

000004

CU-227

Dema A. Mahoney requests Condition
of Use Request to establish a Trap
Shooting Facility on property
zoned "R" Rural Residential Dist.
Generally located on the West side
of Hydraulic, between 71st and
79th Streets South.

Smead
No. 1516C

HASTINGS, MN - LOS ANGELES
LOGAN, OH - McREGOR, TX U. S. A.

B.C./B. CO. C. ~~Approved~~ ~~1-2-80~~
to condition be amended.
Derby P.C. ~~Approved~~ ~~11-22-79~~
Some condition in Hydrule

closed

CU-227 - Dema A. Mahoney requests Conditional Use Permit to establish a Trap Shooting Facility on property zoned "R" Rural Residential District. Generally located on the West side of Hydraulic between 71st & 79th Streets South.

ACTION

POSTED
10-29-79

Hayaville P. COMMITTEE Approved sub to 11-8-79
condition

M.A.P.C. Approved sub to 12-6-79
condition

B.C.C./B. CO. C. Approved sub to 1-2-80
to condition to amended.

Derby P.C. Approved sub to 11-29-79
Same condition as Hayaville

closed

CU-227 - Jema A. Mahoney requests Conditional Use Permit to establish a Trap Shooting Facility on property zoned R¹ Rural Residential District. Generally located on the West side of Hydraulic between 71st & 79th Streets South.

(Book 4;0-5-B)

Map No. 5538
Sec. 4
Twp. 29S
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)
TO ESTABLISH A TRAP SHOOTING
FACILITY.

Z- _____
SCZ- _____
CU- 227
Filed 10-19-79

(ASSOCIATED: SCZ-0446)

APPLICATION DATA: From "R" (PROPOSED) "I.C."

- Applicant: Dema A. Mahoney
Address 1506 E. 79th St. So., Wichita, 67233 Phone 788-0548
- Agent: Bill Hancock
Address 1510 E. 79th St. So., Wichita 67233 Phone 788-2902
- General Location: on the west side of Hydraulic, between 71st and
79th Streets South. Address _____
- Proposed Use: Trap-Shooting Facility Expansion

AREA DATA:

- Acres: 9.1 (660 ft. by 660 ft.)
- Adjoining Zoning: F "R" S "R" W "R" N "R"
- Land Use: East UNDEVELOPED South _____
West _____ North FRUIT ORCHARD
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (s) (is not) platted.

PROCEDURE DATA:

- Zoning Committee _____ by _____
- MAPC Meeting: _____

	Date	Action
HAYSVILLE	<u>11-8-79</u>	<u>Approved and to condition</u>
DERBY	<u>11-23-79</u>	<u>Approved and to condition</u>
MAPC	<u>12-6-79</u>	

- Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>1-2-80</u>	<u>Approved and to condition</u>	<u>to be decided</u>
		<u>Published 2-8-80</u>

NOTES:

LOS ANGELES COUNTY AGROLOGAN, OH
MEMBERSON, 17, EAST GORNEY, CA
U.S.A.

Standard
No. 2,183C

[Book 4;0-5-B)

Map No. 5538
Sec. 4
Twp. 29S
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- _____
Filed 227
10-19-79

TO ESTABLISH A TRAP SHOOTING FACILITY.

(ASSOCIATED: SCZ-0446)

APPLICATION DATA: From "R" (PROPOSED) "LC"

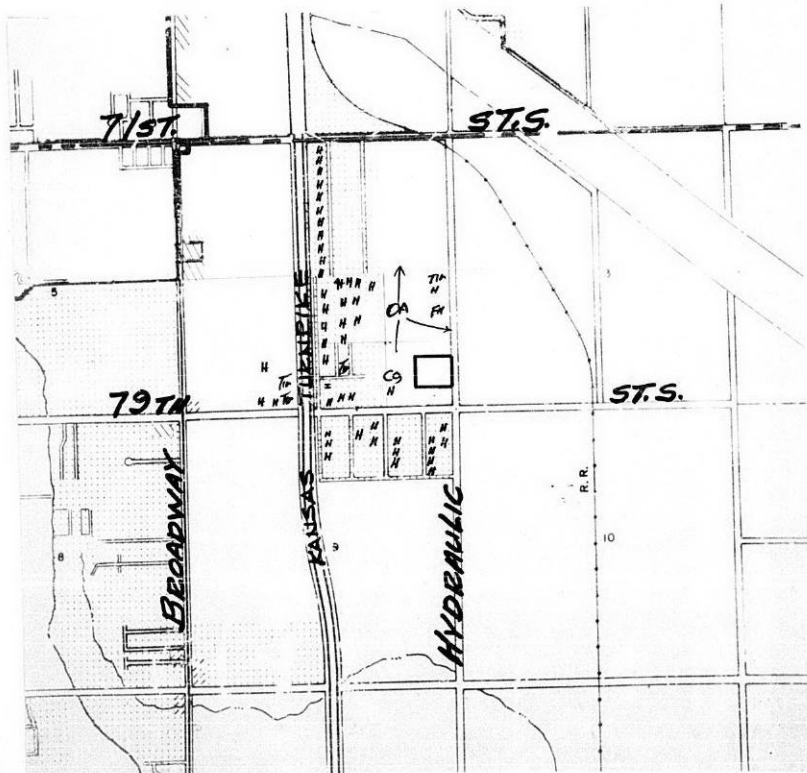
- Applicant: Dema A. Mahoney Phone 788-9548
Address 1506 E. 79th St. So., Wichita, 67233
- Agent: Bill Hancock Phone 788-2902
Address 810 E. 79th St. So., Wichita 67233
- General Location: on the west side of Hydraulic, between 71st and 79th Streets South.
- Proposed Use: Trap-Shooting Facility Expansion

AREA DATA:

- Acres: 9.1 (600 ft. by 660 ft.)
- Adjoining Zoning: E unpl S unpl W unpl N unpl
- Land Use: East UNDEVELOPED South UNDEVELOPED
West ORCHARD North ORCHARD
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 5

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

REQUEST FROM
SHERIFF FOR
RECLASSIFI-
CATION OF AD-
MINISTRATIVE
ASSISTANT AND
TO INCREASE
COMPENSATION
OF GUARDS

REQUEST FROM SHERIFF'S OFFICE FOR RECLASSIFICATION OF ADMINISTRATIVE ASSISTANT POSITION AND AUTHORIZATION TO INCREASE COMPENSATION OF GUARDS

Sheriff's Legal Advisor Hans Hansen appeared before the Board with a request for changing the Administrative Assistant, range 25, to a Corrections Program Officer, range 27. The Sheriff's Civil Service Board had already approved of this change, he related. This position requires counseling and/or police operations, and the Sheriff felt that the responsibilities justified the increase.

Mr. Hansen also requested that the compensation for guards be increased from \$14.00 per day to the prevailing minimum wage of \$3.10 per hour. The guards are used to transport prisoners and to guard prisoners at hospitals. Twenty thousand dollars has been budgeted for this purpose, and it is the Sheriff's estimate that expenditures at the new rate would be \$18,740.00 for the year 1980.

Mr. Patrick maintained that there was a State law governing the fees paid to guards, and in that case, compensation could not be changed.

Mr. Hill asked the Board to defer that item until he could research it. He stated that approval by the Sheriff's Civil Service Board was the only action really required for the reclassification process.

MOTION

Mr. Patrick made a motion to table for one week the request for increased compensation to guards.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

METROPOLITAN
AREA
PLANNING
DEPARTMENT

SCZ-0446 AND
CU-277

HANCOCK
SECOND
ADDITION

REQUEST FOR CHANGE IN ZONING FROM "R" TO "LC" TO CONSTRUCT A SPORTING GOODS RETAIL OUTLET AND THE ESTABLISHMENT OF A TRAP SHOOTING FIELD IN AN AREA NORTHWEST OF HYDRAULIC AND 79TH STREET SOUTH

Mr. Jack Galbraith, M.A.P.D., appeared before the Board and related that there was so much controversy over the Conditional Use case that he would first explain the Zoning case. On a map displayed in the meeting room, he indicated to the Commissioners the area in question. The property was vacant, and associated with the Hancock Orchard and their farming operation. Both the Haysville and Derby planning commissions have recommended the zoning change be granted subject to planning; there was no opposition at any of the meetings, and no protest petition filed.

Mr. Jerry Berg, attorney for the applicant, came to the podium and explained that the zone change was being requested in order to reestablish

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 6

the Hancock Sporting Goods Store which burned down in 1970.

MOTION

Mr. Patrick made a motion that the Board concur with the findings of the M.A.P.C., approve this application subject to the recommended conditions, adopt the resolution establishing the zone change and conditional use permit, and instruct the Planning Department to withhold publication of the resolution until the plat and dedications have been recorded with the Register of Deeds.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

Mr. Galbraith then presented the Board with photographs of the trapshooting facility. He explained that this nine acres is land owned by the Hancock family and used by them since 1952 for trapshooting. There have been two trapshoots and two skeetshoots in the southwestern corner of the property. The applicant has filed for a conditional use permit on the entire nine acres because he wants to be able to hold four registered national trapshoots per year and the rest of the time, use it for target practice, local shoots, and special events. The photographs showed five trapshooting boxes; three were added before the applicant realized that a conditional use permit was necessary. He stated that the permit would not require a unanimous vote because the number of protesting citizens amounted to only 9.38% of the thousand foot ring.

Mr. Galbraith told the Board that both the Derby and Haysville planning commissions approved the permit subject to several conditions, the most important of which he felt were 1) the five traps are to be used for only four registered shoots per year; 2) shooting hours are to be from 9:00 a.m. to 9:00 p.m.; and 3) in addition to the four registered shoots, shooting is to be allowed only one night per week and on weekends.

The M.A.P.C. stipulated that the five traps are to be used only during the four registered shoots per year, and at all other times, only the two original traps are to be used. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. Shooting is to be allowed only on weekends and one night during the week; lighting is to be provided for only the two original traps to the west, and used for only four nights per year. The applicant objected to this last condition, maintaining that he needed to be able to operate the fields more than four nights a year.

Mr. Berg said that league shooting would require that the fields be open one night a week for seven weeks. He requested that approval be subject to the conditions set up by the Haysville and Derby planning commissions; the other requirements of the M.A.P.C. were acceptable except for this one. In addition, he pointed out that tests conducted to determine the noise levels resulted in a reading of 67 decibels, or two points above normal conversation; this before the regrowth of the orchard, which had been removed.

Mr. Joe Hancock, son of the applicant, iterated the request for lighting on the fields one night a week for seven weeks instead of four nights a year. He said he would like to move the lights over the distance of one trap, farther away from the residential area.

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 7

Mr. Steve Rudd came to the podium and told the Board that he and his father owned the 80 acres across the street from the trapshoot. The Commission had previously approved light industrial zoning for a sand pit operation on their property; their future plans were for residential development. Mr. Rudd expressed his satisfaction with the proposed expansion of the trapshoot. He himself had been trapshooting for over 20 years all over the country, he said, and it was his observation that not one facility he had seen had contributed to the detriment of surrounding properties nor failed to earn money for its owner.

Mr. Scott asked if there were anyone else present to speak in favor of the applicant. He then invited those who were opposed to come to the podium.

Mr. Royce Wallace, representing 15 people who reside to the west and northwest of the trapshoot fields, contended that the commercial use of the traps had been abandoned, and what was being requested was not expansion but a new commercial facility. With respect to lighting, his clients were adamant; none of the residents had seen any lighting used in connection with trapshooting with the exception of some farm lighting at the Hancock residence, to the south.

Mr. Wallace maintained that the registered shoots would be using from 9,000 to 12,000 rounds of ammunition per day, and that the noise generated would invade his clients' property. He said that the decibel level quoted by Mr. Berg as two points above normal conversation was in excess of levels allowed by communities throughout the United States, and that until the trapshoot activity was accelerated, there would be no way to know what the decibel level would actually be. He suggested to the Commission that this would be a good time to examine the decibel limitations in question, and to consider and develop a policy with which all areas in the County would have to comply. One of his clients, he said, suffered from a serious disease and had moved to his present location for peace and quiet, but found that the noise level had become intolerable to him during the last year and a half.

Mr. Galbraith advised the Board that if it chose to deny the application, the County regulations provide that the Hancocks can expand the number of traps by one without going through additional application. They can also go to the County Board of Zoning Appeals and gain the three traps they are desirous of, expanding their operation by 50 per cent. He remarked that the County Zoning Administrator's Office is the one that enforces conditional use regulations and the applicant should provide them a letter stating the dates of the four registered shoots so that the Office will know a violation is not occurring.

Mr. Robert Parker, 7701 South Laura, came to the podium and stated that he lived 700 or 800 feet from the thousand foot ring. He identified himself as the resident with a serious disease: multiple sclerosis. It was diagnosed in 1965, and his condition worsened until he moved to his present location in 1971. From that time to this, he had heard only sporadic shooting which had coincided with the hunting season. Other than that, he and his family and neighbors had never heard anything like the noise they had to tolerate in October of this year. Mr. Parker expressed his regret at having asked a friend with Parkinson's Disease to relocate to this neighborhood, in view of the trapshoot expansion. Mr. Parker maintained that it would be virtually impossible for him to move away because his mobile home would not bring a good price on the market, and bank loans were unattainable.

Mr. Ernest Davidson, 7700 South Laura, stated that he had purchased his land from the Hancocks in 1971. Until last year, the only shooting

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting Page 8
January 2, 1980

he had heard had been very occasional. A week ago, his neighbor's basement was being dug with a tractor, and the shooting from the fields could be heard above that noise. He expressed his chagrin at the invasion of his peace and quiet in what was supposed to be a residential area by the people from whom he bought his property.

Mrs. Carolyn Davidson, 7700 South Laura, testified that when the Hancock Sporting Goods store was in existence, the only trapshooting facility was a foot trap used for the customers' convenience in trying out guns. The noise generated by Turnpike traffic and airplanes was inevitable as well as necessary, she contended, but not the noise from the trapshooting fields, especially when land was available elsewhere for such an operation. She said that she and her husband had not known of the traps until they were in place and being used, and thought at first the noise was target practice until they got a barrage of shooting from 1:00 in the afternoon until sundown on Saturdays and Sundays during the last year. Mrs. Davidson commented on her husband's heart trouble and her nerves, stating that the increased noise level on weekends hadn't helped either of them.

Mr. Berg commented that this had become an emotional issue: not one of the protesters had mentioned the turkey shoot which had been held the day before in which there were over four thousand rounds of ammunition fired. Turkey shoots, he said, had been held every year for the last five years. He pointed out that the Commission knew that on this sort of agricultural land there can be any amount of hunting allowed with no restrictions on the frequency of shooting. Now, his client was trying to achieve a structured, conditional use of an existing non-conforming use. Mr. Berg remarked that the past location of the Wichita Gun Club was in the 3400 block of West Maple in a residential area, and that he and his client were not talking about anything different from what is currently accepted in the County and in many cities across the country.

Mrs. Hancock came to the podium and related that this was the first time she had heard any complaints about the trapshooting fields. She said that the traps had been in existence since 1952 and had been used every year; in fact, the traps had existed before the Sporting Goods store, which had been built in 1960. She cited the civic, social and business-related clubs which used the facility with regularity, and the trapshoot's safety record.

Mr. Scott asked Mr. Berg what would be the effect if an application for two additional fields were turned down.

Mr. Berg stated that the shooting involved in a registered shoot would take much longer; that was the reason for requesting the expansion to five fields--one for practice and four for competition. He told the Board that his client was trying to proceed in an orderly fashion to comply with the spirit and the letter of the law, but that without approval, there would be a good chance of expansion to three shooting areas and possibly six.

Mr. Scott asked if there were anyone else to be heard before the Board took action.

MOTION

Mr. Scott made a motion that the Board concur with the Derby and Haysville planning commissions, and in lieu of the M.A.P.C. restriction on lighting to four nights per year, allow night lighting one night per week. In addition, the dedication shall be submitted within 90 days, or this case is to be considered null and void.

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 9

Mr. Patrick seconded the motion.

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

SCZ-0447

REQUEST FOR CHANGE IN ZONING FROM "R-1" TO "AA" SO THAT AREA MAY BE
PLATTED INTO SINGLE FAMILY RESIDENTIAL LOTS ON THE EAST SIDE OF 143RD
STREET EAST, 1/2 MILE SOUTH OF 13TH STREET

Mr. Galbraith told the Board that this was a very small piece of land, and pointed it out on a map displayed in the meeting room. He related that it was just east of Crestview County Club, and that previously the Board had granted single family zoning on this property.

Mr. Scott asked the Board members if they had any questions.

MOTION

Mr. Gragg made a motion that this request be approved with the concurrence of the M.A.P.C.

Mr. Patrick seconded the motion.

VOTE

DEPARTMENT
OF PUBLIC
WORKS

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

RESOLUTION
ASSIGNING
ROADS WITHIN
STEVENS ADDN.
TO RIVERSIDE
TOWNSHIP

RESOLUTION ASSIGNING ROADS WITHIN STEVENS ADDITION TO THE RIVERSIDE
TOWNSHIP ROAD SYSTEM

Acting County Engineer Joe Freeman appeared before the Board and presented a resolution assigning 59th South, 59th Street Court, Greenwood and Ida Avenues in the Stevens Addition, which is located to the west of Hydraulic between 55th and 63rd Street South. He related that the roads had been built to County standards and had been inspected and accepted by the Riverside Township Board; he recommended approval.

MOTION

Mr. Scott made a motion to approve the resolution.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

CONTRACT WITH
CLEARWATER
EXCAVATING
FOR SEWERS IN
ARBOR LAKES
ESTATES, II

CONTRACT BETWEEN THE BOARD OF SEDGWICK COUNTY COMMISSIONERS AND CLEARWATER
EXCAVATING, INC., FOR THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS FOR
ARBOR LAKES ESTATES, PHASE II

Mr. Freeman stated that this was the execution of a contract which the Board had previously awarded for the construction of lateral sewers in

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE December 19, 1979

RECEIVED

DEC 21 1979

TO Jack Galbraith, Chief Planner

METROPOLITAN PLANNING

FROM Steve Innes, Environmental Conservation Coordinator

ROUTE

SUBJECT CU-227, Conditional Use,
Trap Shooting Site
(West of Hydraulic, North
of 79th Street South)


In reviewing the City of Derby Planning Commission minutes for November 30, 1979, I noticed a statement was made indicating that the Health Department had advised that an environmental noise level of 90 decibels or less was acceptable. The only standard that I know of based on the figure "90 decibels" is the OSHA standard for occupational exposure. This is an eight hour standard which is designed to protect the worker from actual loss of hearing.

Environmental noise standards incorporate other factors which are designed to protect the overall health and welfare of individuals. The majority of 117 cities in 1976 had permissible daytime noise level standards of 55 decibels (A-scale) or less. Most cities have a nighttime standard of 5 dB(A) less than their daytime standard. These standards apply at a residential property line receiving the noise.

Some cities with a 55 dB(A) daytime standard are: Denver, Chicago, Boulder, Lakewood, and Council Bluffs, Iowa. The suggested noise ordinance for Wichita as proposed by the Grievance Office has a 55 dB(A) daytime standard, but additionally it has a 50 dB(A) daytime and a 45 dB(A) nighttime standard for impulsive noises. The discharging of any firearm causes an impulsive noise.

In order to be measured accurately, an impulsive noise must be read with a very sophisticated impulsive noise meter. If a simple Type 2 sound level meter is used, the reading obtained will be 3 to 5 dB(A) less than the actual noise level. Firearms will generally make a noise well in excess of 100 dB(A) as measured properly at 3 feet and many as high as 140 dB(A).

I would recommend that if this conditional use is to be approved, it should be done with the condition that a ten foot high earthen berm be placed on three sides around the target area in front of the firing area. Other types of noise barriers have proven ineffective in attenuating noise unless you go to very thick concrete walls. Also recommended would be a prohibition of nighttime shooting unless the shooting noise at residential property lines is less than 45 dB(A) as measured by an impulsive meter under all expected atmospheric conditions or otherwise less than the typical background noise.


Steve Innes, Coordinator
Environmental Conservation

cc: James F. Aiken, Jr.
Jeff Prince, Secretary
Derby Planning Commission

SI/1b

ROYCE WALLACE, attorney representing 15 of the area residents, stated that his clients were not opposed to the zone change, but was opposed to the Conditional Use permit. He said that all of his clients were people who had purchased land and reside on land adjacent to the proposed trap shooting field, and he felt it was important that the Planning Commission understand the history of the development of this particular area. He said that up until 1970, a sporting goods store did exist at the proposed location and was operated by Mr. Hancock, and during this same period of time a trap shooting facility did exist and was utilized in connection with the sporting goods store. He said that it was his understanding that in 1970, this store was destroyed by fire and the senior Mr. Hancock lost his life in that fire. Subsequent to that time, the trap shooting facility fell into disuse. He said that at that time his clients noticed that there was some activity in the area of trap shooting. He pointed out that during the period of time from 1970 to the latter part of 1978, this facility had been abandoned. He said that also during this period of time his clients had purchased property from the Hancocks and moved in and established residences, and they are now confronted with a proposal that would recreate and reestablish a gun shooting facility. He said it would assault his clients with a substantial increase of noise. WALLACE circulated photos of the gun shooting facility.

GALBRAITH pointed out to Wallace that they were discussing the zone change only at this time.

WALLACE reaffirmed that his clients were not opposed to the zone change.

MOTION: Having considered the factors as contained in Policy Statement No. 10; and the favorable recommendation of both the Haysville and Derby Planning Commission; I move that we recommend to the Governing Body that this application be approved subject to platting to provide major street rights-of-way, access controls and building setbacks, within one year from the date of approval of the zone change by the Board of County Commissioners, or the zone case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds. Bayouth moved, Jones seconded and it carried unanimously.

-
7. Case No. CU-227 - Dema A. Mahoney requests a Conditional Use permit for a tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line of said SE 1/4,

350 feet north of the SE corner of said SE 1/4; thence west parallel with the south line of said SE 1/4, a distance of 700 feet; thence north parallel with the east line of said SE 1/4, a distance of 600 feet; thence east parallel with the south line of said SE 1/4, a distance of 700 feet more or less to a point on the east line of said SE 1/4, 600 feet north of the point of beginning; thence south along the east line of said SE 1/4, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

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

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is presently developed with nonconforming trap fields and the applicant is requesting the conditional use approval in order to expand the existing facilities to provide five trap fields for registered trap shoots. The property is unplatted and is located on a Federal Aid Secondary (FAS) Highway, Hydraulic, which is also a designated arterial street in the transportation plan.

The trap shooting facility may be permitted as a conditional use in the "R" Rural Residential District as a privately owned and operated outdoor recreational use because the "LC" Light Commercial and "C" Commercial zoning districts do not permit outdoor recreational uses.

The applicant advises that the size of the area being requested for approval is such that shot from the shotguns used in trap shooting will stay within the area. Also, the trap fields are to face north where there is a considerable undeveloped area beyond the limits of the trap shooting area.

2. Should the Planning Commission determine that this is an appropriate use for the area and recommends approval of the Conditional Use Request, the following should be conditions of approval:
 - a. The dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
 - b. The dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).

- c. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
- d. The off-street parking area shall be surfaced with concrete, asphaltic concrete, asphalt or more comparable surfacing.
- e. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north, as indicated on the applicant's sketch plan.

The Planning Commission may also want to consider conditions concerning lighting of the facilities and limiting the hours of operation.

GALBRAITH also reviewed the following memorandum forwarded to the Commission:

"The Haysville and Derby Planning Commissions have considered this case. At both meetings, there was considerable discussion from both proponents and opponents as to the history of shooting that has occurred on this property, the recent interest and increased activity and the applicants desire to enlarge the number of traps. The opposition has expressed strongly their objection to the noise.

In addition to suggested conditions a - e in the staff report, the Haysville Planning Commission recommended approval subject to the following conditions:

- 1. The 5 traps are to be used for only 4 registered shoots per year.
- 2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
- 3. In addition to the 4 registered shoots, shooting is to be allowed only one night a week and on weekends.
- 4. No additional lighting is to be added, and only the two original traps which were lighted are permitted to have lights.

It is believed that the intent of number 1 above was that, at all other times, only the two west traps were to be used for shooting. This motion passed by a vote of 5 in favor, 1 opposed and 2 abstained.

The action of the Derby Planning Commission was to unanimously recommend approval subject to the conditions as recommended by Haysville. Attached with this memo is a copy of the minutes of the Haysville meeting and our staff report."

GALBRAITH stated that the applicants desire to enlarge the trap shooting operation, dispense with the two skeet shoot ranges, and their intent was to have five trap shooting fields on the site. He said that at the Derby and Haysville Planning Commission meeting, the applicants explained that their intent was to hold four registered trap shoots a year, and use it at other times for practice and local use. GALBRAITH said that there was considerable opposition from the property owners to the west and northwest. Their main opposition to the trap shoot was the noise. GALBRAITH continued with the history of the trap shoot. He stated that there had been discussion about the lighting of the operation, and apparently the existing two trap shooting fields were lighted at one time, yet the discussion had reflected that those lights had been removed three years ago, and that the applicant was desirous of installing those lights again, and not have all five of the fields lighted, but desires to have the two original fields lighted that are in the southwest corner of the application area.

GALBRAITH stated that after the sporting goods store was destroyed by fire in 1970, the trap shooting use has been to a minimum, and since that time, many of the single family homes have developed in the area immediately to the west. In the last two months, the shooting activity has increased, and was quite some concern to the neighborhood. He pointed out that about 9,000 rounds of ammunition would be shot on the day of the registered shoot, and individual shooters would shoot approximately 300 rounds of ammunition. He said that safety had not been emphasized as a concern. GALBRAITH pointed out the Haysville and Derby Planning Commissions recommendation of the conditional use.

LOFTON stated that evidently there had not been too much of a complaint with the two traps, and asked how close was the closest residential area from the new traps.

GALBRAITH said that it was approximately 600 feet to the nearest homes from the north line of the application area. He commented that when this application was filed, the staff had no experience of what type of noise would be generated from this type of operation or where they best might be located.

SAVINA asked if this operation was restricted to four times a year.

12-6-79

Page 11

GALBRAITH said that the Haysville Planning Commission had recommended the restriction of the operation of registered shoots to four times a year, but also placed another restriction of using the facilities on one night a week and only on weekends.

BILL HANCOCK, agent for the applicant, related the history of the trap shoot, and stated that he did not feel property value would be affected by the trap shoot. They had not received any complaints until four days before the Haysville public hearing. He said that before the hearing, the applicant had already committed the area to add three more shooting fields. HANCOCK mentioned that the applicant owned all of the adjacent property in the area. He said that the facility would be screened along the west with a steel fence and a building. These are not requirements of the application, but has always been their plans.

BAYOUTH asked if Hancock lived on the site. HANCOCK said that he did.

JERRY BERG, attorney representing the applicant, pointed out that the closest home was a quarter of a mile away. He said that there has never been any disuse of the property. He pointed out that the homes located in Hancock's Second Addition were all constructed while the trap shoot was in use.

GEORGE T. STOIY, 971 Parklane, said that he was an active trap shooter in the State of Kansas and throughout the nation, and had served as President of the Kansas Trap Shooting Association for four years. He said that the club has been used primarily for turkey shoots, and to help improve the marksmanship of some of the national champions. STOIY stated that the Hancock family has, in the past, donated their facilities to different charity, religious and other civic groups as a means to raise money for community projects. He felt that the trap shooting park should be kept open and active so that the sportsman could enjoy the sport of trap shooting, and so that the youth could learn gun safety with the experienced help of trap shooters.

STEVE RUUD, 4200 East Clark, said that he and his father had purchased 80 acres of land across from the proposed trap shooting park to the northeast. He said that he had no objections to the trap shoot. He said that he had shot all over the country, and that every trap shooting park that he had seen had increased the value of property tremendously.

ROYCE WALLACE, attorney representing 15 residents of the area, stated that as he had indicated earlier on the zone case, the noise was a major concern of the residents. They believed that the Hancocks owned, and had available to them, much land throughout this area to which they could remove this facility and seek permission to locate it where the noise would not be

12-6-79
Page 12

of the character it is at present. WALLACE pointed out that none of the residents were aware, in the last ten years, of any lights being displayed at night at this facility. He said that there were no lights installed there now.

MRS. KENNETH O. PECK, 7715 Lulu, stated that she did not know that there were trap shoots on the property for least four or five years after they lived there. They bought their land directly from the senior Mr. Hancock, and at that time they had the opportunity to buy two lots there, one off of the turnpike, and the other from Mr. Hancock. They chose Mr. Hancock's property because it was the quietest, and they could not hear the turnpike noise from where they were. She said that it was just recently within the last year or so that the trap shoot had been utilized, and it was objectionable.

MOTION: Having considered the factors as contained in Policy Statement No. 10; and considering that the trap shoot had been in existence since 1952; the recommendation of the Haysville and Derby Planning Commissions; and that the five traps were to be used for only four registered shoots per year, I move that we recommend to the Governing Body that this application be approved subject to staff comments and the conditions recommended by Haysville. Bayouth moved, Lofton seconded.

COLE felt that if this application is approved, people will become more aware that there will probably be an increase in the utilization of the fields even when they are not shooting in the national meets. He said that he could support the application, if as a tradeoff, they would not shoot after dark. He said that noise seemed to be more irritable in the evening when some people are going to bed.

AMENDMENT TO THE MOTION: That an additional condition of approval be established that there be no night lighting. Cole moved, Savina seconded.

GOEBEL stated that he had lived across the street from a gun club out West for about 25 years, and his familiarization with the gun clubs, was that when the shoots are started, they shoot until the winners are declared. He said that he would support the motion if the shoots would be limited to only the four registered shoots per year.

With the consent of the second and the motion maker, and second for the amendment to the original motion, BAYOUTH restated his motion.

RESTATED MOTION: Having considered the factors as contained in Policy Statement No. 10; and considering that the trap shoot has been in existence since 1952; the recommendation of the Haysville and Derby Planning Commission; and that the five traps were to be used for four registered shoots per year; I move that we recommend to the Governing Body that this application be approved subject to the following conditions:

1. The five traps are to be used for only four registered shoots per year. At all other time, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the four registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used four nights per year.
5. Submission of a contingent dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
6. Submission of a dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).
7. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.
9. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north.

Bayouth moved, Lofton seconded.

HENNESSY asked if the majority of the shoots were held during the summer.

12-6-79

Page 14

HANCOCK stated that the reason they asked for the one evening was that the employees clubs wanted to shoot in the evening one night a week. They had intended the night shooting for league shooting only. He said they would never use the lights for the registered shoots, because there was no need for them.

COLE asked that the lights be limited to assure the neighborhood of no shooting at night.

JONES stated that perhaps he missed it, but he believed that one of the things that they were supposed to take into consideration was the recommendation of professional staff, and he asked for that recommendation.

GALBRAITH said that as he had stated earlier in his presentation, when this application was filed, they were not aware of the neighborhood opposition, and he was not sure that any of the conditions that staff had suggested were going to alleviate the noise problem. He felt that if shooting was permitted to occur, it would not be any more offensive to people in the area if shooting was permitted until 9:00 p.m. one night a week, and if it is a community interest supported type of thing, the one night a week shoot, and the lights that they have, should not be objectionable to the adjacent properties.

JONES stated that since this trap shoot had been in existence since 1952, not as active, and that the Commission has had a policy of expanding, he could not believe that there would be a great depreciation of the value of the neighborhood. He felt that the Haysville and Derby Planning Commission vote of approval of the application should have some bearing.

SHOOK stated that in the 1950's people really did not think too much about violating the neighborhoods with noise or with whatever other pollution they chose to kick out from any other source. He felt that there was enough information and studies that shows us that there is a negative fact when there is an increase in noise. He said that he lived across the street from a park which was full of activity during the summertime and very late at night in terms of team sports, and the noise level is quite high. SHOOK said that he could not imagine 9,000 rounds of ammunition shot in one day across the street from him, 600 feet away. He felt that the neighborhood has a very legitimate concern.

GARDNER stated that one of the oftheard arguments in opposing urban sprawl was that people who choose to live outside the city limits are sometimes subject to less regulation than are people inside the city limits, and this is one of those situations where within the city limits, if they had chosen to live there, there is a regulation on gunfire, and outside the city limits, where they have chosen to live, there

is not that regulation, so it is one of the liabilities by choice of the neighborhood that is encountered.

VOTE ON THE MOTION: It carried with a vote of 8 in favor (Bayouth, Lofton, Gardner, Hennessy, Martens, Jones, Savina and Goebel), and 2 opposed (Cole and Shook).

The Chairman called for a five minute break.

8. Case No. SCZ-0447 - National Reserve Life Insurance Company, et al requests zone change from "R-1" to "AA" Beginning at the Northeast corner of Lot 19, Block 3, Crestview Country Club Estates, Overbrook Addition to Sedgwick County, Kansas; thence S 00° 54' 01" along the east line of said Lot 19, 400 feet; thence N 45° 18' 28" E 96.97 feet; thence N 00° 54' 01" W 333.17 feet to a point on the North line of the said Lot 19 extended East; thence S 88° 52' 12" W 70.00 feet to the point of beginning. Generally located on the east side of 143rd Street East, approximately 1/2 mile south of 13th Street.

BAYOUTH, HENNESSY, MARTENS and SAVINA were absent after the break.

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

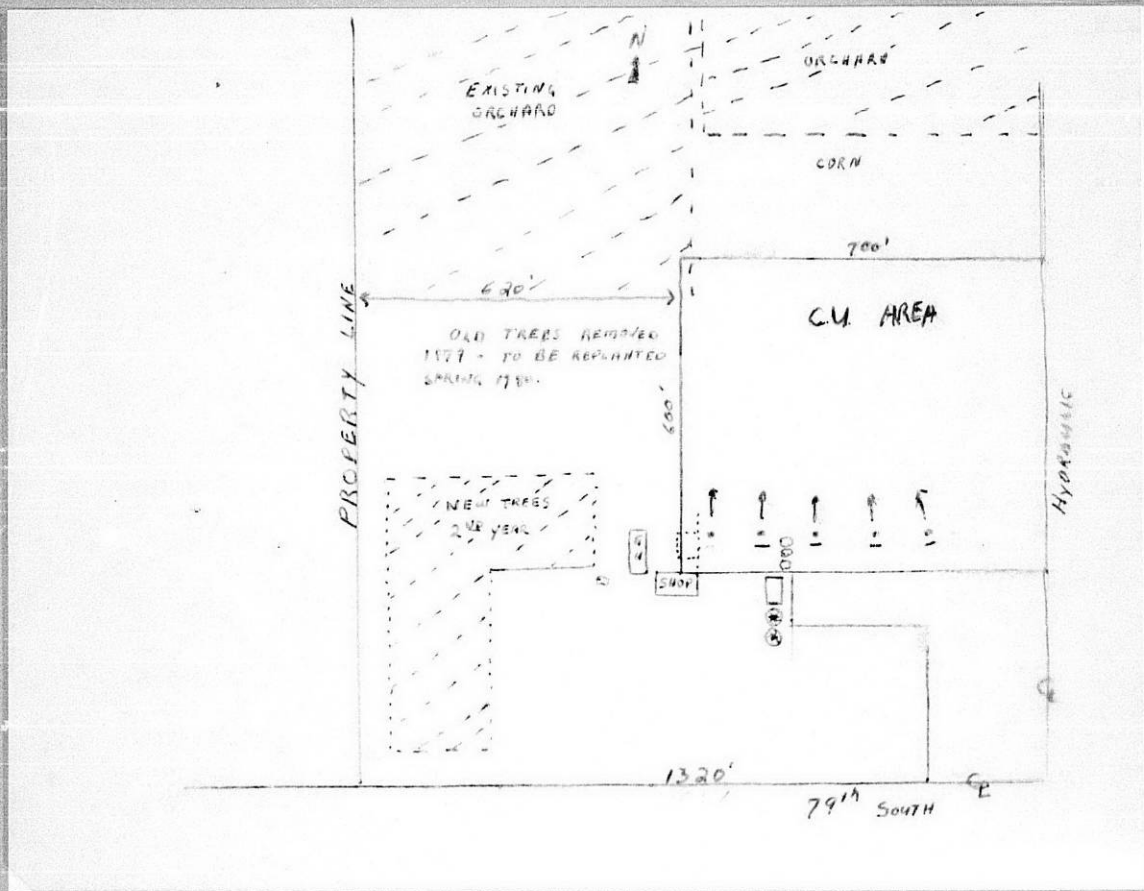
COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is a portion of an area being replatted as Crestview Country Club Estates Overbrook 2nd Addition. The plat, however, included the subject property which was not in the original zone change approval for "AA" Single Family.

The requested zone change would be appropriate in order to conform with the balance of the area being platted and to be compatible with the surrounding neighborhood which is developing with single and two family dwelling units.

2. A recommendation of approval by the Planning Commission should be subject to the completion of the associated plat within one year from the date of the approval of



REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO HAYSVILLE CITY PLANNING COMMISSION.

CASE No. CU-227 TO BE HEARD BY THE M. A. P. C. ON December 6, 1979

REQUEST FOR Conditional Use Permit to Establish a Trap Shooting Facility.

REASON FOR REQUEST (AS PROVIDED BY PETITIONER): To expand the Shooting Facilities already in use under non-conforming use.

LOCATION OF PROPERTY: on the west side of Hydraulic, between 71st and 79th Streets South.

LEGAL DESCRIPTION OF PROPERTY: A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the E. line of said SE $\frac{1}{4}$, 350 ft. N. of the SE corner of said SE $\frac{1}{4}$, thence W. parallel with the S. line said SE $\frac{1}{4}$, a distance of 700 ft., thence N. parallel with the E. line said SE $\frac{1}{4}$, a distance of 600 ft., thence E. parallel with the S. line said SE $\frac{1}{4}$, a distance of 700 ft. more or less to a point on the E. line said SE $\frac{1}{4}$, 600 ft. N. of the point of beginning, thence south along the E. line said SE $\frac{1}{4}$, to the point of beginning.

APPLICANT: Dema A. Mahoney
Address: 1506 E. 79th St. South, Wichita, Ks. 67233

AGENT FOR APPLICANT: Bill Hancock
SURROUNDING LAND USE: East & South: Undeveloped; North: Undeveloped & Farm House; West: Undeveloped & single family home.



RECOMMENDATION OR COMMENTS BY H.C.P.C.

1979-250

ROYCE WALLACE, attorney representing 15 of the area residents, stated that his clients were not opposed to the zone change, but was opposed to the Conditional Use permit. He said that all of his clients were people who had purchased land and reside on land adjacent to the proposed trap shooting field, and he felt it was important that the Planning Commission understand the history of the development of this particular area. He said that up until 1970, a sporting goods store did exist at the proposed location and was operated by Mr. Hancock, and during this same period of time a trap shooting facility did exist and was utilized in connection with the sporting goods store. He said that it was his understanding that in 1970, this store was destroyed by fire and the senior Mr. Hancock lost his life in that fire. Subsequent to that time, the trap shooting facility fell into disuse. He said that at that time his clients noticed that there was some activity in the area of trap shooting. He pointed out that during the period of time from 1970 to the latter part of 1978, this facility had been abandoned. He said that also during this period of time his clients had purchased property from the Hancocks and moved in and established residences, and they are now confronted with a proposal that would recreate and reestablish a gun shooting facility. He said it would assault his clients with a substantial increase of noise. WALLACE circulated photos of the gun shooting facility.

GALBRAITH pointed out to Wallace that they were discussing the zone change only at this time.

WALLACE reaffirmed that his clients were not opposed to the zone change.

MOTION: Having considered the factors as contained in Policy Statement No. 10; and the favorable recommendation of both the Haysville and Derby Planning Commission; I move that we recommend to the Governing Body that this application be approved subject to platting to provide major street rights-of-way, access controls and building setbacks, within one year from the date of approval of the zone change by the Board of County Commissioners, or the zone case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds. Bayouth moved, Jones seconded and it carried unanimously.

-
7. Case No. CU-227 - Dema A. Mahoney requests a Conditional Use permit for a tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line of said SE 1/4,

350 feet north of the SE corner of said SE 1/4; thence west parallel with the south line of said SE 1/4, a distance of 700 feet; thence north parallel with the east line of said SE 1/4, a distance of 600 feet; thence east parallel with the south line of said SE 1/4, a distance of 700 feet more or less to a point on the east line of said SE 1/4, 600 feet north of the point of beginning; thence south along the east line of said SE 1/4, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

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

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is presently developed with nonconforming trap fields and the applicant is requesting the conditional use approval in order to expand the existing facilities to provide five trap fields for registered trap shoots. The property is unplatted and is located on a Federal Aid Secondary (FAS) Highway, Hydraulic, which is also a designated arterial street in the transportation plan.

The trap shooting facility may be permitted as a conditional use in the "R" Rural Residential District as a privately owned and operated outdoor recreational use because the "LC" Light Commercial and "C" Commercial zoning districts do not permit outdoor recreational uses.

The applicant advises that the size of the area being requested for approval is such that shot from the shotguns used in trap shooting will stay within the area. Also, the trap fields are to face north where there is a considerable undeveloped area beyond the limits of the trap shooting area.

2. Should the Planning Commission determine that this is an appropriate use for the area and recommends approval of the Conditional Use Request, the following should be conditions of approval:
 - a. The dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
 - b. The dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).

- c. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
- d. The off-street parking area shall be surfaced with concrete, asphaltic concrete, asphalt or more comparable surfacing.
- e. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north, as indicated on the applicant's sketch plan.

The Planning Commission may also want to consider conditions concerning lighting of the facilities and limiting the hours of operation.

GALBRAITH also reviewed the following memorandum forwarded to the Commission:

"The Haysville and Derby Planning Commissions have considered this case. At both meetings, there was considerable discussion from both proponents and opponents as to the history of shooting that has occurred on this property, the recent interest and increased activity and the applicants desire to enlarge the number of traps. The opposition has expressed strongly their objection to the noise.

In addition to suggested conditions a - e in the staff report, the Haysville Planning Commission recommended approval subject to the following conditions:

1. The 5 traps are to be used for only 4 registered shoots per year.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the 4 registered shoots, shooting is to be allowed only one night a week and on weekends.
4. No additional lighting is to be added, and only the two original traps which were lighted are permitted to have lights.

It is believed that the intent of number 1 above was that, at all other times, only the two west traps were to be used for shooting. This motion passed by a vote of 5 in favor, 1 opposed and 2 abstained.

The action of the Derby Planning Commission was to unanimously recommend approval subject to the conditions as recommended by Haysville. Attached with this memo is a copy of the minutes of the Haysville meeting and our staff report."

GALBRAITH stated that the applicants desire to enlarge the trap shooting operation, dispense with the two skeet shoot ranges, and their intent was to have five trap shooting fields on the site. He said that at the Derby and Haysville Planning Commission meeting, the applicants explained that their intent was to hold four registered trap shoots a year, and use it at other times for practice and local use. GALBRAITH said that there was considerable opposition from the property owners to the west and northwest. Their main opposition to the trap shoot was the noise. GALBRAITH continued with the history of the trap shoot. He stated that there had been discussion about the lighting of the operation, and apparently the existing two trap shooting fields were lighted at one time, yet the discussion had reflected that those lights had been removed three years ago, and that the applicant was desirous of installing those lights again, and not have all five of the fields lighted, but desires to have the two original fields lighted that are in the southwest corner of the application area.

GALBRAITH stated that after the sporting goods store was destroyed by fire in 1970, the trap shooting use has been to a minimum, and since that time, many of the single family homes have developed in the area immediately to the west. In the last two months, the shooting activity has increased, and was quite some concern to the neighborhood. He pointed out that about 9,000 rounds of ammunition would be shot on the day of the registered shoot, and individual shooters would shoot approximately 300 rounds of ammunition. He said that safety had not been emphasized as a concern. GALBRAITH pointed out the Haysville and Derby Planning Commissions recommendation of the conditional use.

LOFTON stated that evidently there had not been too much of a complaint with the two traps, and asked how close was the closest residential area from the new traps.

GALBRAITH said that it was approximately 600 feet to the nearest homes from the north line of the application area. He commented that when this application was filed, the staff had no experience of what type of noise would be generated from this type of operation or where they best might be located.

SAVINA asked if this operation was restricted to four times a year.

GALBRAITH said that the Haysville Planning Commission had recommended the restriction of the operation of registered shoots to four times a year, but also placed another restriction of using the facilities on one night a week and only on weekends.

BILL HANCOCK, agent for the applicant, related the history of the trap shoot, and stated that he did not feel property value would be affected by the trap shoot. They had not received any complaints until four days before the Haysville public hearing. He said that before the hearing, the applicant had already committed the area to add three more shooting fields. HANCOCK mentioned that the applicant owned all of the adjacent property in the area. He said that the facility would be screened along the west with a steel fence and a building. These are not requirements of the application, but has always been their plans.

BAYOUTH asked if Hancock lived on the site. HANCOCK said that he did.

JERRY BERG, attorney representing the applicant, pointed out that the closest home was a quarter of a mile away. He said that there has never been any disuse of the property. He pointed out that the homes located in Hancock's Second Addition were all constructed while the trap shoot was in use.

GEORGE T. STOY, 971 Parklane, said that he was an active trap shooter in the State of Kansas and throughout the nation, and had served as President of the Kansas Trap Shooting Association for four years. He said that the club has been used primarily for turkey shoots, and to help improve the marksmanship of some of the national champions. STOY stated that the Hancock family has, in the past, donated their facilities to different charity, religious and other civic groups as a means to raise money for community projects. He felt that the trap shooting park should be kept open and active so that the sportsman could enjoy the sport of trap shooting, and so that the youth could learn gun safety with the experienced help of trap shooters.

STEVE RUUD, 4200 East Clark, said that he and his father had purchased 80 acres of land across from the proposed trap shooting park to the northeast. He said that he had no objections to the trap shoot. He said that he had shot all over the country, and that every trap shooting park that he had seen had increased the value of property tremendously.

ROYCE WALLACE, attorney representing 15 residents of the area, stated that as he had indicated earlier on the zone case, the noise was a major concern of the residents. They believed that the Hancocks owned, and had available to them, much land throughout this area to which they could remove this facility and seek permission to locate it where the noise would not be

of the character it is at present. WALLACE pointed out that none of the residents were aware, in the last ten years, of any lights being displayed at night at this facility. He said that there were no lights installed there now.

MRS. KENNETH O. PECK, 7715 Lulu, stated that she did not know that there were trap shoots on the property for least four or five years after they lived there. They bought their land directly from the senior Mr. Hancock, and at that time they had the opportunity to buy two lots there, one off of the turnpike, and the other from Mr. Hancock. They chose Mr. Hancock's property because it was the quietest, and they could not hear the turnpike noise from where they were. She said that it was just recently within the last year or so that the trap shoot had been utilized, and it was objectionable.

MOTION: Having considered the factors as contained in Policy Statement No. 10; and considering that the trap shoot had been in existence since 1952; the recommendation of the Haysville and Derby Planning Commissions; and that the five traps were to be used for only four registered shoots per year, I move that we recommend to the Governing Body that this application be approved subject to staff comments and the conditions recommended by Haysville. Bayouth moved, Lofton seconded.

COLE felt that if this application is approved, people will become more aware that there will probably be an increase in the utilization of the fields even when they are not shooting in the national meets. He said that he could support the application, if as a tradeoff, they would not shoot after dark. He said that noise seemed to be more irritable in the evening when some people are going to bed.

AMENDMENT TO THE MOTION: That an additional condition of approval be established that there be no night lighting. Cole moved, Savina seconded.

GOEBEL stated that he had lived across the street from a gun club out West for about 25 years, and his familiarization with the gun clubs, was that when the shoots are started, they shoot until the winners are declared. He said that he would support the motion if the shoots would be limited to only the four registered shoots per year.

With the consent of the second and the motion maker, and second for the amendment to the original motion, BAYOUTH restated his motion.

RESTATED MOTION: Having considered the factors as contained in Policy Statement No. 10; and considering that the trap shoot has been in existence since 1952; the recommendation of the Haysville and Derby Planning Commission; and that the five traps were to be used for four registered shoots per year; I move that we recommend to the Governing Body that this application be approved subject to the following conditions:

1. The five traps are to be used for only four registered shoots per year. At all other time, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the four registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used four nights per year.
5. Submission of a contingent dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
6. Submission of a dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).
7. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.
9. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north.

Bayouth moved, Lofton seconded.

HENNESSY asked if the majority of the shoots were held during the summer.

12-6-79

Page 14

HANCOCK stated that the reason they asked for the one evening was that the employees clubs wanted to shoot in the evening one night a week. They had intended the night shooting for league shooting only. He said they would never use the lights for the registered shoots, because there was no need for them.

COLE asked that the lights be limited to assure the neighborhood of no shooting at night.

JONES stated that perhaps he missed it, but he believed that one of the things that they were supposed to take into consideration was the recommendation of professional staff, and he asked for that recommendation.

GALBRAITH said that as he had stated earlier in his presentation, when this application was filed, they were not aware of the neighborhood opposition, and he was not sure that any of the conditions that staff had suggested were going to alleviate the noise problem. He felt that if shooting was permitted to occur, it would not be any more offensive to people in the area if shooting was permitted until 9:00 p.m. one night a week, and if it is a community interest supported type of thing, the one night a week shoot, and the lights that they have, should not be objectionable to the adjacent properties.

JONES stated that since this trap shoot had been in existence since 1952, not as active, and that the Commission has had a policy of expanding, he could not believe that there would be a great depreciation of the value of the neighborhood. He felt that the Haysville and Derby Planning Commission vote of approval of the application should have some bearing.

SHOOK stated that in the 1950's people really did not think too much about violating the neighborhoods with noise or with whatever other pollution they chose to kick out from any other source. He felt that there was enough information and studies that shows us that there is a negative fact when there is an increase in noise. He said that he lived across the street from a park which was full of activity during the summertime and very late at night in terms of team sports, and the noise level is quite high. SHOOK said that he could not imagine 9,000 rounds of ammunition shot in one day across the street from him, 600 feet away. He felt that the neighborhood has a very legitimate concern.

GARDNER stated that one of the oftheard arguments in opposing urban sprawl was that people who choose to live outside the city limits are sometimes subject to less regulation than are people inside the city limits, and this is one of those situations where within the city limits, if they had chosen to live there, there is a regulation on gunfire, and outside the city limits, where they have chosen to live, there

is not that regulation, so it is one of the liabilities
choice of the neighborhood that is encountered.

VOTE ON THE MOTION: It carried with
a vote of 8 in favor (Bayouth, Lofton,
Gardner, Hennessy, Martens, Jones,
Savina and Goebel), and 2 opposed (Cole
and Shook).
S-2

The Chairman called for a five minute break.

8. Case No. SC2-0447 - National Reserve Life Insurance
Company, et al request; zone change from "R-1" to "AA"
Beginning at the Northeast corner of Lot 19, Block 3,
Crestview Country Club Estates, Overbrook Addition to
Sedgwick County, Kansas; thence S 00° 54' 31" along the
east line of said Lot 19, 400 feet; thence N 45° 18' 28"
E 96.97 feet; thence N 00° 54' 01" W 333.17 feet to a
point on the North line of the said Lot 19-extended East;
thence S 88° 52' 12" W 70.00 feet to the point of begin-
ning. Generally located on the east side of 143rd Street
East, approximately 1/2 mile south of 13th Street.

BAYOUTH, HENNESSY, MARTENS and SAVINA were absent after
the break.

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

COMMENTS:

1. The following items should be considered by the Planning
Commission in making findings of fact:

Subject property is a portion of an area being replatted
as Crestview Country Club Estates Overbrook 2nd Addition.
The plat, however, included the subject property which
was not in the original zone change approval for "AA"
Single Family.

The requested zone change would be appropriate in order
to conform with the balance of the area being platted
and to be compatible with the surrounding neighborhood
which is developing with single and two family dwelling
units.

2. A recommendation of approval by the Planning Commission
should be subject to the completion of the associated
plat within one year from the date of the approval of

Daily Reporter
Feb 27, 1981

Bill Hancock appeared before the commission asking a clarification of the restrictions it had placed on the use of his shooting traps, located at 79th Street and Hydraulic.

In November 1979 he came before the commission asking to build three new traps so he could hold shooting meets. Two traps were already on the property.

He was told he could schedule four trap shooting meets a year and could shoot on weekends and one night a week.

When he had only two traps, Hancock was allowed to shoot any day, he said.

After the new traps were built, on two separate occasions, he said, he practiced shooting on

two days in one week.

His neighbors complained and the Metropolitan Area Planning Commission told him he was violating the restrictions set by the Haysville Commission.

His understanding, he said, was that the limitation was on commercial use of the traps, not personal use. He asked the commission to write the MAPC saying its intention was not to limit his personal use of the traps.

After nearly an hour and a half discussion by the commission as it reviewed its minutes of the meeting in 1979, the commission decided its intent was to limit all use of the traps.

In other business, Chairman George Rosendale announced a public hearing planning by the MAPC in March or April to discuss extra territorial subdivision jurisdiction.

The commission decided to apply for a Kansas Department of Economic Development grant to complete its water drainage study for the city.

R# 4-1980

() Published in The Wichita Beacon on Jan 8 1980, 1979

R E S O L U T I O N

CASE NO. CU-227

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A TRAP SHOOTING FACILITY IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHIENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.k AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 3.A.8.k and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow the establishment of a trap shooting facility in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

A tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line of said SE 1/4, 350 feet north of the SE corner of said SE 1/4; thence west parallel with the south line of said SE 1/4, a distance of 700 feet; thence north parallel with the east line of said SE 1/4, a distance of 600 feet; thence east parallel with the south line of said SE 1/4, a distance of 700 feet more or less to a point on the east line of said SE 1/4, 600 feet north of the point of beginning; thence south along the east line of said SE 1/4, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SUBJECT TO THE FOLLOWING:

1. The five traps are to be used for only four registered shoots per year. At all other times, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the four registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used one night per week.
5. Submission of a contingent dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.

6. Submission of a dedication by separate instrument of access control to Hydraulic not to exceed two openings.
7. A minimum of 10 spaces per trap field shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.
9. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north.
10. Conditions 5 & 6 shall be complied with within 90 days from the date of approval by the Board of County Commissioners or the case shall be considered denied and closed.

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

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

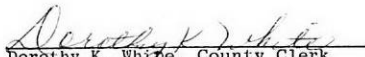
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 2 day of January, 1980.


Tom Scott, Chairman


Donald Gragg, Commissioner


Everett Patrick, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor


Theodore H. Hill, County Counselor

D-0933
(Assoc. CV. 227)

CONTINGENT DEDICATION

WHEREAS, Dema A. Mahoney, is the owner of the following described real property, to wit:

A tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line said SE 1/4, 350' north of the SE corner of said SE 1/4, thence west parallel with the south line said SE 1/4, a distance of 700' thence north parallel with the east line said SE 1/4, a distance of 600' thence east parallel with the south line said SE 1/4, a distance of 700' more or less to a point on the east line said SE 1/4, 600' north of the point of beginning, thence south along the east line said SE 1/4, to the point of beginning.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Dema A. Mahoney, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

West 25' of the east 60' of a tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line said SE 1/4, 350' north of the SE corner of said SE 1/4, thence west parallel with the south line said SE 1/4, a distance of 700', thence north parallel with the east line said SE 1/4, a distance of 600', thence east parallel with the south line said SE 1/4, a distance of 700' more or less to a point on the east line said SE 1/4, 600' north of the point of beginning, thence south along the east line said SE 1/4, to the point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or re-improvement of Hydraulic by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 25 day of January, 19 80.

Dema A. Mahoney
Dema A. Mahoney

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 25 day of January, 19 80, before me a Notary Public in and for said County and State came

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

JENNIFER RUUD
NOTARY PUBLIC
Sedgwick County, Kansas
My Appt. Exp. 6-28-83

Jennifer Ruud
Notary Public

My Commission expires 6-28-83.

D-0934
(amcv-227)

DEDICATION OF ABUTTER'S ACCESS RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledge, the undersigned, Dema A. Mahoney

being the owner of the following described real estate in Sedgwick County, Kansas, to-wit:

A tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line said SE 1/4, 350' north of the SE corner of said SE 1/4, thence west parallel with the south line said SE 1/4, a distance of 700', thence north parallel with the east line said SE 1/4, a distance of 600', thence east parallel with the south line said SE 1/4, a distance of 700' more or less to a point on the east line said SE 1/4, 600' north of the point of beginning, thence south along the east line said SE 1/4 to the point of beginning, do hereby transfer and convey to the appropriate governing body all

abutter's rights of access, ingress and egress to said property from or to Hydraulic over and across the east line of the above described property; to have and to hold the same forever; provided, however, that said property shall have access to Hydraulic at two locations. It being understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said property from Hydraulic, except at the two permitted locations.

Executed this 25 day of January, 1980.

x Dema A Mahoney

State of Kansas
Sedgwick County ss:

BE IT REMEMBERED, that on this 25 day of January, 1980, before me a notary public in and for the said County and State, came Dema A Mahoney to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Jennifer Ruud
Notary Public

My Commission expires:

6-8-82



January 28, 1980

Bill Hancock
1510 East 79th Street South
Wichita, Kansas 67233

Re: SCZ-0446 - "R" to "LC" -at the
northwest corner of Hydraulic and
79th Street South. and associated
✓Case No. CU-227.

Dear Mr. Hancock:

This is to acknowledge receipt of the access control and dedication for the area along Hydraulic associated with the above conditional use case. Regarding your questions as to whether or not we wanted the street dedications for the associated zoning case, remember that the action was to approve that zone case subject to replatting, and the publication of the resolution that actually makes the zone change will not occur until the plat is recorded with the Register of Deeds.

The dedication for the needed street right-of-way will occur when you plat the land, and you should proceed as quickly as possible to plat the property so that the zoning will become effective.

Thank you again for the dedications, and if you have any questions about the platting of the property, please contact us.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el



HANCOCK COMPANY

1506 E. 79th So. Wichita, Kansas 67233
316 788-2871

RECEIVED

JAN 28 1980

METROPOLITAN PLANNING
ROUTE 15

Jack Salbraith
M.A.P.D.
City Hall - 3rd Floor
455 North Main
Wichita, Kansas 67202

Re: Conditional Use 227

Dear Mr. Salbraith,

Enclosed, please find the dedication for access control and the contingent dedication for the area along Hydraulic. I was also wondering if you needed the dedication for the light commercial property at this time? Also enclosed, is a list of the dates for our registered trap shoots for the year 1980. In place of the January 1, 1980 date originally scheduled we are looking at an October 5, 1980 date. Nothing is certain on the October 5th date as of yet. I will let you know when I find out.

Thank you for your help during the hearings. You and your staff were very helpful.
Thank you,
Bill Howard



HANCOCK COMPANY

1506 E. 79th So. Wichita, Kansas 67233

316 788-2871

P.E. Conditional Use Permit # 227

Dates of registered shoots for
the year 1980.

1. April 20, 1980 - Sunday
2. June 15, 1980 - Sunday
3. September 6-7, 1980 - Saturday, Sunday
4. (Not confirmed yet)
October 5, 1980 - Sunday

January 2, 1980

Bill Hancock
1510 East 79th Street South
Wichita, Kansas 67233

Re: CU-227 - Trap Shooting Facility -
West side of Hydraulic between 71st
and 70th Streets South.

Dear Mr. Hancock:

The Board of County Commission on January 2, 1980 considered the above captioned case. The action of the County Commission was to approve the request, subject to the conditions recommended by the Metropolitan Area Planning Commission with the exception that lighting was permitted to be used one night a week, no later than 9:00 p.m. and only for the two original traps; and, in addition, that the contingent dedication and dedication (conditions 5 and 6 in our letter dated December 7, 1979) are to be submitted to us no later than 90 days from January 2, 1980, or this case is to be considered denied and closed.

Please submit these dedications at your earliest convenience and if you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

cc: Jerry Berg, 928 S. Broadway, 67211
Dema A. Mahoney, 1506 E. 79th St. South, 67233
Royce E. Wallace, 328 N. Main, 67202
Mrs. Kenneth O. Peck, 7715 South Lulu Ave., 67233
Charles W. Cookson, ~~8737 S. Hydraulic, 67233~~

127 N. Crestway, 67208

1-8-80

Notes:

Mr. Cookson on Hydraulic called to tell me he is not Charles W. I have removed a copy of this letter + sent it to the correct address on Crestway.

R E S O L U T I O N

CASE NO. CU-227

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A TRAP SHOOTING FACILITY IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.k AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 3.A.8.k and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow the establishment of a trap shooting facility in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

A tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line of said SE 1/4, 350 feet north of the SE corner of said SE 1/4; thence west parallel with the south line of said SE 1/4, a distance of 700 feet; thence north parallel with the east line of said SE 1/4, a distance of 600 feet; thence east parallel with the south line of said SE 1/4, a distance of 700 feet more or less to a point on the east line of said SE 1/4, 600 feet north of the point of beginning; thence south along the east line of said SE 1/4, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SUBJECT TO THE FOLLOWING:

1. The five traps are to be used for only four registered shoots per year. At all other times, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the four registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used one night per week.
5. Submission of a contingent dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.

6. Submission of a dedication by separate instrument of access control to Hydraulic not to exceed two openings.
7. A minimum of 10 spaces per trap field shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.
9. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north.
10. Conditions 5 & 6 shall be complied with within 90 days from the date of approval by the Board of County Commissioners or the case shall be considered denied and closed.

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

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Tom Scott

_____, Commissioner
Donald Gragg

_____, Commissioner
Everett Patrick

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

Theodore H. Hill, County Counselor

A. TOTAL AREA 6,056,000 SQFT.
B. APPLICATION AREA 396,000 "
C. STREET R/W 403,840 "
D. NET AREA 5,256,160 "
E. 20% OF NET AREA 1,051,232 "
F. NET PROTEST AREA 493,030 "
G. TOTAL % PROTESTING 9.38 %

CU-227

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE December 19, 1979

RECEIVED

DEC 21 1979

TO Jack Galbraith, Chief Planner

METROPOLITAN PLANNING

FROM Steve Innes, Environmental Conservation Coordinator

ROUTE

SUBJECT CU-227, Conditional Use,
Trap Shooting Site
(West of Hydraulic, North
of 79th Street South)

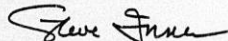
In reviewing the City of Derby Planning Commission minutes for November 30, 1979, I noticed a statement was made indicating that the Health Department had advised that an environmental noise level of 90 decibels or less was acceptable. The only standard that I know of based on the figure "90 decibels" is the OSHA standard for occupational exposure. This is an eight hour standard which is designed to protect the worker from actual loss of hearing.

Environmental noise standards incorporate other factors which are designed to protect the overall health and welfare of individuals. The majority of 117 cities in 1976 had permissible daytime noise level standards of 55 decibels (A-scale) or less. Most cities have a nighttime standard of 5 dB(A) less than their daytime standard. These standards apply at a residential property line receiving the noise.

Some cities with a 55 dB(A) daytime standard are: Denver, Chicago, Boulder, Lakewood, and Council Bluffs, Iowa. The suggested noise ordinance for Wichita as proposed by the Grievance Office has a 55 dB(A) daytime standard, but additionally it has a 50 dB(A) daytime and a 45 dB(A) nighttime standard for impulsive noises. The discharging of any firearm causes an impulsive noise.

In order to be measured accurately, an impulsive noise must be read with a very sophisticated impulsive noise meter. If a simple Type 2 sound level meter is used, the reading obtained will be 3 to 5 dB(A) less than the actual noise level. Firearms will generally make a noise well in excess of 100 dB(A) as measured properly at 3 feet and many as high as 140 dB(A).

I would recommend that if this conditional use is to be approved, it should be done with the condition that a ten foot high earthen berm be placed on three sides around the target area in front of the firing area. Other types of noise barriers have proven ineffective in attenuating noise unless you go to very thick concrete walls. Also recommended would be a prohibition of nighttime shooting unless the shooting noise at residential property lines is less than 45 dB(A) as measured by an impulsive meter under all expected atmospheric conditions or otherwise less than the typical background noise.


Steve Innes, Coordinator
Environmental Conservation

cc: James F. Aiken, Jr.
Jeff Prince, Secretary
Derby Planning Commission

SI/lb

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 6, 1979:

7. Case No. CU-227 - Dema A. Mahoney requests a Conditional Use permit for a tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line of said SE 1/4, 350 feet north of the SE corner of said SE 1/4; thence west parallel with the south line of said SE 1/4, a distance of 700 feet; thence north parallel with the east line of said SE 1/4, a distance of 600 feet; thence east parallel with the south line of said SE 1/4, a distance of 700 feet more or less to a point on the east line of said SE 1/4, 600 feet north of the point of beginning; thence south along the east line of said SE 1/4, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

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

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is presently developed with nonconforming trap fields and the applicant is requesting the conditional use approval in order to expand the existing facilities to provide five trap fields for registered trap shoots. The property is unplatted and is located on a Federal Aid Secondary (FAS) Highway, Hydraulic, which is also a designated arterial street in the transportation plan.

The trap shooting facility may be permitted as a conditional use in the "R" Rural Residential District as a privately owned and operated outdoor recreational use because the "LC" Light Commercial and "C" Commercial zoning districts do not permit outdoor recreational uses.

The applicant advises that the size of the area being requested for approval is such that shot from the shotguns used in trap shooting will stay within the area. Also, the trap fields are to face north where there is a considerable undeveloped area beyond the limits of the trap shooting area.

2. Should the Planning Commission determine that this is an appropriate use for the area and recommends approval of the Conditional Use Request, the following should be conditions of approval:
- a. The dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
 - b. The dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).
 - c. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.

- d. The off-street parking area shall be surfaced with concrete, asphaltic concrete, asphalt or more comparable surfacing.
- e. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north, as indicated on the applicant's sketch plan.

The Planning Commission may also want to consider conditions concerning lighting of the facilities and limiting the hours of operation.

GALBRAITH also reviewed the following memorandum forwarded to the Commission:

"The Haysville and Derby Planning Commissions have considered this case. At both meetings, there was considerable discussion from both proponents and opponents as to the history of shooting that has occurred on this property, the recent interest and increased activity and the applicants desire to enlarge the number of traps. The opposition has expressed strongly their objection to the noise.

In addition to suggested conditions a - e in the staff report, the Haysville Planning Commission recommended approval subject to the following conditions:

1. The 5 traps are to be used for only 4 registered shoots per year.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the 4 registered shoots, shooting is to be allowed only one night a week and on weekends.
4. No additional lighting is to be added, and only the two original traps which were lighted are permitted to have lights.

It is believed that the intent of number 1 above was that, at all other times, only the two west traps were to be used for shooting. This motion passed by a vote of 5 in favor, 1 opposed and 2 abstained.

5-1-
The action of the Derby Planning Commission was to unanimously recommend approval subject to the conditions as recommended by Haysville. Attached with this memo is a copy of the minutes of the Haysville meeting and our staff report."

GALBRAITH stated that the applicants desire to enlarge the trap shooting operation, dispense with the two skeet shoot ranges, and their intent was to have five trap shooting fields on the site. He said that at the Derby and Haysville Planning Commission meeting, the applicants explained that their intent was to hold four registered trap shoots a year, and use it at other times for practice and local use. GALBRAITH said that there was considerable opposition from the property owners to the west and northwest. Their main opposition to the trap shoot was the noise. GALBRAITH continued with the history of the trap shoot. He stated that there had been discussion about the lighting of the operation, and apparently the existing two trap shooting fields were lighted at one time, yet the discussion had reflected that those lights had been removed three years ago, and that the applicant was desirous of installing those lights again, and not have all five of the fields lighted,

but desires to have the two original fields lighted that are in the southwest corner of the application area.

GALBRAITH stated that after the sporting goods store was destroyed by fire in 1970, the trap shooting use has been to a minimum, and since that time, many of the single family homes have developed in the area immediately to the west. In the last two months, the shooting activity has increased, and was quite some concern to the neighborhood. He pointed out that about 2,000 rounds of ammunition would be shot on the day of the registered shoot, and individual shooters would shoot approximately 300 rounds of ammunition. He said that safety had not been emphasized as a concern. GALBRAITH pointed out the Haysville and Derby Planning Commissions recommendation of the conditional use.

LOFTON stated that evidently there had not been too much of a complaint with the two traps, and asked how close was the closest residential area from the new traps.

GALBRAITH said that it was approximately 600 feet to the nearest homes from the north line of the application area. He commented that when this application was filed, the staff had no experience of what type of noise would be generated from this type of operation or where they best might be located.

SAVINA asked if this operation was restricted to four times a year.

GALBRAITH said that the Haysville Planning Commission had recommended the restriction of the operation of registered shoots to four times a year, but also placed another restriction of using the facilities on one night a week and only on weekends.

BILL HANCOCK, agent for the applicant, related the history of the trap shoot, and stated that he did not feel property value would be affected by the trap shoot. They had not received any complaints until four days before the Haysville public hearing. He said that before the hearing, the applicant had already committed the area to add three more shooting fields. HANCOCK mentioned that the applicant owned all of the adjacent property in the area. He said that the facility would be screened along the west with a steel fence and a building. These are not requirements of the application, but has always been their plans.

BAYOUTH asked if Hancock lived on the site. HANCOCK said that he did.

JERRY BERG, attorney representing the applicant, pointed out that the closest home was a quarter of a mile away. He said that there has never been any disuse of the property. He pointed out that the homes located in Hancock's Second Addition were all constructed while the trap shoot was in use.

GEORGE T. STOY, 971 Parklane, said that he was an active trap shooter in the State of Kansas and throughout the nation, and had served as President of the Kansas Trap Shooting Association for four years. He said that the club has been used primarily for turkey shoots, and to help improve the marksmanship of some of the national champions. STOY stated that the Hancock family has, in the past, donated their facilities to different charity, religious and other civic groups as a means to raise money for community projects. He felt that the trap shooting park should be kept open and active so that the sportsman could enjoy the sport of trap shooting, and so that the youth could learn gun safety with the experienced help of trap shooters.

STEVE RUUD, 4200 East Clark, said that he and his father had purchased 80 acres of land across from the proposed trap shooting park to the northeast. He said that he had no objections to the trap shoot. He said that he had shot all over the country, and that every trap shooting park that he had seen had increased the value of property tremendously.

ROYCE WALLACE, attorney representing 15 residents of the area, stated that as he had indicated earlier on the zone case, the noise was a major concern of the residents. They believed that the Hancocks owned, and had available to them, much land throughout this area to which they could remove this facility and seek permission to locate it where the noise would not be of the character it is at present. WALLACE pointed out that none of the residents were aware, in the last ten years, of any lights being displayed at night at this facility. He said that there were no lights installed there now.

MRS. KENNETH O. PECK, 7715 Lulu, stated that she did not know that there were trap shoots on the property for least four or five years after they lived there. They bought their land directly from the senior Mr. Hancock, and at that time they had the opportunity to buy two lots there, one off of the turnpike, and the other from Mr. Hancock. They chose Mr. Hancock's property because it was the quietest, and they could not hear the turnpike noise from where they were. She said that it was just recently within the last year or so that the trap shoot had been utilized, and it was objectionable.

1952
MOTION: Having considered the factors as contained in Policy Statement No. 10; and considering that the trap shoot had been in existence since 1952; the recommendation of the Haysville and Derby Planning Commissions; and that the five traps were to be used for only four registered shoots per year, I move that we recommend to the Governing Body that this application be approved subject to staff comments and the conditions recommended by Haysville. Bayouth moved, Lofton seconded.

COLE felt that if this application is approved, people will become more aware that there will probably be an increase in the utilization of the fields even when they are not shooting in the national meets. He said that he could support the application, if as a tradeoff, they would not shoot after dark. He said that noise seemed to be more irritable in the evening when some people are going to bed.

AMENDMENT TO THE MOTION: That an additional condition of approval be established that there be no night lighting. Cole moved, Savina seconded.

GOEBEL stated that he had lived across the street from a gun club out West for about 25 years, and his familiarization with the gun clubs, was that when the shoots are started, they shoot until the winners are declared. He said that he would support the motion if the shoots would be limited to only the four registered shoots per year.

With the consent of the second and the motion maker, and second for the amendment to the original motion, BAYOUTH restated his motion.

RESTATED MOTION: Having considered the Factors as contained in Policy Statement No. 10; and considering that the trap shoot has been in existence since 1952; the recommendation of the Haysville and Derby Planning Commission; and that the five traps were to be used for four registered shoots per year; I move that we recommend to the Governing Body that this application be approved subject to the following conditions:

*Scott
Friday 1
night per week
year
Patrol
3-0*

1. The five traps are to be used for only four registered shoots per year. At all other time, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the four registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used four nights per year. *one*
5. Submission of a contingent dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
6. Submission of a dedication by separate instrument of access control to Hydraulic. (A maximum of two driveways are recommended).
7. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.
9. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north.
10. *90 days - dedication - mill & road*
Bayouth moved, Lofton seconded.

*Friday
if time a
year*

HENNESSY asked if the majority of the shoots were held during the summer.

HANCOCK stated that the reason they asked for the one evening was that the employees clubs wanted to shoot in the evening one night a week. They had intended the night shooting for league shooting only. He said they would never use the lights for the registered shoots, because there was no need for them.

COLE asked that the lights be limited to assure the neighborhood of no shooting at night.

JONES stated that perhaps he missed it, but he believed that one of the things that they were supposed to take into consideration was the recommendation of professional staff, and he asked for that recommendation.

GALBRAITH said that as he had stated earlier in his presentation, when this application was filed, they were not aware of the neighborhood opposition, and he was not sure that any of the conditions that staff had suggested were going to alleviate the noise problem. He felt that if shooting was permitted to occur, it would not be any more offensive to people in the area if shooting was permitted until 9:00 p.m. one night a week, and if it is a community interest supported type of thing, the one night a week shoot, and the lights that they have, should not be objectionable to the adjacent properties.

JONES stated that since this trap shoot had been in existence since 1952, not as active, and that the Commission has had a policy of expanding, he could not believe that there would be a great depreciation of the value of the neighborhood. He felt that the Haysville and Derby Planning Commission vote of approval of the application should have some bearing.

SHOOK stated that in the 1950's people really did not think too much about violating the neighborhoods with noise or with whatever other pollution they chose to kick out from any other source. He felt that there was enough information and studies that shows us that there is a negative fact when there is an increase in noise. He said that he lived across the street from a park which was full of activity during the summertime and very late at night in terms of team sports, and the noise level is quite high. SHOOK said that he could not imagine 9,000 rounds of ammunition shot in one day across the street from him, 600 feet away. He felt that the neighborhood has a very legitimate concern.

GARDNER stated that one of the oftheard arguments in opposing urban sprawl was that people who choose to live outside the city limits are sometimes subject to less regulation than are people inside the city limits, and this is one of those situations where within the city limits, if they had chosen to live there, there is a regulation on gunfire, and outside the city limits, where they have chosen to live, there is not that regulation, so it is one of the liabilities by choice of the neighborhood that is encountered.

VOTE ON THE MOTION: It carried with a vote of 8 in favor (Bayouth, Lofton, Gardner, Hennessy, Martens, Jones, Savina and Goebel), and 2 opposed (Cole and Shook).

Royce Waller

Affidavit - testifies that no commercial trap shooting
use has existed since 1970²² to about 1878 or 78.

Robert Parker - M.S. Shooting affects nervous system

Earnest Davidson - } 9 years at this location
Carolyn Davidson - }

Mrs. Haddock - Used every year since 1952

PROTEST PETITION
(COUNTY CASES)

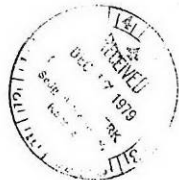
SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned
Signature	Lot(s) Block(s) Addition
a) <u>R. Eugene Dickey</u> Signature R. Eugene Dickey Typed or Printed Name	The East 5 acres of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E
b) <u>Virginia R. Dickey</u> Signature Virginia R. Dickey Typed or Printed Name	

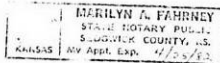


ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 12th day of December, 19 79 before me, a notary public in and for said County and State, came R. Eugene Dickey and Virginia R. Dickey to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Marilyn A. Fahrney
Notary Public Marilyn A. Fahrney

My Commission expires April 25, 1982

ALL SIGNATURES MUST BE ACKNOWLEDGED

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



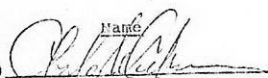
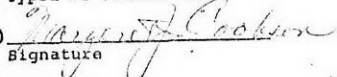
PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south-along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	Property Owned		
	Lot (s)	Block (s)	Addition
a)  Signature			The East 10 acres of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E
	Charles W. Cookson Typed or Printed Name		
b)  Signature			
	Margaret J. Cookson Typed or Printed Name		



ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Do it remembered that on this 5 day of December, 1979, before me, a notary public in and for said County and State, came Charles W. Cookson & Margaret J. Cookson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Maxine Bawlin
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

Cookson & Dickey

Five acres of 10-acre tract purchased by Gene & Virginia Dickey from Charles W. Cookson is in escrow. Petitions for both attached.



12-13-79

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-22/, zone change from ----- to ----- (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned	
Lot(s)	Block(s)	Addition
a) <u>E. C. Batson</u> Signature		
E. C. Batson Typed or Printed Name	The north 131.1 feet of the south 279' feet of the north half of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E	
b) <u>Jo Ann Batson</u> Signature		
Jo Ann Batson Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 13 day of December, 1979, before me, a notary public in and for said County and State, came E. C. Batson and Jo Ann Batson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



M. L. ...
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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



PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit in _____ zoning). Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>G.H. Whittenberg</u> Signature			The south half of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E except the west 30 feet
<u>G. H. Whittenberg</u> Typed or Printed Name			
b) <u>Dorothy Whittenberg</u> Signature			
<u>Dorothy Whittenberg</u> Typed or Printed Name			



ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 6 day of December, 1979, before me, a notary public in and for said County and State, came G. H. Whittenberg & Dorothy Whittenberg to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Maxine Bowlin
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit in _____ zoning). Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	Property Owned		
Name	Lot(s)	Block(s)	Addition
a) <u>Glenn B. Hastings</u> Signature			The north 75.36 feet of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E
Glenn B. Hastings Typed or Printed Name			
b) <u>Helen L. Hastings</u> Signature			✓
Helen L. Hastings Typed or Printed Name			



ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) SS

Be it remembered that on this 7th day of December, 19 79 before me, a notary public in and for said County and State, came Glenn B. and Helen L. Hastings to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Jeanne McGary
Notary Public

My Commission expires March 4, 1980

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION
(COUNTY CASES)

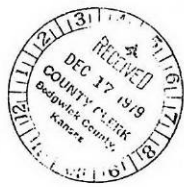
SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from ----- to ----- (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District. in ----- zoning).

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>Thurman D. Parvin</u> Signature		The south 147.9 feet of the north half of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E, except the west 30 feet
<u>Thurman D. Parvin</u> Typed or Printed Name		
b) <u>Melva Kathryn Parvin</u> Signature		
<u>Melva Kathryn Parvin</u> Typed or Printed Name		



ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 11th day of December, 1979, before me, a notary public in and for said County and State, came Thurman D. and Melva Kathryn Parvin to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Martha J. LaFollette
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION
(COUNTY CASES)

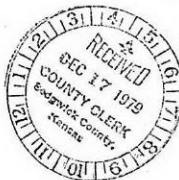
SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from ----- to ----- (for establishment of a Conditional Use Request to Permit in ----- zoning). Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SW corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Carlton Johnson</u> Signature	6	D	Hancock 2nd
Carlton Johnson Typed or Printed Name			
b) <u>Martha J. Johnson</u> Signature			
Martha J. Johnson Typed or Printed Name			



ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 9th day of December, 1979, before me, a notary public in and for said County and State, came Carlton L. and Martha J. Johnson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Martha J. LaFollette
Notary Public

My Commission expires October 24, 1981

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

**PROTEST PETITION
(COUNTY CASES)**

SECTION I.

The undersigned property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District. in _____ zoning).

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 500 feet north of the beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of Streets South. Generally located on the west side of Hydraulic, between 71st and 79th

SECTION II - Protestor(s)

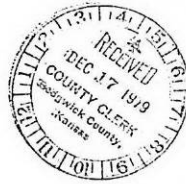
Lot(s)	Block(s)	Property owned
		Addition
7	D	Hancock 2nd

a) Robert D. Syers
Signature

Robert D. Syers
Typed or Printed Name

b) Vera M. Syers
Signature

Vera M. Syers
Typed or Printed Name



ACKNOWLEDGMENT

State of Kansas) as
County of Sedgwick)

Be it remembered that on this 13th day of December, 1979, before me, a notary public in and for said County and State, came Robert D. and Vera M. Syers to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Martha J. LaFollette
Notary Public



Commission expires October 24, 1981

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property in _____ zoning). Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$ a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot (s)	Block (s)	Addition
a)	<u>Neal W. Rusher</u> Signature	9	D	Hancock 2nd
	Neal W. Rusher Typed or Printed Name			
b)	<u>Lois J. Rusher</u> Signature			
	Lois J. Rusher Typed or Printed Name			

✓



ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 7TH day of December, 1979, before me, a notary public in and for said County and State, came

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Jack D. Ogden
Notary Public

My Commission expires MY APPT. EXPIRES 02-20



ALL SIGNATURES MUST BE ACKNOWLEDGED

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

**PROTEST PETITION
(COUNTY CASES)**

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. (U-227), zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District. in _____ zoning).

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$ a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Larry L. Haner</u> Signature L. Larry/Haner Typed or Printed Name	8	D	Hancock's 2nd

b) _____
Signature

Typed or Printed Name

VOID
* Not both husband & wife
Signatures - OPINION OF
ATTY. GENERAL
REF. MEMO FROM
DEPT. OF LAW 9-13-79
H. E. KUHN

ACKNOWLEDGMENT



State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 12th day of December, 1979, before me, a notary public in and for said County and State, came Larry L. Haner

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.


MARGARET A. BEECHOW
STATE NOTARY PUBLIC
Sedgwick County, Kansas
My App. Expires 9-11-82

Margaret A. Beechow
Notary Public

My Commission expires 9-11-82

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

Larry L. Haner

7757 Lulu

This tract is listed under Larry Lee Haner and Helen Pearl. As they are divorced, she was not available for signature. Mr. Haner resides at above address.



12-13-79

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from ----- to ----- (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

	<u>Name</u>	<u>Property Owned</u>		
		<u>Lot (s)</u>	<u>Block (s)</u>	<u>Addition</u>
a)	<u>Doris A. Beck</u> Signature			The north half of the west half of the east half of the SW $\frac{1}{4}$ of Section 4-29-1E, except the south 379 feet and except the north 75.36 ft.
	<u>Doris A. Beck</u> Typed or Printed Name			
b)	_____ Signature			
	_____ Typed or Printed Name			

ACKNOWLEDGMENT



State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5 day of December, 1979 before me, a notary public in and for said County and State, came Doris A. Beck to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



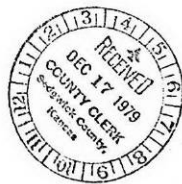
Mackin Decker
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

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

Doris A. Beck

Shown on the ownership list as Roy E. Beck and Doris A,
1315 North West St., Apt. 17. These people are divorced
and he is living in Ohio.



12-13-79

PROTEST PETITION
(COUNTY CASES)

SECTION I.

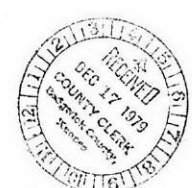
The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District).

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$; 350 feet north of the SE corner of said SE $\frac{1}{4}$; thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned		
	Lot (a)	Block (s)	Addition
a) <u>Kenneth O. Peck</u> Signature Kenneth O. Peck Typed or Printed Name	10	D	Hancock 2nd
b) <u>Goldene Peck</u> Signature Goldene Peck Typed or Printed Name			

VOID
OUTSIDE OF
AREA
PROTEST



ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 8th day of December 1979 before me, a notary public in and for said County and State, came Kenneth O. Peck and Goldene Peck to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Doreen E. Blaine
Notary Public

My Commission expires August 26, 1981



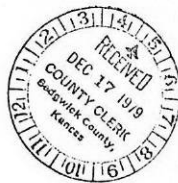
ALL SIGNATURES MUST BE ACKNOWLEDGED

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

Kenneth O. and Goldene Peck

7715 Lulu

On the ownership list this property is shown as owned by R. L. & Dema Hancock but was bought by the Peck's 4 years ago, probably still titled to the Hancock's until paid off. The Peck's reside at this above address.



12-13-79

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District.

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Richard H. Howard</i></u> Signature			
<u>Richard H. Howard</u> Typed or Printed Name			The north 100 feet of the south 379 feet of the north half of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E
b) <u><i>Misty K. Howard</i></u> Signature			
<u>Misty K. Howard</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 12th day of December, 1979 before me, a notary public in and for said County and State, came

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Meredith W. McDonald
Notary Public

Commission expires 9-5-83

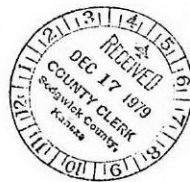
ALL SIGNATURES MUST BE ACKNOWLEDGED

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

Richard H. Howard & Misty K. Howard

7830 Laura

On the ownership list this tract is listed under Clayton E. Brown and Margaret E. Brown 7830 Laura, but they have recently sold this ground to the above couple and themselves moved out of state. Mr. and Mrs. Howard are now residing at this address.



12-13-79

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-227, zone change from _____ to _____ (for establishment of a Conditional Use Request to Permit Establishment of A Trap Shooting Facility on Property Zoned the "R" Rural Residential District).

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$ 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$ a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning; Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

SECTION II - Protestor(s)

Name	Lot(s)	Block(s)	Property Owned Addition
a) <u>William P. Scott Jr.</u> Signature	8	C	<u>Haxeck's second addition</u>
<u>William P. Scott Jr.</u> Typed or Printed Name			
b) <u>Betty J. Scott</u> Signature			
<u>Betty J. Scott</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 12th day of December, 1979, before me, a notary public in and for said County and State, came William P. Scott Jr. and Betty J. Scott to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.



Martha J. LaFollette
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

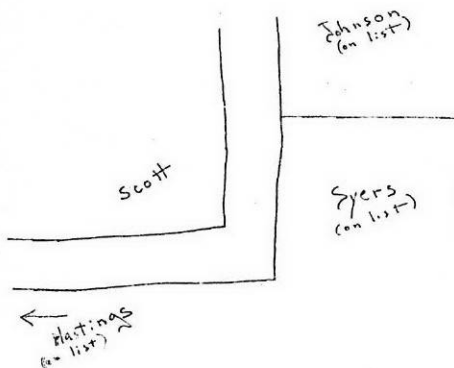
Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

VOID
OUTSIDE OF PROTEST AREA

William P. & Betty J. Scott

7757 Pattie

These people's names are not on the ownership list but in relationship to the 1,000 ft. radius, tract owners to the southwest and northeast are on the list and we have yet to figure out ^{how} his property could not fall within the 1,000 ft. radius if theirs does.



Also, there is another Wm. Scott on the ownership list on Hydraulic and it's possible they overlooked the possibility of two Wm. Scott's in the same area.

Field of battle

Neighbors up in arms, but MAPC backs trapshooters

By Jack McNeely

Wichita Beacon staff

Carolyn Davidson says the field southeast of her house will sound like a battlefield if Bill Hancock has his way.

Hancock says his family was shooting shotguns on the property long before houses were built for Davidson and her neighbors.

And Charles Cookson, who owns five acres next to Hancock but doesn't live in the area, says it's a classic case of a large landowner running roughshod over his smaller neighbors.

At issue is a trapshooting field and proposed sporting goods store on about 11 acres at the northwest corner of Hydraulic and 79th Street South.

Hancock wants to use land owned by his mother, Dema Mahoney, to build a sporting goods store at the corner and expand an existing trap-shooting field north of the store site. The expansion would consist of three low, concrete bunkers that traps come flying out of. They would be added to the two trap houses that have been on the site since 1952.

Hancock had started to build the new trap houses when he found himself cited by Sedgwick County inspectors.

Thursday, he found himself in front of the Metropolitan Area Planning Commission, seeking permission to finish the work.

"It's not a case of a commercial venture that backed itself into a residential area," Hancock said.

The planning commissioners agreed, voting 8-2 to rec-

ommend approval of the three additional trap houses. The case is to be heard by the Sedgwick County Commission Jan. 2.

Meanwhile, some residents who live west and northwest of the trapshooting field plan to marshal opposition to Hancock's plans.

Jack Galbraith, chief planner for current plans for the city and the county, said the trap field's nearest neighbor is almost one-quarter mile away from where shotguns are fired.

Davidson, who lives at 7700 S. Laura, is among the residents who claim that shotgun blasts at the site are making life miserable for the neighbors. Fifteen of the residents hired a lawyer, Royce Wallace, who said the

Turn to 8A — Trapshoot

Trapshoot — A county case

Continued from Page 1A

residents were largely unaware of the trap field until this year, when the Hancocks began using it more often than in the past.

"We are talking about a substantial expansion . . . which in my opinion results in an expansion of noise assault upon my clients," Wallace said. "It is inconceivable to me that a neighbor would assault his neighbors by this kind of use of his land."

Wallace said Hancock should move the whole operation to other land his family owns nearby.

Supported by George Stoy, president of the Kansas Trapshooting Association, Hancock said the three additional trap houses would be used only four times a year, when the Amateur Trapshooters Association would spon-

sor contests at the site. The two existing trap houses will be used only on weekends and one day a week, Hancock said.

Hancock said his family has used the trap field since 1952 — long before the family developed and sold off single-family lots in Hancock's Second Addition, northwest of the trap field. Use of the field fell off after a 1970 fire destroyed the family's sporting goods store south of the trap field, but interest in trapshooting is growing again and the family wants to rebuild the store and expand the trap field, Hancock said.

Planning commissions in Haysville and Derby have approved Hancock's plans, with restrictions on the hours of operation. Hancock is chairman of the Haysville Planning Commission and did not take part in that commission's deliberations.

December 7, 1979

Royce E. Wallace
323 N. Main
Wichita, Kansas

Re: CU-227 - West side of Hydraulic
between 71st and 79th Streets South

Dear Mr. Wallace:

The Planning Commission at its regular meeting of December 6, 1979, considered the above-captioned case, and their action was as indicated on the attached letter.

This is to advise you that if you and others owning property 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., Monday, December 17, 1979. Enclosed is a copy of a 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,

JHG by ADC
Jack H. Galbraith
Chief Planner

JHG:sad
Encl.

CC: Mrs. Kenneth O. Peck, 7715 South Lulu Avenue, Wichita, Ks.
Charles W. Cookson, 8727 South Hydraulic, Wichita, Ks. 67233

December 7, 1978

Bill Hancock
1810 E. 79th Street South
Wichita, Kansas 67233

Re: CU-227 - West side of Hydraulic
between 71st and 79th Streets South

Dear Mr. Hancock:

At its regular meeting of December 6, 1978, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a trap shooting facility. The action of the Planning Commission was to recommend approval for a maximum of five traps subject to the following conditions:

1. The 5 traps are to be used for only 4 registered shoots per year. At all other times, only the two west traps are to be used.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the 4 registered shoots, shooting is to be allowed only on weekends and one night during the week.
4. Lighting is to be provided for only the two original traps to the west and shall only be used four nights per year.
5. Submission of a contingent dedication of 25' of additional street right-of-way for the west half of Hydraulic, by separate instrument.
6. Submission of a dedication by separate instrument of access control to Hydraulic. (A maximum of 2 driveways are recommended).
7. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
8. Recommend that the County Board of Zoning Appeals grant a variance and not require the surfacing of the required parking with concrete or asphalt.

Page 2

9. No trap field shall be located nearer to Hydraulic than 150' and all trap fields shall be constructed facing to the north.

Enclosed is a contingent dedication form for the additional street right-of-way and a dedication form for access control. It is necessary that these be executed and returned to our office by December 20, 1979 so that this case can be rescheduled for consideration by the Board of County Commissioners at its regular meeting at 8:00 a.m., on Wednesday, January 2, 1980, in Room 230, Sedgwick County Courthouse.

If there are any questions concerning this case, please call.

Sincerely yours,

JHG by ADC
Jack H. Galbraith
Chief Planner

JHG:mas

Encl.

CC: Jerry Berg, 828 S. Broadway, Wichita, Ks. 67211
Dora A. Maloney, 1506 E. 79th Street South, Wichita, Ks. 67233
Royce E. Wallace, 328 N. Main, Wichita, Ks.
Mrs. Kenneth O. Peck, 7715 South Lulu Avenue, Wichita, Ks.
Charles W. Cookson, 8437 South Hydraulic, Wichita, Ks. 67223

CONTINGENT DEDICATION

WHEREAS, Dema A. Mahoney, is the owner of the following described real property, to wit:

A tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line said SE 1/4, 350' north of the SE corner of said SE 1/4, thence west parallel with the south line said SE 1/4, a distance of 700' thence north parallel with the east line said SE 1/4, a distance of 600' thence east parallel with the south line said SE 1/4, a distance of 700' more or less to a point on the east line said SE 1/4, 600' north of the point of beginning, thence south along the east line said SE 1/4, to the point of beginning.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Dema A. Mahoney, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

West 25' of the east 60' of a tract in the SE 1/4 of Section 4-29-1E, beginning at a point on the east line said SE 1/4, 350' north of the SE corner of said SE 1/4, thence west parallel with the south line said SE 1/4, a distance of 700', thence north parallel with the east line said SE 1/4, a distance of 600', thence east parallel with the south line said SE 1/4, a distance of 700' more or less to a point on the east line said SE 1/4, 600' north of the point of beginning, thence south along the east line said SE 1/4, to the point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or reimprovement of Hydraulic by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this _____ day of _____, 19 ____.

Dema A. Mahoney

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this _____ day of _____, 19 ____, before me a Notary Public in and for said County and State came

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Notary Public

My Commission expires _____.

The Daily Reporter

There is nothing so powerful as the truth.

201 S. Baltimore, P.O. Box 188, Derby, 67037. Phone 788-2835. Published weekday evenings except on holidays. Second class postage paid in Derby, Kansas, USPS 145-540. Subscription rates: By mail in Sedgwick and adjoining counties, including tax \$29.00 per year. Elsewhere \$30.00 per year. By carrier, 60¢ per week or \$30.00 per year in advance at office.

FRIDAY, NOVEMBER 30, 1979

COPY 15¢

VOL. XX, NUMBER 261

Residents Protest Trap Range

Only the tap of L.O. Payne's gavel kept the Derby City Planning Commission meeting from erupting into a heated argument last night when trap shoot adversaries met.

Jack Galbraith, Metropolitan Area Planning Department explained a request for conditional use permit to establish trap shooting at the northwest corner of 79th and Hydraulic.

The nine acres is owned by the Hancock family. A trap and skeet shoot range was first established in this area in 1952 before present zoning was established. At that time, there were two trap shoot and two skeet shoot ranges with only the traps being lighted.

The area is in Haysville's area of primary concern, but is within Derby's three mile limit requiring Derby's planning department's approval prior to submission to the county.

Haysville, at their last meeting, approved the conditional use request by a 5-1 vote with two abstentions. They did place some restrictions on the permit. The five traps are to be used four times per year only. Hours of use of the area is from 9 a.m. to 9 p.m. and limits usage to one night per week and on weekends. Only two traps, as now permitted, are to be lighted.

Bill Hancock, agent for Mrs. Dema Mahoney, said the trap shoot had been operated at this location off and on since the beginning, but that it fell into disuse, except as a practice range, following the fire which destroyed the original sporting goods store. (The fire also took the life of Richard Hancock, attorney Jerry Berg, later said.)

Hancock sited various trap shoot areas around the country such as Las Vegas, Raytown, MO., and Denver, Colo. He said, "I haven't heard of a single accident occurring in the 27 years I've been around trap shooting."

He also said, the trap shoot ranges do not cause property values to go down and mentioned expensive housing areas surrounding other areas.

Berg described the noise created by a shotgun and compared it to other common sounds. He said a shotgun just two feet away creates 100 decibels. A gun shot from the trap shoot area would create about 67 to 68 decibels at the nearest property line, Berg said. In comparison, readings taken in the area showed an 18 wheel truck at the same distance created 76 decibels, a jet flying overhead was 80 decibels, and a dog barking in the yard of one of the persons living nearby was 76 decibels.

It was also stated shotgun pellets will travel only 450 feet at the outside, and it is 600 feet to the nearest property line.

About 30 persons would be expected to participate in registered meets each firing perhaps 300 to 400 rounds.

Opposition to the trap shoot range was headed by Charles Cookson, Haysville, who had also registered his disapproval at the last Haysville meeting.

Representatives for both the applicant and the opposition packed the room and listened as Cookson made his presentation reading from a prepared script.

He outlined to the planners the feelings of the homeowners in the area.

He said they believed a trap shoot would depreciate the value of their property. He said the percussion of any gun is to the front and sides, and the direction in which they would be firing would be primarily to the north and northwest where homes are located. The nearest property appears to be one-eighth mile away.

Noise from the guns appeared to be his primary objection, and he said there was not enough distance to provide an adequate

without further approval of the county and cities.

buffer zone.

He was also "concerned with the interpretation of the grandfather clause," saying it requires property be used at least once per year. He said lights have not been used at this location for the past three years, and the reason there were no complaints made until prior to the Haysville meeting was because of the infrequent use of the range.

He also said they had made calls to trap shooters in Denver and there was not a range in downtown Denver as the applicant claims.

Wayne Everhart, 752 S. Dellrose, Wichita, later in

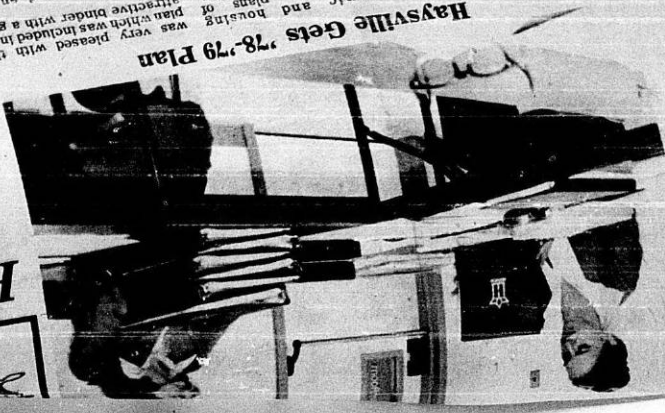
See RESIDENTS Page 3

We Have PRIDE How About You!



Handwritten note: new - clip this article for the file

Planning Into Co



Haysville Gets '78-'79 Plan

Cheryl Phillips, at left, economic and housing plan which was included in an attractive binder with a gold seal. We have passed an approval resolution for this item, but it has not been adopted yet," she said. "The city must respond to it within 60 days, she said. The appendix includes comprehensive maps of Haysville's transportation land use and also an outline of parks and sewer facilities. Planning Smith Corporation of Wichita brought the new plan which is being prepared by her firm. Haysville master plan which was presented to the city council last week. (City Phillips, at left, economic and housing plan which was included in an attractive binder with a gold seal. We have passed an approval resolution for this item, but it has not been adopted yet," she said. "The city must respond to it within 60 days, she said. The appendix includes comprehensive maps of Haysville's transportation land use and also an outline of parks and sewer facilities. Planning Smith Corporation of Wichita brought the new plan which is being prepared by her firm. Haysville master plan which was presented to the city council last week.)

Residents (Continued)

the meeting said the range had in recent years been moved from downtown Denver to another location in Colorado. Everhart, a former Kansas State champion trap shooter, said he would like to see the trap shoot range in the area.

Other residents in opposition told the commission they did not like to hear the constant noise when they are trying to relax on weekends and in the evening.

Mrs. Kenneth Peck, who lives directly across from the orchard land, said, "I'm only home on weekends and night because I work, and I beg your pardon, but I like to relax when I'm home, and I don't enjoy the noise of shotguns." She said in the summer when she is outside she was very disturbed by the guns. "They make me nervous. I

don't like it." Hancock again stated there would be only four registered trap shoots per year, and the area would not be used except for practice during the summer months except for one registered shoot in June.

Some residents in favor of the range included Forrest Butts and Steve Rude. Rude said the closest range is 35 to 45 miles away, and there are about 400 registered shooters in the Wichita area. Both said the safety of the ranges speak for themselves.

After hearing both the pro and con to the range, the planning commission voted to approve the range subject to the same requirements Haysville's planners had placed on it. The vote was unanimous with John Lauber, Jr., Dottie Janssens, Dolan Pelley, Richard Schaffer and Bill Smith voting yea.

The next hearing on the subject will be held at the Metropolitan Area Planning Commission on Dec. 6 at 1:30 p.m.

Should the MAPC approve it, the permit will then go to the Sedgwick County Commissioners for final approval.

It should be pointed out the "grandfather clause" allows businesses to operate if established prior to zone changes. Thus the trap shoot range could continue to operate with the current facilities without further approval of the county and cities.

STATEMENT TO HAYSVILLE CITY PLANNING COMMISSION - November 8, 1979

My name is Charles W. Cookson. My wife and I own five acres of land at 1326 East 79th Street South. This property is adjacent to and west of the Hancock property involved in Case No. CU-227.

I am appearing on my own behalf, and on the behalf of the home owners in the area, in opposition to granting permission to establish a trap-shooting facility on the property in question.

First, on my own behalf, I oppose the trap-shooting facility because I am of the opinion that its presence will depreciate my property value. It is a certainty that no one in their right mind would purchase property for any use that I know of if that property was right next to a trap-shooting facility.

The home owners of the area share this concern with me as to what will happen to their property values if approval is given to this request.

I do not live on my property, which is next to Hancock's, so from this point on I am representing my neighbors who do own homes in the area. I am representing them at their request.

We offer several arguments against approval of the request for the trap-shooting facility.

First, we point out that this is a residential area. Many people now own and live in homes in the immediate areas nearby to the property described in Case No. CU-227. In fact, many of these people purchased their property and homes from the Hancock's several years ago.

Second, the home owners were not consulted beforehand of Hancock's intention to expand the size and usage of the trap-shooting facility.

Third, we make the point that home owners in the area who have signed the petition, which I now request be placed in the official record of this hearing, state specifically and unequivocally that the noise from the existing two field traps disturbs them greatly, and is causing them stress and discomfort in their homes.

The level of the noise from the existing two field traps disturbs the home owners sufficiently that most feel they will have to sell their homes and move out if additional traps are authorized as requested in Case No. CU-227.

Fourth, that the amount of usage of a trap-shooting facility is important. The more it is used, the more constant and disturbing the noise. Use of the two field traps now on the property has been a source of annoyance to the home owners, but the home owners have put up with it. Increasing the use of those two traps, created by a major undertaking which will surely result from the added three or more traps, is of grave concern to the other home owners. Notwithstanding the fact that three or more additional traps will further compound the noise problem.

We repeat the basic premise. The home owners who live in the area say that the noise from the guns does disturb them. The home owners say the annoyance is not a minor one, and that the disturbance is of grave concern to them.

We now make a philosophical argument against this petition. We are dealing here with property rights. The rights of a group of home owners is pitted against the right of a property owner to use his property for a commercial purpose which pollutes the air with noise.

Property rights are grounded in individual rights; and, the moral law dealing with individual rights tells us that an individual may exercise his individual rights just so long as the exercise of those rights does not interfere with the rights of another individual.

A property owner, likewise, may use his property as he desires up to the point that such usage interferes with the rights of another property owner.

It would also be apparent that some property rights are more basic and override other property rights. This case is clearcut.

We are dealing with the right of a group of individuals to live in their homes in peace and tranquility, as opposed to a property owner who desires to provide other people, many from outside the immediate neighborhood, with a place to enjoy their recreation at a commercial trap-shooting facility.

We have a recreational use via a private business pitted against home owners requesting that they be left in peace to enjoy their homes and raise their families.

The home owners thus petition this commission to protect their right to the usage of their property and their homes in peace and tranquility, and the home owners further petition this commission to deny the request in Case CU-227.

DATE: November 29, 1979
TO: Haysville Planning Commission
REGARDING: CU-227

1. The reference case was heard by the Haysville Planning Commission on November 8, 1979.
2. The undersigned, and the home owners who signed the petition which is a part of your minutes in this matter, ask that the action taken at that time be set aside, and that either a no approval be entered or a re-hearing called.
3. The Commission, and those home owners concerned were misled by statements made by representatives of the applicant, and by individuals speaking in favor of the application.
4. We submit these points:

First, applicant's representative, according to the minutes of the meeting, Jerry Berg said "that weekends and one night a week since 2 of the traps were already lighted".

The traps are not lighted. Nor have they been lighted for at least three years. We submit a photo taken of the area a few days after the November 8th hearing as proof of what we say.

The motion by Howard Tice which was passed alludes to these lights, and we presume was predicated on the basis that this action would not further extend such usage. In fact, the usage is tremendously extended and accelerated by the motion as passed.

Regarding that motion, we further ask, what is a weekend? Does the Commission propose to allow shooting on a Sunday - the Sabbath Day?

Second, testimony created a misconception that only ONE trap field would be added. This is not true. Only two trap fields are "grandfathered". The skeet fields mentioned have nothing to do with creating FIVE trap fields. What the Commission did was to approve adding THREE more trap fieldsnot one trap field as it was made to look.

(cont'd)

Third, we suggest the Haysville Planning Commission might take sufficient time to investigate the conditions surrounding the usage of other trap shooting facilities in other cities mentioned by supporters of the application.

For instance, Raytown in Kansas City, the \$150,000 house which was mentioned as being at the muzzle end of the trap fields is owned by the owner of the trap-shooting facility, and the rest of the homes are in an area behind the gunfire which puts them outside the percussion or noise area.

Mention was made of trap fields in downtown Denver, Colorado. Owners of trap fields in the Denver area were contacted and they knew of no trap fields in the downtown area.

Las Vegas, Nevada, was also mentioned. That facility is inside a building.

We suggest that buffers (either manmade or natural) including the buffer of distance are usually present at other sites. A field investigation of the location of homes to the North, Northwest and West in the area affected by this application, CU-227, will show they have no effective buffers and that they lie directly in the percussion and noise area in front and to the frontal sides of the guns.

5. We particularly point to the importance of the "grandfather" considerations. Some of the implications of this, investigation shows, might be seriously challenged since the units, until very recently had been used sparingly. What we have here is a rapid acceleration of a facility in recent months which had been largely dormant in recent years. This is contrary to the impression given that the facility had been used constantly and aggressively, and explains why the home owners concerned were not bothered by the percussion and noise until recent months.

Haysville Planning Commission
November 29, 1979

Page 3

This acceleration will be compounded by adding three more trap fields and is contrary to the impression given to the Haysville Planning Commission at the November 8th hearings.

6. Misrepresentation alone should at least call for a re-hearing, and we so request that such a re-hearing be called unless a no approval action is entered.



Charles W. Cookson
1326 East 79th Street South

cc: Derby City Planning Commission
Metropolitan Area Planning Commission

STATEMENT TO DERBY PLANNING COMMISSION - November 29, 1979

My name is Charles W. Cookson. My wife and I own five acres of land at 1326 East 79th Street South. This property is adjacent to and west of the Hancock property involved in Case. No. CU-227.

I am appearing on my own behalf, and on the behalf of home owners who live in the percussion area north, northwest and west of the proposed commercial trap shooting facility. We appear in opposition to granting the Conditional Use Request in this Case.

First, on my own behalf, I oppose the trap shooting facility because I am of the opinion that its presence will depreciate the value of my property. The home owners of the area share this concern with me as to what will happen to their property values if approval is given to such a privately owned and operated outdoor recreational usage.

Second, we point out that the citizens living in and owning businesses in Derby and Haysville also have a very direct interest in this case. The area between Derby and Haysville is a natural for extensive further development as a residential area. It has grown rapidly in recent years and we are sure the merchants in Derby appreciate the business such residential growth brought to them.

It is ideal as a residential area because it is relatively quiet, up to now, and it is isolated from the frenzy of urban life. Yet it is close to the merchants in both Derby and Haysville for shopping and other service convenience. It is a current and potentially large market of great interest to you. It is being threatened. It will not continue to develop as a residential area if you approve such usage of property as a trap shooting facility.

My third point, and the one which is most important of all, concerns the home owners in the area. Up to now I have reflected on property values and the interests of people like you and me. But now lets take a look at the people who live in the area. I do not live on my property, which is next to Hancock's, so from this point on I am representing my neighbors who do own homes and who do live in the area. I am representing them at their request.

We make the following points:

The percussion area of any gun is to its front and frontal sides. This proposed facility has its gun line aimed north. This means the muzzle of the gun is pointed north. Because of the flatness of the terrain, the percussion area for this facility is extensive and is primarily to the north, northwest and west. Those to the south, behind the guns, are not so affected.

The people who live in the percussion or noise area are the ones who feel the jolts from the gun blasts from this facility.

We make point also that no effective buffer zone is present between this group of home owners and the trap shooting facility. No embankment, no large buildings, nothing to buffer them from the noise. Not even distance. They are in the direct percussion and noise pattern.

One more point regarding the guns to remember, the more you shoot a gun the more disturbing the buildup of noise becomes. It is not a soothing noise like cars going by, or a distance rumble of thunder or the lowing of cattle.... this noise is sharp, punctuated and extremely annoying.

The above reference to the percussion area is known because there are two trap fields on the property now which are so-called "grandfather" units. History is of importance here. The two existing trap fields had fallen into spasmodic usage in recent years. But in recent months the usage of the existing facilities has increased tremendously and has been of great annoyance to the home owners....and this with only TWO trap fields. This accelerated usage is already causing the home owners stress and discomfort in their homes. Think what will happen to these home owners if you approve three more trap fields and the resulting acceleration of usage which will take place.

The important point to remember is that the people who live in these homes state specifically and unequivocally that the noise bothers them. To emphasize this point the home owners in the area have signed a petition stating their strong protest against all use of trap shooting facilities in the area. We ask that this petition be placed in the official record of this hearing.

We now make a philosophical argument against this petition. We are dealing here with property rights. The rights of a group of home owners is pitted against the right of a property owner to use his property for a commercial purpose which pollutes the air with noise.

Property rights are grounded in individual rights; and, the moral law dealing with individual rights tells us that an individual may exercise his individual rights just so long as the exercise of those rights does not interfere with the rights of another individual.

A property owner, likewise, may use his property as he desires up to the point that such usage interferes with the rights of another property owner.

It would also be apparent that some property rights are more basic and override other property rights. This case is clearcut.

We are dealing with the right of a group of individuals to live in their homes in peace and tranquility, as opposed to a property owner who desires to provide other people, many from outside the immediate neighborhood, with a place to enjoy their recreation at a commercial outside trap-shooting recreational facility.

We have a recreational use via a private business pitted against home owners requesting that they be left in peace to enjoy their homes and raise their families.

We repeat the basic premise. The home owners who live in the area say that the noise from the guns does disturb them. The home owners say the annoyance is not a minor one, and that the disturbance is of grave concern to them.

The home owners thus petition this commission to protect their right to the usage of their property and their homes in peace and tranquility, and the home owners further petition this commission to deny the request in Case CU-227.

PETITION

We the undersigned, because of the unnecessary and extremely disturbing noise the shooting creates, as well as the threat this nuisance poses to our property value, strongly protest all use of trap-shooting facilities located at Hancock Orchards, west side of Hydraulic between 71st and 79th Streets South:

1. Ann & Virginia Rieck 1217 E. 77th St. South
2. Mr & Mrs J. H. Pinkerton 7601 S. Hydraulic
3. Mr & Mrs Charles Corbman 1326 E. 79th ST So ✓
4. Joe & Centroll 7736 So. Laura
5. Will C. Ballenger 7756 S. Laura
6. Walt Shalin 7715 So Laura
7. Claude Stratton 7716 Laura
8. Larry J. Hines 7757 S. Luke
9. Neal W. Rustler 7735 Luke
10. Genevieve Beck 7715 Luke
11. Kenneth O. Beck _____
12. Karla Lariksson 7701 S. Luke
13. H. L. Davis 7652 S. Pattie
14. Kith Quine 7701 Pattie

15. Opal Lippincott 7715 S. Patton
16. William P. Scott Jr 7757 Patton
17. James H. Cooley 1119 E. 78th So.
18. Thurman D. Parris 7850 S. Laura
19. Clair E. Robinson 7843 S. Laura
20. Robert A. Howard 7830 Laura
21. Kenneth E. Handley 1428 E. 81st So.
22. Robert Wagner 7600 Laura
23. Robert Parker 7701 S. Laura
24. Mr. & Mrs. Earnest W. Davidson 7700 So. Laura
25. Bill J. Hastings 7800 S. Laura
26. John Batson 7146 Parris
27. Vicki Long 7420 S. Hydraulic
28. Robert D. Sykes 7756 So. Patton
29. _____
30. _____
31. _____
32. _____

WICHITA-SEDGWICK COUNTY

DATE

November 30, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commission
FROM Jack H. Galbraith, Chief Planner
SUBJECT CU-227 Establishment of a Trap Shooting Field

The Haysville and Derby Planning Commissions have considered this case. At both meetings, there was considerable discussion from both proponents and opponents as to the history of shooting that has occurred on this property, the recent interest and increased activity and the applicants desire to enlarge the number of traps. The opposition has expressed strongly their objection to the noise.

In addition to suggested conditions a - e in the staff report, the Haysville Planning Commission recommended approval subject to the following conditions:

1. The 5 traps are to be used for only 4 registered shoots per year.
2. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. for all shooting.
3. In addition to the 4 registered shoots, shooting is to be allowed only one night a week and on weekends.
4. No additional lighting is to be added, and only the two original traps which were lighted are permitted to have lights.

It is believed that the intent of number 1 above was that, at all other times, only the two west traps were to be used for shooting. This motion passed by a vote of 5 in favor, 1 opposed and 2 abstained.

The action of the Derby Planning Commission was to unanimously recommend approval subject to the conditions as recommended by Haysville. Attached with this memo is a copy of the minutes of the Haysville meeting and our staff report.


Jack H. Galbraith
Chief Planner

CC: Jerry Berg, 928 S. Broadway, Wichita, Ks. 67211
Bill Hancock, 1510 E. 79th Street, Wichita, Ks. 67233

RECEIVED

NOV 19 1979

HAYSVILLE PLANNING COMMISSION

METROPOLITAN PLANNING

MINUTES

November 8, 1979

ROUTE

Those members present were: Curtis Hampton, Bill Hancock, Joe Holub, Howard Tice, Steve Holt, Fred Lewallen, Bill Adams and George Rosendale.

Motion by George Rosendale

Second by Howard Tice

That we approve the October 25, 1979 minutes as mailed.

Vote was unanimous.

Motion by Howard Tice

Second by Fred Palmer

That we move item 1 under Old Business (Zoning Update) to item 3 and that items 2 and 3 be moved to items 1 and 2.

Vote was unanimous

Chairman, Bill Hancock, stated that he would need to step down because the items on CU-227 and SCZ-0446 were items he had a family interest in.

Fred Palmer, Vice Chairman, took the chair. He declared the Public Hearing open on CU-227.

Jack Galbraith, MAPD, presented case CU-227 and recommended that he also present SCZ-0446 at the same time as they were both located in the same area and under the same ownership. This was agreeable.

Case CU-227 is request for a Conditional Use permit to establish a Trap Shooting Facility on the west side of Hydraulic between 71st and 79th st. so. Property owner is listed as Dema A. Manoney.

Chairman read Article VII of the Rules and Regulations of the Haysville Planning Commission. This article pertains to the hearing of Cases.

Jerry Berg, attorney for the applicant, discussed the fact that at least 2 skeet fields and 2 trap fields have been on this land for sometime and the Conditional Use is requested to expand these activities. He stated that the first traps were established in 1952. In 1957 there were 5 skeet fields at this location. They would be willing to have an hour restriction.

Bill Adams ask about weekly use.

Mr. Berg stated he could not speak to that. Joe Hancock son of the applicant, stated that they wanted to have 4 registered shoots a year and would need 5 traps to do this.

George Rosendale ask about how many other days.

Mr. Berg stated that weekends and one night a week since 2 of the traps were already lighted.

George Stoy, Optometrist, President of the Kansas Trap Shooting Association, 971 Parklane, Wichita, Kansas stated that he had been shooting on the Hancock property since 1952. That about 1957 or 1958 there were 2 trap fields and 2 skeet fields. That the Hancocks have allowed many Civic Organizations to use the fields for fund raising activities.

Steve Rudd, 2200 E. Clark, Wichita, Kansas stated that he owned the property on the east side of Hydraulic. That he learned to snoot at the Hancock skeet and trap fields in 1958. He has snoot there many times since. There is no other place in this area to snoot.

The chairman called three times for others to speak for the request. There were none.

The Chairman called for those in opposition to speak.

Charles W. Cookson, owner of 5 acres at 1326 E. 79th St. So. stated that he did not live in this area, but did own 5 acres adjacent to it and had been asked to make a presentation for the concerned citizens in the area. He went to the map and pointed out that many of the trees that showed in the aerial photos had been removed. Mr. Cookson then read a prepared statement and requested a copy of this statement and a copy of the petitions he presented be made a part of the official record of this meeting.

Motion by Howard Tice

Second by Steve Holt

That we accept the copies of the statement and petitions and that they be made part of the record.

Vote was unanimous.

Mr. Gene Dickey, 1277 E. 77th St. So., stated that he noticed most of those speakin in favor of the trap fields did not live in the area and would not have to put up with the noise all the time.

Mr. Ernest Davidson, 7700 S. Laura, stated that there had been very little use of these traps until recently.

Joan Batson, 7840 S. Laura, stated that the noise was very bad on the weekends when they have time to stay home and relax.

Lois Rusher, 7735 S. Lulu, stated she lived adjacent and found it very annoying.

The Chairman called three times for others to speak in opposition. There were none.

Mr. Berg ask if he might speak to the noise. His request was granted. He stated that they had done several decibel readings. The most significant being the one taken on Gene Dickey's front porch with the guns firing. It was 67 decibels. He stated all readings fell within allowable noise levels.

Mr. Cookson stated that percussion relations were not measured

Haysville Planning Commission
minutes - November 8, 1979
Page 3.

accurately on decibel meters. The percussion disturbs people as much as the noise.

George Rosendale asked about how many shots per person in the time span from 9:00 A.M. to 9:00 P.M..

Joe Hancock stated there would be between 300 and 400 shots per person and about 30 shooters.

Curtis Hampton ask if decibel readings had been taken on farm machinery.

He was informed they had not.

Steve Rudd stated he felt the noise item was being blown out of proportion. We live in the flight pattern and don't even notice it. In downtown Raytown in Kansas City the last trap is about 150 ft. from the houses. Denver and Vandalia Ohio also have fields right downtown.

Frank Lewallen as about buffers on those fields in residential areas.

He was told some had trees or parks, but no actual buffers.

Bill Adams ask how many notices had been sent and to how large an area.

Jack Calbraith stated that 38 notices were sent to all property owners within 1000 feet. He further stated that if owners of 20% of the property in the notification area signed a protest petition it would take all of the County Commissioners to allow this item.

Joe Holub ask if the applicant anticipated more lighting than the 2 fields that were now lit.

He was informed that they did not.

George Rosendale as Mr. Stoy what restrictions or safety rules were used in the handling of guns on trap fields.

Mr. Stoy stated that most shooters came with experience especially those going to registered snoots. They did have some excellent rules for the traps and some very good training rules for young shooters.

The Chairman declared the Public Hearing Closed.

Motion by Howard Tice

Second by Curtis Hampton

That we recommend approval of CU-227 subject to item 2 as set out in the recommendations from KAPD. Also subject to shooting hours limited to 9:00 A.M. to 9:00 P.M. and that no further lighting facilities be added.

Vote was 3 yes 4 no 1 abstained (Frank Lewallen)
Motion failed.

Motion by Bill Adams
Second by Steve Holt
That we recommend denial of CU-227 based on sustained time of
snooting and noise as represented in complaints of property
owners.
Vote was 3 yes 4 no and 1 abstained (Frank Lewallen)
Motion failed.

Bill Adams stated that if this item were allowed without control
the could be shooters all day everyday and not just 4 times a
year or one night a week and on weekends.

Chairman ask Mr. Galbraith if what the Planning Commission did hear
would have any effect on the traps that were there now.

Mr. Galbraith stated it would not.

Mr. Berg stated that the applicant could expand without the
Conditional Use Permit.

Mr. Galbraith stated that as the application was presented it
would allow shooting seven days a week whether or not that was
intended.

Motion by Steve Holt

That we postpone the hearing on Cu-227 until November 29, 1979.
Motion died for lack of second.

Motion by Howard Tice
Second by Bill Adams
That we approve conditional Use Permit CU-227 subject to :
1. 5 traps to be used for 4 registered shoots a year only.
2. Shooting hours to be 9:00 A.M to 9:00 P.M. for all shooting.
3. Snooting to be allowed one night a week and on weekends except
for the 4 registered snoots.
4. No lighting be added and only those two traps now lighted be
used for night snooting.
5. All conditions as set out in Item 2 of the recommendations
from MAPD.
Vote was 5 yes 1 no 2 abstained

Chairman declared Public Hearing Open on SCZ-0446

Request for zone change from "R" Rural Residential to "LC" Light
Commercial for the property at the NW corner of Hydraulic and
79th St. So.

Mr. Galbraith had presented the request with the request for CU-227.

Mr. Jerry Berg, attorney for the applicant, spoke to the item. He
stated that just west of this corner Hancocks had had a sporting
goods store for years. Several years ago the store burned.

The chairman called three times for others to speak in favor of
this zone change. There were none.

Haysville Planning Commission
Minutes November 8, 1979
Page 5

Chairman called three times for those opposed to the zone change request to speak. There were none.

Chairman declared the Public Hearing closed.

Motion by Joe Holub
Second by Howard Tice
That we approve SCZ-0446 subject to platting within the year.
Vote was 6 yes 2 no

Motion by George Rosendale
Second by Howard Tice
That we drop the Zoning Update item from the agenda.
Vote was unanimous.

Bob Ferguson, owner of Riggs Addition, was present to ask the Planning Commission to respond to a possible request for vacation of the 90 ft. beautification easement on the east of lots 4-5-6 in this addition.

George Rosendale stated he would have a problem with vacating this easement and not vacating all other beautification easements in the city.

It was suggested that some research be done into the background of this easement before this item be considered.

Cheryl Phillippi, planning consultant, was present with the final copies of the Master Plan Update. She suggested that the planning commission lock over these documents for a final time and to relay any typographical errors or omissions they found to the secretary by November 15, 1979.

Motion by Bill Adams
Second by Fred Palmer
That we adjourn.
Vote was unanimous.



Conditional Use Request In Question

Seen reviewing the Haysville Master Plan land use map are: (left to right) Fred Palmer, George Rosendale, Pauline Ozbun, Howard Tice, Curtis Hampton, Cheryl Phillippi, and attorney Jerry Berg. The request for conditional use to expand trap shoots was passed after a long evening of debate. (Staff Photo)

Haysville City Planners Debate Trap Shoot Expansion

by Sharon Royer

Proposed expansion of trap shoot fields was hotly debated at last night's Haysville Planning Commission meeting. Besides nine commission members, about 25 people were present to discuss the question of issuing a conditional use permit to Dena A. Mahoney. At this point Bill Hancock stepped down from the commission because of his close ties to the question.

The land on which the existing trap shoots are located is between 71st and 79th street south, on the west side of Hydraulic.

Before the public hearing began, Jack Galbraith, a Sedgwick County Planning Department representative, gave the recommendations included in their staff report on the question.

Some of the items to think about, Galbraith noted, are: noise, safety, and locations of residential areas in relation to the proposed expansion. Other items in the staff report included:

- There have been trap shoots existing and in use for over 20 years in this location, thus the "grandfather's clause" may have an effect even if the permit is denied.
- The Metropolitan Area Planning Department (MAPD) sees nothing to be gained by making the applicant plat all nine acres.
- The MAPD suggests access points be limited to two on Hydraulic.
- Though it can be questioned, the trap shoots could conceivably support 10 parking spaces per trap shoot.
- Full treatment to the parking areas may not be necessary, but some sort of surfacing is recommended.
- A 60 foot half right of way for Hydraulic is required.
- Any night lighting should be directed down.
- The times the shoots are open should be discussed.
- The area is in the Derby-Haysville overlap area, but Haysville has the primary responsibility.

areas, so the applicants can qualify to hold registered trap shoots four times yearly.

The applicants came to the commission even though there is some question as to the necessity of doing so, because of the "grandfather's clause" which allows property uses predating zoning laws may not need commission approval to continue.

The applicants feel there is an ample buffer zone for safety and noise with the closest trap shoot to Hydraulic being 260 feet away. Trees have been planted to replace those taken out and within four years will be grown.

All recommendations of the MAPD met with the approval of the applicants except for the surfacing of the parking areas. With such limited use, Berg stated, 10 spaces and permanent surfacing is not deemed necessary.

After two "in favor" statements, one by George Stoy, president of the Kansas Trap Shooting Association, the hearing was opened to the opposition.

Charles Cookson, area property owner, spoke for the homeowners of the area in question. He gave the following points to be taken under consideration by the commission:

- The homeowners feel an expanded trap shoot will

depreciate their property.

- This area is residential and is marked so on the Haysville Master Plan for future land use.
- The homeowners were not contacted by the Hancocks as to their plans.
- The level of noise from the existing two shoots already disturbs the residents and expansion would only aggravate the problem.

To sum up, Cookson stated, "This is a question of the rights of the property owner to use his land for commercial purposes versus the rights of homeowners to live in peace

See TRAP SHOOT Page 12

Conditional Use Request In Question

Seen reviewing the Haysville Master Plan land use map are: (left to right) Fred Palmer, George Rosendale, Pauline Ozbun, Howard Tice, Curtis Hampton, Cheryl Phillippi, and attorney Jerry Berg. The request for conditional use to expand trap shoots was passed after a long evening of debate. (Staff Photo)

Haysville City Planners Debate Trap Shoot Expansion

by Sharon Royer

Proposed expansion of trap shoot fields was hotly debated at last night's Haysville Planning Commission meeting. Besides nine commission members, about 25 people were present to discuss the question of issuing a conditional use permit to Derna A. Mahoney. At this point Bill Hancock stepped down from the commission because of his close ties to the question. The land on which the existing trap shoots are located is between 71st and 79th street south, on the west side of Hydraulic.

Before the public hearing began, Jack Galbraith, a Sedgwick County Planning Department representative, gave the recommendations included in their staff report on the question.

Some of the items to think about, Galbraith noted, are: noise, safety, and locations of residential areas in relation to the proposed expansion. Other items in the staff report included:

- There have been trap shoots existing and in use for over 20 years in this location, thus the "grandfather's clause" may have an effect even if the permit is denied.
- The Metropolitan Area Planning Department (MAPD) sees nothing to be gained by making the applicant plat all nine acres.
- The MAPD suggests access points be limited to two on Hydraulic.
- Though it can be questioned, the trap shoots could conceivably support 10 parking spaces per trap shoot.
- Full treatment to the parking areas may not be necessary, but some sort of surfacing is recommended.
- A 60 foot half right of way for Hydraulic is required.
- Any night lighting should be directed down.
- The times the shoots are open should be discussed.
- The area is in the Derby-Haysville overlap area, but Haysville has the primary responsibility.

Galbraith summed up the options available to the local commission as, denial, adding more conditions to the permit, and approval.

Jerry Berg, attorney for the applicants, opened the public hearing with points to be considered from the applicants view. He stated this was actually not an expansion, but a change in the type of shooting

areas, so the applicants can qualify to hold registered trap shoots four times yearly.

The applicants came to the commission even though there is some question as to the necessity of doing so, because of the "grandfather's clause" which allows property uses predating zoning laws may not need commission approval to continue.

The applicants feel there is an ample buffer zone for safety and noise with the closest trap shoot to Hydraulic being 260 feet away. Trees have been planted to replace those taken out and within four years will be grown.

All recommendations of the MAPD met with the approval of the applicants except for the surfacing of the parking areas. With such limited use, Berg stated, 10 spaces and permanent surfacing is not deemed necessary.

After two "in favor" statements, one by George Stoy, president of the Kansas Trap Shooting Association, the hearing was opened to the opposition.

Charles Cookson, area property owner, spoke for the homeowners of the area in question. He gave the following points to be taken under consideration by the commission:

- The homeowners feel an expanded trap shoot will

depreciate their property.

- This area is residential and is marked so on the Haysville Master Plan for future land use.

- The homeowners were not contacted by the Hancocks as to their plans.

- The level of noise from the existing two shoots already disturbs the residents and expansion would only aggravate the problem.

To sum up, Cookson stated, "This is a question of the rights of the property owner to use his land for commercial purposes versus the rights of homeowners to live in peace

See TRAP SHOOT Page 12

Friday, November 9, 1979

Trap Shoot

(Continued)

and tranquility."

Signed petitions from opposing residents were accepted for the record by the commission.

There were several other opposing views given, all having to do with the existing noise level and what proposed expansion will create.

To questions of the noise level, attorney Berg responded decibal readings taken show the decibal range at 62 on the porch of the nearest homeowner while shooting was going on. As a reference point, Berg said normal conversation is 65 decibals. He also commented trap shoots are located in the downtown areas of Raytown, Mo., Denver, Colo., and Kansas City, Mo.

Cookson then stated noise irritation is related to percussion, and guns going off are much more annoying than the decibal level would indicate.

At the close of the public hearing, Howard Tice made the motion the request be granted with the stipulations of the MAPD, as well as: hours to be 9 a.m. to 9 p.m. and the lighting be limited to what is already in place at two shoots. This motion was defeated with nay votes by Joe Holub, Bill Adam, Steve Holt, and George Rosendale. Frank Lewallen abstained, and Howard Tice, Fred Palmer, and Curtis Hampton voted yea.

A motion, by Bill Adam, to deny the request also failed and discussion was renewed. Attorney Berg stated the applicants would have no problem limiting the two lighted shoots to use on one night a week and weekends. There also would be no problem with limiting the use of the expanded five shoots to the registered shoots occurring four times a year.

Again Tice made a motion to approve the request with the conditions in the first motion, as well as the applicant's voluntary limitations on the lighted shoots and full use of the five shoots.

The motion passed, with a nay by Holt, and abstentions by Lewallen and Holub.

A request for a zoning change from rural residential to light commercial was also approved. This was a request by the same applicant for the purpose of building a sporting goods store. The area in the request involves 2.4 acres at the northwest corner of Hydraulic and 79th Street South. The motion by Joe Holub was passed subject to platting within a year, with nay votes by George Rosendale and Bill Adam.

SCZ-0446 &
CU-227

51 - Notice to Adjoining Property Owners mailed 11-9-79
correcting the Derby City Planning Commission
meeting date from 11-22-79 to 11-29-79

38 Notices were to property owners
2 Applicants
1 Attorney

10 Derby City Planning Commissioners
1 Derby P.C. Secretary
1 C. Bickley Foster

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

November 9, 1979

Our notice to you dated November 2, 1979, advised that the following cases would be heard by the Haysville City Planning Commission on Thursday, November 8, 1979; the Derby City Planning Commission on Thursday, November 22, 1979; and the Wichita-Sedgwick County Metropolitan Area Planning Commission on Thursday, December 6, 1979.

CASE NO. SCZ-0446

Zone Change from the "R" Rural Residential District
to the "LC" Light Commercial District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, described as beginning at the SE corner of the SE $\frac{1}{4}$, thence west along the south line of said SE $\frac{1}{4}$, a distance of 235 feet, thence north parallel to the east line of said SE $\frac{1}{4}$, a distance of 250 feet, thence west parallel with the south line of said SE $\frac{1}{4}$, a distance of 265 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 100 feet, thence east parallel with the south line a distance of 500 feet to a point in the east line said SE $\frac{1}{4}$, thence south along said east line to the point of beginning. Generally located at the northwest corner of Hydraulic and 79th Street South. AND

CASE NO. CU-227

Conditional Use Request to Permit Establishment of
A Trap Shooting Facility on Property
Zoned the "R" Rural Residential District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

However, the Derby City Planning Commission has advised that they will not meet on Thursday, November 22, 1979, but will meet instead on THURSDAY, NOVEMBER 29, 1979. All other dates are correct as stated in the previous notice.

Jack H. Galbraith
Assistant Secretary

November 9, 1979

Mr. Clay Ricketts
Daily Reporter
201 South Baltimore
Derby, Kansas 67037

Re: SCZ-0446 & CU-227

Dear Mr. Ricketts:

Enclosed is a notice for public hearing which I would like to have published one time on November 14, 1979.

I would appreciate a copy of the Daily Reporter in which this notice will appear.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:e1

Enclosure

7Am Nov 29, 1979 - Derby
MAPE 12-6-79

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

HCPC HEARING DATE: 11-8-79
DCPC HEARING DATE: 11-22-79
MAPC HEARING DATE: 12-6-79

Case No. CU-227 Request: Establishment of a Trap
Shooting Field.

Location: West of Hydraulic, in an area north of 79th St. South.

Reason: Trap Shooting Field.

Acres: 9.1 600' X 700'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Trap shooting field & Undeveloped	"R"
North	Undeveloped & farm house	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped & single family	"R"

Existing R/W: Hydraulic - 35', Half. Platted: No
Proposed R/W: Hydraulic - 60', Half. History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

Subject property is presently developed with non-conforming trap fields and the applicant is requesting the conditional use approval in order to expand the existing facilities to provide 5 trap fields for registered trap shoots. The property is unplatted and is located on a Federal Aid Secondary (FAS) Highway, Hydraulic, which is also a designated arterial street in the transportation plan.

The trap shooting facility may be permitted as a conditional use in the "R" Rural Residential District as a privately owned and operated outdoor recreational use because the "LC" Light Commercial and "C" Commercial zoning districts do not permit outdoor recreational uses.

Page 2
Case No. CU-227
MAPC AGENDA
12-6-79

The applicant advises that the size of the area being requested for approval is such that shot from the shotguns used in trap shooting will stay within the area. Also, the trap fields are to face north where there is a considerable undeveloped area beyond the limits of the trap shooting area.

2. Should the Planning Commission determine that this is an appropriate use for the area and recommends approval of the Conditional Use Request, the following should be conditions of approval:
 - a. The dedication of 25 feet of additional street right-of-way for the west half of Hydraulic, by separate instrument.
 - b. The dedication by separate instrument of access control to Hydraulic. (A maximum of 2 driveways are recommended).
 - c. Adequate off-street parking (a minimum of 10 spaces per trap field is recommended) shall be provided on the site. The adequacy of the parking shall be subject to review by the County Department of Public Works.
 - d. The off-street parking area shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing.
 - e. No trap field shall be located nearer to Hydraulic than 150 feet and all trap fields shall be constructed facing to the north, as indicated on the applicant's sketch plan.

The Planning Commission may also want to consider conditions concerning lighting of the facilities and limiting the hours of operation.

SCZ-0446 &)
CU-227)

38 - "Notice to Adjoining Property Owners" mailed 11-1-79
for the HAYSVILLE PC meeting on 11-8-79; the
DERBY PC meeting on 11-22-79; and the MAPC meeting
on 12-6-79.

THE FOLLOWING RECEIVED NOTICE, REFERRAL SHEET &
STAFF REPORT FOR BOTH CASES: These were mailed 11-2-79.

2 Applicant & agent
10 Derby City Planning Commission
1 Jeff Prince, Secretary
1 C. Bickley Foster
1 Grover C. McLure, Jr., County Dir. Dept. Pub. Works
10 Haysville City Planning Commission
1 Pauline Ozbun, Secretary
1 Grover C. McLure, Jr., Co. Dir. Dept. of Pub. Works.
—
65 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

November 2, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN THAT on Thursday, November 8, 1979, at 8:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, Haysville City Hall, Haysville, Kansas, will consider the following items for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. SCZ-0446

Zone Change from the "R" Rural Residential District
to the "LC" Light Commercial District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, described as beginning at the SE corner of the SE $\frac{1}{4}$, thence west along the south line of said SE $\frac{1}{4}$, a distance of 235 feet, thence north parallel to the east line of said SE $\frac{1}{4}$, a distance of 250 feet, thence west parallel with the south line of said SE $\frac{1}{4}$, a distance of 265 feet, thence north parallel with east line said SE $\frac{1}{4}$, a distance of 100 feet, thence east parallel with the south line a distance of 500 feet to a point in the East line said SE $\frac{1}{4}$, thence south along said east line to the point of beginning. Generally located at the northwest corner of Hydraulic and 79th Street South. AND

CASE NO. CU-227

Conditional Use Request to Permit Establishment of
A Trap Shooting Facility on Property
Zoned the "R" Rural Residential District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

These matters will also appear on the agenda for the regular meeting of the DERBY CITY PLANNING COMMISSION at 7:00 p.m., Thursday, November 22, 1979, City Hall, Derby, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If these matters are not deferred for further hearings before either the Haysville City Planning Commission or the Derby City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, these items will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, December 6, 1979, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matters 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 Zoning Resolution and the Conditional Use will be considered as by law provided.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

October 29, 1979

Mr. Clay Ricketts
The Daily Reporter
201 South Baltimore
Derby, Kansas 67037

Re: SCZ-0444
SCZ-0446 and
✓CU-227

Dear Mr. Ricketts:

Enclosed are notices for public hearing which I would like to have published one time, November 1, 1979.

I would appreciate a copy of the Daily Reporter in which the notices will appear.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:sl

Enclosures

5538
4
295
15

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

BR 4 Map 0-5-B
Sec: 4, T29, R-1E
N-R
E-R
S-R
W-R

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. *C.U. 297*
Assoc Sec 2-046

I. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT *DEMA A. MAHONEY*
ADDRESS *1506 E 79th S, WICHITA 67233* PHONE *788-0548*

AGENT *Bill Hancock*
ADDRESS *1510 E 79th S, WICHITA 67233* PHONE *788-2902*

B. APPLICANT *attorney: Jerry L Berg*
ADDRESS *928 So. Broadway, 67211* PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

C. APPLICANT _____
ADDRESS _____ PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

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

II. The applicant proposes to establish a *TRAP - SHOOTING*
FACILITY (use)

on property legally described as Lot(s) _____
_____, Block(s) _____ of the _____
_____ Addition.

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

+ *Same as on ownership list*
Use legal on ownership list

I I I. THIS PROPERTY IS LOCATED AT (ADDRESS) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR

B. ON THE WEST SIDE OF HYDRAULIC (AVENUE) STREET BETWEEN 71st SOUTH (AVENUE) STREET AND 79th SO. (AVENUE) STREET.

I V. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R (ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:
TO EXPAND THE SHOOTING FACILITIES ALREADY IN USE UNDER NOW CONFORMING USE.

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

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Demetrius Mahoney
BY _____ AUTHORIZED AGENT (IF ANY) BY _____ AUTHORIZED AGENT (IF ANY)

BY _____ AUTHORIZED AGENT (IF ANY) BY _____ AUTHORIZED AGENT (IF ANY)

BY _____ AUTHORIZED AGENT (IF ANY) BY _____ AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY
This application was received at the Planning Department at 1030 AM (AM, PM) on Oct 19, 1979 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 70.00.

Clyde L. Hilly Name
J. H. Hilly Title

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 5

VOTE

Chairman Tom Scott Aye
Commissioner Donald Gragg Aye
Commissioner Everett Patrick Aye

REQUEST FROM
SHERIFF FOR
RECLASSIFI-
CATION OF AD-
MINISTRATIVE
ASSISTANT AND
TO INCREASE
COMPENSATION
OF GUARDS

REQUEST FROM SHERIFF'S OFFICE FOR RECLASSIFICATION OF ADMINISTRATIVE ASSISTANT POSITION AND AUTHORIZATION TO INCREASE COMPENSATION OF GUARDS

Sheriff's Legal Advisor Hans Hansen appeared before the Board with a request for changing the Administrative Assistant, range 25, to a Corrections Program Officer, range 27. The Sheriff's Civil Service Board had already approved of this change, he related. This position requires counseling and/or police operations, and the Sheriff felt that the responsibilities justified the increase.

Mr. Hansen also requested that the compensation for guards be increased from \$14.00 per day to the prevailing minimum wage of \$3.10 per hour. The guards are used to transport prisoners and to guard prisoners at hospitals. Twenty thousand dollars has been budgeted for this purpose, and it is the Sheriff's estimate that expenditures at the new rate would be \$18,740.00 for the year 1980.

Mr. Patrick maintained that there was a State law governing the fees paid to guards, and in that case, compensation could not be changed.

Mr. Hill asked the Board to defer that item until he could research it. He stated that approval by the Sheriff's Civil Service Board was the only action really required for the reclassification process.

MOTION

Mr. Patrick made a motion to table for one week the request for increased compensation to guards.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott Aye
Commissioner Donald Gragg Aye
Commissioner Everett Patrick Aye

METROPOLITAN
AREA
PLANNING
DEPARTMENT

SCZ-0446 AND
CU-277

HANCOCK
SECOND
ADDITION

REQUEST FOR CHANGE IN ZONING FROM "R" TO "LC" TO CONSTRUCT A SPORTING GOODS RETAIL OUTLET AND THE ESTABLISHMENT OF A TRAP SHOOTING FIELD IN AN AREA NORTHWEST OF HYDRAULIC AND 79TH STREET SOUTH

Mr. Jack Galbraith, M.A.P.D., appeared before the Board and related that there was so much controversy over the Conditional Use case that he would first explain the Zoning case. On a map displayed in the meeting room, he indicated to the Commissioners the area in question. The property was vacant, and associated with the Hancock Orchard and their farming operation. Both the Haysville and Derby planning commissions have recommended the zoning change be granted subject to planning; there was no opposition at any of the meetings, and no protest petition filed.

Mr. Jerry Berg, attorney for the applicant, came to the podium and explained that the zone change was being requested in order to reestablish

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 6

the Hancock Sporting Goods Store which burned down in 1970.

MOTION

Mr. Patrick made a motion that the Board concur with the findings of the M.A.P.C., approve this application subject to the recommended conditions, adopt the resolution establishing the zone change and conditional use permit, and instruct the Planning Department to withhold publication of the resolution until the plat and dedications have been recorded with the Register of Deeds.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott	Aye
Commissioner Donald Gragg	Aye
Commissioner Everett Patrick	Aye

Mr. Galbraith then presented the Board with photographs of the trapshooting facility. He explained that this nine acres is land owned by the Hancock family and used by them since 1952 for trapshooting. There have been two trapshoots and two skeetshoots in the southwestern corner of the property. The applicant has filed for a conditional use permit on the entire nine acres because he wants to be able to hold four registered national trapshoots per year and the rest of the time, use it for target practice, local shoots, and special events. The photographs showed five trapshooting boxes; three were added before the applicant realized that a conditional use permit was necessary. He stated that the permit would not require a unanimous vote because the number of protesting citizens amounted to only 9.38% of the thousand foot ring.

Mr. Galbraith told the Board that both the Derby and Haysville planning commissions approved the permit subject to several conditions, the most important of which he felt were 1) the five traps are to be used for only four registered shoots per year; 2) shooting hours are to be from 9:00 a.m. to 9:00 p.m.; and 3) in addition to the four registered shoots, shooting is to be allowed only one night per week and on weekends.

The M.A.P.C. stipulated that the five traps are to be used only during the four registered shoots per year, and at all other times, only the two original traps are to be used. Shooting hours are to be from 9:00 a.m. to 9:00 p.m. Shooting is to be allowed only on weekends and one night during the week; lighting is to be provided for only the two original traps to the west, and used for only four nights per year. The applicant objected to this last condition, maintaining that he needed to be able to operate the fields more than four nights a year.

Mr. Berg said that league shooting would require that the fields be open one night a week for seven weeks. He requested that approval be subject to the conditions set up by the Haysville and Derby planning commissions; the other requirements of the M.A.P.C. were acceptable except for this one. In addition, he pointed out that tests conducted to determine the noise levels resulted in a reading of 67 decibels, or two points above normal conversation; this before the regrowth of the orchard, which had been removed.

Mr. Joe Hancock, son of the applicant, iterated the request for lighting on the fields one night a week for seven weeks instead of four nights a year. He said he would like to move the lights over the distance of one trap, farther away from the residential area.

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 7

Mr. Steve Rudd came to the podium and told the Board that he and his father owned the 80 acres across the street from the trapshoot. The Commission had previously approved light industrial zoning for a sand pit operation on their property; their future plans were for residential development. Mr. Rudd expressed his satisfaction with the proposed expansion of the trapshoot. He himself had been trapshooting for over 20 years all over the country, he said, and it was his observation that not one facility he had seen had contributed to the detriment of surrounding properties nor failed to earn money for its owner.

Mr. Scott asked if there were anyone else present to speak in favor of the applicant. He then invited those who were opposed to come to the podium.

Mr. Royce Wallace, representing 15 people who reside to the west and northwest of the trapshoot fields, contended that the commercial use of the traps had been abandoned, and what was being requested was not expansion but a new commercial facility. With respect to lighting, his clients were adamant; none of the residents had seen any lighting used in connection with trapshooting with the exception of some farm lighting at the Hancock residence, to the south.

Mr. Wallace maintained that the registered shoots would be using from 9,000 to 12,000 rounds of ammunition per day, and that the noise generated would invade his clients' property. He said that the decibel level quoted by Mr. Berg as two points above normal conversation was in excess of levels allowed by communities throughout the United States, and that until the trapshoot activity was accelerated, there would be no way to know what the decibel level would actually be. He suggested to the Commission that this would be a good time to examine the decibel limitations in question, and to consider and develop a policy with which all areas in the County would have to comply. One of his clients, he said, suffered from a serious disease and had moved to his present location for peace and quiet, but found that the noise level had become intolerable to him during the last year and a half.

Mr. Galbraith advised the Board that if it chose to deny the application, the County regulations provide that the Hancocks can expand the number of traps by one without going through additional application. They can also go to the County Board of Zoning Appeals and gain the three traps they are desirous of, expanding their operation by 50 per cent. He remarked that the County Zoning Administrator's Office is the one that enforces conditional use regulations and the applicant should provide them a letter stating the dates of the four registered shoots so that the Office will know a violation is not occurring.

Mr. Robert Parker, 7701 South Laura, came to the podium and stated that he lived 700 or 800 feet from the thousand foot ring. He identified himself as the resident with a serious disease: multiple sclerosis. It was diagnosed in 1965, and his condition worsened until he moved to his present location in 1971. From that time to this, he had heard only sporadic shooting which had coincided with the hunting season. Other than that, he and his family and neighbors had never heard anything like the noise they had to tolerate in October of this year. Mr. Parker expressed his regret at having asked a friend with Parkinson's Disease to relocate to this neighborhood, in view of the trapshoot expansion. Mr. Parker maintained that it would be virtually impossible for him to move away because his mobile home would not bring a good price on the market, and bank loans were unattainable.

Mr. Ernest Davidson, 7700 South Laura, stated that he had purchased his land from the Hancocks in 1971. Until last year, the only shooting

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 8

he had heard had been very occasional. A week ago, his neighbor's basement was being dug with a tractor, and the shooting from the fields could be heard above that noise. He expressed his chagrin at the invasion of his peace and quiet in what was supposed to be a residential area by the people from whom he bought his property.

Mrs. Carolyn Davidson, 7700 South Laura, testified that when the Hancock Sporting Goods store was in existence, the only trapshooting facility was a foot trap used for the customers' convenience in trying out guns. The noise generated by Turnpike traffic and airplanes was inevitable as well as necessary, she contended, but not the noise from the trapshooting fields, especially when land was available elsewhere for such an operation. She said that she and her husband had not known of the traps until they were in place and being used, and thought at first the noise was target practice until they got a barrage of shooting from 1:00 in the afternoon until sundown on Saturdays and Sundays during the last year. Mrs. Davidson commented on her husband's heart trouble and her nerves, stating that the increased noise level on weekends hadn't helped either of them.

Mr. Berg commented that this had become an emotional issue: not one of the protesters had mentioned the turkey shoot which had been held the day before in which there were over four thousand rounds of ammunition fired. Turkey shoots, he said, had been held every year for the last five years. He pointed out that the Commission knew that on this sort of agricultural land there can be any amount of hunting allowed with no restrictions on the frequency of shooting. Now, his client was trying to achieve a structured, conditional use of an existing non-conforming use. Mr. Berg remarked that the past location of the Wichita Gun Club was in the 3400 block of West Maple in a residential area, and that he and his client were not talking about anything different from what is currently accepted in the County and in many cities across the country.

Mrs. Hancock came to the podium and related that this was the first time she had heard any complaints about the trapshooting fields. She said that the traps had been in existence since 1952 and had been used every year; in fact, the traps had existed before the Sporting Goods store, which had been built in 1960. She cited the civic, social and business-related clubs which used the facility with regularity, and the trapshoot's safety record.

Mr. Scott asked Mr. Berg what would be the effect if an application for two additional fields were turned down.

Mr. Berg stated that the shooting involved in a registered shoot would take much longer; that was the reason for requesting the expansion to five fields--one for practice and four for competition. He told the Board that his client was trying to proceed in an orderly fashion to comply with the spirit and the letter of the law, but that without approval, there would be a good chance of expansion to three shooting areas and possibly six.

Mr. Scott asked if there were anyone else to be heard before the Board took action.

MOTION

Mr. Scott made a motion that the Board concur with the Derby and Haysville planning commissions, and in lieu of the M.A.P.C. restriction on lighting to four nights per year, allow night lighting one night per week. In addition, the dedication shall be submitted within 90 days, or this case is to be considered null and void.

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting
January 2, 1980 Page 9

Mr. Patrick seconded the motion.

VOTE

Chairman Tom Scott Aye
Commissioner Donald Gragg Aye
Commissioner Everett Patrick Aye

SCZ-0447

REQUEST FOR CHANGE IN ZONING FROM "R-1" TO "AA" SO THAT AREA MAY BE
PLATTED INTO SINGLE FAMILY RESIDENTIAL LOTS ON THE EAST SIDE OF 143RD
STREET EAST, 1/2 MILE SOUTH OF 13TH STREET

Mr. Galbraith told the Board that this was a very small piece of land,
and pointed it out on a map displayed in the meeting room. He related
that it was just east of Crestview County Club, and that previously
the Board had granted single family zoning on this property.

Mr. Scott asked the Board members if they had any questions.

MOTION

Mr. Gragg made a motion that this request be approved with
the concurrence of the M.A.P.C.

Mr. Patrick seconded the motion.

VOTE

Chairman Tom Scott Aye
Commissioner Donald Gragg Aye
Commissioner Everett Patrick Aye

DEPARTMENT
OF PUBLIC
WORKS

RESOLUTION
ASSIGNING
ROADS WITHIN
STEVENS ADDN.
TO RIVERSIDE
TOWNSHIP

RESOLUTION ASSIGNING ROADS WITHIN STEVENS ADDITION TO THE RIVERSIDE
TOWNSHIP ROAD SYSTEM

Acting County Engineer Joe Freeman appeared before the Board and presented
a resolution assigning 59th South, 59th Street Court, Greenwood and Ida
Avenues in the Stevens Addition, which is located to the west of Hydraulic
between 55th and 63rd Street South. He related that the roads had been
built to County standards and had been inspected and accepted by the River-
side Township Board; he recommended approval.

MOTION

Mr. Scott made a motion to approve the resolution.

Mr. Gragg seconded the motion.

VOTE

Chairman Tom Scott Aye
Commissioner Donald Gragg Aye
Commissioner Everett Patrick Aye

CONTRACT WITH
CLEARWATER
EXCAVATING
FOR SEWERS IN
ARBOR LAKES
ESTATES, II

CONTRACT BETWEEN THE BOARD OF SEDGWICK COUNTY COMMISSIONERS AND CLEARWATER
EXCAVATING, INC., FOR THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS FOR
ARBOR LAKES ESTATES, PHASE II

Mr. Freeman stated that this was the execution of a contract which the
Board had previously awarded for the construction of lateral sewers in

RECEIVED

OCT 19 1979

METROPOLITAN PLANNING

ROUTE 1

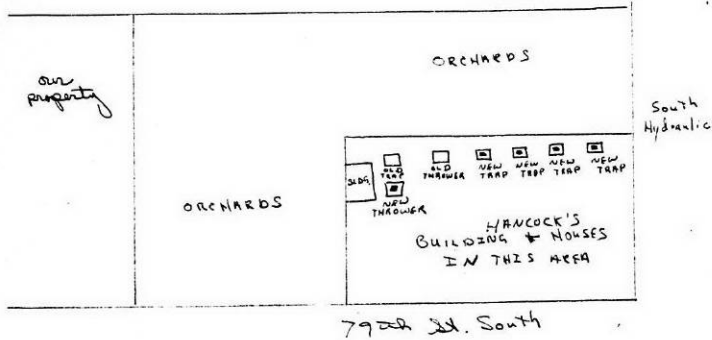
October 18, 1979

Mr. Syd Werbin
Building Planning Inspections & Codes
1248 S. Seneca
Wichita, KS

Dear Mr. Werbin:

I would imagine you're probably getting quite tired of my questions and inquiries but it will be very important that the records be correct, and since Mr. Bill Hancock seems to have trouble remembering which of his trap-shooting facilities are new and which ones have been there for years, let me offer this sketch.

Sometime in the last couple of weeks, please note that another target throwing device was either built or moved onto their property (a small shed-type building on stilts, probably something to throw targets higher). I didn't notice it until yesterday because it was partially hidden by another building. I'm quite sure the Hancock's will say it's been there for years, but funniest thing, it wasn't there the last time I looked. Believe me, one can hardly help but look!



Sincerely,

Virginia Dickey
Box 576
Derby, KS 67037

cc: Curtis Newby
Zoning

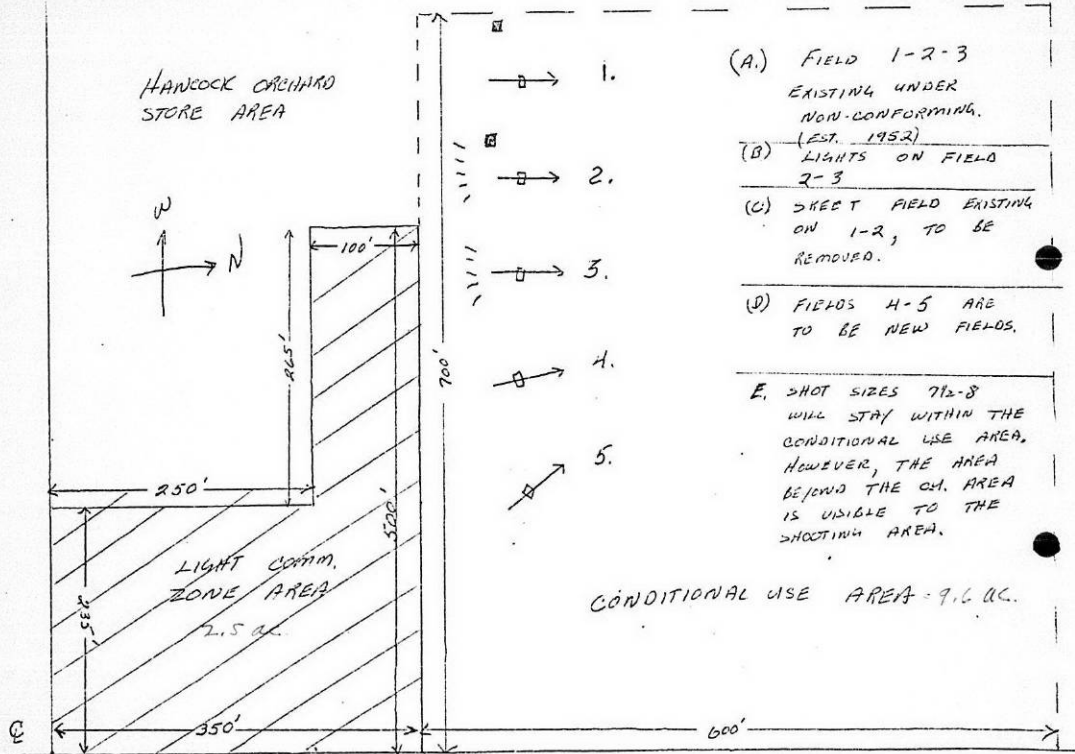
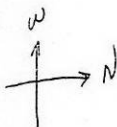
Virginia Dickey
Box 576

DERBY, KANSAS 67037



Mr. Curtis Newby
Zoning
City Hall-10th Floor
455 N. Main
Wichita, KS 67202

HANCOCK COUNTRY
STORE AREA



(A) FIELD 1-2-3
EXISTING UNDER
NON-CONFORMING.
(EST. 1952)

(B) LIGHTS ON FIELD
2-3

(C) SHEET FIELD EXISTING
ON 1-2, TO BE
REMOVED.

(D) FIELDS 4-5 ARE
TO BE NEW FIELDS.

E. SHOT SIZES 7 1/2-8
WILL STAY WITHIN THE
CONDITIONAL USE AREA.
HOWEVER, THE AREA
BEYOND THE CU. AREA
IS VISIBLE TO THE
SHOOTING AREA.

CONDITIONAL USE AREA - 9.6 AC.

October 2, 1979

Bill Hancock, Chairman
Haysville City Planning Commission
1500 East 79th Street South
Wichita, Kansas 67233

Re: Trap Shooting

Dear Bill:

As I advised you last Thursday, the County's text is not clear as to where either a rifle range or trap shooting range is permitted. There is no question, however, that such use is not permitted in the "LC" district as that district requires activities to be operated indoors and also prohibits uses that are objectionable due to noise, vibration, or other similar causes. Even the next higher classification, the "C" district, would not permit trap shooting.

The only other experience we have had for such a request was for the Highway Patrol who requested a Conditional Use Permit under the "R" Rural Residential District for a pistol shooting range. After reviewing that case file, I am convinced that you can request a "Conditional Use" for a Trap Shooting Range under the Conditional Use section of the Regulations in the "R" district and such use could be approved by the Board of County Commission, subject to any conditions they believe necessary to help make the use compatible with the surrounding area. In addition to filing the Conditional Use application, it would be helpful if you submitted a letter of explanation and site plan explaining how it is proposed that the trap shooting operation will be conducted, the number of trap shooting areas, their location, parking, lighting if proposed to be operated at night, fencing location if proposed, etc.

As to your request for a hardware store, such use is permitted in the "LC" district and a request for zone change needs to be filed.

If you have questions on filing either application, please call.

Sincerely,

JHG:el

Jack H. Galbraith
Chief Planner

OWNERSHIP LIST

Tract	✓	Property Owner	
The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3-29-1E	✓	Dema Hancock (Mahoney) 8249 South Hydraulic	67233
The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10-29-1E	✓	Butts Farms Inc., Rt. #2 Mulvane, Kansas	67110
A tract beginning at a point 235 feet west of the SE corner of the SE $\frac{1}{4}$ of Section 4-29-1E thence west along the south line of said SE $\frac{1}{4}$ 405 feet; thence north parallel with the east line of said SE $\frac{1}{4}$, 215 feet; thence east 405 feet; thence south 215 feet to beginning	✓	Dema A. Mahoney 8249 South Hydraulic	67233
The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E except above described tract	✓	Dema A. Mahoney 8249 South Hydraulic	67233
The North 361 feet of the east 332.5 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the north 40 feet and the east 40 feet	✓	Kenneth Morgan Wait 8025 South Hydraulic	67233
The west 332.5 feet of the East 665 feet of the north 228 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the north 40 feet and the west 30 feet	✓	F. B. Davis and Martha 2122 South Wichita 67213	
The south 133 feet of the north 361 feet of the west 332.5 feet of the east 665 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the west 30 feet	✓	F. B. Davis and Martha 2122 South Wichita 67213	
The west 122.5 feet of the east 787.5 feet of the north 228 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9-29-1E, except the north 40 feet for road	✓	Clifford R. Lewis & M. Amelia 8013 Victoria	67233
The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3-29-1E <i>11-15-79 Returned a part to 7720 S. Hydraulic 67233</i>	✓	R. A. Ruud & Son Inc. 6700 South Hydraulic 7720	67233
The East 10 acres of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E	✓	Charles W. Cookson & Margaret J. 8737 South Hydraulic 67233 VIRGINIA DICKEY, BOX 574, URBAN, KS 67037	
The south half of the west half of the east half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4-29-1E except the west 30 feet	✓	G. H. Whittenberg & Dorothy 1320 East 79th St. South 67233	
	✓	<i>also sent to: 1374 Crestway, 67208</i>	

Tract

Property Owner

- The north 75.36 feet of the west half of the east half of the SW $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E ✓✓ Glenn B. Hastings & Helen L.
725 East Wayne 67216
- The north 100 feet of the south 379 feet of the north half of the west half of the east half of the SW $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E ✓✓ Clayton E. Brown and Margaret E. Brown
7830 Laura 67216
- The north half of the west half of the east half of the SW $\frac{1}{2}$ of the SW $\frac{1}{2}$ of Section 4-29-1E, except the south 379 feet and except the north 75.36 ft. ✓✓ Roy E. Beck and Doris A.
1315 North West St., Apt. 17
67203 *Returned 11-21-71 to previous address*
- The south 147.9 feet of the north half of the west half of the east half of the SW $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E, except the west 30 feet ✓✓ Thurman D. Parvin and Melva Kathryn Parvin
7850 Laura 67216
- The north 131.1 feet of the south 279 feet of the north half of the west half of the east half of the SW $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E ✓✓ E. C. Batson and Jo Ann Batson
7840 Laura 67216
- The north 196 feet of the East 630 feet of the south half of the NE $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E ✓✓ Dewey Gressel and Annabele
8260 Hancock Drive
67233
- The south half of the NE $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4-29-1E, except the north 196 feet of the east 630 feet ✓✓ Dema A. Mahoney
8249 South Hydraulic
67233
- lot 6, Block D Hancock 2nd Addition ✓✓ Carlton Johnson & Martha J.
7338 Pattie 67233
- lot 7, Block D Same ✓✓ Robert D. Syers & Vera M.
7756 Pattie 67233
- lot 8, Block D Same ✓✓ Larry Lee Haner & Helen Pearl
7757 Lulu 67233
- lot 9, Block D Same ✓✓ Neal W. Rusher & Lois J.
7735 Lulu 67233
- lot 10, Block D Same ✓✓ R. L. Hancock & Dema A.
8249 South Hydraulic 67233
- The north 228 feet of the NE $\frac{1}{2}$ of the NE $\frac{1}{2}$ of Section 9-29-1E, except the east 997.5 feet thereof and except the north 40 feet and the west 30 feet for road ✓✓ Finis H. Nelson & Pearl L.
1415 East 79th St. South
67233
- The south 133 feet of the north 760 feet of the west 332.5 feet of the east 997.5 feet of the NE $\frac{1}{2}$ of Section 9-29-1E, subject to road easement on the east 30 feet thereof ✓✓ Jimmy R. Gass & Susan M. Gass
8101 Victoria 67233

Tract	Property Owner
The east 105 feet of the west 1207.5 feet of the north 228 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, except the north 40 feet for road ✓	James Newt Butcher & Wesley M. 1321 East 79th St. South 67233 ✓
The south half of the south 133 feet of the north 627 feet of the west 332.5 feet of the east 665 feet of the NE $\frac{1}{4}$ of Section 9-29-1E subject to road row on the west 30 feet ✓	Gail J. Kreutzer & Janet V. 8056 Victoria 67233 ✓
The south 133 feet of the north 494 feet of the east 332.5 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the east 40 feet ✓	Kenneth Morgan Wait & Rosella Louise Wait 8025 South Hydraulic 67233 ✓
The south 133 feet of the north 760 feet of the east 332.5 feet of the NE $\frac{1}{4}$ of Section 9-29-1E <i>owner is Wm P. Scott per Mrs Dickey 17-6-74 7757 Patton She will be added</i> ✓	William J. Scott & Valeta D. 8101 South Hydraulic 67233 ✓
The north 228 feet of the west half of the NE $\frac{1}{4}$ of Section 9-29-1E except the West 1,207.5 feet and except the north 40 feet and east 30 feet for road ✓	Edd Olson Beach & Nancy L. 4580 Jade 67216 ✓
The east 210 feet of the west 1102.5 feet of the north 228 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the north 40 feet ✓	Raymond Fields and Verna P. 8027 Lulu 67233 ✓
The west 210 feet of the east 997.5 feet of the north 228 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the north 40 feet thereof ✓	D. T. Dirck and N. Nelle 1501 East 79th St. South 67233 ✓
The west 302.5 feet of the East 997.5 feet of the South 133 feet of the north 361 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9-29-1E ✓	William M. Ehart & Lillian F. 8025 Victoria 67233 ✓
The south 133 feet of the north 627 feet of the west 332.5 feet of the east 665 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, except the south half ✓	George L. McIntire & Arzella Z. 8048 Victoria 67233 ✓
The south 133 feet of the north 361 feet of the west half of the NE $\frac{1}{4}$ of Section 9-29-1E except the west 997.5 feet, subject to road easement on the east 30 feet ✓	Raymond W. Fields & Verna P. 8027 Lulu 67233 ✓
South 133 feet of west 332.5 feet of east 665 feet of north 494 feet of the NE $\frac{1}{4}$ of Section 9-29-1E ✓	Carl D. Gifford & Verna J. 8040 Victoria 67233 ✓
South 266 feet of north 626 feet of west half of NE $\frac{1}{4}$ Section 9-29-1E, except west 997.5 feet ✓	L. J. Shoffner Sr. and Elizabeth E. Shoffner 8051 Lulu 67233 ✓

Tract

Property Owner

The south 133 feet of the north 627 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9-29-1E, except the east 997.5 feet and except west 30 feet for road

✓ X Victor A. Hetzel & Margaret E.
935 Summey 67217

✓ Ret. - Recd 11-7-79 to: 114 Timberlane Dr.
Haysville, 67060

The South 266 feet of the north 494 feet of the east half of the NE $\frac{1}{4}$ of Section 9-29-1E except the east 997.5 feet, and subject to road easement on the west 30 feet

✓ ✓ Paul Knabe and Izora Knabe
8040 Lulu 67233

The south 266 feet of the north 627 feet of the west 332.5 feet of the east 997.5 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road on the East 30 feet

X ✓ Howard W. Hazen & Vivian M.
Address (Unknown)

The South 133 feet of the north 760 feet of the west 332.5 feet of the east 665 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to road easement on the west 30 feet

✓ ✓ Travis C. Thomas & Barbara J.
8100 Victoria 67233

The south 133 feet of the north 627 feet of the East 332.5 feet of the NE $\frac{1}{4}$ of Section 9-29-1E, subject to 40 feet on the east for road

✓ ✓ Kenneth Daniels & Maxine
8051 South Hydraulic
67233

We hereby certify the foregoing to be a true and correct list of the property owners of:

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$ a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$ to the point of beginning

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 10th day of October, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

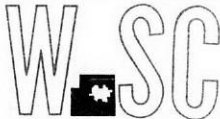
Mary Gable

Vice President

Order No. 282138
wh

Sc2-0446
+ CU227

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Edie



HET 35 120212N1 11/02/79

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

*11-6-79
11-7-79*

VICTOR A & MARGARET E HETZEL
-935 SUMMEY
WICHITA KS 67217

Rec'd present 11-7-79
114 Timberlane Dr. Haysville 67060

Important! Notice of Meeting Enclosed



CU227

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Edie



RETURNED FOR BETTER ADDRESS

7720
R. A. RUUD & SON INC
670 SOUTH HYDRAULIC
WICHITA KS 67233

NO SUCH STREET NUMBER

Important! Notice of Meeting Enclosed

CU227
Sc20446

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



Edie

ROY E & DORIS A BECK
1315 NORTH WEST ST. - APT 17
WICHITA KS 67203

Returned for
Carrier Endorsement

UKN 714

Not for Roy & Doris Beck, Apt. 17

no other address

Important! Notice of Meeting Enclosed

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

November 9, 1979

Our notice to you dated November 2, 1979, advised that the following cases would be heard by the Haysville City Planning Commission on Thursday, November 8, 1979; the Derby City Planning Commission on Thursday, November 22, 1979; and the Wichita-Sedgwick County Metropolitan Area Planning Commission on Thursday, December 6, 1979.

CASE NO. SCZ-0446

Zone Change from the "R" Rural Residential District
to the "LC" Light Commercial District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, described as beginning at the SE corner of the SE $\frac{1}{4}$, thence west along the south line of said SE $\frac{1}{4}$, a distance of 235 feet, thence north parallel to the east line of said SE $\frac{1}{4}$, a distance of 250 feet, thence west parallel with the south line of said SE $\frac{1}{4}$, a distance of 265 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 100 feet, thence east parallel with the south line a distance of 500 feet to a point in the east line said SE $\frac{1}{4}$, thence south along said east line to the point of beginning. Generally located at the northwest corner of Hydraulic and 79th Street South. AND

CASE NO. CU-227

Conditional Use Request to Permit Establishment of
A Trap Shooting Facility on Property
Zoned the "R" Rural Residential District

A tract in the SE $\frac{1}{4}$ of Section 4-29-1E, beginning at a point on the east line said SE $\frac{1}{4}$, 350 feet north of the SE corner of said SE $\frac{1}{4}$, thence west parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet, thence north parallel with the east line said SE $\frac{1}{4}$, a distance of 600 feet, thence east parallel with the south line said SE $\frac{1}{4}$, a distance of 700 feet more or less to a point on the east line said SE $\frac{1}{4}$, 600 feet north of the point of beginning, thence south along the east line said SE $\frac{1}{4}$, to the point of beginning. Generally located on the west side of Hydraulic, between 71st and 79th Streets South.

However, the Derby City Planning Commission has advised that they will not meet on Thursday, November 22, 1979, but will meet instead on THURSDAY, NOVEMBER 29, 1979. All other dates are correct as stated in the previous notice.

Jack H. Galbraith
Assistant Secretary

FORM 29-1

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION 470 AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

LAURA

ST. SO.

79 74
HL 6 L

ST. SO.

ST. SO.

ST. SO.
UNIVERSITY NINTTU

A PLANNING COMMISSION

December 6, 1979

Shooting Facility.

Expand the Shooting

between 71st and 79th

on 4-29-1E, beginning at a
said SE $\frac{1}{4}$, thence W. par-
parallel with the E. line
line said SE $\frac{1}{4}$, a distance
t. N. of the point of
of beginning.

No Base

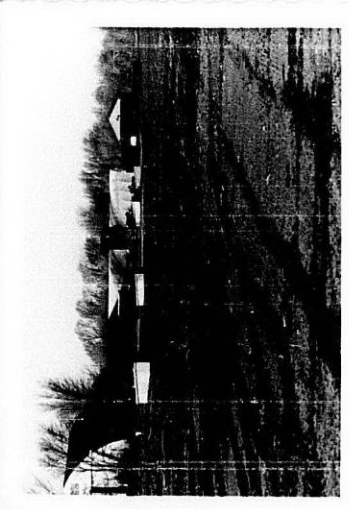
Undeveloped & Farm
family home.

Photos
9:30 AM
11-7-79

S.T.S.



1.
JC
NO SUBJECT OR
NO SUBJECT OR
NO SUBJECT OR



CU-227 - Use Same
Picture Sheet as SCZ-0446
EXCEPT FOR THE TWO CLOSE-UPS ENCLOSED

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*