	"R"
West	Agriculture	"R"

History: None

Applicant: Gary R. Shaffer, et al., 7500 S. Pattie, Wichita 67233

Protestors: Richard Ciemny, 19721 W. Timothy Drive; Gregory Menges, 300 So. 199th Street West; Kenneth G. Smith, 201 No. 183rd Street West.

Heintgen - Denial of Goddard on MAPC being opposed - Adopt the proposal Deny the app

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 8, 1985

LEGAL:

9. Case No. CU-285 - Gary R. Shaffer, et al, request Conditional Use Permit for the East Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Attica Township, Sedgwick County, Kansas. Generally located on the north side of Maple between 183rd Street West and 199th Street West.

SMYTHE pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use permit to establish a private recreation area on 80 acres zoned the "R" Rural Residential District located on the north side of Maple generally between 183rd and 199th Street West. This conditional use permit is requested for the purpose of playing a recreational game known as the "National Survival Game". The most common form of the game is similar to capture the flag. While this game is in progress, players can be eliminated when marked by a soft gelatin paint capsule fired from the marking pistols. It is anticipated that within this 80 acre site approximately 10-20 acres will be roped off and designated as the playing field.

80 acres.
10 to 20 acres will be roped off

A grass parking lot proposed to be cut and maintained, is identified on the site plan and is located 175 feet north of the entrance gate off of Maple. A chemical toilet, two picnic tables and trash barrels are also identified near the east property line. Additional street right-of-way is needed for Maple Street to meet the 50 feet of half-street right-of-way requirement.

NB is a flood hazard area.

The Sedgwick County Department of Public Works will require a Floodway Reserve Agreement covering the existing channel and ponds on subject property if permanent structures are to be built. As approximately one third of this property is in a Zone A Flood Hazard Area, a minimum pad elevation must be established prior to the issuance of any building permits.

Health Dept approval is only temporary

The Health Department has indicated that providing bottled water and a chemical toilet for a recreation area is not a suitable long-range solution. In the past, these temporary arrangements have not always been satisfactory.

A review of the intensity of usage by the Health Department after six months will be required to determine the need for a permanent water supply and on-site sewage facilities.

A recommendation of approval by the Planning Commission should include the following conditions:

- a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for Maple.
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- c. Minimum pad elevations shall be established by the County Public Works Department.
- d. A review in six months by the Health Department to determine if the intensity of usage would require either a lagoon or sub-surface wastewater disposal system (septic tank and lateral field).

6 mo review by the Health Dept.

- e. The applicant receiving from the Kansas Department of Health and Environment the necessary permits approving the drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
- f. The installation of lights shall be prohibited.
- g. Gates providing access to this site shall remain locked after operating hours.
- h. Firearms shall be limited to the Nel-Spot 007 or other similar paint-marking guns. All other weapons shall be prohibited.

DISCUSSION:

SMYTHE stated that the Health Department has expressed concern about the bottled water and the chemical toilet that the applicants want to use for the recreational area, and are in agreement with staff that they really are not a long term solution to the problem. The Health Department has asked that, after six months, if this recreational game does catch on, and more and more people come, that they go back to the Health Department and determine the intensity of uses, and at that time they will determine the need for a permanent water supply and an on-site sewage facility. SMYTHE said that this case was heard by the Goddard Planning Commission one week ago, and at that time, the Goddard Planning Commission voted 5-0 to deny the request.

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SHAFFER said that the basic issue and concerns of the Goddard people were basically moral issues similar to his wife's response when she knew he was interested in starting up the game. But as she found out more about the game and participated in the game as a field judge, she now likes the game and has a very positive attitude about it. He said that the game was like everything else, it was not going to appeal to everybody just as football and boxing was not everybody's cup of tea. SHAFFER said that the site would be open to any and all law enforcement personnel so long as they present their identification. The game would be limited to Saturdays and Sundays and would only be played during daylight hours. This site was selected because it was a wooded parcel and it has good proximity to the Wichita area, easy access off of Highway 54, and provides off-street parking. He said that a number of sites were looked at, but this seemed to be the best site that they could find. He mentioned that there had been a hunting club using the site for the past year which had unlimited access. He felt that since there were people using the site with live ammunition, he could not see what objections there would be to people with limited range, paint pellets,

playing a safe recreational game. SHAFFER said that as far as demand, he has talked with numerous people in the area, and there has been a good response from people interested in playing the game. He said that to take a city of comparable size, Grand Rapids, Michigan, where the game has been going on for several years, they ran a feature article in their Sunday Grand Rapids Press, August 19, 1984, front page coverage, a nice well-illustrated article. Mike Newberry, who runs the Waywind Fields, just south of Grand Rapids, after that article ran, received 3,000 phone calls the following week from people wanting to play the game. SHAFFER stated that it was a basic zoning principle that lawful land use should not be excluded from a community unless there is no appropriate location on which that use could be sited. He said that politically it may be easier for the legislative body to read the pulse-fixed community and say, "no, not here", but administratively under zoning regulations it is not necessarily a lawful practice. He said that there were currently fields in Hays and Topeka, as well as one in Kansas City, and he would like to bring this recreational activity to the Wichita area.

GARDNER asked Shaffer if he owned the property in question.

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PETERS said his point was, why does this Planning Commission hear the cases?

GALBRAITH further explained that the Metropolitan Area Planning Commission, by statute, were the people who are charged with the holding of the official public hearing.

RICHARD CIEMNY 19721 West Timothy Drive, stated that the people of Strunk Addition are opposed to this type of activity within their vicinity. The recent tragedy within their community related to the school incident and the death of their principal should be enough to hinder this type of activity in their community. As had been brought out by the media, this young man was involved and did play military games. CIEMNY said that traffic was also a concern of theirs. The cemetery to the south was visited regularly by elderly people, particularly on Fridays, Saturdays and Sundays. They felt that the war game going on across the road would hinder the people in their area. They also believed that the individuals that it might attract, as pointed out in an article written in the Pro-Family Forum, stated that it has been brought before several police departments that playing the fantasy role game and incidents showing up on their police blotter are closely related in some areas. Second, they feel there were other hazards to having them in this area, one of which has been pointed out by the sanitation, the trash receptacles were supposedly to take care of it. He felt that the more people there are in an area, the more susceptible they were to fire hazards. CIEMNY said that the people of Strunk Addition stated in the meeting with the Goddard Planning Commission that these men give up their morality for two days to play the war games. He said that he did not see how people could give up their moralities to play the war games. He said that they, the people, feel that the moral act of killing was not what they wanted in their area. They did not want this to be

emulated by their children. CIEMNY said that he has two boys and it would not be a problem for them to walk around and go over into the area. They play in the total area of the country and they are inquisitive and they would be going over into the area to see what was going on.

CROCKETT asked Ciemny to cite from the authority that "the people who engage in this game are more likely to have increased police records."

CIEMNY said that it was an article put out by the Pro-Family Forum (Dallas-Fort Worth Christian Life Ministries). He added that he had recently spoken with a friend of his in California in regards to the games that are played in California. They have asked that they take their games totally outside to a remote area in which there is no residential area near.

CROCKETT asked Ciemny if the article he cited was referring to this particular sport, or were they referring to Dungeons and Dragons.

CIEMNY said they were referring to Dungeons and Dragons, and this pamphlet has to deal with Dungeons and Dragons, with the role playing games.

BAYOUTH did not feel that the killing of the principal in Goddard had any bearing on this request whatsoever. He felt that there was an over-reaction on Mr. Ciemny's part. He felt that other games such as football and boxing were more dangerous than this game will ever be. It is entertainment and fun for some. He saw nothing wrong with it. He mentioned that as far as the noise factor around cemeteries, there are cemeteries across from Shocker Stadium that makes this sound like a peanut vending operation, and that seems to survive well. There is a mausoleum and everything there. He said that this is quite an isolated area, and if it is well supervised, he may not go for an indefinite time on this, but would like to see it go for a year, and if there were no problems, he saw nothing wrong in them coming back for another year.

CIEMNY responded that he made no reference to the noise factor. All he was stating was the number of elderly who visit the graves of their husbands or wives, that it might create problems.

Ferry Bonner
Dennis Klaus
Remeth Jones
Jorge...
of people.
Richard Ciemny
Paul J. Nelson
Chief of Police

GREGORY MENGES, 300 South 199th Street West, stated that basically he was representing himself and his neighbor, Mr. Phil Fields, of which both of them own property that is probably closest to this area that is in question. He said that he did not believe that they were overreacting in relation to this and what happened in their school. He said that they had a young man that in essence was playing a war game. He was fantasizing a war game, which is basically what this is doing. That young man walked into a school building with a gun with live ammunition and killed a man. He said that he could not see any way one could overreact to something such as that. To them they are concerned people, concerned parents, concerned citizens. This game may be fine in its own certain area. MENGES said their belief was it did not belong in this area. The applicant has stated at the meeting in Goddard that he was from the Derby area. If anyone has been down towards Derby, they know that there is a lot of desolate wooded areas there. He felt that if the applicant wanted to pursue this enterprise and have a game such as this, he recommended that he take it out somewhere where it is a long ways away from people. The applicant has maintained that he wanted it close enough to a city that he can draw people from that city. MENGES said that as Mr. Ciemny stated, they all have children who would be drawn to something such as this. It did not matter how many ropes or how high a fence was put up, you could not keep people out of an area. MENGES said that the applicant indicated at the meeting in Goddard that possibly 100 people would play this game at different times in one day. MENGES maintained as yellow page advertising does, nobody is in business to grow smaller, and he believed that the applicant was entering into a definite profiteering thing, and would enter into it to try to build this up into a business. There was going to be more people drawn into the area, and as there would be more people in the area, there would be more problems with litter and trash, and it is

something that concerns each and every one of them. MENGES said that the people of Goddard are in an atmosphere where they are trying to recoup and trying to put some things back together, and starting something such as this was not going to help them in any way.

KENNETH G. SMITH 201 North 183rd Street West, stated that they really did not care how dangerous this is, they are talking about what the game would do to people who are not participating. He said that if the game was started and 3,000 people were interested, how would a person feel with 3,000 people parading through their back yard all the time. SMITH mentioned that the applicant stated at the Goddard meeting that if he had more people then he would extend the game through the week. He stated that there were dirt roads which the County does not have enough money to maintain on a regular basis with normal farm traffic. SMITH said that the community was not concerned about the danger to the contestants, they are talking about the effect on the community. He also mentioned that this area was susceptible to fires, before and after harvest, and all through the summer when it is dry. He said that what they are after was to keep their community quiet and safe, which is why most of them are out there instead of downtown Wichita.

SHAFFER, speaking again, stated that they have decided, due to neighborhood concern, they will limit their play to Saturdays and Sundays for about four hours at a time. Also, with the amount of equipment and the size of the area, at no time would there be over 40 people participating at one time on this site playing this game.

CIEMNY, speaking again, wished that if the Planning Commission granted the zoning that a number of restrictions be placed on it of which the Commission would decide the restrictions rather than letting a national survival game packet of restrictions be the rules. He would like for this to be opened to any law enforcement agent at any point in time, unannounced, and should fall under the realm of any business operation, and keep in mind the area residents when the restrictions are made.

CROCKETT stated that he has a real problem with the arguments that had been made in opposition to this application based on moral grounds. He said that if a person does not want to participate in a sport, that person does not have to participate in the sport. He said that he has looked at other sports that have been attacked as immoral, damaging or somehow harmful to the fabric of society; sports such as ice hockey, hunting and boxing, and he has a hard time understanding the rationale for it. He said that it was hard for him to believe that if people did not want to participate, that they are forced to participate. It was hard for him to believe that if they choose not to participate, and do not do so, that they are somehow harmed in the result of the participation. So in his opinion that argument carries no weight whatsoever. CROCKETT said that he was conscious of Mr. Smith's arguments some of which he thought were excellent, but felt, however, in view of the numbers that the applicant had stated that he was willing to accept as a condition, that those numbers certainly were not going to propose the magnitude of problems that Mr. Smith expressed, and therefore if a motion was made to recommend approval of this application, he would vote for it.

HANSEN commented that she did not care to speak to the games because right now it was not her first concern. In her four years on this bench she felt that some of them had made a special point of honoring the small communities. When they had County zoning discussions, one of their greatest fears was that this bench would impose its will and wisdom on the small towns and try to plan for them the kind of basic zoning they would have within their sphere of influence, and for that reason she felt it was real important that they be sensitive to these communities when they make decisions, but in her opinion, they were not always the best land use decisions that might be made, but she did believe that the Planning Commission, as a metropolitan area group, had some obligation to respect the local communities, and for that reason she would be voting against it.

BAYOUTH stated that if they thought he was going to sit on the bench and rubber stamp Goddard or Derby or anybody else just because they should honor their request right or wrong, they had another guess coming. He said that he would not sit there and honor anything he thought was wrong, and he did not care how many planning commissions approved or disapproved of it.

CHISHOLM stated that he had attempted to keep fairly quiet, but it seemed to him that they have got a massive overreaction on both sides. It seemed to him that what they should be confronted with was a question of "is this the proper use for this ground". He said that he has heard nothing that would indicate to him that it was not a proper use for the ground, so his vote would be in the affirmative.

GARDNER stated that he would like to boil the issue down to something that was fairly simple and move away from what he considered to be an overreaction in terms of an emotional appeal. This is an application for a private recreational area within a mile or so of Goddard, and he felt that there was a substantial precedent for considering the opinion of the smaller town planning groups as they review these applications, and he felt that they, within their specific turfs and particularly that close, have valid say-so. Whether the proposed site would be utilized for the national survivalist game or a swimming beach, or a private recreational facility that would host a steak fry or watermelon feast, or whatever; whether it was for a 4-H use or Sheriff's Department use, recreational areas, as long as they fall under the conditional use permit, will be subject to the input of the surrounding neighbors and a great deal of their response was going to be predicated upon what they perceive to be an influx of traffic into their area and uses in their area that they are either concerned about or that they think will infringe upon their use rights as they know them. GARDNER said that he was sensitive to people in a rural setting resisting influx of other people, particularly people from outside their community or outside their local area in quantity. That objection has some validity to it. He felt that the use for the site, whether it was the national survival game or other recreational uses, was to some degree an irrelevant consideration. He said that he believed that if they have opposition to establishing a private recreational area in a specific location, then that is probably the essence of the question before them. To alter the issue slightly, and to charge it with emotion, was to do it a disservice. He felt that to ignore the wishes of a small town planning commission, at least in this case the Goddard Commission, was to do them a disservice. GARDNER did not feel that there were very many County Commission people who would find themselves in a position of voting in a contrary fashion to a recommendation from a small town planning commission unless there is really a sufficient cause, and this is an issue that has kind of a minor flavor to it as opposed to being a major issue. GARDNER felt that the thing that really complicates the ability to hold a game like this, or use a site recreationally in this fashion, was whether or not you do so on a commercial sense. If you do so on a commercial sense you are required to obtain a conditional use permit. He said that he could hold the same kind of game on his farm without obtaining a permit if he did it privately and did not make it a commercial enterprise, and he could do it everyday of the week, morning through night and never have a problem. However, as soon as it goes from a private venture to a commercial venture, you find yourself subject to regulations and all of your neighbors input, and the local town's input, and another planning commission's input, and you are probably trying to push a peanut up a big mountain, and he did not feel the odds were necessarily in your favor regardless of how right or wrong the cause might be. If you want to play a game like this you are probably going to have to do it on a private basis and a noncommercial basis on a piece of property that you own so that you are not encumbered by all of the regulations and you can do so legally without any particular problems. It would probably be wise to have it insured and have it covered. By the same token, if you are going to do it commercially and move it into that realm, you really fall prey to all of the input of all of the other people, and in some regards that is good, simply because it precludes an abusive situation occurring in the future that no one might have intended. GARDNER said that while he could support the game on privately owned property, he has difficulty ignoring the small town recommendation to prohibit a

commercial venture in their immediate vicinity, and he was in sympathy with their position on more of a technical basis than anything else.

CROCKETT said that he wanted to address the issue raised by Commissioners Peters, Hansen and Gardner. He said that he would be the first to admit that he really was not sure what his roll on this sort of situation is, but they are required by law to hold a hearing and all of these witnesses have been kind enough to come up and tell them what they feel, and he felt it was a disservice to that law and a disservice to those witnesses and a disservice to the system to say "hey, we don't have to decide this because Goddard already decided it for us". He said that just could not be right. If they are holding a hearing it has got to be because there is some function that they are to serve, and it has got to be a function independent of Goddard's, for if it was only Goddard's decision, as implied, then this hearing would be meaningless, and surely the law would not require them to hold a completely meaningless hearing. He said that he rejects that as rationale to voting against approval of this application.

PETERS said that Crockett was just using that as a rationale for voting. His vote won't mean a thing. He mentioned that no matter what this body does, it still takes a unanimous vote of the County Commission to approve the application because of the satellite community of Goddard.

CROCKETT responded that it was presumptuous that such a unanimous approval won't be forthcoming, and if they are going to make that presumption, they might as well disregard this hearing altogether, and they might as well tell all of these good people, "thank you for coming, here is your pass, the County Commission is located across the street, and you report on such and such a date". If they are going to hold a hearing and if it was going to be useful, then they have an obligation to do their best to make their best independent recommendation with as much integrity as they can.

PETERS said that he did not have a problem with that, he only raised the question because he thought somebody like Crockett would give him the right answer, but it still was going to end up that, no matter what the Planning Commission does, it was not going to have any bearings on the outcome.

WILSON commented that this was true whether the Goddard Planning Commission voted 100 percent in favor of it or 100 percent against it. It does not make any difference, the Metropolitan Area Planning Commission still has to have the public hearing. It is just a matter of discussion that they were going through. The fact that the Goddard Planning Commission disapproved this, that is one of the facts that has to be weighed. He said that he would not vote for or against it because of what they said, but it does influence him on his vote, because he knew they said it. Everything influences him.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses to which it has been restricted; and the opposition of neighborhood residents; I move that we recommend to the governing body that this application be denied. Moore moved, Peters seconded and it carried with a vote of 7 in favor (Moore, Peters, Banzer, Gardner, Goebel, Hansen and Wilson) and 3 opposed (Bayouth, Chisholm, and Crockett).

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-285 - CONDITIONAL USE FOR A PRIVATE RECREATION AREA,
GENERALLY LOCATED ON THE NORTH SIDE OF MAPLE GENERALLY
BETWEEN 183RD WEST AND 199TH WEST.

The MAPC recommends that the application be denied.
(see minutes for full motion)

Moore moved, Peters seconded and it carried with a vote of 7 in favor
(Moore, Peters, Banzer, Gardner, Goebel, Hansen and Wilson) and 3
opposed (Bayouth, Chisholm and Crockett).

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 Metro-
politan Area Planning Commission and deny
the application; or
2. Adopt a resolution establishing the con-
ditional use.

1.5 NOTE: The percentage of the protest petitions received on this applica-
tion will be pointed out at the time the case is considered by the County
Commission.

DATA AND MINUTES

GCPC Hearing Date: 8-05-85

MAPC Hearing Date: 8-08-85

BCoC Hearing Date: 9-04-85

COMMISSION DISTRICT #3

AREA DATA:

Acres: 80

Size: 1320' x 2640'

Reason: For playing the "National Survival Game"

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, lake	"R"
North	Undeveloped, lake	"R"
South	Cemetery, one-family dwelling	"R"
East	Agriculture	"R"
West	Agriculture	"R"

History: None

Applicant: Gary R. Shaffer, et al., 7500 S. Pattie, Wichita 67233

Protestors: Richard Ciemny, 19721 W. Timothy Drive; Gregory Menges,
300 So. 199th Street West; Kenneth G. Smith, 201 No. 183rd Street West.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 8, 1985

LEGAL:

9. Case No. CU-285 - Gary R. Shaffer, et al, request Conditional Use Permit for the East Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Attica Township, Sedgwick County, Kansas. Generally located on the north side of Maple between 183rd Street West and 199th Street West.

SMYTHE pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use permit to establish a private recreation area on 80 acres zoned the "R" Rural Residential District located on the north side of Maple generally between 183rd and 199th Street West. This conditional use permit is requested for the purpose of playing a recreational game known as the "National Survival Game". The most common form of the game is similar to capture the flag. While this game is in progress, players can be eliminated when marked by a soft gelatin paint capsule fired from the marking pistols. It is anticipated that within this 80 acre site approximately 10-20 acres will be roped off and designated as the playing field.

A grass parking lot proposed to be cut and maintained, is identified on the site plan and is located 175 feet north of the entrance gate off of Maple. A chemical toilet, two picnic tables and trash barrels are also identified near the east property line. Additional street right-of-way is needed for Maple Street to meet the 50 feet of half-street right-of-way requirement.

The Sedgwick County Department of Public Works will require a Floodway Reserve Agreement covering the existing channel and ponds on subject property if permanent structures are to be built. As approximately one third of this property is in a Zone A Flood Hazard Area, a minimum pad elevation must be established prior to the issuance of any building permits.

The Health Department has indicated that providing bottled water and a chemical toilet for a recreation area is not a suitable long-range solution. In the past, these temporary arrangements have not always been satisfactory.

A review of the intensity of usage by the Health Department after six months will be required to determine the need for a permanent water supply and on-site sewage facilities.

A recommendation of approval by the Planning Commission should include the following conditions:

- a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for Maple.
- b. The applicant shall grant a Floodway Reserve covering the existing channel and ponds on the property as determined by the County Public Works Department.
- c. Minimum pad elevations shall be established by the County Public Works Department.
- d. A review in six months by the Health Department to determine if the intensity of usage would require either a lagoon or sub-surface wastewater disposal system (septic tank and lateral field).

- e. The applicant receiving from the Kansas Department of Health and Environment the necessary permits approving the drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
- f. The installation of lights shall be prohibited.
- g. Gates providing access to this site shall remain locked after operating hours.
- h. Firearms shall be limited to the Nel-Spot 007 or other similar paint-marking guns. All other weapons shall be prohibited.

DISCUSSION:

SMYTHE stated that the Health Department has expressed concern about the bottled water and the chemical toilet that the applicants want to use for the recreational area, and are in agreement with staff that they really are not a long term solution to the problem. The Health Department has asked that, after six months, if this recreational game does catch on, and more and more people come, that they go back to the Health Department and determine the intensity of uses, and at that time they will determine the need for a permanent water supply and an on-site sewage facility. SMYTHE said that this case was heard by the Goddard Planning Commission one week ago, and at that time, the Goddard Planning Commission voted 5-0 to deny the request.

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PETERS said his point was, why does this Planning Commission hear the cases?

GALBRAITH further explained that the Metropolitan Area Planning Commission, by statute, were the people who are charged with the holding of the official public hearing.

RICHARD CIEMNY, 19721 West Timothy Drive, stated that the people of Strunk Addition are opposed to this type of activity within their vicinity. The recent tragedy within their community related to the school incident and the death of their principal should be enough to hinder this type of activity in their community. As had been brought out by the media, this young man was involved and did play military games. CIEMNY said that traffic was also a concern of theirs. The cemetery to the south was visited regularly by elderly people, particularly on Fridays, Saturdays and Sundays. They felt that the war game going on across the road would hinder the people in their area. They also believed that the individuals that it might attract, as pointed out in an article written in the Pro-Family Forum, stated that it has been brought before several police departments that playing the fantasy role game and incidents showing up on their police blotter are closely related in some areas. Second, they feel there were other hazards to having them in this area, one of which has been pointed out by the sanitation, the trash receptacles were supposedly to take care of it. He felt that the more people there are in an area, the more susceptible they were to fire hazards. CIEMNY said that the people of Strunk Addition stated in the meeting with the Goddard Planning Commission that these men give up their morality for two days to play the war games. He said that he did not see how people could give up their moralities to play the war games. He said that they, the people, feel that the moral act of killing was not what they wanted in their area. They did not want this to be

emulated by their children. CIEMNY said that he has two boys and it would not be a problem for them to walk around and go over into the area. They play in the total area of the country and they are inquisitive and they would be going over into the area to see what was going on.

CROCKETT asked Ciemny to cite from the authority that "the people who engage in this game are more likely to have increased police records."

CIEMNY said that it was an article put out by the Pro-Family Forum (Dallas-Fort Worth Christian Life Ministries). He added that he had recently spoken with a friend of his in California in regards to the games that are played in California. They have asked that they take their games totally outside to a remote area in which there is no residential area near.

CROCKETT asked Ciemny if the article he cited was referring to this particular sport, or were they referring to Dungeons and Dragons.

CIEMNY said they were referring to Dungeons and Dragons, and this pamphlet has to deal with Dungeons and Dragons, with the role playing games.

BAYOUTH did not feel that the killing of the principal in Goddard had any bearing on this request whatsoever. He felt that there was an over-reaction on Mr. Ciemny's part. He felt that other games such as football and boxing were more dangerous than this game will ever be. It is entertainment and fun for some. He saw nothing wrong with it. He mentioned that as far as the noise factor around cemeteries, there are cemeteries across from Shocker Stadium that makes this sound like a peanut vending operation, and that seems to survive well. There is a mausoleum and everything there. He said that this is quite an isolated area, and if it is well supervised, he may not go for an indefinite time on this, but would like to see it go for a year, and if there were no problems, he saw nothing wrong in them coming back for another year.

CIEMNY responded that he made no reference to the noise factor. All he was stating was the number of elderly who visit the graves of their husbands or wives, that it might create problems.

GREGORY MENGES, 300 South 199th Street West, stated that basically he was representing himself and his neighbor, Mr. Phil Fields, of which both of them own property that is probably closest to this area that is in question. He said that he did not believe that they were overreacting in relation to this and what happened in their school. He said that they had a young man that in essence was playing a war game. He was fantasizing a war game which is basically what this is doing. That young man walked into a school building with a gun with live ammunition and killed a man. He said that he could not see any way one could overreact to something such as that. To them they are concerned people, concerned parents, concerned citizens. This game may be fine in its own certain area. MENGES said their belief was it did not belong in this area. The applicant has stated at the meeting in Goddard that he was from the Derby area. If anyone has been down towards Derby, they know that there is a lot of desolate wooded areas there. He felt that if the applicant wanted to pursue this enterprise and have a game such as this, he recommended that he take it out somewhere where it is a long ways away from people. The applicant has maintained that he wanted it close enough to a city that he can draw people from that city. MENGES said that as Mr. Ciemny stated, they all have children who would be drawn to something such as this. It did not matter how many ropes or how high a fence was put up, you could not keep people out of an area. MENGES said that the applicant indicated at the meeting in Goddard that possibly 100 people would play this game at different times in one day. MENGES maintained as yellow page advertising does, nobody is in business to grow smaller, and he believed that the applicant was entering into a definite profiteering thing, and would enter into it to try to build this up into a business. There was going to be more people drawn into the area, and as there would be more people in the area, there would be more problems with litter and trash, and it is

something that concerns each and every one of them. MENGES said that the people of Goddard are in an atmosphere where they are trying to recoup and trying to put some things back together, and starting something such as this was not going to help them in any way.

KENNETH G. SMITH, 201 North 183rd Street West, stated that they really did not care how dangerous this is, they are talking about what the game would do to people who are not participating. He said that if the game was started and 3,000 people were interested, how would a person feel with 3,000 people parading through their back yard all the time. SMITH mentioned that the applicant stated at the Goddard meeting that if he had more people then he would extend the game through the week. He stated that there were dirt roads which the County does not have enough money to maintain on a regular basis with normal farm traffic. SMITH said that the community was not concerned about the danger to the contestants, they are talking about the effect on the community. He also mentioned that this area was susceptible to fires, before and after harvest, and all through the summer when it is dry. He said that what they are after was to keep their community quiet and safe, which is why most of them are out there instead of downtown Wichita.

SHAFFER, speaking again, stated that they have decided, due to neighborhood concern, they will limit their play to Saturdays and Sundays for about four hours at a time. Also, with the amount of equipment and the size of the area, at no time would there be over 40 people participating at one time on this site playing this game.

CIEMNY, speaking again, wished that if the Planning Commission granted the zoning that a number of restrictions be placed on it of which the Commission would decide the restrictions rather than letting a national survival game packet of restrictions be the rules. He would like for this to be opened to any law enforcement agent at any point in time, unannounced, and should fall under the realm of any business operation, and keep in mind the area residents when the restrictions are made.

CROCKETT stated that he has a real problem with the arguments that had been made in opposition to this application based on moral grounds. He said that if a person does not want to participate in a sport, that person does not have to participate in the sport. He said that he has looked at other sports that have been attacked as immoral, damaging or somehow harmful to the fabric of society; sports such as ice hockey, hunting and boxing, and he has a hard time understanding the rationale for it. He said that it was hard for him to believe that if people did not want to participate, that they are forced to participate. It was hard for him to believe that if they choose not to participate, and do not do so, that they are somehow harmed in the result of the participation. So in his opinion that argument carries no weight whatsoever. CROCKETT said that he was conscious of Mr. Smith's arguments some of which he thought were excellent, but felt, however, in view of the numbers that the applicant had stated that he was willing to accept as a condition, that those numbers certainly were not going to propose the magnitude of problems that Mr. Smith expressed, and therefore if a motion was made to recommend approval of this application, he would vote for it.

HANSEN commented that she did not care to speak to the games because right now it was not her first concern. In her four years on this bench she felt that some of them had made a special point of honoring the small communities. When they had County zoning discussions, one of their greatest fears was that this bench would impose its will and wisdom on the small towns and try to plan for them the kind of basic zoning they would have within their sphere of influence, and for that reason she felt it was real important that they be sensitive to these communities when they make decisions, but in her opinion, they were not always the best land use decisions that might be made, but she did believe that the Planning Commission, as a metropolitan area group, had some obligation to respect the local communities, and for that reason she would be voting against it.

BAYOUTH stated that if they thought he was going to sit on the bench and rubber stamp Goddard or Derby or anybody else just because they should honor their request right or wrong, they had another guess coming. He said that he would not sit there and honor anything he thought was wrong, and he did not care how many planning commissions approved or disapproved of it.

CHISHOLM stated that he had attempted to keep fairly quiet, but it seemed to him that they have got a massive overreaction on both sides. It seemed to him that what they should be confronted with was a question of "is this the proper use for this ground". He said that he has heard nothing that would indicate to him that it was not a proper use for the ground, so his vote would be in the affirmative.

GARDNER stated that he would like to boil the issue down to something that was fairly simple and move away from what he considered to be an overreaction in terms of an emotional appeal. This is an application for a private recreational area within a mile or so of Goddard, and he felt that there was a substantial precedent for considering the opinion of the smaller town planning groups as they review these applications, and he felt that they, within their specific turfs and particularly that close, have valid say-so. Whether the proposed site would be utilized for the national survivalist game or a swimming beach, or a private recreational facility that would host a steak fry or watermelon feast, or whatever; whether it was for a 4-H use or Sheriff's Department use, recreational areas, as long as they fall under the conditional use permit, will be subject to the input of the surrounding neighbors and a great deal of their response was going to be predicated upon what they perceive to be an influx of traffic into their area and uses in their area that they are either concerned about or that they think will infringe upon their use rights as they know them. GARDNER said that he was sensitive to people in a rural setting resisting influx of other people, particularly people from outside their community or outside their local area in quantity. That objection has some validity to it. He felt that the use for the site, whether it was the national survival game or other recreational uses, was to some degree an irrelevant consideration. He said that he believed that if they have opposition to establishing a private recreational area in a specific location, then that is probably the essence of the question before them. To alter the issue slightly, and to charge it with emotion, was to do it a disservice. He felt that to ignore the wishes of a small town planning commission, at least in this case the Goddard Commission, was to do them a disservice. GARDNER did not feel that there were very many County Commission people who would find themselves in a position of voting in a contrary fashion to a recommendation from a small town planning commission unless there is really a sufficient cause, and this is an issue that has kind of a minor flavor to it as opposed to being a major issue. GARDNER felt that the thing that really complicates the ability to hold a game like this, or use a site recreationally in this fashion, was whether or not you do so on a commercial sense. If you do so on a commercial sense you are required to obtain a conditional use permit. He said that he could hold the same kind of game on his farm without obtaining a permit if he did it privately and did not make it a commercial enterprise, and he could do it everyday of the week, morning through night and never have a problem. However, as soon as it goes from a private venture to a commercial venture, you find yourself subject to regulations and all of your neighbors input, and the local town's input, and another planning commission's input, and you are probably trying to push a peanut up a big mountain, and he did not feel the odds were necessarily in your favor regardless of how right or wrong the cause might be. If you want to play a game like this you are probably going to have to do it on a private basis and a noncommercial basis on a piece of property that you own so that you are not encumbered by all of the regulations and you can do so legally without any particular problems. It would probably be wise to have it insured and have it covered. By the same token, if you are going to do it commercially and move it into that realm, you really fall prey to all of the input of all of the other people, and in some regards that is good, simply because it precludes an abusive situation occurring in the future that no one might have intended. GARDNER said that while he could support the game on privately owned property, he has difficulty ignoring the small town recommendation to prohibit a

commercial venture in their immediate vicinity, and he was in sympathy with their position on more of a technical basis than anything else.

CROCKETT said that he wanted to address the issue raised by Commissioners Peters, Hansen and Gardner. He said that he would be the first to admit that he really was not sure what his roll on this sort of situation is, but they are required by law to hold a hearing and all of these witnesses have been kind enough to come up and tell them what they feel, and he felt it was a disservice to that law and a disservice to those witnesses and a disservice to the system to say "hey, we don't have to decide this because Goddard already decided it for us". He said that just could not be right. If they are holding a hearing it has got to be because there is some function that they are to serve, and it has got to be a function independent of Goddard's, for if it was only Goddard's decision, as implied, then this hearing would be meaningless, and surely the law would not require them to hold a completely meaningless hearing. He said that he rejects that as rationale to voting against approval of this application.

PETERS said that Crockett was just using that as a rationale for voting. His vote won't mean a thing. He mentioned that no matter what this body does, it still takes a unanimous vote of the County Commission to approve the application because of the satellite community of Goddard.

CROCKETT responded that it was presumptuous that such a unanimous approval won't be forthcoming, and if they are going to make that presumption, they might as well disregard this hearing altogether, and they might as well tell all of these good people, "thank you for coming, here is your pass, the County Commission is located across the street, and you report on such and such a date". If they are going to hold a hearing and if it was going to be useful, then they have an obligation to do their best to make their best independent recommendation with as much integrity as they can.

PETERS said that he did not have a problem with that, he only raised the question because he thought somebody like Crockett would give him the right answer, but it still was going to end up that, no matter what the Planning Commission does, it was not going to have any bearings on the outcome.

WILSON commented that this was true whether the Goddard Planning Commission voted 100 percent in favor of it or 100 percent against it. It does not make any difference, the Metropolitan Area Planning Commission still has to have the public hearing. It is just a matter of discussion that they were going through. The fact that the Goddard Planning Commission disapproved this, that is one of the facts that has to be weighed. He said that he would not vote for or against it because of what they said, but it does influence him on his vote, because he knew they said it. Everything influences him.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses to which it has been restricted; and the opposition of neighborhood residents; I move that we recommend to the governing body that this application be denied. Moore moved, Peters seconded and it carried with a vote of 7 in favor (Moore, Peters, Banzer, Gardner, Goebel, Hansen and Wilson) and 3 opposed (Bayouth, Chisholm, and Crockett).

tigers and elephants looking for a diamond. Her marriage may depend on finding it. Hanna's wife, playing with a white tiger cub at the zoo Sunday discovered the diamond from her engagement ring used at \$9,000 in 1981, was missing. On Tuesday, the grass in the tiger enclosure on her hands and feet and hand clippers. She raked the clippings and found the diamond. Hanna said, "I told her, 'Don't cry, diamonds can be replaced. But then he added that the sentiment was there even if the diamond was replaced with a synthetic one." Hanna figures either tigers or elephants found the diamond along with the grass, so he's watching the assumption that all things come to pass. He says birds don't beat him to the gem.

Home values rise in most of USA

Median price of existing homes in the U.S. is up in a new survey shows. Most expensive California's Anaheim-Santa Ana area. Median resale homes in 45 major metropolitan areas in the second quarter of 1985 and percent from 1984: (Cover story, 1A)

City	Median price	Change
N.Y.	\$60,500	+13.3%
Chicago	\$52,000	+2.0%
Santa Ana, Calif.	\$135,200	+0.1%
San Francisco	\$72,200	+13.0%
Atlanta	\$71,900	+6.2%
Los Angeles	\$85,000	+1.1%
Albany Falls, N.Y.	\$131,000	+37.0%
San Diego	\$47,000	+2.6%
San Jose	\$81,800	+1.9%
San Antonio	\$81,100	+2.3%
San Jose	\$86,400	+5.6%
Columbus, Ohio	\$81,400	+0.5%
Worth	\$88,100	+4.5%
San Jose	\$83,700	+1.8%
San Jose	\$51,000	+2.8%
Orlando, Fla.	\$73,300	+2.7%
Conn.	\$97,200	+13.8%
San Jose	\$78,200	-1.8%
San Jose	\$55,400	-0.2%
San Jose	\$58,800	+6.1%
San Jose	\$63,600	+6.7%
San Jose	\$116,900	-0.1%
Ky.	\$51,000	+3.4%
Tenn.	\$63,800	-0.9%
Wis.	\$68,700	+0.9%
Paul, Minn.	\$75,200	+1.9%
Tenn.	\$56,000	+3.3%
San Jose	\$130,000	+23.3%
San Jose	\$65,500	+0.2%
San Jose	\$71,900	+2.6%
San Jose	\$66,700	+7.6%
San Jose	\$75,700	-0.1%

COLORADO

GREELEY — Charges aren't expected against liquor store owner Bruce Merco, who shot 2 intruders Tuesday, killing 1. Police called it self-defense. ... **DENVER** — State tourism director Ben Hart and his chief deputy reapplied for jobs they held a year, attorney general ruled they weren't properly hired. Both face tests, stiff competition.

CONNECTICUT

HARTFORD — Consumer Counsel Barry S. Zitser, 36, is quitting to enter private law practice. He has represented public in utility rate-hike cases past 8 years. ... **NEW HAVEN** — Gifts to Yale University's alumni fund reached record \$26.4 million in 1984-85. Record 44,919 graduates donated.

DELAWARE

WILMINGTON — Funeral arrangements were incomplete for Alexis I. du Pont Bayard, 67, lieutenant governor 1949-53. He died Tuesday. ... **DOVER** — 52 acres of state land in New Castle County will be used for veterans' cemetery, Gov. Castle says.

D.C.

Public Service Commission is probing C&P's sale of decorative telephones from 1974-81. C&P says people only own outer casings, that inside components are owned by AT&T. Those wanting the whole phone must buy components from AT&T. ... Anacostia-based group plans drug prevention program aimed at city's troubled southeast side.

FLORIDA

HOLLYWOOD — Seminole Bingo Hall operators refuse to tell IRS who won \$110,000 jackpot. Seminole says their sovereign status allows them to withhold name of latest winner —

DES MOINES

State Comptroller Bill Krahl says he'll cut at least 2% from state's \$2.2 billion budget today. Cited: Revenues up less than 1% instead of expected 7%. ... **CEDAR RAPIDS** — Morris Plan Co. of Iowa reopened 17 offices; deposits will be frozen for 4 months. Offices closed Friday after company filed for bankruptcy. USA Today, Tuesday, Sept 2, 1985.

KANSAS

GODDARD — Permit for military-type survival game was denied by Sedgewick County Commission. Decision was influenced by January killing of school principal, wounding of 2 teachers by boy, 14, fascinated by military strategy. ... **LEAWOOD** — Armed man remained barricaded in house. Police grabbed child, 6, when he sent her out to water dog.

KENTUCKY

LEXINGTON — Inquest begins today in death of Lexington police officer Roy Mardis, killed accidentally by state police during manhunt. Widow says she doesn't want name of man responsible released. ... **MOUNT STERLING** — Noxious fumes from unknown source sent 72 workers at blue jeans factory to hospital. Management had refused to allow state inspection.

LOUISIANA

BATON ROUGE — Several state officials may be indicted Friday by grand jury probing payroll padding in Dept. of Education, a prosecutor says. Education Supl. Tom Clausen took the 5th Amendment when called to testify Tuesday. ... **NEW ORLEANS** — State Rep. John Hankel may switch to GOP, saying he hopes it will help state shake political corruption image.

MAINE

PRESQUE ISLE — OMB

laws. Sponsor: Missouri Citizen-Labor Coalition.

MONTANA

GREAT FALLS — City Manager Al Johnson received 6% pay hike, to \$47,364. Other city employees got 2%. Mayor Bob Worthington says Johnson's salary lagged behind state's other managers. ... **BOULDER** — Services are today for Arnold Rieder, 79, ex-chairman of Fish and Game Commission, ex-state legislator. He died Tuesday.

NEBRASKA

LINCOLN — Garwood Donelson, 53, pleaded innocent to manslaughter in death of Carolyn Withoff, 49. The aide to U.S. Rep. Doug Bereuter died from blows to the head. ... **OMAHA** — Study says downtown Omaha needs new hotel, office space, housing.

NEVADA

CARSON CITY — Ex-state account clerk Paul Powers, 45, was held for investigation of embezzling and misusing public funds. More charges are pending. ... **SPARKS** — Lighting was blamed for industrial complex fire that forced evacuation of hundreds of residents. 500 gallons of cyanide were stored in building.

NEW HAMPSHIRE

CONCORD — Citing legislation improving school funding, 7 school districts dropped suit against state. Earlier claim: Relying almost solely on local property taxes discriminated against poorer districts. ... **NASHUA** — Transit bus system has reduced rates from 75¢ to 50¢ to lure riders.

NEW JERSEY

LAKEWOOD — Kevin Jackson, 22, was charged with murder of Meredith Levithan, 51, 1st-grade teacher found

search, police pulled back to wait for sighting of 2 jail escapees. Family held hostage was abandoned unharmed.

OREGON

GRANTS PASS — Gary McGill, 32, was charged with attempted murder in knifing of 2 passengers aboard bus on I-5. Both were treated, released. ... **PORTLAND** — Randi Johnston, 50, sued 2 nightclub, 2 booking agents. Claim: civil rights violated when turned down for stripper's job because of age.

PENNSYLVANIA

PITTSBURGH — Police arrested 28 suspected "middle-level dealers" in Mon Valley drug raids. More arrested are expected. ... **PHILADELPHIA** — University of Pennsylvania says it's correcting some complaints in U.S. Agriculture Dept. citation on research animal care at Head Injury Clinic. Problems: sanitation, ventilation, anesthesia use.

RHODE ISLAND

PROVIDENCE — Mayor Edward Paolino Jr. named 20 politicians, fire officials, civic leaders to anti- arson panel. ... **BURRILLVILLE** — State's 1st ward for Alzheimer's disease patients is to open next month at Zambarrano Hospital.

SOUTH CAROLINA

CHARLESTON — 8 years after case was filed, state's border dispute with Georgia is unresolved. At issue: control of 13,000 acres along lower Savannah River. ... **COLUMBIA** — James Fossick, 18, was charged with May murder of co-worker Marilee Whitten. Deputies discovered murder weapon — a flower pot — at scene, officials say.

SOUTH DAKOTA

SIOUX FALLS — Northern

million in debt in 2 years unless solution is found. Dept. of Social and Health Services warned. ... **KENT** — Tests of 800 homes showed traces of explosive methane gas, but not at dangerous levels. Source: nearby Midway landfill.

WEST VIRGINIA

IAEGER — 1 died, 3 were presumed dead in fire that leveled 3 buildings, 7 were injured. Cause: undetermined. ... **WHEELING** — Dr. Richard and Chandrika Behmer, who oppose immunization of their children, sued district to have them enrolled in public schools without mandated shots.

WISCONSIN

WEST ALLIS — Fugitives suspected of holding banker, family, using them to rob Central Bank may still be in area, FBI says. Hostages were freed unharmed. Joseph Dougherty, Terry Conner are wanted in robberies dating back to '60s. ... **MILWAUKEE** — County Human Services Director Jim Wahner is suggesting property tax hike to ease \$4 million department deficit caused by more youth crime.

WYOMING

LARAMIE — University of Wyoming is disconnected from state's needs, lacks broad support, is too isolated, too expensive, says Wyoming Futures Project research firm. ... **JACKSON** — Yearlong study will analyze all previous research on National Elk Refuge to see if old management techniques would help today.

PUERTO RICO

MAYAGUEZ — Workers picketed India Brewery, 1 of 2 local breweries, after stalemate in talks over new wage contracts. Firm offers hourly increases of 20-27% over 3 years, union wants 33-40%. ... **PONCE** — 2 Puerto Ricans, 1

PROTEST PETITION
(COUNTY CASES)



SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU-285, request for establishment of Private recreation area in the Goddard zoning district.

Legal description of property included in the above case:
Area on the north side of Maple between 183rd and 199th Sts. West.

OK

NE.

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:
That part of the NW $\frac{1}{4}$ of Sec. 20, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County Kansas, described as beginning at the N.W. Corner of Lot 4, Block 3, Strunk's Lake LaRock Addition, Sedgwick County, Kansas; thence N 76°30' E, along the extensions of the north line of said Lot 4, 184.70 feet; thence S 46°42' E, 155.50 feet; thence S 12°42' E, 89.43 feet; thence S 87°14'04" W, 290.07 feet to a deflection point on the east line of said Lot 4, Thence northerly along the easterly line of said Lot 4, on the following chords and bearings: thence N 13°53' 30" W, 94.53 feet; thence N 00°E, 73 feet to the place of beginning. Commonly

B. Name(s) of protestor(s): known as 19721 West Timothy

(a) Richard Ciemny
Signature
Richard Ciemny
Typed or Printed Name

(b) _____
Signature

Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 21st day of August, 1985, by Richard Ciemny

Geri Bergerhouse
Notary Public Kerri Bergerhouse

My appointment expires April 12, 1987



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU- 285, request for establishment of Private Recreation Area in the R zoning district.

Legal description of property included in the above case: On the north side of Maple between 1832nd and 179th Streets West.



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

NORTH EAST QUARTER OF SECTION 20 Township 27

INVALID BECAUSE →

FRANK SMITH DID NOT SIGN
E.F. SIGGIS " "
MADISON HETT " "
E.F. BOLANS SIGGS " "

B. Name(s) of protestor(s):

(a) Helen P Cobb
Signature
HELEN P COBB
Typed or Printed Name

(b) Sylvia A. Smith
Signature
Sylvia A Smith
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss



The foregoing instrument was acknowledged before me this 20th day of August, 1985, by Helen P. Cobb and Sylvia A. Smith.

Vera B. Perry
Notary Public

My Appointment expires Sept. 22, 1987.

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

PROTEST PETITION

(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-_____, zone change from _____ to _____ OR Case No. CU- 285, request for establishment of _____ in the _____ zoning district.

Private Play area to plant the National Survival Grove
Legal description of property included in the above case:

E/2 of SW/4 of Sec 20, T 27S R 2W.
Amica Township, Sedgwick County, KS.

OK use ownership list for legal

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

Tract in W/2 of SW/4 of S 20 Twp. 27S R 2W of 6th P. M. Beginning 32 rods south of SW corner of North 8 acres of W/2 of said SW/4 - south 32 rods thence east 25 rods thence north 32 rods thence 25 rods west to point of beginning - see in Sedgwick County, KS.

B. Name(s) of protestor(s):

(a) [Signature]
Signature
Phillip R Fields
Typed or Printed Name

(b) [Signature]
Signature
Dorla G. Fields
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss



The foregoing instrument was acknowledged before me this 19th day of August, 1985, by Phillip R. Fields and Dorla G. Fields.

JENNIFER L. BRASHER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/8/87

[Signature]
Notary Public

My Appointment expires _____.

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ- OR Case No. CU-285, request for establishment of PRIVATE RECREATION AREA in the RR zoning district.

Legal description of property included in the above case:

AREA ON NORTH SIDE OF MAPLE BETWEEN 183rd &
199th STS WEST

OK



SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

300 S. 199th W. GODDARD KS. 67052 - LEGALLY DESCRIBED AS: 1/4 BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH "8" ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER, THENCE EAST 412.5 FEET, THENCE SOUTH 528 FEET, THENCE WEST 412.5 FEET, THENCE NORTH TO BEGINNING, IN SECTION 20, TOWNSHIP 27, RANGE 2 WEST IN SEDGWICK COUNTY, KS.

B. Name(s) of protestor(s):

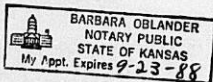
(a) *Gregory F. Menges*
Signature
GREGORY F. MENGES
Typed or Printed Name

(b) *Suzanne K. Menges*
Signature
SUZANNE K. MENGES
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 21st day of August, 1985, by _____



Barbara Oblander
Notary Public

My Appointment expires 9/23/88.

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

August 12, 1985

Richard L. Ciemny
P. O. Box 417
Goddard, Ks. 67052

Re: CU-285 - Conditional Use Permit
establish a private recreation
area on the north side of Maple
between 183rd & 199th Sts. West.

Dear Mr. Ciemny:

The Planning Commission at its regular meeting of August 8, 1985, considered the above-captioned conditional use request, and their action was as indicated on the attached letter.

This is to advise you that if property owners within 1000 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, August 22, 1985. Enclosed are several copies of the protest petition form, and if you have need for more forms, they may be obtained at this office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Senior Planner

LO:sad
Encl. (2)

cc: Gregory F. Menges, 300 S. 199th Street West, Goddard, Ks. 67052
Kenneth G. Smith, 201 N. 183rd Street West, Goddard, Ks. 67052
Ron Worley, County Zoning Administrator

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

August 12, 1985

Gary R. Shaffer
7500 S. Pattie
Wichita, Ks. 67233

Re: CU-285 - Conditional Use Permit
establish a private recreation
area on the north side of Maple
between 183rd & 199th Sts. West.

Dear Mr. Shaffer:

At its regular meeting of August 8, 1985, the Metropolitan Area Planning Commission considered the above-captioned conditional use request. The action of the Commission was to recommend that this request be denied.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, September 4, 1985 in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,


Louise Olivarez
Senior Planner

LO:sad

cc: Edmund L. & Lucille M. Albert, Andale, Ks. 67001
Richard L. Ciemny, P. O. Box 417, Goddard, Ks. 67052
Gregory F. Menges, 300 S. 199th Street West, Goddard, Ks. 67052
Kenneth G. Smith, 201 N. 183rd Street West, Goddard, Ks. 67052
Robert R. Johnson, Chairman, Goddard Planning Commission, 113
Brazos, Goddard, Ks. 67052
Ron Worley, County Zoning Administrator

CASE NO. CU-285

9	"Notices to Adjoining Property Owners" and Staff Reports mailed on 8-1-85 to Goddard Planning Commissioners, City Clerk, City Administrator and Mayor, for Goddard Planning Commission meeting on 8-5-85 and MAPC meeting on 8-8-85.
2	Notices and Staff Reports to Applicants.
3	Staff Reports to Ron Worley, David Spears.
<hr/>	
14	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-285 - CONDITIONAL USE FOR A PRIVATE RECREATION AREA

Generally located on the north side of Maple generally
between 183rd West and 199th West.

GPC HEARING DATE: 8-05-85

MAPC HEARING DATE: 8-08-85

Acres: 80

Size: 1320' x 2640'

Reason: For playing the "National Survival Game"

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, lake	"R"
North	Undeveloped, lake	"R"
South	Cemetery, one-family dwelling	"R"
East	Agriculture	"R"
West	Agriculture	"R"

History: None

Applicant: Gary R. Shaffer, et al., 7500 S. Pattie, Wichita 67233

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use approval to establish a private recreation area on 80 acres zoned the "R" Rural Residential District located on the north side of Maple generally between 183rd and 199th Street West. This conditional use permit is requested for the purpose of playing a recreational game known as the "National Survival Game". The most common form of the game is similar to capture the flag. While this game is in progress, players can be eliminated when marked by a soft gelatin paint capsule fired from the marking pistols. It is anticipated that within this 80 acre site approximately 10-20 acres will be roped off and designated as the playing field.

A grass parking lot proposed to be cut and maintained, is identified on the site plan and is located 175 feet north of the entrance gate off of Maple. A chemical toilet, two picnic tables and trash barrels are also identified near the east property line. Additional street right-of-way is needed for Maple Street to meet the 50 feet of half-street right-of-way requirement.

The Sedgwick County Department of Public Works will require a Floodway Reserve Agreement covering the existing channel and ponds on subject property if permanent structures are to be built. As approximately one third of this property is in a Zone A Flood Hazard Area, a minimum pad elevation must be established prior to the issuance of any building permits.

The Health Department has indicated that providing bottled water and a chemical toilet for a recreation area is not a suitable long-range solution. In the past, these temporary arrangements have not always been satisfactory.

A review of the intensity of usage by the Health Department after six months will be required to determine the need for a permanent water supply and on-site sewage facilities.

A recommendation of approval by the Planning Commission should include the following conditions:

- a. The applicant shall dedicate by separate instrument a total of 50 feet of half-street right-of-way for Maple.
 - b. The applicant shall grant a Floodway Reserve covering the existing channel and ponds on the property as determined by the County Public Works Department.
 - c. Minimum pad elevations shall be established by the County Public Works Department.
 - d. A review in six months by the Health Department to determine if the intensity of usage would require either a lagoon or sub-surface wastewater disposal system (septic tank and lateral field).
 - e. The applicant receiving from the Kansas Department of Health and Environment the necessary permits approving the drinking water supply as a non-community public water supply if the demand exceeds 25 people for more than 60 days a year.
 - f. The installation of lights shall be prohibited.
 - g. Gates providing access to this site shall remain locked after operating hours.
 - h. Firearms shall be limited to the Nel-Spot 007 or other similar paint-marking guns. All other weapons shall be prohibited.
-

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE July 25, 1985

TO Terry Smythe, Senior Planner, MAPD


FROM Jack A. Brown, Chief, Environmental Quality

SUBJECT CU-285

A sewage system either a lagoon or sub-surface wastewater disposal system (septic tank and lateral field) could be designed for this proposed use depending on population to be served.

Water supply for 25 people for more than 60 days a year will require a non-community public water supply permit with KDHE and Health Department approval.

We would suggest that sanitary facilities and water supply be provided as opposed to the use of portable toilets and bottled water. In the past these temporary arrangements have not always been satisfactory.


Jack A. Brown, Chief
Environmental Quality

JAB/cb

RECEIVED

JUL 26 1985

METROPOLITAN PLANNING

ROUTE _____



SEDGWICK COUNTY, KANSAS
DEPARTMENT OF PUBLIC WORKS

1250 S. SENECA
WICHITA, KANSAS 67213-4498
(316) 268-7901

TO: Terry Smythe, Metropolitan Area
Planning Department

FROM: Jim Weber, Engineer

DATE: July 24, 1985

SUBJ: CU-285, Conditional Use Permit for Private
Recreation Area in E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 20, Attica
Township

We have reviewed the above referenced conditional use permit application and have the following comments. Approval of this conditional use permit should be subject to the dedication of a total of 50 feet of half street right-of-way for Maple. If permanent structures are allowed on this site, a Floodway Reserve Agreement should be submitted covering the existing channels and ponds on subject property. As approximately one third of this property is in a Zone A Flood Hazard Area, a minimum pad elevation must be established prior to issuance of any building permits. If the applicant is required to plat, these items can be included in the plat.

JW/yls

cc: Ron Worley
File

RECEIVED

JUL 25 1985

METROPOLITAN PLANNING

ROUTE

From DAVID SPEARS
COUNTY PUBLIC WORKS

To TERRY SIMYTHE
MAPD

Subject CU-285, CU-287

Date 7-18-85

Message

PLEASE COMMENT ABOUT THE FOLLOWING CONDITIONAL USES:
CU-285 PRIVATE RECREATION AREA - NEED RESPONSE BY JULY 24, 1985
CU-287 MOBILE PHONE RADIO TOWER - RESPONSE BY JULY 29, 1985

SIGNED

T. Simythe

DATE

Reply

 47-223
NATIONAL Made in U.S.A.

SIGNED

RETURN THIS COPY TO SENDER

From	JACK BROWN HEALTH DEPT	To	STAYTHE
Subject	CU-285- CU-287	Date	7-18-85
Message	PLEASE COMMENT; CU-285 PRIVATE RECREATION AREA - WRITTEN RESPONSE BY JULY 24, 1985 CU-287 MOBILE PHONE RADIO TOWER - WRITTEN RESPONSE BY JULY 29, 1985		
Reply	SIGNED <i>T. Smythe</i> DATE		
NATIONAL 47-223 Made in U.S.A. RETURN THIS COPY TO SENDER			

To	Ms. Shari Royer, Manager	From Brenda L. Wimbley
	West Sedgwick County News-Sentinel	Metropolitan Area Planning Dept.
	226 North Main Street, Box 307	455 North Main Street
	Goddard, Kansas 67052	Wichita, Kansas 67202
Subject	Legal Advertisement for Publication on July 24, 1985	Date 7/17/85

Message Attached is the legal advertisement for publication in your paper on Wednesday, July 24, 1985. This is also to confirm our conversation (phone) on Monday, July 15, 1985, regarding the above.

Thank you.

SIGNED *Brenda L. Wimbley* DATE

Reply



SIGNED _____

SENDER RETAIN THIS COPY

CASE NO. CU-285

13	"Notices to Adjoining Property Owners" mailed on 7-25-85 for MAPC meeting on 8-5-85, MARL 8-8-85 GFC
2	One each to Applicants.
3	One each to Karen Crook, Ron Worley, and David Spears.
3	One each to Glen, Louise and Terry.
<hr/> 21	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-285.

Location: On the north side of Maple between 183rd and 199th Streets West.

Address: 19300 West Maple, Goddard, Kansas.

Request: Conditional Use Permit to establish a Private Recreation Area for the purpose of Playing the "National Survival Game".

A public hearing to consider the above noted request has been scheduled before the Goddard City Planning Commission on

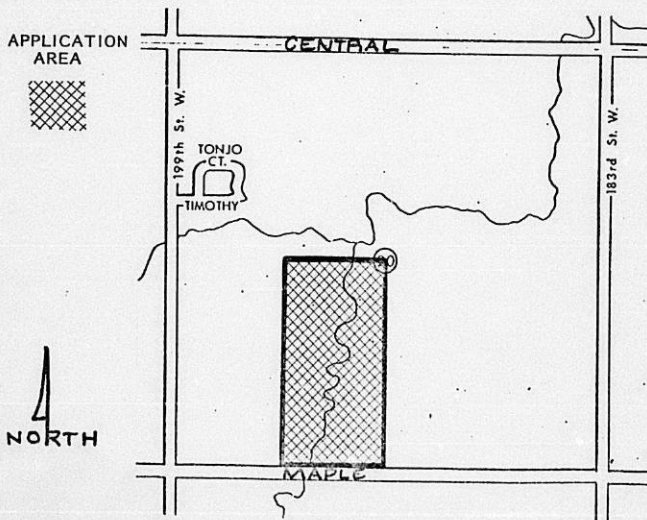
AUGUST 5, 1985

The meeting will begin at 7:00 p.m. at Goddard City Hall, 122 North Main Street, Goddard, Kansas.

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 8, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

Published in the West Sedgwick County News-Sentinel on July 24, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Monday, August 5, 1985, at ~~7:00~~^{8:00} p.m., the GODDARD CITY PLANNING COMMISSION, meeting at City Hall, Goddard, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-285

Conditional Use Permit to Establish a Private Recreation Area
for the Purpose of Playing the "National Survival Game"
on Property Zoned "R" Rural Residential District

The East Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Attica Township, Sedgwick County, Kansas. Generally located on the north side of Maple between 183rd Street West and 199th Street West.

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 8, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Regulations, Section 17 - Administration sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application(s) will be considered as by law provided.

WITNESS MY HAND AND SEAL on this 15th day of July, 1985.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

(SEAL) 13x2x3x3x1 = 28

() Published in the Eagle Beacon on July 18, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Monday, August 5, 1985, at ^{5:00}~~7:00~~ p.m., the GODDARD CITY PLANNING COMMISSION, meeting at City Hall, Goddard, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-285

Conditional Use Permit to Establish a Private Recreation Area
for the Purpose of Playing the "National Survival Game"
on Property Zoned "R" Rural Residential District

The East Half of the Southwest Quarter of Section 20, Township 27
South, Range 2 West of the 6th P.M., Attica Township, Sedgwick
County, Kansas. Generally located on the north side of Maple between
183rd Street West and 199th Street West.

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 8, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Regulations, Section 17 - Administration sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application(s) will be considered as by law provided.

WITNESS MY HAND AND SEAL on this 15th day of July, 1985.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

(SEAL)

APPLICATION FOR CONDITIONAL USE PERMIT

CU-285

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Gary R. Shaffer, leasee (See Exhibit 1) ✓

ADDRESS 7500 S. Pattie
Wichita, Kansas Zip Code 67233 PHONE 522-2779

AGENT _____

ADDRESS _____ Zip Code _____ PHONE _____

B. APPLICANT Edmund L. Albert & Lucille M. Albert ✓

ADDRESS Andale, Kansas Zip Code 67001 PHONE 445-2488

AGENT _____

ADDRESS _____ Zip Code _____ PHONE _____

C. APPLICANT _____

ADDRESS _____ Zip Code _____ PHONE _____

AGENT _____

ADDRESS _____ Zip Code _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a Private Play-ground
_____ (use)

OK { on property legally described as lots E/2 of S1/4 of Sec. 20,
T27S R2W . Block(s) Attica Township, Sedgwick County, Kansas,
of the _____ Addition:

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

See Exhibit 2; Area outlined in red is the subject acreage.

B. There are Eighty (80) acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 2 Zoning (N) R (S) R (E) R (W) R MAPC 8-8-85

T9-333-2 ATTICA TOWNSHIP

GODDARD PC 8-5-85 Revised 1/85
address in West Sedgwick County, Kansas - Santanel

3. This property is located at (address) 19300 Maple, Goddard, Kansas.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____, OR

B. On the North side of Maple (Ave.) Street between 183rd W. (Ave.) Street and 199th W. (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:

~~See Exhibit 3.~~

OK → for playing the National Survival Game

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Gary R. Shaffer
APPLICANT'S SIGNATURE
Gary R. Shaffer

BY _____
AUTHORIZED AGENT (IF ANY)

Edmund L. Albert
APPLICANT'S SIGNATURE
Edmund L. Albert

BY _____
AUTHORIZED AGENT (IF ANY)

Lucille M. Albert
APPLICANT'S SIGNATURE
Lucille M. Albert

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 2:30 (AM, PM) on 6-25-85 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

T. SPATHE Name
SENIOR PLANNER Title

SURVIVAL GAME LEASE

THIS AGREEMENT made and entered into this 1st day of July
1985, by and between Edmund L. Albert
Andale, Kansas 67001-0201
Lessor (whether one or more), and Gary R. Shaffer,
7500 S. Pattie, Wichita, Kansas 67233, Lessee

WITNESSETH:

That the Lessor, for and in consideration of One-Hundred
Dollars (\$ 100.00) in hand paid, the receipt and sufficiency of which is
hereby acknowledged, and the covenants and agreements hereinafter contained,
does hereby grant, demise, lease and let unto the said Lessee, exclusively,
its successors and assigns, the following described land for the purpose of
playing survival games, as defined in "The Official Survival Game Manual", by
Lionel Atwill, and any and all other rights and privileges necessary, incident
to or convenient in the economical or efficient operation, of said games, said
tract of land being situated in the County of Sedwick, State of
Kansas, and described as follows, to-wit:

The East Half of the Southwest Quarter (E/2SW/4)

of Section 20, Township 27 South, Range 2 West, together with
all submerged lands, accretions, strips and gores adjacent or contiguous
thereto and owned or claimed by the Lessor, which land shall be considered as
containing exactly .80 acres, whether there is more or less.

TO HAVE AND TO HOLD the same (subject to the other provisions herein con-
tained) for a term of one (1) year from this date (hereafter called "Primary
Term").

In consideration of the premises, it is hereby mutually agreed as follows:

1. Lessee shall pay to Lessor the sum of One-Hundred
dollars (\$ 100.00) per month or the sum of One and a half
dollars (\$ 1.50) per paying player per month, payable ten (10) days
following the end of each monthly term of this lease, whichever is greater.
Lessee's books and records regarding participating paying players shall be
open to Lessor's inspection at anytime.
2. Payment of rent due hereunder shall commence on August 10,
1985, however, Lessee shall be privileged to enter into possession of the
leased premises at any time after the execution of this lease without the
payment of rent in order to prepare the playing field for play.
3. After the primary term of the lease, the lease shall continue in force
and effect on a month to month basis at the same monthly rental above set
forth and be terminable by either party upon sixty (60) days written notice
delivered to the last known address of the other party. In the event that
Lessee's use of the premises for the playing of survival games as above stated
shall be terminated, prohibited or enjoined by any regulatory or governing
public body, then Lessee may terminate this lease immediately upon written
notice being delivered to Lessor by Lessee.
4. The Lessee agrees to maintain liability insurance coverage in a mini-
mum amount of Five-hundred-Thousand dollars (\$ 500,000.00).
5. Lessee may assign this lease without the consent of Lessor and there-
upon he shall be relieved of any and all further responsibilities, duties or
liabilities with regard thereto.
6. Lessor shall not disturb or allow to be disturbed in any manner the
Lessee's quiet and peaceful enjoyment of the premises.

Exhibit 1

2 of 2

SURVIVAL GAME LEASE
Page Two

7. The rights of either party hereunder may be assigned in whole or in part and the provisions hereof shall extend to their heirs, successors and assigns, but no change or division in the ownership of the land, rentals or royalties, however accomplished, shall operate or be construed so as to enlarge or increase the obligations or burdens of the Lessee, or diminish its rights.

8. In the event Lessor considers that the Lessee has failed to comply with any obligation hereunder, express or implied, Lessor shall notify Lessee in writing, specifying in what respect Lessor claims Lessee has breached this lease. The service of such notice and elapse of sixty (60) days without Lessee meeting or commencing to meet the alleged breaches shall be a condition precedent to any action by Lessor for any cause. If, within sixty (60) days after the receipt of such notice Lessee shall meet or commence to remedy the breaches alleged by Lessor, Lessee shall not be deemed in default hereunder.

9. All provisions hereof express or implied shall be subject to all federal and state laws and the orders, rules and regulations of all governmental agencies administering the same (and interpretations thereof by such agencies or courts having jurisdiction), and this lease shall not in any way be terminated wholly or partially nor shall the Lessee be liable in damages for failure to comply with any of the express or implied covenants hereof if such failure is caused by any such laws, orders, rules or regulations (or interpretations thereof by said agencies or courts having jurisdiction).

10. This lease and all of its terms and conditions shall be binding upon all successors of the Lessors and the Lessees.

11. Lessor hereby warrants and agrees to defend the title to the land above described and agrees that the Lessee shall have the right at any time to redeem for Lessor, by payment, any mortgage, taxes or other liens on the above described land in the event of default of payment by the Lessor and the Lessee shall be subrogated to the rights of the holder thereof, and Lessor hereby agrees that any such payments made by the Lessee for the Lessor may, at Lessee's option, be deducted from any amounts of money which may become due or payable to the Lessor under the terms of this lease.

IN WITNESS WHEREOF, we sign this as of the day and year first above written.

Edward L. Albert

Edward L. Albert
S.S.#

512-34-2201

*12. Lessee further agrees to keep area clean of
litter and trash.*

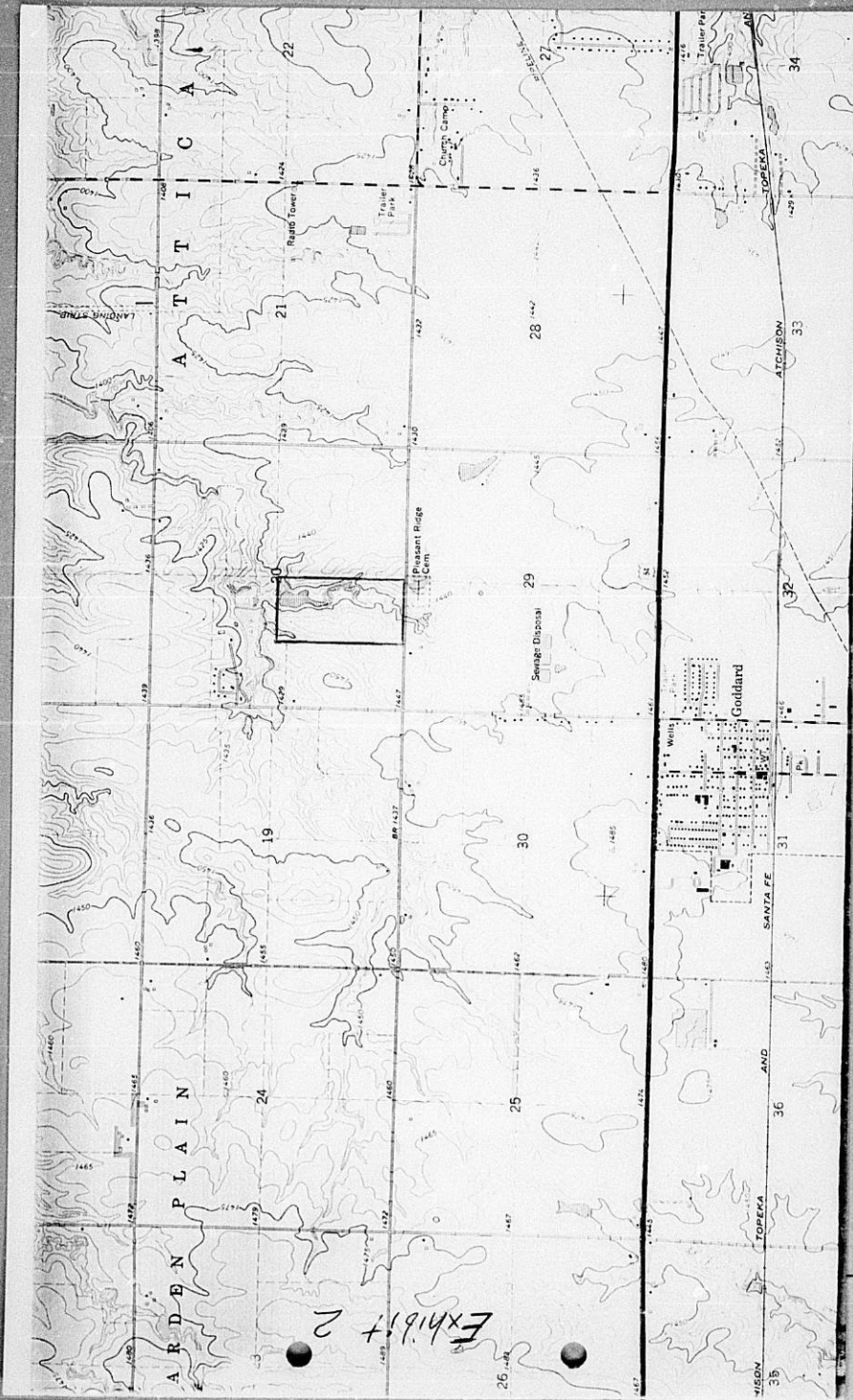


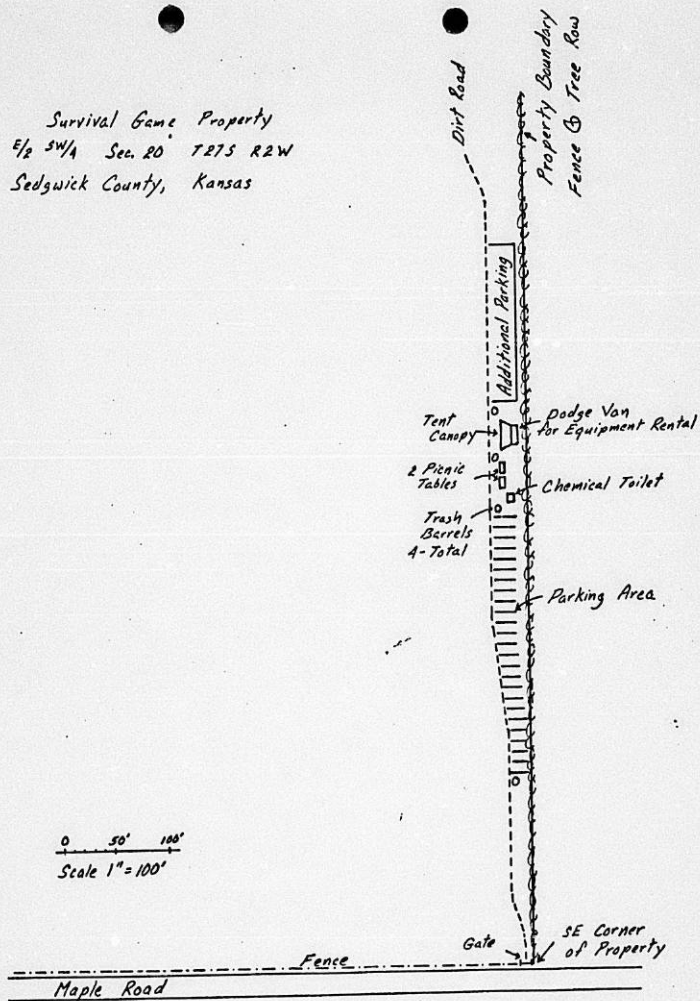
Exhibit 2

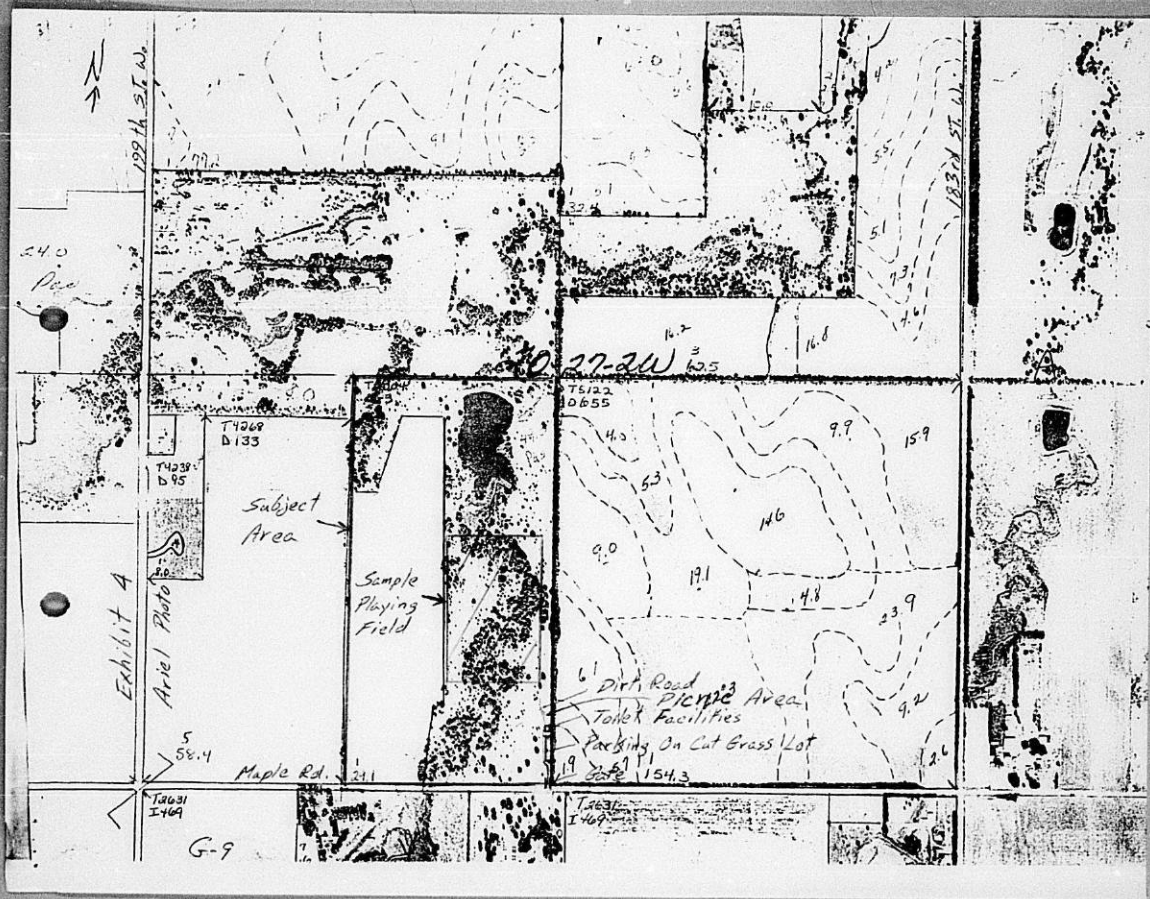
Exhibit 3

This Conditional Use Permit is requested for the purpose of playing a recreational game, known as the National Survival Game, which is defined in detail in Lionel Atwill's book "The Official Survival Game Manual" (See Exhibit 5). The game will be played during daylight hours and a fee will be charged to play the game. The game will be played primarily on weekends and possibly on weekday evenings. An area within the subject acreage, of 10 to 20 acres, will be roped off and designated as the playing field. The boundaries of this playing field may be changed from time to time. At no time will the boundaries of the playing field be within 180' of Maple Road. At any one time an average of twenty to thirty players, maximum of forty, would be participating in this game. The most common form of the game is similar to capture the flag, where two teams, roughly equal in number, try to capture the opponents flag. While the game is in progress players can be eliminated from the game if marked by a soft-gelatin paint capsule (contains a water soluble dye). Protective goggles are required to be worn at all times when the game is in progress. The marking pistols have a range of about 30 yards. This field would be operated and maintained by Survival Games of Wichita, Inc., Gary R. Shaffer and Glenn C. Shaffer, executive officers.

The boundaries of this property are fenced and access to the playground would be permitted only through the gate at the southeast corner of the property, which provides easy access from Maple Road. This gate will be kept locked and access prohibited unless Survival Games are being conducted. Reservations will be necessary to play the game, which will be restricted to persons eighteen years of age or older. A dirt road exists which runs from the above described gate north into the property. A grass parking lot, which will be cut and maintained, will be located 175 feet north of the entrance gate and extend northward 200 feet or how ever long is necessary (See Exhibit 4). A chemical toilet would be provided and maintained at the parking area while the playground is in use. A permanent toilet facility would probably be installed in the future, once a viable operation has been established. Bottled water would also be available, no food or beverages will be sold on the premises, however, people may bring their own. Picnic tables and trash barrels will also be provided.

Survival Game Property
E/2 SW/4 Sec. 20 T27S R2W
Sedgwick County, Kansas





OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
<p>The Northeast Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except 25 acres described as beginning 483.77 feet west of the Northeast Corner of said Northeast Quarter, thence west 1,229.11 feet, thence north 886 feet to the place of beginning.</p>	<p>✓ E. F. Siggs Address Unknown</p>
	<p>and</p>
	<p>✓ Mary Verena Nett John Nett Address Unknown</p>
	<p>and</p>
<p>The South Half of the Northwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., and the North 8 acres of the West Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., all in Sedgwick County, Kansas, EXCEPT that part platted as Strunk's Lake La Rock Addition, and EXCEPT beginning at the Northwest Corner of said Southwest Quarter, thence south along the west line thereof, 259.5 feet to the Southwest Corner of the north 8 acres of the West Half of said Southwest Quarter; thence east along the south line of said north 8 acres, 558.56 feet; thence north parallel with the west line of said Southwest Quarter, 244.5 feet; thence northeasterly with a deflection angle to the right of 76°13' a distance of 255 feet; thence northwesterly to a point 400 feet north and 660 feet east of the Southwest Corner of said Northwest Quarter; thence west parallel with the south line of said Northwest Quarter, 660 feet to the west line thereof; thence south 400 feet to beginning; and EXCEPT a tract lying east of and adjacent to Lot 1, Block 1, Strunk's Lake La Rock Addition, described as commencing at the southernmost corner of said Lot 1; thence northeasterly along the southeasterly line of said Lot, 60 feet for a place of beginning; thence north along the east line of said Lot, 173.23 feet to the Northeast Corner of said Lot; thence</p>	<p>✓ Sylvia A. Smith Frank P. Smith 911 N. Emporia Wichita, KS 67214</p>
	<p>and</p>
	<p>✓ Ernest F. Siggs, Jr. Dolores Siggs Colwich, KS 67030</p>
<p>(continued . . .)</p>	<p>and</p>
	<p>✓ Helen P. Cobb 917 N. Emporia Wichita, KS 67214</p>
<p>(continued . . .)</p>	<p>✓ Harold J. Strunk Virginia A. Strunk 1 Timothy Drive Goddard, KS 67052</p>

*Wichita, Kansas
7/4/21*

7/4/21

Property DescriptionProperty Owner

(Continued . . .)

east along the north line of said Lot extended, 11 feet; thence southwesterly with an angle to the right of $100^{\circ}39'15''$, a distance of 145.88 feet; thence southwesterly 30.07 feet to the place of beginning; and EXCEPT beginning at the Northeast Corner of Lot 4, Block 3, Strunk's Lake La Rock Addition, Sedgwick County, Kansas; thence $N 76^{\circ}30' E$, along the extension of the North line of said Lot 4, 184.70 feet; thence $S 46^{\circ}42' E$, 155.50 feet; thence $S 12^{\circ}42' E$, 89.43 feet; thence $S 87^{\circ}14'04'' W$, 290.07 feet to a deflection point on the East line of said Lot 4; thence northerly along the easterly line of said Lot 4 on the following chords and bearings: thence $N 13^{\circ}53'30'' W$, 94.53 feet; thence $N 00^{\circ} E$, 73 feet to the place of beginning.

A tract of land in the Northwest Quarter and the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Northwest Corner of said Southwest Quarter; thence south along the west line thereof, 259.5 feet to the Southwest Corner of the north 8 acres of the West Half of said Southwest Quarter; thence east along the south line of said north 8 acres, 558.56 feet; thence north parallel with the west line of said Southwest Quarter, 244.5 feet; thence northeasterly with a deflection angle to the right of $76^{\circ}13'$ a distance of 255 feet; thence northwesterly to a point 400 feet north and 660 feet east of the Southwest Corner of said Northwest Quarter; thence west parallel with the south line of said Northwest Quarter, 660 feet to the west line thereof; thence south 400 feet to beginning.

✓ Gerald L. Martin
 Donna M. Martin
 1952 Marion Road
 Wichita, KS 67216

That part of the Northwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Northeast Corner of Lot 4, Block 3, Strunk's Lake La Rock Addition, Sedgwick County, Kansas; thence $N 76^{\circ}30' E$, along the extension of the North line of said Lot 4, 184.70 feet; thence $S 46^{\circ}42' E$, 155.50 feet; thence $S 12^{\circ}42' E$, 89.43 feet; thence $S 87^{\circ}14'04'' W$, 290.07 feet to a deflection point on the East line of said Lot 4; thence northerly along the easterly line of said Lot 4 on the following chords and bearings: thence $N 13^{\circ}53'30'' W$, 94.53 feet; thence $N 00^{\circ} E$, 73 feet to the place of beginning.

✓ Richard L. Ciemny, Sr.
 P.O. Box 417
 Goddard, KS 67052

794 8715

<u>Property Description</u>	<u>Property Owner</u>
Beginning at a point 259.5 feet south of the Northwest Corner of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence east 558.56 feet; thence north 60 feet; thence west 558.56 feet; thence south 60 feet to the point of beginning.	OK Harold J. Strunk Virginia A. Strunk 1 Timothy Drive Goddard, KS 67052
Beginning at the Southwest Corner of the north 8 acres of the West Half of the Southwest Quarter thence east 412.5 feet; thence south 528 feet; thence west 412.5 feet; thence north to beginning, in Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.	Gregory F. Menges Suzanne K. Menges 14708 W. Pawnee Goddard, KS 67052 194 2138
A tract in the West Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; beginning at a point 32 rods south of the Southwest Corner of the north 8 acres of the West Half of said Southwest Quarter, south along the West line of said Southwest Quarter 32 rods; thence east parallel to the south line of said north 8 acres 25 rods; thence north parallel with the West line of said Southwest Quarter 32 rods to a point 32 rods south of the south line of said north 8 acres; thence west 25 rods to the point of beginning.	Phillip R. Fields Daola G. Fields 412 S. 199th St. W. Goddard, KS 67052 794 2551
The East Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.	Edmund L. Albert Lucille M. Albert Andale, KS 67001
The West Half of the Southwest Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the north 8 acres of said West Half of the Southwest Quarter; and EXCEPT that tract of land described as commencing at the Southwest corner of the north 8 acres of the West Half of Southwest Quarter of Section 20, for a point of beginning, thence east for a distance of 25 rods along the South line of the north 8 acres of the West Half of the Southwest Quarter of said Section 20, thence south for a distance of 64 rods, parallel with the West line of said Section 20, thence west 25 rods to the West line of said Section 20, thence north along the West line of said Section 20 to the point of beginning.	Johanna Kerschen 615 Biermann Street Garden Plain, KS 67050

<u>Property Description</u>	<u>Property Owner</u>
The Southeast Quarter of Section 20, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.	✓ Frances C. Strunk Colwich, KS 67030
The North Half of the Northwest Quarter of Section 29, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part deeded for Cemetery in the Northeast corner thereof, said exception described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Section 29; thence west 532.5 feet; thence south 487 feet; thence east 268.5 feet; thence south 8 feet and 11 links; thence east 264 feet to the East line of the Northwest Quarter; thence 495 feet plus 11 links to beginning.	Cleo E. Lagaly and ✓ Elizabeth A. Lagaly, Co-Trustees of the Elizabeth A. Lagaly Trust Colwich, KS 67030 and 796-0404 ✓ Cleo E. Lagaly and Elizabeth A. Lagaly, Co-Trustees of the Cleo E. Lagaly Trust Colwich, KS 67030
Same as exception above	Pleasant Ridge Cemetery Association Address Unknown
The Northwest Quarter of the Northeast Quarter of Section 29, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that portion platted as Lagaly Addition, and EXCEPT 1 acre in the northwest corner of said Northeast Quarter deeded for cemetery.	✓ Cleo E. Lagaly Elizabeth A. Lagaly Colwich, KS 67030
A 1 acre tract in the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 29, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.	✓ Pleasant Ridge Cemetery Association Address Unknown

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 3	Block 3	Strunk's Lake La Rock Addition	✓ James R. Prichard ⁷⁹⁶⁻⁰¹⁴⁹ Aletha V. Prichard Colwich, KS 67030
Lot 4	Block 3	"	ok Harold J. Strunk Virginia A. Strunk 1 Timothy Drive Goddard, KS 67052
Lot 1	Block 1	Lagaly Addition	✓ Teddy D. Hand Gail L. Hand 19121 W. Maple Goddard, KS 67052 799-8263

Page 5

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

The East Half of the Southwest Quarter of
Section 20, Township 27 South, Range 2 West
of the 6th P.M., Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of June, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Kable
Sr. Vice-President

Order No.: 347823
dk

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-285.

Location: On the north side of Maple between 183rd and 199th Streets West.

Address: 19300 West Maple, Goddard, Kansas.

Request: Conditional Use Permit to establish a Private Recreation Area for the purpose of Playing the "National Survival Game".

A public hearing to consider the above noted request has been scheduled before the Goddard City Planning Commission on

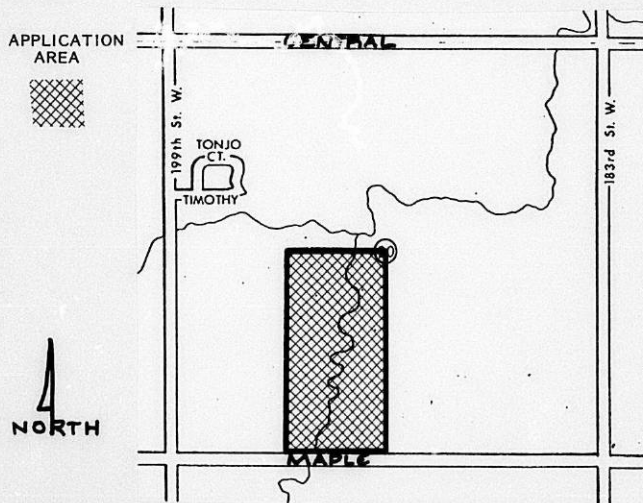
AUGUST 5, 1985

The meeting will begin at 7:00 p.m. at Goddard City Hall, 122 North Main Street, Goddard, Kansas.

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 8, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-285

Conditional Use Permit to Establish a Private Recreation Area
for the Purpose of Playing the "National Survival Game"
on Property Zoned "R" Rural Residential District

The East Half of the Southwest Quarter of Section 20, Township 27
South, Range 2 West of the 6th P.M., Attica Township, Sedgwick
County, Kansas. Generally located on the north side of Maple between
183rd Street West and 199th Street West.

Most Restrictive

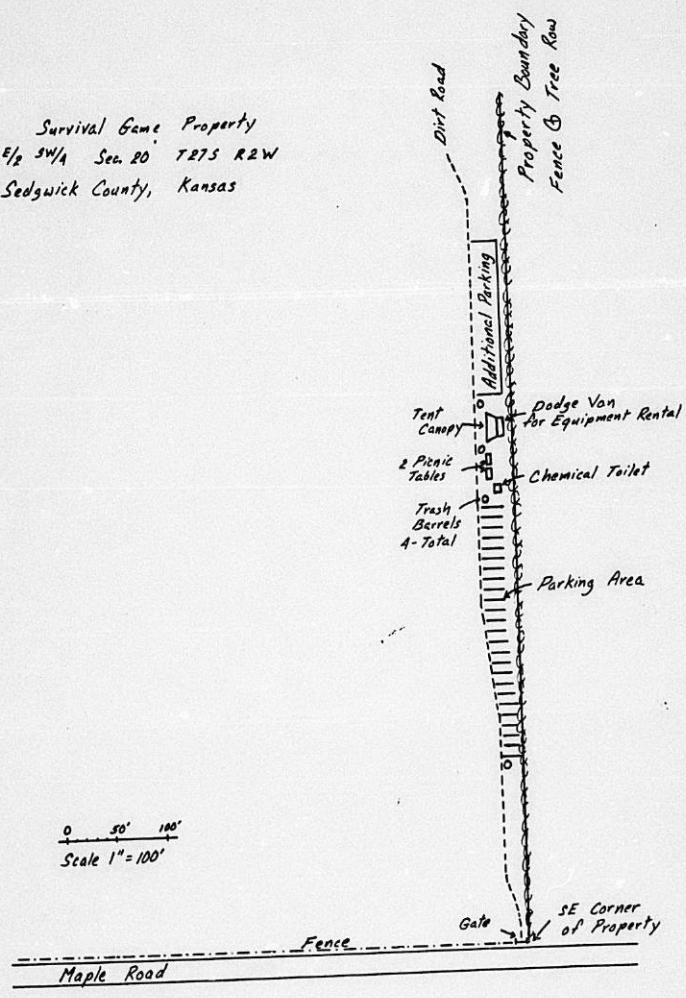


Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

***Mobile home parks and trailer camps are not permitted

Survival Game Property
E/2 SW/4 Sec. 20 T27S R2W
Sedgwick County, Kansas



0 50' 100'
Scale 1" = 100'

FORM 201

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
General Inv R	\$ 400.00

NAME
ADDRESS
FUND 1003 1003 DUE DATE 6-26-85
COMMENTS
DATE 6-20-85 BY

CU-285

Total Area 14,544,800 **SQ. FT.**
Application Area 3,484,800 "
Street R/W 332,000 "
Net Area 10,728,000 "
20% of Net Area 2,145,600 "
Net Protest Area 166,208 "
Total % Protesting 1.5 %

CU-285

Appl Area	2,640. *	x
	1,320.	=
	3,484,000.	*
	785,000.	x
	4.	=
	3,140,000.	*
Figuring total area	1,320.	x
	2,000.	=
	2,640,000.	*
	2,640.	x
	2,000.	=
	5,280,000.	*
	0.	*
	3,140,000.000 +	
	2,000,000.000 +	
	5,280,000.000 +	
	34,858,000.000 +	
	45,208,000.000 +	
	0.	*
Total area	3,140,000.000 +	
	2,640,000.000 +	
	5,280,000.000 +	
	3,484,000.000 +	
	14,544,000.000 +	
Figuring	1,320.000 +	
	2,000.000 +	
	3,320.000 +	
Stud	3,320. x	
	100. =	
	332,000. *	
Appl A	3,484,000.000 -	
St R/w	332,000.000 -	
T.A.	12,544,000.000 +	
N-A	10,723,000.000 *	
20% of N-A	10,723,000. x	
	0.20 =	
	2,145,600.00 =	
	520. x	
	2. =	
	1,056. *	
Protest area figuring	1,056. x	
	118. =	
	124,608. *	
	200. x	
	153. =	
	30,600. *	
	200. x	
	110. =	
	22,000. *	
	22,000. x	
	2. =	
	11,000.000 *	
Protest Area	124,608.000 +	
	30,600.000 +	
	11,000.000 +	
	166,208.000 *	
	166,208.000	
	10,723,000.000	
	0.077 *	
	166,208. x	
	10,723,000. =	
Protest %	0.015 *	

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*