

CU-270 - Expansion
of training facilities for the
Sedgwick Co. Sheriff's Dept. on
the north side of 39th St. South
in an area ^{#437} ~~about~~ 3/4-mile west

ACTION

COMMITTEE	DATE
Goddard P.C. <i>Deferred 60 days</i>	<i>4-23-84</i>
M.A.P.C. <i>Deferred to 6-28-84</i>	<i>5-3-84</i>
Goddard P.C. <i>Deferred Class of 6 from 6-25-84</i>	
B.C.C./B. CO. C.	
MAPC <i>Prepared for 4 months</i>	<i>6-28-84</i>
Goddard P.C. <i>Denial</i>	<i>7-16-84</i>
MAPC <i>Approved in part sent to committee, deferred balance</i>	<i>7-26-84</i>
Goddard P.C. <i>Denial</i>	<i>8-27-84</i>
Bd of Co. <i>Denial</i>	<i>9-5-84</i>
Bd of Co. <i>Denial</i>	<i>9-12-84</i>

Map No. 3943 C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 270
Filed 4-2-84

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Sedgwick County Sheriff's Department
Address 525 North Main, Wichita, KS. 67203 Phone 268-7411
 2. Agent: Paul Wagner - 7267
Address _____ Phone _____
 3. General Location: On the north side of 39th Street South in an area approx. 3/4-mile west of 247th Street West. (24516 West 39th St. South)
 4. Proposed Use: Expand Existing Training Facility for the Sedgwick County Sheriff's Department

- AREA DATA:
1. Acres: 80 (_____ ft. by _____ ft.)
 2. Adjoining Zoning: E "R" S "R" W "R" N "R"
 3. Land Use: East _____ South _____
West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

- PROCEDURE DATA:
1. Zoning Committee _____ by _____
 2. MAPC Meeting: _____

Date	Action
Goddard P.C. 4-23-84	<u>Referred 60 days</u>
5-3-84	<u>Referred</u>
<u>Goddard 6-25-84</u>	<u>2nd Session</u>
<u>MAPC 6-28-84</u>	<u>Referred 4 weeks</u>
<u>Goddard 7-16-84</u>	<u>Denied</u>
3. Governing Body (Bd., City Commissioners - Bd. County Commissioners)	<u>MAPC 7-26-84 Applied in part</u>
<u>Goddard 8-27-84</u>	<u>Passed</u>
	<u>Ordinance Resolution</u>
<u>9-5-84</u>	<u>Referred 1 week</u>
<u>9-12-84</u>	<u>Referred - Resolution requested to report back in 90 days to the availability of other facilities at other locations.</u>

NOTES:

Sgt Dally, Range Master

LOS ANGELES COUNTY
PLANNING AND ZONING DEPARTMENT
11000 CRENSHAW BLVD., SUITE 200
LOS ANGELES, CALIFORNIA 90008
USA

Standard
No. 2153C

Map No. 3943 C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

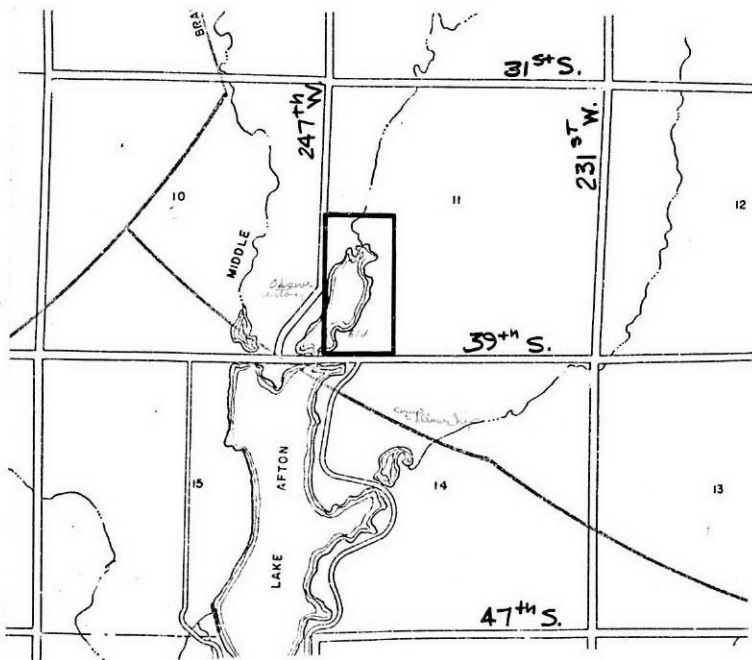
Z- _____
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ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Sedgwick County Sheriff's Department
Address 525 North Main, Wichita, KS. 67203 Phone 268-7411
 2. Agent: _____
Address _____ Phone _____
 3. General Location: On the north side of 39th Street South in an area approx. 3/4 mile east of 247th Street West. (24516 West 39th St. So.)
 4. Proposed Use: Expand Existing Training Facility for the Sedgwick County Sheriff's Department

- AREA DATA:
1. Acres: 80 (2640 ft. by 1320 ft.)
 2. Adjoining Zoning: E "R" S "R" W "R" N "R"
 3. Land Use: East _____ South _____
West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by AK Date _____ Time 12:30



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

CASE NO. CU-270 To be heard by the M.A.P.C. on May 3, 1984

Request for Conditional Use Permit

Reason for Request (As Provided By Petitioner):

Conditional Use Permit to Expand an Existing Training Facility for the Sedgwick County Sheriff's Department on Property Zoned "R" Rural Residential District. It is also proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

Location of Property:

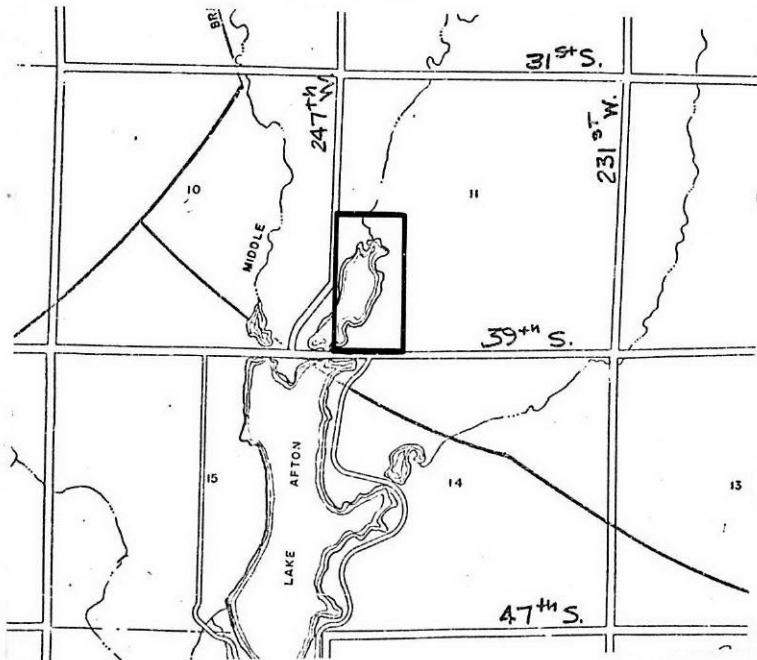
On the north side of 39th Street South in an area east of 247th Street West.

Legal Description of Property:

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 28 South; Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 39th Street South in an area east of 247th Street West.

APPLICANT: Sedgwick County
Address: 525 North Main
Wichita, Kansas 67203
AGENT for Applicant: Paul Evans
Sedgwick County Courthouse
525 North Main Street
Wichita, Kansas 67203

Surrounding Land Use:



Recommendation Or Comments by G.C.P.C.

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

April 12, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on April 23, 1984, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, City Hall, Goddard, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-270
Conditional Use Permit to Expand an Existing Training Facility
for the Sedgwick County Sheriff's Department on Property
Zoned "R" Rural Residential District

It is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 28 South;
Range 3 West of the 6th P.M., Sedgwick County, Kansas.
Generally located on the north side of 39th Street South
in an area approximately $\frac{3}{4}$ -mile west of 231st Street West.
(24516 West 39th Street South).

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, which begins at 1:30 p.m., Thursday, May 3, 1984, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

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

Published in the West Sedgwick County News Sentinel on April 11, 1984 (Once)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on April 23, 1984, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, City Hall, Goddard, Kansas will consider the following item for the purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-270

Conditional Use Permit to Expand an Existing Training Facility
for the Sedgwick County Sheriff's Department on Property
Zoned "R" Rural Residential District

It is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

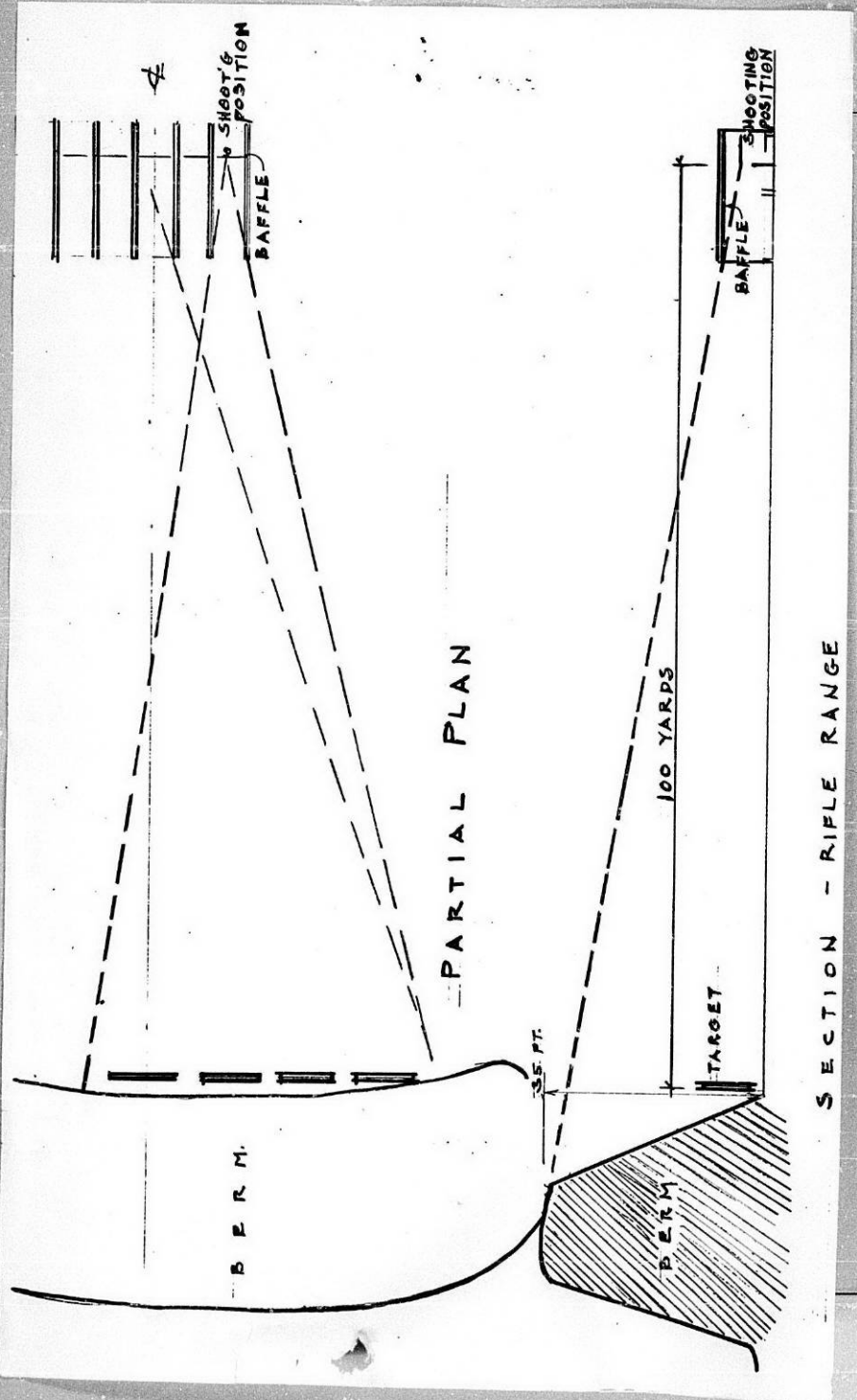
West 1/4 of the Southwest 1/4 of Section 11, Township 28 South;
Range 3 West of the 6th P.M., Sedgwick County, Kansas.
Generally located on the north side of 39th Street South
in an area approximately 3/4-mile west of 231st Street West.
(24516 West 39th Street South).

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As provided in the County Zoning Resolution, Section 14 - Administration, sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises and any protest against any of the provisions of the proposed Conditional Use, will be considered as by law provided.

WITNESS MY HAND AND SEAL on this 6th day of April, 1984.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission



PARTIAL PLAN

SECTION - RIFLE RANGE

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 26, 1984

LEGAL:

5. Case No. CU-270 - Sedgwick County requests a Conditional Use Permit to expand an existing training facility on property described as the West ½ of the Southwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 39th Street South in an area east of 247th Street West. (24516 West 39th Street South).

GALBRAITH pointed out 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:

The applicant is requesting a Conditional Use Permit to expand an existing training facility for the Sedgwick County Sheriff's Department located on the north side of 39th Street South in an area east of 247th Street West.

In addition to the existing training facilities, it is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities. A site plan submitted with the application indicates these existing and proposed facilities.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary, permit conditional uses in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

Subject property is located on an FAS road (39th Street South) and provides for only 30 feet of half-street right-of-way whereas 60 feet is required.

The Goddard Planning Commission at its meeting of April 23, 1984 considered the application and deferred the request for 60 days and requested more information on the following:

- a. Need more detail regarding construction plans (size of berms), and fallout areas with regard to area housing. Also recommend obtaining endorsement of the plan by some qualified outside source; for example, National Rifle Association.
- b. Include policies on operating hours by both regular officers and reserve officers; suggest limited usage after dark to specific times and days (for example, one night a month) as must be required for proper proficiency by the department.
- c. Assurance of more authority and tighter control by the Sheriff's Department Range Master.
- d. Any other significant points. For example, maximum size of weapons to be fired at the facility.

At the deferred meeting, representatives from the Sheriff's Department passed out prepared materials that attempted to answer the report for more detailed information. Along with this material was included a site plan for the area, a cross section of the 100 yard rifle range, a list of the type of ammunition to be used on the range and a copy of range safety

rules and range rules and regulations. (Copy of the submitted materials attached).

After considerable discussion and listening to concerns expressed from two property owners to the north in opposition, the action of the Goddard Planning Commission was to recommend that the request be denied.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. Subject property shall be used for pistol and rifle ranges, duel-a-tron range, trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgewick County Sheriff's Department, and shall not be for use by the general public.
 - b. The rifle range shall not exceed the length of 100 yards and shall be constructed with an earth berm having a minimum height of 35 feet. The shooting area shall be constructed with appropriate baffles so that shooting must be into and not over the berm.
 - c. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
 - d. Provisions for water and restrooms shall be approved by the Wichita-Sedgewick County Health Department.
 - e. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - f. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

DISCUSSION:

GALBRAITH stated that the application was filed by the Board of County Commissioners on behalf of the Sheriff's Department for permission to expand their firing range. One of the most controversial aspects of this case is the development of the rifle range. They show a berm that would be constructed 35 feet in height and a baffled shooting area, but advise staff that as you shoot from inside the chamber; that you could not shoot over the height of the berm. He said that this has been heard by the Goddard Planning Commission on three occasions. It was first scheduled in May, deferred for 60 days for the Sheriff's Department to provide more information to the Goddard Planning Commission, and then at their next meeting they failed to receive a quorum which deferred it for approximately three weeks. GALBRAITH mentioned the material in the Commissioners package, pointing out that it was material submitted by the Sheriff's Department after the first deferral by Goddard.

GALBRAITH stated that this has been a very controversial case. There are landowners to the north that are most concerned about enlarging the firing facility at this location. They cite long range plans for development of the tract directly north for single family purposes. He said that there is a gentleman that lives there with a family and thoroughbred horses. He said that they have heard all the concerns that one would normally expect from someone being located adjacent to a firing range. GALBRAITH said that Goddard, at their last meeting, recommended by a vote of 5-1

that the application be denied. GALBRAITH said that he presented that night several alternatives that Goddard might consider. If the rifle range was the most concern, they could recommend against the rifle range, but permit a pistol range to be enlarged, classrooms and an agility course to be constructed, and those types of things. If they were concerned about the type of weapons fired, such as fully automatic weapons, they could be restricted. But the Commission chose not to suggest other alternatives, but simply to deny the request entirely.

GALBRAITH added that he had not received any information since the Goddard Planning Commission last considered this case except today. Sgt. John Daily called and said that they were amending their application to delete the rifle range and would agree that no fully automatic weapons would be fired from the premises. GALBRAITH said that he had advised the opponent's attorney of that and he is prepared to speak on whether or not that might be acceptable to his clients.

GALBRAITH stated that he had attended all of the meetings except the first one and he still has reservations about a rifle range. The County property ends at the half mile line, and in his opinion, that is not a sufficient distance to be assured that there will not be potential danger to the property to the north. The trap shooting range does not bother staff. He cited to the Commission how they have approved trap shooting ranges in other similar locations that have much more intensity of residential land use around them than this site does, and the Hancock Orchard is an example by Haysville. He commented that a number of years ago, a previous Planning Commission approved a pistol shooting range on north Broadway for the Highway Patrol and the distance from their range to I-135 is 1800 feet, substantially less than the distance of the pistol range here to the north property line. He said that apparently those types of things had been found acceptable in the past. The things that he heard at the meeting that disturb him are the use of automatic weapons and the rifle range in this distance, and those parts of the application staff could not recommend approval of.

RICHARD EUSON, Assistant County Attorney representing the applicant, was present.

JOHN DAILY, Sedgwick County Sheriff's Department, representing the applicant, stated that during their meetings with the Goddard Planning Commission they proposed a rifle range, expansion of the existing pistol range, and construction of an agility course for the Department. The agility course would be west of the pistol range. He said that the proposed duel-a-tron range would be added to the existing range and the berms would be lengthened and enlarged to the minimum height of 35 feet. The existing berm now is approximately 25 feet high. The existing pistol range is a maximum length of 50 yards long. The proposed trap range would be to the east of the new proposed berm area for the duel-a-tron system. DAILY said that the duel-a-tron system consisted of radio controlled targets instead of manually controlled or electrically controlled type targets. These targets have free standing bases where they could be moved around to different locations to get different types of setups for the targets. The purpose of the duel-a-tron was basically for the officers to have a better ability to make decisions on what to shoot at and what not to shoot at. This would be a situation where the officers would be at some point in time moving between the target and the target area. He said that there was some concern about the officers running and shooting but they do not run and shoot. It is a bad practice and causes a lot of accidents, but they would be moving from one position to another to line themselves up with a target in that general vicinity. He mentioned that the shot fall area in the trap range was approximately 300 yards north of the trap house itself which does not pose a problem with any residential area or farmland. He said that the agility course was strictly for exercise running. The training facility they wanted to add was to enlarge their ability to teach more people at one time. The present building that they have was

too small for their needs. DAILY said that they would like to have the proposal submitted as it is, however, they would withdraw the rifle range, and they would withdraw the use of automatic weapons at the range so that they could possibly get the other facilities. DAILY said that he understood that both Mr. Voth and Mr. Lytle had a problem with the rifles and the distances that the ammunition would travel. He related that it was a problem, and he could not guarantee that someone would not be hit, either by accident or on purpose. Due to the fact that they are basically concerned with everyone's safety and well-being, they would like to amend the proposal to delete the rifle range and the use of automatic weapons if it becomes necessary.

BAYOUTH asked if that was the main concern of the Goddard Planning Commission.

DAILY said yes.

BANZER said that as he understands it, they do have a pistol range that they use now. He asked if the different types of weapons that they would fire there were a concern, or did they not intend to change the type of weapons.

DAILY said that the types of weapons that they fire now are shotguns and handguns and some rifles on the present facility. They shoot the rifles at a 25 yard distance. The calibers that they use as far as the handguns are 22 up to 44 magnum. The ammunition that is presently being used on the range is of mid-range and target load type. He said that they have no intentions of changing what they are presently doing now as far as the ammunition they are using.

PETERS asked why they were raising the height of the berms if everything was alright.

DAILY said that they wanted to raise the height of the berms to better assure that ricochets or loose rounds don't get away.

PETERS asked if they have a problem with that.

DAILY said that he was not made aware of any problem until they went to the Goddard Planning Commission with this proposal, and Mr. Voth stated that he thought it was a problem. DAILY said that they have not had any complaints from any of the residents that live to the west of them at this time.

PETERS mentioned that the Wichita Police Department has a range on K-42, and asked why does both of them have to have ranges.

DAILY said that he could not speak for the Wichita Police Department. But the training program that the Sheriff's Department has is to the point where they are increasing the amount of training that the officers have with firearms. He related that, because of the Wichita Police Department's own schedule, it was simpler for them to have their own facility where they could use it when they need to use it.

PETERS asked if this was paid for by taxpayers money or is it paid for individually.

DAILY responded that most of the facility that is there at this point in time has been by donation. Very little of the facility has been built by taxpayers' money other than the land.

GARDNER stated that it was his understanding that the Police Department was not encouraging use of their facility by other groups or individuals; that there has been some concern that the location of their facility with the Airport and Cessna beyond the backdrop cause it to be considered less than an optimum location, and moving from Afton into that location, compounding the amount of use there, may pose a problem in terms of the range operation in just the fashion they are trying to reduce.

PETERS asked if Gardner thought the bullets would ricochet and hit airplanes.

GARDNER said no, the problem that has been cited there has been finding spent rounds on the runway area that in one way or the other made it over the berm. He said that it has been his understanding that there has been a concern in the operation of the range that that sort of thing not occur. The availability of that range for general use is very limited.

HARRY LYTLE, 2874 Benjamin, stated that he was the owner of the 145 acres immediately north of this property. It adjoins the County property. He read a statement to the Commission as follows:

"In 1977 my wife and I purchased a quarter section immediately north of the quarter section in which is located the proposed expanded training facility. This purchase was made with the financing through an insurance company, the major portion, unfortunately, which is still owed. This property was purchased for the express purpose of eventually developing suburban homes. In fact my wife and I have considered building a home on a portion of this acreage. Shortly after purchasing this property, Randy Voth acquired 15 acres in the northeast corner of the quarter from us for the construction of his home. Shortly after acquiring this property, I began to negotiate with the Phillips Petroleum Company concerning the blanket easement on this quarter. After approximately two years the company finally agreed to confine the easement to the area of the pipeline itself. This removed a restriction which would have hampered the development of the quarter. Over the past several years I have received several inquiries from individuals relative to the sale of additional 10 or 15 acre segments of the quarter for home sites. Since this would have created some unorganized patchwork in the development of the quarter, I have not seriously considered partial sales. During the past six months I have discussed a joint venture with a developer. At that time the developer was developing other areas in the County and deferred serious consideration of this project for the time being. I do not pretend to be knowledgeable about such training facilities, firing ranges, ballistics, etc., but I am concerned about unsafe conditions which may be generated on our property. The Sheriff's range master has assured us that the proposed use of a training facility is 95 percent safe. This may be safe enough for him, but it is not for us. When we discussed with the range master the possibility of firing to the east, he said firing toward a development would not be feasible. His reply was similar when we suggested firing to the south or to the west. A public road and Lake Afton are to the south, and the public observatory is to the west. By firing to the north, our property and that of Randy Voth would become the drop area for the mistakes of the proposed training facility. My wife and I have too large of an investment in this property and its development to let any governmental agency destroy any or much of its value. This can not, and should not be taken as an objection to the necessary training of Sheriff's officers or police officers. We are 100 percent supportive of adequate training. I would like to say that if the tables were reversed and we were the applicant wanting to put in a training facility, shooting to the south, I am sure the County would do everything they could to stop us. We request that you deny the petition and recommend that the Sheriff's Department strongly consider cooperating with McConnell Air Force Base in the use of their facilities for training of personnel."

BAYOUTH asked how far it was to Lytle's property.

LYTLE said it was less than a half mile.

BAYOUTH stated that there were other ranges throughout the area like Galbraith described with less space than here. He asked where does one put a facility like this. He related that the Air Force is just like Wichita PD ---- they have personnel problems. Everybody wants to be their own person. He asked how long this has been a pistol range.

LYTLE said that the range master told them at the Goddard hearing that it had been somewhere around 6 or 7 years. Part of the facility was built in the last year.

LYTLE stated that the portion of the petition that the range master did not address is the fact that under the request it also will permit them to use this 24 hours a day.

GARDNER, speaking to Lytle, said that he was puzzled. The understanding that he had in terms of the primary objections that were raised in the initial stages of consideration of this evolved around the installation of a rifle range and the use of automatic weapons. He said that as near as he could recall from what discussions he was aware of, there was not any particular objection to the improvement of the berm work on the range itself which increased the safety of the facility or the reconstruction of certain elements there for either training or agility course. He asked if Lytle was objecting to those.

LYTLE said no he was not.

GARDNER said that he wanted to make it clear that Lytle was not objecting to the improvement of the existing berm work or the increased elevation of berm work there to enhance safety for existing uses.

LYTLE said of course he would not object to that.

GARDNER continued that Lytle's essential objections are to a rifle range and he was voicing some objections to the hours of the pistol range. He asked if that was correct.

LYTLE said that was correct, and as he understands it there are some weapons being used with ammunitions that are also objectionable.

GARDNER asked Lytle if he was presently living on the site, or if he resided in Wichita.

LYTLE said that he now lived in Wichita.

GARDNER stated that whatever development plans Lytle may have for the area, he did not believe the area shows as a proposed growth area for either Wichita or Goddard, and there was not presently municipal water or sewer available, so the density level would be one dwelling per acre if it percolates adequately. He asked Lytle how soon in the future were his development plans.

LYTLE said that he had no definite calendar of events. He said that he paid too much for the property for farm land. If he had wanted farm land he would have gone further out.

GARDNER asked if Lytle was objecting to the operating hours from 10 to midnight.

LYTLE said that there was also a provision in the application that they can also shoot from 12 to 8 in the morning. So that is 24 hours.

GARDNER asked Lytle what level of probability that would have.

LYTLE said he had no idea.

HANSEN asked the applicant to speak to the hours of operation.

DAILY stated that in reference to the hours of operation, the normal hours of operation would be from 8 a.m. in the morning until 10 p.m. at night. Special hours of operation would be from 10 p.m. to midnight. He said that under their present conditions, the range is normally open from 8 a.m. to 5 p.m. and, approximately 2 to 3 nights a week, it is also open from 6 p.m. to 9:30 p.m. He pointed out that under their range rules and regulations where it says that "no shooting will take place between the hours of 2400 and 0800", that was added basically for the reason that the Sheriff's Department has approximately 135 to 145 commissioned officers to train. In some instances, twice a year, they have a qualification course that has to be performed at night. Due to the many things that the Sheriff's Department has to do, there may come a time their night firing course would take longer than 10 o'clock, especially in the summer when it does not get dark until 9:30 at night. They added the special hours of operation to accommodate the extra time that would be needed.

PETERS, speaking to Daily, stated that Mr. Lytle had brought up an interesting question, and he asked Daily if they cooperated with McConnell Air Force Base.

DAILY said that they have on occasions.

PETERS asked if it was a possibility they could use McConnell's range.

DAILY said that the only thing that they indicated to him was that if it became necessary for them to utilize their facility, that they would try to make arrangements to let them do so. They did not guarantee that the Sheriff's officers could use the facility due to the fact that it is a military installation and they are civilians.

PETERS asked if there was any money in the Sheriff's budget for the proposed range.

DAILY said that the range itself was incorporated in the training section, and the training section receives approximately \$20,000 a year for their budget. Of that \$20,000 they get what is necessary to keep the supplies going.

JIM SCHAEFER, attorney, stated that he was appearing on behalf of Randall and Carol Voth owner of the property on the northeast corner of the tract that Mr. Lytle owns. He said that they built there house around 1977 after purchasing that tract from Mr. Lytle and have lived there continuously ever since. As Galbraith pointed out, he has small children and livestock.

In response to Commissioner Peters, SCHAEFER pointed out and read from the Federal Statute, USC, Section 4309, with the heading "Rifle Ranges, Recommendation to Congress Regulations". He read:

"The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country."

Under Subsection B, SCHAEFER read:

"All rifle ranges established under Subsection A, and all rifle ranges already constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by all able-bodied males capable of bearing arms under regulations prescribed by authorities controlling those ranges and approved by the Secretary".

SCHAEFER stated that Congress had specifically granted authority for them to use Federal ranges.

SCHAEFER said that since the range master has indicated that they are withdrawing their request, not only for a rifle range, but for all automatic weapons, he felt that there was no reason for him to address that. He said that there were a few other items in their present use of that facility as a pistol range which he wanted to discuss. He said that he spent an hour and a half a few days ago in the office in the County Clerk going through the card index on all resolutions having to do with the Sheriff's Department under the heading of "rifle", under the heading of "pistol", "gunnery", "Lake Afton", and any other thing he could find, and he could not find any authority for them to be there in the first place. The first piece of authorization that he found was a resolution passed in June 1983 authorizing them to build some of the things they were wanting to build now. Now they are asking for authority to do something that they have never had any authority to do in the first place. SCHAEFER said that this is one of those areas where the theory is great but the practice does not always work out like it should. SCHAEFER said that they have a pistol range there now, and they keep taking one more step in this area.

SCHAEFER stated that Mr. Voth advised him that on several occasions, prior to the original application being filed, he has heard automatic weapons fired, from his house, as late as midnight.

MOTION: That Mr. Schaefer be allotted an additional five minutes to finish his presentation. Gardner moved, Bayouth seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER felt that something should be done about the hours; the hours proposed were not reasonable. He said that originally when this matter came up, Mr. Voth went to the Sheriff's Department and he agreed to try to work out something with them and they refused to work with him at all. SCHAEFER said that the Sheriff's Department has now conceded to some things. They do want the trap range. SCHAEFER could not see why they would want a trap range. He said that no police officer was going to learn anything about shooting a shotgun by going out and shooting on a trap range. He said that he did not know how many criminals fly, but he just could not believe that a trap range was going to be of any training use whatsoever. He suggested that this operation be conducted some other time of year rather than in the middle of summer. He said that he could not believe that this should all be done in the summertime when daylight savings time is on and the days of sunshine are longer.

SCHAEFER stated that Commissioner Gardner had mentioned the Wichita range. He said that he had heard the same thing that the largest caliber allowed out there was a .38 with a wad cut slug in it simply because they had found slugs laying in the runway, and he understood that on one occasion there was an airplane that got a hole drilled in it. So the Police Department obviously does not care about using heavy weapons.

SCHAEFER pointed out that there was a range at Whitewater which is not that much farther than Lake Afton from the Sheriff's Department. He said that he could not conceive why they couldn't work something out with the Whitewater range. They apparently have had no problems. There is nothing around there that they could hit in that area. As far as shooting heavy caliber pistols, SCHAEFER advised that there was an indoor range at 2625 West Pawnee in Wichita, and any pistol could be shot in there up to a .44 magnum which is probably the most powerful handgun known to man. Anything can be shot in there except an automatic weapon. SCHAEFER said that they have obtained from the National Rifle Association certain information concerning ballistics and what bullets will do.

SCHAEFER stated Mr. Voth's home is about three-quarters of a mile away as the crow flies and a simple .22 caliber long rifle has a range of 1500 yards which would very easily reach that location. A .357 magnum has a range of 1.34 miles which is almost twice the distance to Mr. Voth's home. He pointed out that a .9 millimeter luger goes over a mile and they have been shooting those out at this Sheriff's facility.

MOTION: That Mr. Schaefer be given an additional two minutes to finish his presentation. Bayouth moved, Banzer seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER continued that even with the pistols being fired out there today, there is a great danger with those pistols when there is that type of range. He mentioned the duel-a-tron in which an officer could fire lying flat on the ground. He was of the opinion that a bullet could very easily go over the berm because as the officer is falling into position, the gun might go off. He said if they are going to shoot pistols out there, the authority to do so should be rather limited, and should be limited to specific calibers and specific loads rather than just limiting it to pistols. He did not feel that heavy pistols should be fired in a potential residential area.

GARDNER commented to Schaefer that he enjoyed his recitation of the regulation providing for male public access at the federal facilities. He asked if Schaefer had ever tried to utilize those facilities.

SCHAEFER said no, because he was not a shooter.

GARDNER said that having pursued that for a Boy Scout troop, there has been a significant level of rebuff on available facilities primarily because they just are not open to the public in spite of the statute. He guessed that there was a level of discussion there between whoever wrote and interprets that statute and the Base Commanders having to do with letting people on or not. He said that he would like to agree with Schaefer that other facilities are readily available, but he would also like to submit that, at this point in time, with an essential location for a pistol range, since the primary objections that were initially raised were for rifles and fully automatic weapons, that the basic merit of the proposal with the removal of those particular items stands. He asked if Schaefer would concur with him.

SCHAEFER said not 100 percent. The reason he would not was for the reason he stated at the end, that they keep using heavier stuff out there all the time, and just saying that pistols were allowed was not good enough.

GARDNER stated that there was always a simple principal and that is the heavier ball you move out the barrel the quicker it comes back to earth. He said that with all due respect for the simple minds that equate bigger with more dangerous, not understanding what the ballistic principals are that are involved, there are some of the heavier rounds that are distinctly less dangerous than the lighter ones.

SCHAEFER said that even with his simple mind he would agree with that. He noted that Mr. Voth's place would be reached with some rifle slugs for a shotgun.

GARDNER said that it could be reached with a bow and arrow. He said that there was a distinct difference between maximum effective range at which it has an impacting velocity and energy level that will do damage and actual full distance that it may travel.

SCHAEFER said that he suppose what they were talking about, to put it bluntly, was killing range.

GARDNER said that probably has a lot to do with it. The second element that dovetails into that was that if a berm could be cleared within a very confined area, you end up with an elevation factor. The further back you are from this berm that you are trying to clear, the lower the elevation that you are shooting. GARDNER said that he suspects that if they had some technical experts comment on maximum range achievable within a confined area over a berm, they might not find that Voth was in a particularly endangered area.

SCHAEFER said that he put that in about the same category as Mr. Daily's 95 percent. He said that he could get a 9 shot revolver and play Russian Roulette and he would have 8-1 odds, but he liked a little better odds than that.

GARDNER said that he was in agreement that they needed as absolute a safety factor as possible, but felt that it was improper to represent that something fired within a very confined area necessarily always or automatically homes in on the residential site that they are concerned with. GARDNER said the point that he was trying to make was, if a weapon is fired within a confined area over an extreme elevated hill, a situation would be created where probably the slug itself begins to dissipate its energy as it goes up, and when it falls back it does not have quite the magnitude of danger that it did on a more horizontal projectory. He said that he was trying to say that there was a lot more room out there safety-wise than what they have been talking about.

PETERS said that in Schaefer's opening comments he intimated that they moved into that area without the proper authority.

SCHAEFER said that he was not intimating it. All he was saying was that he went through the records and he could not find anything authorizing it.

PETERS asked if Schaefer had talked to the County Counselor about this.

SCHAEFER said no, the only person he talked to was Jack Galbraith to find out whether he had any history on it, and he had not been able to find any more than that it was there apparently before Goddard had their three mile ring zoning. It would not have been submitted for Planning Commission review if no zoning controls existed at the time.

BAYOUTH said he thought staff admitted that this was nonconforming.

GALBRAITH stated that Schaefer was suggesting another concern which was that he finds no record that the County Commission authorized the Sheriff's Department to use this property. The nonconforming status was from a zoning standpoint.

RANDY VOTH, landowner to the north, stated that he spent 15 months in Vietnam as an infantryman and he knows a little bit about weapons. He said that he was very concerned about his family and his children. He said that he had seen many children killed, has been shot at many times himself, and felt that he had paid his dues to this country to live in peace. VOTH said that they all know that a .44 magnum and a .357 were very much capable of dropping on his house. He mentioned that they have all witnessed the sort of holocaust that recently occurred at McDonald's and they know what weapons will do. VOTH said that he was asking the Commission to consider one thing ---- would they want to live in his area at his home under the conditions that are proposed of 155 people hustling through a duel-a-tron range under a time schedule and under qualifying pressure. Would they want to live there with him on that afternoon? The Commission was here today making a very difficult decision that they probably never thought they would encounter when they became Planning Commissioners. It is a life and death situation on his part. VOTH mentioned that he had been in these situations prior, and has tried to raise his family and take

them out of these kinds of situations that may exist. He asked that the Commission deny this application because there is a potential of his family being killed, maimed and wounded. He said that if they think that they can handle that by proposing to go ahead with it, that is on their consciences and for him to deal with later on. He pointed out that it was very hard to control weaponry. He has trained with every bit of it that they could dig up from Vietnam to Cambodia; he has used it; has seen it; and have trained with it, even World War II weapons.

GARDNER commented that they have talked at length on this subject and he understands very clearly Voth's concerns for his family's safety. He said that he did not in the least way mean to appear to disregard those feelings. He felt that more than the issue of whether or not something is approved here today, however, is what they are discussing. They are discussing a likely safety enhancement of some of the facilities already there in terms of increased berm height and shaping to limit the possibility and restrict the likelihood and reduce the probability that a stray round might affect him. GARDNER felt that while their initial discussions ranged around high powered rifles and a rifle range and involved the level of valid concern that has been at this point removed from consideration, as well as the discussions regarding automatic weapons fire and inability to control the elimination of those from that situation, they are now back to a point where they are dealing with a present use situation at a facility that probably could stand some safety improvements and enhancements in terms of dirt work in the berming out there. He did not feel that Voth had any dispute with the agility course and the class room. GARDNER asked if Voth was objecting to them changing the height on the berms and reshaping the dirt work to enhance the safety of the facility.

VOTH responded that Gardner wanted to get to a more engineering type discussion which he really did not want to get into. He said that he told him his true feelings and concerns and the reason he has these concerns. He said that the mentality of the individuals that he has so far met and tried to meet within this program that has been presented out there is one of such that they could care less of old Vietnam war stories. They were going to go ahead and run the M-16, or whatever they felt like they wanted to run. He said that with that type of mentality they had an architect draw up plans for the shooting range. VOTH contacted the National Rifleman's Association and they were totally surprised. He said that these people did not even take the first step to contact the planning facility in Washington, D.C. or the Area Manager of the National Rifleman's Association to come out and look at the program. They never even considered it after he had suggested it in the first meeting. He related that they have no consideration for anything except their enjoyment and 90 percent of what goes on out there is "Good Time Charley". Their rules and regulations compared to the National Rifleman's Association are very, very limited and not very enforceable. They have Sheriff Reserve personnel that go out there that may have never fired a weapon over 3 or 4 times in their life. They have access to this range to use it at any time they want without the control of the range master. He asked if the Commission thinks that some afternoon when he is sitting out there playing with one of his children that "Joe Cool", who was not even paid by the Sheriff's Department, would be concerned about striking up a .308, M-16, semi-automatic which could bounce from here to China. VOTH said that everybody said that everything was great, but he knew what was going on out there. He knows the attitude of the people involved and he knows they are upset with him for even mentioning the problems that exist out there. VOTH mentioned that he came to the Commission with projects that he has spent \$50,000 on just to get the plans drawn and that is no guarantee that he would even be able to do anything with the ground that he has already bought. He remarked that he could not get any more consideration when it is a life and death situation than what they would give to somebody with an air condition with a decibel sound problem. He said it upsets him. He felt that there should

be more consideration given here, not only to himself, but to Mr. Lytle.

MOORE remarked to Voth that he was not too sure that he did not equate the problems with this rifle range hardly being any worse than the air conditioning system. He felt that he was listening to a bunch of bunk from Voth and a lot of false fears that are not there. He asked Voth how long he had lived on this property.

VOTH said that he had lived there for seven years.

MOORE pointed out that the range had been put in about that time. He said that if he was as deeply concerned about it as Voth was and so scared about his children's safety, he would have been gone from there a long time ago.

VOTH said the thought had more than crossed his mind.

MOORE said that Voth was just getting around now to voicing his complaints.

VOTH said it was just getting to the point now where it is being expanded and you could take the simple principals of modern mathematics and determine that the more amount of rounds that one has going in that area, the more capability there is of killing bystanders. He pointed out that Sedgwick County has committed a lot of money to the Observatory that is well within the range of a duela-tron if someone would slip and fall. He said that the Wichita Police Department has set up 35-foot berms at their facility and they are still having problems with it; they are still finding slugs on the airstrip.

MOORE said that he doubted Voth's sincerity.

VOTH said that he disagreed with Moore.

BAYOUTH commented to Voth that if the Commission approved this request subject to it being engineered and designed properly, would it be a problem then.

VOTH said no.

BAYOUTH further commented that they have shooting ranges in Whitewater, the Air Base, Police Department, that have higher densities adjacent to them, and if they tried to approve those today they probably could not get them because there are more people living in those areas than where Voth was today. He pointed out that the Traffic Commission endangers more lives with not putting up stop signs than what they would approve today.

VOTH said that when this originally started, he tried to talk to the range master in areas of possibility of digging it out and down so that they could have total restriction of their rounds. If they went any place, they would go straight up and come right back down. It would also take care of the sound problems. The amount of sound would go straight up and would not carry over the whole neighborhood. He said that when they are talking about a cheap 35-foot berm that is hauled in with 2 or 3 truckloads of dirt, or 15, it is not adequate. He said that it was evident that the Commission has not been out there.

BAYOUTH felt that the facility can be made safer and engineered properly. It probably would be the best one in this whole area when they get through with it. The personnel have to be trained.

HANSEN asked Galbraith if it would be his impression that removal of the two items, rifle and automatic firing, would have alleviated the Coddard people to the point where that vote would have changed their decision, or did he think that they were ultimately against it.

GALBRAITH said that he could not really answer that because he had presented possible alternatives to Goddard that evening, that they could establish conditions or eliminate part of the request. A motion was forthcoming simply to deny the entire request.

HANSEN stated that they really have not talked about the fact that those of them who are citizens want to make sure that they are protected by competent personnel, and that one of the things they have to weigh is the opportunity for the Sheriff's people to have a chance to deal with this. She said that she has a dilemma in that she has tried very consistently to support the "ringed" communities when they have made a vote and this has been very tense for them, so at this point her vote would be no, simply because she did not know how to get around to the principal that she believed in that people closest to it should have some affect on the vote.

CROCKETT announced that he would abstain from discussion and voting on this request.

BAYOUTH asked the Chairman who was the authority on ranges.

CHISHOLM said that he would say the National Rifleman's Association would be a potential as an authority.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this application be approved subject to the Sheriff's Department conferring with the National Rifleman's Association, and that Mr. Randall Voth sit in on the meetings. Bayouth moved.

The motion died for lack of a second.

CHISHOLM commented that being something of a gun fanatic he has a problem when they talk pistols, since currently they make silhouette target pistols that shoot a .308. He said that he has some problems with some of the safety factors as they have been discussed.

BANZER said that he did not feel competent to really make a decision on this other than to defer it until they get some expert testimony.

BAYOUTH agreed that a deferral would be in order.

GARDNER stated that the concerns that Mr. Voth put forth were valid. He felt that what they were considering at this point in time with a conditional use permit revolves around several items. The first item, in terms of importance, was whether or not there would be a pistol range and improvements could be made to it which would enhance it in terms of safety and its general use. He felt that the design for it, which has come into question at least to this point, was something that was still open. GARDNER said that he did not think that there is any particular objection to making the range more safe than its present use situation. Safety seems to be the underlying point. There is a strong objection to rifle use or basically rifle type ammunition out there or for automatic weapons fire. He understands that the applicants are dropping the rifle range portion of the application. They are agreeing not to utilize automatic weapons, and they probably could resolve the type of ammunition that might be fired out there, limiting it perhaps to just pistol type ammunition of a more conventional law enforcement sort of nature, but he was not sure anyone on the bench was capable of delving into that as an expert. GARDNER said the other element which arises is whether or not, under the conditional use permit, they want to deal with and authorize an agility course and a classroom type training facility out there, which they have need of. He said it seems to him to be a reasonably simple situation. They also need to deal with the terms of the hours. GARDNER felt that if it is possible at this point in time to deal with the approval on an agility course and a class room facility, he felt that was prudent. It allows

them some level to proceed with their activities under the current operation. If the Commission wanted to hold and defer any approval on the conditional use element on a pistol range pending an investigation of a design that would be as safe as reasonably possible, he felt that would be prudent. He said that the hours of operation on the facility and the general terms of the conditional use are subject to debate also. It may be that an agility course and a classroom could be approved with a tentative deferral on the pistol range subject to a design approval and concurrence.

PETERS felt that the whole game plan has been changed since it left the Coddard Planning Commission, and since they are recognized as part of this whole area, he felt that it would be important that they get answers to all of the questions being proposed by returning the application back to them, which he thought was proper and fitting, and in the meantime, staff can gather the necessary answers that this board has brought out today. He said that Coddard Planning Commission was entitled to hear the case again.

MOTION: That the Planning Commission return CU-270 to the Coddard Planning Commission, and that staff gather the necessary information pertaining to the questions raised by the Planning Commission. Peters moved, Hansen seconded.

GARDNER felt that the Coddard Planning Commission should be involved. They, however, elected not to address the specifics or involve themselves in specifying which areas needed either additional embellishment or review. Rather than on a blanket basis refer this straight back to them pending staff's involvement in answering the questions, he would prefer to see it returned to the Planning Commission on a basis of at least seeing whether or not the preliminary elements have been addressed or not, and then perhaps prior to taking a final action, referring it to them in some completed fashion.

GALBRAITH commented that Gardner had asked earlier if he had any suggestions about whether part of it could be forwarded to the County Commission and part of it kept here. He said that the Planning Commission has those options. They could deny the request for expansion of the pistol range facilities at this time until more information is provided by the Sheriff's Department. They could deny the duel-a-tron request, and approve the trap shooting part of the application because that does not seem to be a problem. The classroom and agility confidence course are things that no one has any problems with approving. Those parts of the application could go on to the County Commission. He said the question has been raised, "who is the expert". GALBRAITH said staff had raised that question ever since this case has been filed. The Sheriff's Department has not been forthcoming yet with any concise design of the pistol shooting range or the rifle range since it has been submitted to the Commission. He felt that it was up to the Sheriff's Department, if the Commission was wanting expert testimony from someone, to pay to contact those sources and have them come in and look at the site, look at their plans and provide evidence to the Planning Commission that they feel this is a satisfactory design.

SUBSTITUTE MOTION: That the Planning Commission recommend to the Board of County Commissioners that a portion of the expansion request be approved (classrooms, agility course and trap shooting range) and action on the balance of the request be deferred until such time as satisfactory plans are submitted for review. Recognized experts in these fields should be contacted to review the proposed plans and evaluate them in terms of safety.

Harry Lytton Owner to the north
145 acres.

Requested to deny the report in its
entirety -

Purchased in 1977

Randy Voth

- Wants the White water facility used
- Another Pistol range at Pawnee - 2547 W Pawnee
Private facility

- Rifle Range had been withdrawn from the report
- P.C. has not recorded the opening of the dead a tree
- The issue is the existing pistol shooting range.

The applicant wants it removed.

Locate it somewhere else

Intend to heighten the pistol beam from 25' to 35'
Did not authorize the expansion of the field range.

Gen
Scott - Deny the application
Remain the possibility of using other land for the
90 days - report due back in 90 days

2-1 Scott.

All interested local parties, especially landowners immediately north of the range, shall be consulted about development of the rifle range and duel-a-tron. The conditional use permit approval is subject to the following conditions:

- a. Subject property shall be used for trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
- b. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
- c. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
- d. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
- e. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

The motion for approval also included the condition that the Goddard Planning Commission be given an opportunity to review the MAPC's action prior to the case being considered by the Board of County Commissioners.

Gardner moved, Hansen seconded and it carried with a vote of 6 in favor (Gardner, Hansen, Banzer, Bayouth, Chisholm and Moore) and 1 opposed (Peters). Crockett abstained. Goebel and Wilson were absent.

James Schaffer - Gave a full explanation of their concerns. They questioned why or how the use was first authorized. One ~~very~~ definite concern is control.

John Daily -

Scott - remembered that the Board had approved the Schuff had been authorized to go there. That he had been there on other occasions for reports for funds.

Sgt Daily Passed out aerial photo taken 2 mo ago. Indicates residence to the north. Their facilities. The house is not in line with the sight range.

He mentioned that sight range had been deleted from their reports.

Had contacted MacConnell and if they need training, they will use that facility.

Had contacted the NRA.

James Elliott Tulsa Okla - NRA.

Reported plans -

Crags questioned hrs of operation
8 am to 10 pm at night

Daily advised that no fire would ever occur except on unusual circumstances that need to operate to 12' doors - Only done however at the direction of the sheriff.

WICHITA-SEDGWICK COUNTY

Date: September 5, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Sgt. John Daily, Range Master, Sedgwick County Sheriff's Dept.
FROM: Jack H. Galbraith, Chief Planner, Current Plans Division
SUBJECT: CU-270 - Conditional Use Permit to Expand an Existing Training Facility for the Sedgwick County Sheriff's Department

The Board of County Commissioners at its regular meeting of September 5, 1984, deferred the above-captioned case for one week in anticipation that a full commission would be in attendance.

This case is scheduled for the County Commission agenda of September 12, 1984, which begins at 9:00 a.m. in Room 320, Sedgwick County Courthouse.

Jack H. Galbraith
Chief Planner

JHG:blw

cc: Johnny Darr, Sedgwick County Sheriff
Paul Evans, Sedgwick County Sheriff's Department
James R. Schaefer, Attorney, 105 S. Broadway, Wichita 67202
Randall Voth, Rt. 1, Goddard, KS. 67052
Harry O. Lytle, Jr., 800 Fourth Financial Center, Wichita 67202
Robert Johnson, Chairman of Goddard City Planning Commission, Goddard City Hall, 122 North Main, Goddard, KS. 67052

~~E~~ CV-270

Total Area 14,408,900 SQ. FT.

Application Area 3,408,900 "

Street R/W 431,400 "

Net Area 10,568,600 "

20% of Net Area 2,113,720 "

Net Protest Area 2,075,000 "

Total % Protesting 19.6 %

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

August 28, 1984

TO: Tim Witsman, County Administrator

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: CU-270 - Conditional Use Permit to Expand an Existing Training Facility for the Sedgwick County Sheriff's Department

The Goddard Planning Commission at its regular meeting of August 27, 1984, reconsidered the above-captioned case. The Metropolitan Area Planning Commission had asked that Goddard reconsider the case as they wanted Goddard to review the recommendation of MAPC which was to approve the application in part for some limited expansion but which did not include the development of a rifle range or a dual-a-tron range.

After considerable discussion, the action of the Goddard Planning Commission was again to recommend that the application be denied and that the Sheriff's Department seek another location for their facility that is not adjacent to a developing area nor adjacent to a public park. The motion was unanimous.

This case is scheduled for the County Commission agenda of September 5, 1984 which begins at 9:00 a.m. in Room 320, Sedgwick County Courthouse.



Jack H. Galbraith

JHG:sad

cc: Board of County Commissioners
- Richard Euson, Assistant County Counselor
- Johnny Darr, Sedgwick County Sheriff
- Paul Evans, Sedgwick County Sheriff's Department
- Sgt. John Daily, Range Master, Sedgwick County Sheriff's Department
- James R. Schaefer, Attorney, 105 S. Broadway, Wichita 67202
- Randall Voth, Rt. 1, Goddard, Ks. 67052
- Harry O. Lytle, Jr., 800 Fourth Financial Center, Wichita 67202
- Robert Johnson, Chairman of Goddard City Planning Commission, Goddard City Hall, 122 North Main, Goddard 67052

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-270 - CONDITIONAL USE PERMIT TO EXPAND AN EXISTING TRAINING FACILITY, GENERALLY LOCATED ON THE NORTH SIDE OF 39TH STREET SOUTH IN AN AREA EAST OF 247TH STREET WEST. (24516 WEST 39TH STREET SOUTH.

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

Gardner moved, Hansen seconded and it carried with a vote of 6 in favor (Gardner, Hansen, Banzer, Bayouth, Chisholm and Moore) and 1 opposed (Peters). Crockett abstained. Goebel and Wilson were absent.

NOTE: 19.6 percent of the property within 1000 feet is represented by valid protest petitions which have been filed as provided by law. The percentage is not sufficient to require a unanimous vote on the part of the County Commission to approve the application.

- ACTION:
1. Concur with the findings of fact of the Metropolitan Area Planning Commission, approve the application subject to recommended conditions of approval, adopt a resolution establishing the conditional use; or
 2. Take such action as the County Commission deems appropriate.

DATA AND MINUTES

GCPC Hearing Date: 4-23-84
MAPC Hearing Date: 5-03-84
GCPC Hearing Date: 6-25-84
MAPC Hearing Date: 6-28-84
GCPC Hearing Date: 7-16-84
MAPC Hearing Date: 7-26-84
GCPC Hearing Date: 8-27-84
BCoC Hearing Date: 9-05-84

AREA DATA:

Acres: 80
Size: 1320' x 2640'

Reason: To expand an existing training facility for the Sedgwick County Sheriff's Department.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Traning facilities, lake and undeveloped	"R"
North	Agriculture	"R"
East	Agriculture	"R"
South	Agriculture & Church Camp	"R"
West	Lake Afton & Observatory	"R"

History: None

Applicant: Sedgwick County, 525 North Main, Wichita, Kansas 67203

Protestors: Jim Schaefer, attorney representing Randall & Carol Voth; Harry O. Lytle, 2874 Benjamin; Randall Voth, Rt. 1, Coddard, KS.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 26, 1984

LEGAL:

5. Case No. CU-270 - Sedgwick County requests a Conditional Use Permit to expand an existing training facility on property described as the West 1/4 of the Southwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 39th Street South in an area east of 247th Street West. (24516 West 39th Street South).

GALBRAITH pointed out 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:

The applicant is requesting a Conditional Use Permit to expand an existing training facility for the Sedgwick County Sheriff's Department located on the north side of 39th Street South in an area east of 247th Street West.

In addition to the existing training facilities, it is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities. A site plan submitted with the application indicates these existing and proposed facilities.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary, permit conditional uses in the various districts where such-uses are deemed essential or desirable to the public convenience or welfare.

Subject property is located on an FAS road (39th Street South) and provides for only 30 feet of half-street right-of-way whereas 60 feet is required.

The Goddard Planning Commission at its meeting of April 23, 1984 considered the application and deferred the request for 60 days and requested more information on the following:

- a. Need more detail regarding construction plans (size of berms), and fallout areas with regard to area housing. Also recommend obtaining endorsement of the plan by some qualified outside source; for example, National Rifle Association.
- b. Include policies on operating hours by both regular officers and reserve officers; suggest limited usage after dark to specific times and days (for example, one night a month) as must be required for proper proficiency by the department.
- c. Assurance of more authority and tighter control by the Sheriff's Department Range Master.
- d. Any other significant points. For example, maximum size of weapons to be fired at the facility.

At the deferred meeting, representatives from the Sheriff's Department passed out prepared materials that attempted to answer the report for more detailed information. Along with this material was included a site plan for the area, a cross section of the 100 yard rifle range, a list of the type of ammunition to be used on the range and a copy of range safety

rules and range rules and regulations. (Copy of the submitted materials attached).

After considerable discussion and listening to concerns expressed from two property owners to the north in opposition, the action of the Goddard Planning Commission was to recommend that the request be denied.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. Subject property shall be used for pistol and rifle ranges, duel-a-tron range, trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
 - b. The rifle range shall not exceed the length of 100 yards and shall be constructed with an earth berm having a minimum height of 35 feet. The shooting area shall be constructed with appropriate baffles so that shooting must be into and not over the berm.
 - c. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
 - d. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
 - e. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - f. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

DISCUSSION:

GALBRAITH stated that the application was filed by the Board of County Commissioners on behalf of the Sheriff's Department for permission to expand their firing range. One of the most controversial aspects of this case is the development of the rifle range. They show a berm that would be constructed 35 feet in height and a baffled shooting area, but advise staff that as you shoot from inside the chamber; that you could not shoot over the height of the berm. He said that this has been heard by the Goddard Planning Commission on three occasions. It was first scheduled in May, deferred for 60 days for the Sheriff's Department to provide more information to the Goddard Planning Commission, and then at their next meeting they failed to receive a quorum which deferred it for approximately three weeks. GALBRAITH mentioned the material in the Commissioners package, pointing out that it was material submitted by the Sheriff's Department after the first deferral by Goddard.

GALBRAITH stated that this has been a very controversial case. There are landowners to the north that are most concerned about enlarging the firing facility at this location. They cite long range plans for development of the tract directly north for single family purposes. He said that there is a gentleman that lives there with a family and thoroughbred horses. He said that they have heard all the concerns that one would normally expect from someone being located adjacent to a firing range. GALBRAITH said that Goddard, at their last meeting, recommended by a vote of 5-1

that the application be denied. GALBRAITH said that he presented that night several alternatives that Goddard might consider. If the rifle range was the most concern, they could recommend against the rifle range, but permit a pistol range to be enlarged, classrooms and an agility course to be constructed, and those types of things. If they were concerned about the type of weapons fired, such as fully automatic weapons, they could be restricted. But the Commission chose not to suggest other alternatives, but simply to deny the request entirely.

GALBRAITH added that he had not received any information since the Goddard Planning Commission last considered this case except today. Sgt. John Daily called and said that they were amending their application to delete the rifle range and would agree that no fully automatic weapons would be fired from the premises. GALBRAITH said that he had advised the opponent's attorney of that and he is prepared to speak on whether or not that might be acceptable to his clients.

GALBRAITH stated that he had attended all of the meetings except the first one and he still has reservations about a rifle range. The County property ends at the half mile line, and in his opinion, that is not a sufficient distance to be assured that there will not be potential danger to the property to the north. The trap shooting range does not bother staff. He cited to the Commission how they have approved trap shooting ranges in other similar locations that have much more intensity of residential land use around them than this site does, and the Hancock Orchard is an example by Haysville. He commented that a number of years ago, a previous Planning Commission approved a pistol shooting range on north Broadway for the Highway Patrol and the distance from their range to I-135 is 1800 feet, substantially less than the distance of the pistol range here to the north property line. He said that apparently those types of things had been found acceptable in the past. The things that he heard at the meeting that disturb him are the use of automatic weapons and the rifle range in this distance, and those parts of the application staff could not recommend approval of.

RICHARD EUSON, Assistant County Attorney representing the applicant, was present.

JOHN DAILY, Sedgwick County Sheriff's Department, representing the applicant, stated that during their meetings with the Goddard Planning Commission they proposed a rifle range, expansion of the existing pistol range, and construction of an agility course for the Department. The agility course would be west of the pistol range. He said that the proposed duel-a-tron range would be added to the existing range and the berms would be lengthened and enlarged to the minimum height of 35 feet. The existing berm now is approximately 25 feet high. The existing pistol range is a maximum length of 50 yards long. The proposed trap range would be to the east of the new proposed berm area for the duel-a-tron system. DAILY said that the duel-a-tron system consisted of radio controlled targets instead of manually controlled or electrically controlled type targets. These targets have free standing bases where they could be moved around to different locations to get different types of setups for the targets. The purpose of the duel-a-tron was basically for the officers to have a better ability to make decisions on what to shoot at and what not to shoot at. This would be a situation where the officers would be at some point in time moving between the target and the target area. He said that there was some concern about the officers running and shooting but they do not run and shoot. It is a bad practice and causes a lot of accidents, but they would be moving from one position to another to line themselves up with a target in that general vicinity. He mentioned that the shot fall area in the trap range was approximately 300 yards north of the trap house itself which does not pose a problem with any residential area or farmland. He said that the agility course was strictly for exercise running. The training facility they wanted to add was to enlarge their ability to teach more people at one time. The present building that they have was

too small for their needs. DAILY said that they would like to have the proposal submitted as it is, however, they would withdraw the rifle range, and they would withdraw the use of automatic weapons at the range so that they could possibly get the other facilities. DAILY said that he understood that both Mr. Voth and Mr. Lytle had a problem with the rifles and the distances that the ammunition would travel. He related that it was a problem, and he could not guarantee that someone would not be hit, either by accident or on purpose. Due to the fact that they are basically concerned with everyone's safety and well-being, they would like to amend the proposal to delete the rifle range and the use of automatic weapons if it becomes necessary.

BAYOUTH asked if that was the main concern of the Goddard Planning Commission.

DAILY said yes.

BANZER said that as he understands it, they do have a pistol range that they use now. He asked if the different types of weapons that they would fire there were a concern, or did they not intend to change the type of weapons.

DAILY said that the types of weapons that they fire now are shotguns and handguns and some rifles on the present facility. They shoot the rifles at a 25 yard distance. The calibers that they use as far as the handguns are 22 up to 44 magnum. The ammunition that is presently being used on the range is of mid-range and target load type. He said that they have no intentions of changing what they are presently doing now as far as the ammunition they are using.

PETERS asked why they were raising the height of the berms if everything was alright.

DAILY said that they wanted to raise the height of the berms to better assure that ricochets or loose rounds don't get away.

PETERS asked if they have a problem with that.

DAILY said that he was not made aware of any problem until they went to the Goddard Planning Commission with this proposal, and Mr. Voth stated that he thought it was a problem. DAILY said that they have not had any complaints from any of the residents that live to the west of them at this time.

PETERS mentioned that the Wichita Police Department has a range on K-42, and asked why does both of them have to have ranges.

DAILY said that he could not speak for the Wichita Police Department. But the training program that the Sheriff's Department has is to the point where they are increasing the amount of training that the officers have with firearms. He related that, because of the Wichita Police Department's own schedule, it was simpler for them to have their own facility where they could use it when they need to use it.

PETERS asked if this was paid for by taxpayers money or is it paid for individually.

DAILY responded that most of the facility that is there at this point in time has been by donation. Very little of the facility has been built by taxpayers' money other than the land.

GARDNER stated that it was his understanding that the Police Department was not encouraging use of their facility by other groups or individuals; that there has been some concern that the location of their facility with the Airport and Cessna beyond the backdrop cause it to be considered less than an optimum location, and moving from Afton into that location, compounding the amount of use there, may pose a problem in terms of the range operation in just the fashion they are trying to reduce.

PETERS asked if Gardner thought the bullets would ricochet and hit airplanes.

GARDNER said no, the problem that has been cited there has been finding spent rounds on the runway area that in one way or the other made it over the berm. He said that it has been his understanding that there has been a concern in the operation of the range that that sort of thing not occur. The availability of that range for general use is very limited.

HARRY LYTLE, 2874 Benjamin, stated that he was the owner of the 145 acres immediately north of this property. It adjoins the County property. He read a statement to the Commission as follows:

"In 1977 my wife and I purchased a quarter section immediately north of the quarter section in which is located the proposed expanded training facility. This purchase was made with the financing through an insurance company, the major portion, unfortunately, which is still owed. This property was purchased for the express purpose of eventually developing suburban homes. In fact my wife and I have considered building a home on a portion of this acreage. Shortly after purchasing this property, Randy Voth acquired 15 acres in the northeast corner of the quarter from us for the construction of his home. Shortly after acquiring this property, I began to negotiate with the Phillips Petroleum Company concerning the blanket easement on this quarter. After approximately two years the company finally agreed to confine the easement to the area of the pipeline itself. This removed a restriction which would have hampered the development of the quarter. Over the past several years I have received several inquiries from individuals relative to the sale of additional 10 or 15 acre segments of the quarter for home sites. Since this would have created some unorganized patchwork in the development of the quarter, I have not seriously considered partial sales. During the past six months I have discussed a joint venture with a developer. At that time the developer was developing other areas in the County and deferred serious consideration of this project for the time being. I do not pretend to be knowledgeable about such training facilities, firing ranges, ballistics, etc., but I am concerned about unsafe conditions which may be generated on our property. The Sheriff's range master has assured us that the proposed use of a training facility is 95 percent safe. This may be safe enough for him, but it is not for us. When we discussed with the range master the possibility of firing to the east, he said firing toward a development would not be feasible. His reply was similar when we suggested firing to the south or to the west. A public road and Lake Afton are to the south, and the public observatory is to the west. By firing to the north, our property and that of Randy Voth would become the drop area for the mistakes of the proposed training facility. My wife and I have too large of an investment in this property and its development to let any governmental agency destroy any or much of its value. This can not, and should not be taken as an objection to the necessary training of Sheriff's officers or police officers. We are 100 percent supportive of adequate training. I would like to say that if the tables were reversed and we were the applicant wanting to put in a training facility, shooting to the south, I am sure the County would do everything they could to stop us. We request that you deny the petition and recommend that the Sheriff's Department strongly consider cooperating with McConnell Air Force Base in the use of their facilities for training of personnel."

BAYOUTH asked how far it was to Lytle's property.

LYTLE said it was less than a half mile.

BAYOUTH stated that there were other ranges throughout the area like Galbraith described with less space than here. He asked where does one put a facility like this. He related that the Air Force is just like Wichita PD ---- they have personnel problems. Everybody wants to be their own person. He asked how long this has been a pistol range.

LYTLE said that the range master told them at the Goddard hearing that it had been somewhere around 6 or 7 years. Part of the facility was built in the last year.

LYTLE stated that the portion of the petition that the range master did not address is the fact that under the request it also will permit them to use this 24 hours a day.

GARDNER, speaking to Lytle, said that he was puzzled. The understanding that he had in terms of the primary objections that were raised in the initial stages of consideration of this evolved around the installation of a rifle range and the use of automatic weapons. He said that as near as he could recall from what discussions he was aware of, there was not any particular objection to the improvement of the berm work on the range itself which increased the safety of the facility or the reconstruction of certain elements there for either training or agility course. He asked if Lytle was objecting to those.

LYTLE said no he was not.

GARDNER said that he wanted to make it clear that Lytle was not objecting to the improvement of the existing berm work or the increased elevation of berm work there to enhance safety for existing uses.

LYTLE said of course he would not object to that.

GARDNER continued that Lytle's essential objections are to a rifle range and he was voicing some objections to the hours of the pistol range. He asked if that was correct.

LYTLE said that was correct, and as he understands it there are some weapons being used with ammunitions that are also objectionable.

GARDNER asked Lytle if he was presently living on the site, or if he resided in Wichita.

LYTLE said that he now lived in Wichita.

GARDNER stated that whatever development plans Lytle may have for the area, he did not believe the area shows as a proposed growth area for either Wichita or Goddard, and there was not presently municipal water or sewer available, so the density level would be one dwelling per acre if it percolates adequately. He asked Lytle how soon in the future were his development plans.

LYTLE said that he had no definite calendar of events. He said that he paid too much for the property for farm land. If he had wanted farm land he would have gone further out.

GARDNER asked if Lytle was objecting to the operating hours from 10 to midnight.

LYTLE said that there was also a provision in the application that they can also shoot from 12 to 8 in the morning. So that is 24 hours.

GARDNER asked Lytle what level of probability that would have.

LYTLE said he had no idea.

HANSEN asked the applicant to speak to the hours of operation.

DAILY stated that in reference to the hours of operation, the normal hours of operation would be from 8 a.m. in the morning until 10 p.m. at night. Special hours of operation would be from 10 p.m. to midnight. He said that under their present conditions, the range is normally open from 8 a.m. to 5 p.m. and, approximately 2 to 3 nights a week, it is also open from 6 p.m. to 9:30 p.m. He pointed out that under their range rules and regulations where it says that "no shooting will take place between the hours of 2400 and 0800", that was added basically for the reason that the Sheriff's Department has approximately 135 to 145 commissioned officers to train. In some instances, twice a year, they have a qualification course that has to be performed at night. Due to the many things that the Sheriff's Department has to do, there may come a time their night firing course would take longer than 10 o'clock, especially in the summer when it does not get dark until 9:30 at night. They added the special hours of operation to accommodate the extra time that would be needed.

PETERS, speaking to Daily, stated that Mr. Lytle had brought up an interesting question, and he asked Daily if they cooperated with McConnell Air Force Base.

DAILY said that they have on occasions.

PETERS asked if it was a possibility they could use McConnell's range.

DAILY said that the only thing that they indicated to him was that if it became necessary for them to utilize their facility, that they would try to make arrangements to let them do so. They did not guarantee that the Sheriff's officers could use the facility due to the fact that it is a military installation and they are civilians.

PETERS asked if there was any money in the Sheriff's budget for the proposed range.

DAILY said that the range itself was incorporated in the training section, and the training section receives approximately \$20,000 a year for their budget. Of that \$20,000 they get what is necessary to keep the supplies going.

JIM SCHAEFER, attorney, stated that he was appearing on behalf of Randall and Carol Voth owner of the property on the northeast corner of the tract that Mr. Lytle owns. He said that they built there house around 1977 after purchasing that tract from Mr. Lytle and have lived there continuously ever since. As Galbraith pointed out, he has small children and livestock.

In response to Commissioner Peters, SCHAEFER pointed out and read from the Federal Statute, USC, Section 4309, with the heading "Rifle Ranges, Recommendation to Congress Regulations". He read:

"The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country."

Under Subsection B, SCHAEFER read:

"All rifle ranges established under Subsection A, and all rifle ranges already constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by all able-bodied males capable of bearing arms under regulations prescribed by authorities controlling those ranges and approved by the Secretary".

SCHAEFER stated that Congress had specifically granted authority for them to use Federal ranges.

SCHAEFER said that since the range master has indicated that they are withdrawing their request, not only for a rifle range, but for all automatic weapons, he felt that there was no reason for him to address that. He said that there were a few other items in their present use of that facility as a pistol range which he wanted to discuss. He said that he spent an hour and a half a few days ago in the office in the County Clerk going through the card index on all resolutions having to do with the Sheriff's Department under the heading of "rifle", under the heading of "pistol", "gunnery", "Lake Afton", and any other thing he could find, and he could not find any authority for them to be there in the first place. The first piece of authorization that he found was a resolution passed in June 1983 authorizing them to build some of the things they were wanting to build now. Now they are asking for authority to do something that they have never had any authority to do in the first place. SCHAEFER said that this is one of those areas where the theory is great but the practice does not always work out like it should. SCHAEFER said that they have a pistol range there now, and they keep taking one more step in this area.

SCHAEFER stated that Mr. Voth advised him that on several occasions, prior to the original application being filed, he has heard automatic weapons fired, from his house, as late as midnight.

MOTION: That Mr. Schaefer be allotted an additional five minutes to finish his presentation. Gardner moved, Bayouth seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER felt that something should be done about the hours; the hours proposed were not reasonable. He said that originally when this matter came up, Mr. Voth went to the Sheriff's Department and he agreed to try to work out something with them and they refused to work with him at all. SCHAEFER said that the Sheriff's Department has now conceded to some things. They do want the trap range. SCHAEFER could not see why they would want a trap range. He said that no police officer was going to learn anything about shooting a shotgun by going out and shooting on a trap range. He said that he did not know how many criminals fly, but he just could not believe that a trap range was going to be of any training use whatsoever. He suggested that this operation be conducted some other time of year rather than in the middle of summer. He said that he could not believe that this should all be done in the summertime when daylight savings time is on and the days of sunshine are longer.

SCHAEFER stated that Commissioner Gardner had mentioned the Wichita range. He said that he had heard the same thing that the largest caliber allowed out there was a .38 with a wad cut slug in it simply because they had found slugs laying in the runway, and he understood that on one occasion there was an airplane that got a hole drilled in it. So the Police Department obviously does not care about using heavy weapons.

SCHAEFER pointed out that there was a range at Whitewater which is not that much farther than Lake Afton from the Sheriff's Department. He said that he could not conceive why they couldn't work something out with the Whitewater range. They apparently have had no problems. There is nothing around there that they could hit in that area. As far as shooting heavy caliber pistols, SCHAEFER advised that there was an indoor range at 2625 West Pawnee in Wichita, and any pistol could be shot in there up to a .44 magnum which is probably the most powerful handgun known to man. Anything can be shot in there except an automatic weapon. SCHAEFER said that they have obtained from the National Rifle Association certain information concerning ballistics and what bullets will do.

SCHAEFER stated Mr. Voth's home is about three-quarters of a mile away as the crow flies and a simple .22 caliber long rifle has a range of 1500 yards which would very easily reach that location. A .357 magnum has a range of 1.34 miles which is almost twice the distance to Mr. Voth's home. He pointed out that a .9 millimeter luger goes over a mile and they have been shooting those out at this Sheriff's facility.

MOTION: That Mr. Schaefer be given an additional two minutes to finish his presentation. Bayouth moved, Banzer seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER continued that even with the pistols being fired out there today, there is a great danger with those pistols when there is that type of range. He mentioned the duel-a-tron in which an officer could fire lying flat on the ground. He was of the opinion that a bullet could very easily go over the berm because as the officer is falling into position, the gun might go off. He said if they are going to shoot pistols out there, the authority to do so should be rather limited, and should be limited to specific calibers and specific loads rather than just limiting it to pistols. He did not feel that heavy pistols should be fired in a potential residential area.

GARDNER commented to Schaefer that he enjoyed his recitation of the regulation providing for male public access at the federal facilities. He asked if Schaefer had ever tried to utilize those facilities.

SCHAEFER said no, because he was not a shooter.

GARDNER said that having pursued that for a Boy Scout troop, there has been a significant level of rebuff on available facilities primarily because they just are not open to the public in spite of the statute. He guessed that there was a level of discussion there between whoever wrote and interprets that statute and the Base Commanders having to do with letting people on or not. He said that he would like to agree with Schaefer that other facilities are readily available, but he would also like to submit that, at this point in time, with an essential location for a pistol range, since the primary objections that were initially raised were for rifles and fully automatic weapons, that the basic merit of the proposal with the removal of those particular items stands. He asked if Schaefer would concur with him.

SCHAEFER said not 100 percent. The reason he would not was for the reason he stated at the end, that they keep using heavier stuff out there all the time, and just saying that pistols were allowed was not good enough.

GARDNER stated that there was always a simple principal and that is the heavier ball you move out the barrel the quicker it comes back to earth. He said that with all due respect for the simple minds that equate bigger with more dangerous, not understanding what the ballistic principals are that are involved, there are some of the heavier rounds that are distinctly less dangerous than the lighter ones.

SCHAEFER said that even with his simple mind he would agree with that. He noted that Mr. Voth's place would be reached with some rifle slugs for a shotgun.

GARDNER said that it could be reached with a bow and arrow. He said that there was a distinct difference between maximum effective range at which it has an impacting velocity and energy level that will do damage and actual full distance that it may travel.

SCHAEFER said that he suppose what they were talking about, to put it bluntly, was killing range.

GARDNER said that probably has a lot to do with it. The second element that dovetails into that was that if a berm could be cleared within a very confined area, you end up with an elevation factor. The further back you are from this berm that you are trying to clear, the lower the elevation that you are shooting. GARDNER said that he suspects that if they had some technical experts comment on maximum range achievable within a confined area over a berm, they might not find that Voth was in a particularly endangered area.

SCHAEFER said that he put that in about the same category as Mr. Daily's 95 percent. He said that he could get a 9 shot revolver and play Russian Roulette and he would have 8-1 odds, but he liked a little better odds than that.

GARDNER said that he was in agreement that they needed as absolute a safety factor as possible, but felt that it was improper to represent that something fired within a very confined area necessarily always or automatically homes in on the residential site that they are concerned with. GARDNER said the point that he was trying to make was, if a weapon is fired within a confined area over an extreme elevated hill, a situation would be created where probably the slug itself begins to dissipate its energy as it goes up, and when it falls back it does not have quite the magnitude of danger that it did on a more horizontal trajectory. He said that he was trying to say that there was a lot more room out there safety-wise than what they have been talking about.

PETERS said that in Schaefer's opening comments he intimated that they moved into that area without the proper authority.

SCHAEFER said that he was not intimating it. All he was saying was that he went through the records and he could not find anything authorizing it.

PETERS asked if Schaefer had talked to the County Counselor about this.

SCHAEFER said no, the only person he talked to was Jack Galbraith to find out whether he had any history on it, and he had not been able to find any more than that it was there apparently before Goddard had their three mile ring zoning. It would not have been submitted for Planning Commission review if no zoning controls existed at the time.

BAYOUTH said he thought staff admitted that this was nonconforming.

GALBRAITH stated that Schaefer was suggesting another concern which was that he finds no record that the County Commission authorized the Sheriff's Department to use this property. The nonconforming status was from a zoning standpoint.

RANDY VOTH, landowner to the north, stated that he spent 15 months in Vietnam as an infantryman and he knows a little bit about weapons. He said that he was very concerned about his family and his children. He said that he had seen many children killed, has been shot at many times himself, and felt that he had paid his dues to this country to live in peace. VOTH said that they all know that a .44 magnum and a .357 were very much capable of dropping on his house. He mentioned that they have all witnessed the sort of holocaust that recently occurred at McDonald's and they know what weapons will do. VOTH said that he was asking the Commission to consider one thing ---- would they want to live in his area at his home under the conditions that are proposed of 155 people hustling through a duel-a-tron range under a time schedule and under qualifying pressure. Would they want to live there with him on that afternoon? The Commission was here today making a very difficult decision that they probably never thought they would encounter when they became Planning Commissioners. It is a life and death situation on his part. VOTH mentioned that he had been in these situations prior, and has tried to raise his family and take

them out of these kinds of situations that may exist. He asked that the Commission deny this application because there is a potential of his family being killed, maimed and wounded. He said that if they think that they can handle that by proposing to go ahead with it, that is on their consciences and for him to deal with later on. He pointed out that it was very hard to control weaponry. He has trained with every bit of it that they could dig up from Vietnam to Cambodia; he has used it; has seen it; and have trained with it, even World War II weapons.

GARDNER commented that they have talked at length on this subject and he understands very clearly Voth's concerns for his family's safety. He said that he did not in the least way mean to appear to disregard those feelings. He felt that more than the issue of whether or not something is approved here today, however, is what they are discussing. They are discussing a likely safety enhancement of some of the facilities already there in terms of increased berm height and shaping to limit the possibility and restrict the likelihood and reduce the probability that a stray round might affect him. GARDNER felt that while their initial discussions ranged around high powered rifles and a rifle range and involved the level of valid concern that has been at this point removed from consideration, as well as the discussions regarding automatic weapons fire and inability to control the elimination of those from that situation, they are now back to a point where they are dealing with a present use situation at a facility that probably could stand some safety improvements and enhancements in terms of dirt work in the berming out there. He did not feel that Voth had any dispute with the agility course and the class room. GARDNER asked if Voth was objecting to them changing the height on the berms and reshaping the dirt work to enhance the safety of the facility.

VOTH responded that Gardner wanted to get to a more engineering type discussion which he really did not want to get into. He said that he told him his true feelings and concerns and the reason he has these concerns. He said that the mentality of the individuals that he has so far met and tried to meet within this program that has been presented out there is one of such that they could care less of old Vietnam war stories. They were going to go ahead and run the M-16, or whatever they felt like they wanted to run. He said that with that type of mentality they had an architect draw up plans for the shooting range. VOTH contacted the National Rifleman's Association and they were totally surprised. He said that these people did not even take the first step to contact the planning facility in Washington, D.C. or the Area Manager of the National Rifleman's Association to come out and look at the program. They never even considered it after he had suggested it in the first meeting. He related that they have no consideration for anything except their enjoyment and 90 percent of what goes on out there is "Good Time Charley". Their rules and regulations compared to the National Rifleman's Association are very, very limited and not very enforceable. They have Sheriff Reserve personnel that go out there that may have never fired a weapon over 3 or 4 times in their life. They have access to this range to use it at any time they want without the control of the range master. He asked if the Commission thinks that some afternoon when he is sitting out there playing with one of his children that "Joe Cool", who was not even paid by the Sheriff's Department, would be concerned about striking up a .308, M-16, semi-automatic which could bounce from here to China. VOTH said that everybody said that everything was great, but he knew what was going on out there. He knows the attitude of the people involved and he knows they are upset with him for even mentioning the problems that exist out there. VOTH mentioned that he came to the Commission with projects that he has spent \$50,000 on just to get the plans drawn and that is no guarantee that he would even be able to do anything with the ground that he has already bought. He remarked that he could not get any more consideration when it is a life and death situation than what they would give to somebody with an air condition with a decibel sound problem. He said it upsets him. He felt that there should

be more consideration given here, not only to himself, but to Mr. Lytle.

MOORE remarked to Voth that he was not too sure that he did not equate the problems with this rifle range hardly being any worse than the air conditioning system. He felt that he was listening to a bunch of bunk from Voth and a lot of false fears that are not there. He asked Voth how long he had lived on this property.

VOTH said that he had lived there for seven years.

MOORE pointed out that the range had been put in about that time. He said that if he was as deeply concerned about it as Voth was and so scared about his children's safety, he would have been gone from there a long time ago.

VOTH said the thought had more than crossed his mind.

MOORE said that Voth was just getting around now to voicing his complaints.

VOTH said it was just getting to the point now where it is being expanded and you could take the simple principals of modern mathematics and determine that the more amount of rounds that one has going in that area, the more capability there is of killing bystanders. He pointed out that Sedgwick County has committed a lot of money to the Observatory that is well within the range of a duel-a-tron if someone would slip and fall. He said that the Wichita Police Department has set up 35-foot berms at their facility and they are still having problems with it; they are still finding slugs on the airstrip.

MOORE said that he doubted Voth's sincerity.

VOTH said that he disagreed with Moore.

BAYOUTH commented to Voth that if the Commission approved this request subject to it being engineered and designed properly, would it be a problem then.

VOTH said no.

BAYOUTH further commented that they have shooting ranges in Whitewater, the Air Base, Police Department, that have higher densities adjacent to them, and if they tried to approve those today they probably could not get them because there are more people living in those areas than where Voth was today. He pointed out that the Traffic Commission endangers more lives with not putting up stop signs than what they would approve today.

VOTH said that when this originally started, he tried to talk to the range master in areas of possibility of digging it out and down so that they could have total restriction of their rounds. If they went any place, they would go straight up and come right back down. It would also take care of the sound problems. The amount of sound would go straight up and would not carry over the whole neighborhood. He said that when they are talking about a cheap 35-foot berm that is hauled in with 2 or 3 truckloads of dirt, or 15, it is not adequate. He said that it was evident that the Commission has not been out there.

BAYOUTH felt that the facility can be made safer and engineered properly. It probably would be the best one in this whole area when they get through with it. The personnel have to be trained.

HANSEN asked Galbraith if it would be his impression that removal of the two items, rifle and automatic firing, would have alleviated the Goddard people to the point where that vote would have changed their decision, or did he think that they were ultimately against it.

GALBRAITH said that he could not really answer that because he had presented possible alternatives to Goddard that evening, that they could establish conditions or eliminate part of the request. A motion was forthcoming simply to deny the entire request.

HANSEN stated that they really have not talked about the fact that those of them who are citizens want to make sure that they are protected by competent personnel, and that one of the things they have to weigh is the opportunity for the Sheriff's people to have a chance to deal with this. She said that she has a dilemma in that she has tried very consistently to support the "ringed" communities when they have made a vote and this has been very tense for them, so at this point her vote would be no, simply because she did not know how to get around to the principal that she believed in that people closest to it should have some affect on the vote.

CROCKETT announced that he would abstain from discussion and voting on this request.

BAYOUTH asked the Chairman who was the authority on ranges.

CHISHOLM said that he would say the National Rifleman's Association would be a potential as an authority.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this application be approved subject to the Sheriff's Department conferring with the National Rifleman's Association, and that Mr. Randall Voth sit in on the meetings. Bayouth moved.

The motion died for lack of a second.

CHISHOLM commented that being something of a gun fanatic he has a problem when they talk pistols, since currently they make silhouette target pistols that shoot a .308. He said that he has some problems with some of the safety factors as they have been discussed.

BANZER said that he did not feel competent to really make a decision on this other than to defer it until they get some expert testimony.

BAYOUTH agreed that a deferral would be in order.

GARDNER stated that the concerns that Mr. Voth put forth were valid. He felt that what they were considering at this point in time with a conditional use permit revolves around several items. The first item, in terms of importance, was whether or not there would be a pistol range and improvements could be made to it which would enhance it in terms of safety and its general use. He felt that the design for it, which has come into question at least to this point, was something that was still open. GARDNER said that he did not think that there is any particular objection to making the range more safe than its present use situation. Safety seems to be the underlying point. There is a strong objection to rifle use or basically rifle type ammunition out there or for automatic weapons fire. He understands that the applicants are dropping the rifle range portion of the application. They are agreeing not to utilize automatic weapons, and they probably could resolve the type of ammunition that might be fired out there, limiting it perhaps to just pistol type ammunition of a more conventional law enforcement sort of nature, but he was not sure anyone on the bench was capable of delving into that as an expert. GARDNER said the other element which arises is whether or not, under the conditional use permit, they want to deal with and authorize an agility course and a classroom type training facility out there, which they have need of. He said it seems to him to be a reasonably simple situation. They also need to deal with the terms of the hours. GARDNER felt that if it is possible at this point in time to deal with the approval on an agility course and a class room facility, he felt that was prudent. It allows

them some level to proceed with their activities under the current operation. If the Commission wanted to hold and defer any approval on the conditional use element on a pistol range pending an investigation of a design that would be as safe as reasonably possible, he felt that would be prudent. He said that the hours of operation on the facility and the general terms of the conditional use are subject to debate also. It may be that an agility course and a classroom could be approved with a tentative deferral on the pistol range subject to a design approval and concurrence.

PETERS felt that the whole game plan has been changed since it left the Goddard Planning Commission, and since they are recognized as part of this whole area, he felt that it would be important that they get answers to all of the questions being proposed by returning the application back to them, which he thought was proper and fitting, and in the meantime, staff can gather the necessary answers that this board has brought out today. He said that Goddard Planning Commission was entitled to hear the case again.

MOTION: That the Planning Commission return CU-270 to the Goddard Planning Commission, and that staff gather the necessary information pertaining to the questions raised by the Planning Commission. Peters moved, Hansen seconded.

GARDNER felt that the Goddard Planning Commission should be involved. They, however, elected not to address the specifics or involve themselves in specifying which areas needed either additional embellishment or review. Rather than on a blanket basis refer this straight back to them pending staff's involvement in answering the questions, he would prefer to see it returned to the Planning Commission on a basis of at least seeing whether or not the preliminary elements have been addressed or not, and then perhaps prior to taking a final action, referring it to them in some completed fashion.

GALBRAITH commented that Gardner had asked earlier if he had any suggestions about whether part of it could be forwarded to the County Commission and part of it kept here. He said that the Planning Commission has those options. They could deny the request for expansion of the pistol range facilities at this time until more information is provided by the Sheriff's Department. They could deny the duel-a-tron request, and approve the trap shooting part of the application because that does not seem to be a problem. The classroom and agility confidence course are things that no one has any problems with approving. Those parts of the application could go on to the County Commission. He said the question has been raised, "who is the expert". GALBRAITH said staff had raised that question ever since this case has been filed. The Sheriff's Department has not been forthcoming yet with any concise design of the pistol shooting range or the rifle range since it has been submitted to the Commission. He felt that it was up to the Sheriff's Department, if the Commission was wanting expert testimony from someone, to pay to contact those sources and have them come in and look at the site, look at their plans and provide evidence to the Planning Commission that they feel this is a satisfactory design.

SUBSTITUTE MOTION: That the Planning Commission recommend to the Board of County Commissioners that a portion of the expansion request be approved (classrooms, agility course and trap shooting range) and action on the balance of the request be deferred until such time as satisfactory plans are submitted for review. Recognized experts in these fields should be contacted to review the proposed plans and evaluate them in terms of safety.

All interested local parties, especially landowners immediately north of the range, shall be consulted about development of the rifle range and duel-a-tron. The conditional use permit approval is subject to the following conditions:

- a. Subject property shall be used for trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
- b. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
- c. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
- d. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
- e. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

The motion for approval also included the condition that the Goddard Planning Commission be given an opportunity to review the MAPC's action prior to the case being considered by the Board of County Commissioners.

Gardner moved, Hansen seconded and it carried with a vote of 6 in favor (Gardner, Hansen, Banzer, Bayouth, Chisholm and Moore) and 1 opposed (Peters). Crockett abstained. Goebel and Wilson were absent.

PROTEST PETITION
(COUNTY CASES)

AUG 6 1984

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. C4-270, zone change from R to CU (for establishment of a Shooting Range and Training Facility in R zoning).

OK

SECTION II - Protestor(s)

Name
a) [Signature]
Signature
Randall J. Voth
Typed or Printed Name
b) Carole K. Voth
Signature
Carole K. Voth
Typed or Printed Name

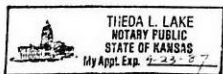
Property Owned
Lot(s) Block(s) Addition
Beginning Northeast corner of the Northwest Quarter (NW/4), south 849.7 ft., west 772 ft. north 843 ft., east 772 ft. to beginning, Section 11, Township 28 South, Range 3 West, Sedgwick County, Kansas.

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 6th day of August, 1984, before me, a notary public in and for said County and State, came Randall J. Voth and Carole K. Voth, husband and wife 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.



[Signature]
Notary Public Theda L. Lake

My Commission expires September 23, 1987

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-270, zone change from Conditional Use Permit to Expanded Training Facility (for establishment of a Expanded Training Facility in R zoning).

West 1/2 of the Southwest 1/4 of Section 11, Township 28 South;
Range 3 West of the 6th P.M. Sedgwick County, Kansas.

OK

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Harry O. Lytle, Jr.</u> Signature <u>Harry O. Lytle, Jr.</u> Typed or Printed Name			East 1/2 of the Northwest 1/4 except beginning Northeast corner of NW1/4 South 849.7 feet Westerly 772 feet Northerly 843 feet Easterly 772 feet to beginning Section 11, Township 28 South; Range 3 West of the 6th P.M. Sedgwick County, Kansas.
b)	<u>Martha L. Lytle</u> Signature <u>Martha L. Lytle</u> Typed or Printed Name			East 1/2 of the Northwest 1/4 except beginning Northeast corner of NW1/4 South 849.7 feet Westerly 772 feet Northerly 843 feet Easterly 772 feet to beginning Section 11, Township 28 South; Range 3 West of the 6th P.M. Sedgwick County, Kansas.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 6th day of August, 1984, before me, a notary public in and for said County and State, came Harry O. Lytle, Jr. 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.



Wanda N. Kayartz
Notary Public

My Commission expires February 8, 1985

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. _____, zone change from _____ to _____ (for establishment of a _____ zoning) in _____ zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) _____ Signature			

Typed or Printed Name			
b) _____ Signature			

Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 6th day of August, 1984, before me, a notary public in and for said County and State, came Martha L. Lytle 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.



Wanda N. Kayartz
Notary Public

My Commission expires February 8, 1984

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-270, zone change from Conditional Use Permit to Expanded Training Facility in R zoning).

West 1/2 of the Southwest 1/4 of Section 11, Township 28 South;
Range 3 West of the 6th P.M. Sedgwick County, Kansas.

OK

SECTION II - Protestor(s)

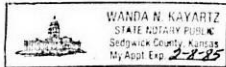
Name	Property Owned	
Lot(s)	Block(s)	Addition
a) <u>Harry O. Lytle, Jr.</u> Signature Harry O. Lytle, Jr. Typed or Printed Name	West 1/2 of the Northwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M. Sedgwick County, Kansas.	
b) <u>Martha L. Lytle</u> Signature Martha L. Lytle Typed or Printed Name	West 1/2 of the Northwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M. Sedgwick County, Kansas.	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 6th day of August, 1984, before me, a notary public in and for said County and State, came Harry O. Lytle, Jr. 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.

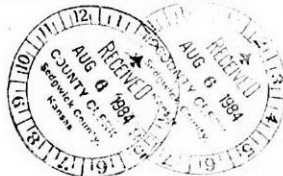


Wanda N. Kayartz
Notary Public

My Commission expires February 8, 1985

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. _____, zone change from _____ to _____ (for establishment of a _____ zoning) in _____ zoning).

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) _____ Signature			

Typed or Printed Name			
b) _____ Signature			

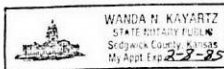
Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 6th day of August, 1984, before me, a notary public in and for said County and State, came Martha L. Lytle 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.



Wanda N Kayartz
Notary Public

My Commission expires February 8, 1985

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. C4-270, zone change from R to C4 (for establishment of a Shooting range and Training Facility in R zoning).

*Void
Outside 1000 ft.*

SECTION II - Protestor(s)

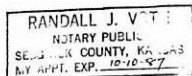
<u>Name</u>	<u>Property Owned</u>	
<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>Elmer Koenigs</u> Signature Elmer Koenigs <u>Typed or Printed Name</u>	Northeast Quarter (NE/4), Section 11, Township 27 South, Range 3 West, Sedgwick County, Kansas	
b) <u>Jo Ann Koenigs</u> Signature Jo Ann Koenigs <u>Typed or Printed Name</u>		

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 5th day of August, 1984, before me, a notary public in and for said County and State, came Elmer Koenigs and Jo Ann Koenings, husband and wife 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.

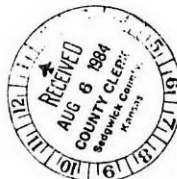


Randall J. Voth
Notary Public

My Commission expires 10-10-87

ALL SIGNATURES MUST BE ACKNOWLEDGED

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



() Published in The Daily Reporter on _____, 1984

RESOLUTION

CASE NO. CU-270

A RESOLUTION TO EXPAND AN EXISTING TRAINING FACILITY IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS 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.h 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.h and Section 11.E of the Zoning Resolution, a Conditional Use Permit to expand an existing training facility in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

West 1/2 of the Southwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 39th Street South in an area approximately 3/4-mile west of 231st Street West. (24516 West 39th Street South).

SUBJECT TO THE FOLLOWING:

- a. Subject property shall be used for trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
- b. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
- c. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
- d. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.

- e. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

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
Jack Spratt

_____, Commissioner
Donald E. Cragg

_____, Commissioner
Tom Scott

ATTEST:

Deputy County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

August 17, 1984

Mr. Robert Johnson, Chairman
Goddard City Planning Commission
Goddard City Hall
122 North Main
Goddard, Kansas 67052

RE: CU-270 - Conditional Use Permit to Expand
an Existing Training Facility for the
Sedgwick County Sheriff's Department

Dear Mr. Johnson:

The Metropolitan Area Planning Commission at its meeting of July 26, 1984, considered the above-captioned case. The action of the Planning Commission was to recommend approval of a portion of the expansion request and to defer action on the balance of the request until such time as satisfactory plans are submitted for review. The portion of the expansion request which was recommended for approval includes the classrooms, agility course and trap shoot range, all to be operated in accordance with the range safety rules as presented in writing to the Planning Commission. (See attached minutes).

The rifle range and duel-a-tron range were not recommended for approval at this time. The Planning Commission stated that they would consider these facilities at such time as satisfactory plans are submitted for their review. They suggested that recognized experts in these fields be contacted to review the proposed plans and evaluate them in terms of safety. They also suggested that all interested local parties, especially landowners immediately north of the range, be consulted about development of the rifle range and duel-a-tron.

Mr. Robert Johnson
August 17, 1984
Page 2

The Metropolitan Area Planning Commission further recommended that the Goddard Planning Commission be given an opportunity to comment on their recommendation prior to County Commission review of this conditional use permit request. Therefore, this case has been rescheduled for the Goddard City Planning Commission agenda of August 27, 1984, at 8:00 p.m. at the Goddard City Hall and the County Commission agenda of September 5, 1984.

Please call if you have any questions regarding this matter.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GLS:rme
Attachment

cc: Goddard Planning Commission
Goddard City Clerk
Sgt. John Daily, Range Master, Sedgwick County Sheriff's
Department
Harry O. Lytle, Jr., 800 Financial Center, Wichita 67202
Randall Voth, Rt. 1, Goddard, Kansas 67052
James R. Schaefer, Attorney, 105 S. Broadway, Wichita 67202

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 26, 1984

LEGAL:

5. Case No. CU-270 - Sedgwick County requests a Conditional Use Permit to expand an existing training facility on property described as the West 1/4 of the Southwest 1/4 of Section 11, Township 28 South; Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 39th Street South in an area east of 247th Street West. (24516 West 39th Street South).

GALBRAITH pointed out 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:

The applicant is requesting a Conditional Use Permit to expand an existing training facility for the Sedgwick County Sheriff's Department located on the north side of 39th Street South in an area east of 247th Street West.

In addition to the existing training facilities, it is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities. A site plan submitted with the application indicates these existing and proposed facilities.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary, permit conditional uses in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

Subject property is located on an FAS road (39th Street South) and provides for only 30 feet of half-street right-of-way whereas 60 feet is required.

The Goddard Planning Commission at its meeting of April 23, 1984 considered the application and deferred the request for 60 days and requested more information on the following:

- a. Need more detail regarding construction plans (size of berms), and fallout areas with regard to area housing. Also recommend obtaining endorsement of the plan by some qualified outside source; for example, National Rifle Association.
- b. Include policies on operating hours by both regular officers and reserve officers; suggest limited usage after dark to specific times and days (for example, one night a month) as must be required for proper proficiency by the department.
- c. Assurance of more authority and tighter control by the Sheriff's Department Range Master.
- d. Any other significant points. For example, maximum size of weapons to be fired at the facility.

At the deferred meeting, representatives from the Sheriff's Department passed out prepared materials that attempted to answer the report for more detailed information. Along with this material was included a site plan for the area, a cross section of the 100 yard rifle range, a list of the type of ammunition to be used on the range and a copy of range safety

rules and range rules and regulations. (Copy of the submitted materials attached).

After considerable discussion and listening to concerns expressed from two property owners to the north in opposition, the action of the Goddard Planning Commission was to recommend that the request be denied.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. Subject property shall be used for pistol and rifle ranges, duel-a-tron range, trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
 - b. The rifle range shall not exceed the length of 100 yards and shall be constructed with an earth berm having a minimum height of 35 feet. The shooting area shall be constructed with appropriate baffles so that shooting must be into and not over the berm.
 - c. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
 - d. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
 - e. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - f. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

DISCUSSION:

GALBRAITH stated that the application was filed by the Board of County Commissioners on behalf of the Sheriff's Department for permission to expand their firing range. One of the most controversial aspects of this case is the development of the rifle range. They show a berm that would be constructed 35 feet in height and a baffled shooting area, but advise staff that as you shoot from inside the chamber; that you could not shoot over the height of the berm. He said that this has been heard by the Goddard Planning Commission on three occasions. It was first scheduled in May, deferred for 60 days for the Sheriff's Department to provide more information to the Goddard Planning Commission, and then at their next meeting they failed to receive a quorum which deferred it for approximately three weeks. GALBRAITH mentioned the material in the Commissioners package, pointing out that it was material submitted by the Sheriff's Department after the first deferral by Goddard.

GALBRAITH stated that this has been a very controversial case. There are landowners to the north that are most concerned about enlarging the firing facility at this location. They cite long range plans for development of the tract directly north for single family purposes. He said that there is a gentleman that lives there with a family and thoroughbred horses. He said that they have heard all the concerns that one would normally expect from someone being located adjacent to a firing range. GALBRAITH said that Goddard, at their last meeting, recommended by a vote of 5-1

that the application be denied. GALBRAITH said that he presented that night several alternatives that Goddard might consider. If the rifle range was the most concern, they could recommend against the rifle range, but permit a pistol range to be enlarged, classrooms and an agility course to be constructed, and those types of things. If they were concerned about the type of weapons fired, such as fully automatic weapons, they could be restricted. But the Commission chose not to suggest other alternatives, but simply to deny the request entirely.

GALBRAITH added that he had not received any information since the Goddard Planning Commission last considered this case except today. Sgt. John Daily called and said that they were amending their application to delete the rifle range and would agree that no fully automatic weapons would be fired from the premises. GALBRAITH said that he had advised the opponent's attorney of that and he is prepared to speak on whether or not that might be acceptable to his clients.

GALBRAITH stated that he had attended all of the meetings except the first one and he still has reservations about a rifle range. The County property ends at the half mile line, and in his opinion, that is not a sufficient distance to be assured that there will not be potential danger to the property to the north. The trap shooting range does not bother staff. He cited to the Commission how they have approved trap shooting ranges in other similar locations that have much more intensity of residential land use around them than this site does, and the Hancock Orchard is an example by Haysville. He commented that a number of years ago, a previous Planning Commission approved a pistol shooting range on north Broadway for the Highway Patrol and the distance from their range to I-135 is 1800 feet, substantially less than the distance of the pistol range here to the north property line. He said that apparently those types of things had been found acceptable in the past. The things that he heard at the meeting that disturb him are the use of automatic weapons and the rifle range in this distance, and those parts of the application staff could not recommend approval of.

RICHARD EUSON, Assistant County Attorney representing the applicant, was present.

JOHN DAILY, Sedgwick County Sheriff's Department, representing the applicant, stated that during their meetings with the Goddard Planning Commission they proposed a rifle range, expansion of the existing pistol range, and construction of an agility course for the Department. The agility course would be west of the pistol range. He said that the proposed duel-a-tron range would be added to the existing range and the berms would be lengthened and enlarged to the minimum height of 35 feet. The existing berm now is approximately 25 feet high. The existing pistol range is a maximum length of 50 yards long. The proposed trap range would be to the east of the new proposed berm area for the duel-a-tron system. DAILY said that the duel-a-tron system consisted of radio controlled targets instead of manually controlled or electrically controlled type targets. These targets have free standing bases where they could be moved around to different locations to get different types of setups for the targets. The purpose of the duel-a-tron was basically for the officers to have a better ability to make decisions on what to shoot at and what not to shoot at. This would be a situation where the officers would be at some point in time moving between the target and the target area. He said that there was some concern about the officers running and shooting but they do not run and shoot. It is a bad practice and causes a lot of accidents, but they would be moving from one position to another to line themselves up with a target in that general vicinity. He mentioned that the shot fall area in the trap range was approximately 300 yards north of the trap house itself which does not pose a problem with any residential area or farmland. He said that the agility course was strictly for exercise running. The training facility they wanted to add was to enlarge their ability to teach more people at one time. The present building that they have was

too small for their needs. DAILY said that they would like to have the proposal submitted as it is, however, they would withdraw the rifle range, and they would withdraw the use of automatic weapons at the range so that they could possibly get the other facilities. DAILY said that he understood that both Mr. Voth and Mr. Lytle had a problem with the rifles and the distances that the ammunition would travel. He related that it was a problem, and he could not guarantee that someone would not be hit, either by accident or on purpose. Due to the fact that they are basically concerned with everyone's safety and well-being, they would like to amend the proposal to delete the rifle range and the use of automatic weapons if it becomes necessary.

BAYOUTH asked if that was the main concern of the Goddard Planning Commission.

DAILY said yes.

BANZER said that as he understands it, they do have a pistol range that they use now. He asked if the different types of weapons that they would fire there were a concern, or did they not intend to change the type of weapons.

DAILY said that the types of weapons that they fire now are shotguns and handguns and some rifles on the present facility. They shoot the rifles at a 25 yard distance. The calibers that they use as far as the handguns are 22 up to 44 magnum. The ammunition that is presently being used on the range is of mid-range and target load type. He said that they have no intentions of changing what they are presently doing now as far as the ammunition they are using.

PETERS asked why they were raising the height of the berms if everything was alright.

DAILY said that they wanted to raise the height of the berms to better assure that ricochets or loose rounds don't get away.

PETERS asked if they have a problem with that.

DAILY said that he was not made aware of any problem until they went to the Goddard Planning Commission with this proposal, and Mr. Voth stated that he thought it was a problem. DAILY said that they have not had any complaints from any of the residents that live to the west of them at this time.

PETERS mentioned that the Wichita Police Department has a range on K-42, and asked why does both of them have to have ranges.

DAILY said that he could not speak for the Wichita Police Department. But the training program that the Sheriff's Department has is to the point where they are increasing the amount of training that the officers have with firearms. He related that, because of the Wichita Police Department's own schedule, it was simpler for them to have their own facility where they could use it when they need to use it.

PETERS asked if this was paid for by taxpayers money or is it paid for individually.

DAILY responded that most of the facility that is there at this point in time has been by donation. Very little of the facility has been built by taxpayers' money other than the land.

GARDNER stated that it was his understanding that the Police Department was not encouraging use of their facility by other groups or individuals; that there has been some concern that the location of their facility with the Airport and Cessna beyond the backdrop cause it to be considered less than an optimum location, and moving from Afton into that location, compounding the amount of use there, may pose a problem in terms of the range operation in just the fashion they are trying to reduce.

PETERS asked if Gardner thought the bullets would ricochet and hit airplanes.

GARDNER said no, the problem that has been cited there has been finding spent rounds on the runway area that in one way or the other made it over the berm. He said that it has been his understanding that there has been a concern in the operation of the range that that sort of thing not occur. The availability of that range for general use is very limited.

HARRY LYTLE, 2874 Benjamin, stated that he was the owner of the 145 acres immediately north of this property. It adjoins the County property. He read a statement to the Commission as follows:

"In 1977 my wife and I purchased a quarter section immediately north of the quarter section in which is located the proposed expanded training facility. This purchase was made with the financing through an insurance company, the major portion, unfortunately, which is still owed. This property was purchased for the express purpose of eventually developing suburban homes. In fact my wife and I have considered building a home on a portion of this acreage. Shortly after purchasing this property, Randy Voth acquired 15 acres in the northeast corner of the quarter from us for the construction of his home. Shortly after acquiring this property, I began to negotiate with the Phillips Petroleum Company concerning the blanket easement on this quarter. After approximately two years the company finally agreed to confine the easement to the area of the pipeline itself. This removed a restriction which would have hampered the development of the quarter. Over the past several years I have received several inquiries from individuals relative to the sale of additional 10 or 15 acre segments of the quarter for home sites. Since this would have created some unorganized patchwork in the development of the quarter, I have not seriously considered partial sales. During the past six months I have discussed a joint venture with a developer. At that time the developer was developing other areas in the County and deferred serious consideration of this project for the time being. I do not pretend to be knowledgeable about such training facilities, firing ranges, ballistics, etc., but I am concerned about unsafe conditions which may be generated on our property. The Sheriff's range master has assured us that the proposed use of a training facility is 95 percent safe. This may be safe enough for him, but it is not for us. When we discussed with the range master the possibility of firing to the east, he said firing toward a development would not be feasible. His reply was similar when we suggested firing to the south or to the west. A public road and Lake Afton are to the south, and the public observatory is to the west. By firing to the north, our property and that of Randy Voth would become the drop area for the mistakes of the proposed training facility. My wife and I have too large of an investment in this property and its development to let any governmental agency destroy any or much of its value. This can not, and should not be taken as an objection to the necessary training of Sheriff's officers or police officers. We are 100 percent supportive of adequate training. I would like to say that if the tables were reversed and we were the applicant wanting to put in a training facility, shooting to the south, I am sure the County would do everything they could to stop us. We request that you deny the petition and recommend that the Sheriff's Department strongly consider cooperating with McConnell Air Force Base in the use of their facilities for training of personnel."

BAYOUTH asked how far it was to Lytle's property.

LYTLE said it was less than a half mile.

BAYOUTH stated that there were other ranges throughout the area like Galbraith described with less space than here. He asked where does one put a facility like this. He related that the Air Force is just like Wichita PD ---- they have personnel problems. Everybody wants to be their own person. He asked how long this has been a pistol range.

LYTLE said that the range master told them at the Goddard hearing that it had been somewhere around 6 or 7 years. Part of the facility was built in the last year.

LYTLE stated that the portion of the petition that the range master did not address is the fact that under the request it also will permit them to use this 24 hours a day.

GARDNER, speaking to Lytle, said that he was puzzled. The understanding that he had in terms of the primary objections that were raised in the initial stages of consideration of this evolved around the installation of a rifle range and the use of automatic weapons. He said that as near as he could recall from what discussions he was aware of, there was not any particular objection to the improvement of the berm work on the range itself which increased the safety of the facility or the reconstruction of certain elements there for either training or agility course. He asked if Lytle was objecting to those.

LYTLE said no he was not.

GARDNER said that he wanted to make it clear that Lytle was not objecting to the improvement of the existing berm work or the increased elevation of berm work there to enhance safety for existing uses.

LYTLE said of course he would not object to that.

GARDNER continued that Lytle's essential objections are to a rifle range and he was voicing some objections to the hours of the pistol range. He asked if that was correct.

LYTLE said that was correct, and as he understands it there are some weapons being used with ammunitions that are also objectionable.

GARDNER asked Lytle if he was presently living on the site, or if he resided in Wichita.

LYTLE said that he now lived in Wichita.

GARDNER stated that whatever development plans Lytle may have for the area, he did not believe the area shows as a proposed growth area for either Wichita or Goddard, and there was not presently municipal water or sewer available, so the density level would be one dwelling per acre if it percolates adequately. He asked Lytle how soon in the future were his development plans.

LYTLE said that he had no definite calendar of events. He said that he paid too much for the property for farm land. If he had wanted farm land he would have gone further out.

GARDNER asked if Lytle was objecting to the operating hours from 10 to midnight.

LYTLE said that there was also a provision in the application that they can also shoot from 12 to 8 in the morning. So that is 24 hours.

GARDNER asked Lytle what level of probability that would have.

LYTLE said he had no idea.

HANSEN asked the applicant to speak to the hours of operation.

DAILY stated that in reference to the hours of operation, the normal hours of operation would be from 8 a.m. in the morning until 10 p.m. at night. Special hours of operation would be from 10 p.m. to midnight. He said that under their present conditions, the range is normally open from 8 a.m. to 5 p.m. and, approximately 2 to 3 nights a week, it is also open from 6 p.m. to 9:30 p.m. He pointed out that under their range rules and regulations where it says that "no shooting will take place between the hours of 2400 and 0800", that was added basically for the reason that the Sheriff's Department has approximately 135 to 145 commissioned officers to train. In some instances, twice a year, they have a qualification course that has to be performed at night. Due to the many things that the Sheriff's Department has to do, there may come a time their night firing course would take longer than 10 o'clock, especially in the summer when it does not get dark until 9:30 at night. They added the special hours of operation to accommodate the extra time that would be needed.

PETERS, speaking to Daily, stated that Mr. Lytle had brought up an interesting question, and he asked Daily if they cooperated with McConnell Air Force Base.

DAILY said that they have on occasions.

PETERS asked if it was a possibility they could use McConnell's range.

DAILY said that the only thing that they indicated to him was that if it became necessary for them to utilize their facility, that they would try to make arrangements to let them do so. They did not guarantee that the Sheriff's officers could use the facility due to the fact that it is a military installation and they are civilians.

PETERS asked if there was any money in the Sheriff's budget for the proposed range.

DAILY said that the range itself was incorporated in the training section, and the training section receives approximately \$20,000 a year for their budget. Of that \$20,000 they get what is necessary to keep the supplies going.

JIM SCHAEFER, attorney, stated that he was appearing on behalf of Randall and Carol Voth owner of the property on the northeast corner of the tract that Mr. Lytle owns. He said that they built there house around 1977 after purchasing that tract from Mr. Lytle and have lived there continuously ever since. As Galbraith pointed out, he has small children and livestock.

In response to Commissioner Peters, SCHAEFER pointed out and read from the Federal Statute, USC, Section 4309, with the heading "Rifle Ranges, Recommendation to Congress Regulations". He read:

"The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country."

Under Subsection B, SCHAEFER read:

"All rifle ranges established under Subsection A, and all rifle ranges already constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by all able-bodied males capable of bearing arms under regulations prescribed by authorities controlling those ranges and approved by the Secretary".

SCHAEFER stated that Congress had specifically granted authority for them to use Federal ranges.

SCHAEFER said that since the range master has indicated that they are withdrawing their request, not only for a rifle range, but for all automatic weapons, he felt that there was no reason for him to address that. He said that there were a few other items in their present use of that facility as a pistol range which he wanted to discuss. He said that he spent an hour and a half a few days ago in the office in the County Clerk going through the card index on all resolutions having to do with the Sheriff's Department under the heading of "rifle", under the heading of "pistol", "gunnery", "Lake Afton", and any other thing he could find, and he could not find any authority for them to be there in the first place. The first piece of authorization that he found was a resolution passed in June 1983 authorizing them to build some of the things they were wanting to build now. Now they are asking for authority to do something that they have never had any authority to do in the first place. SCHAEFER said that this is one of those areas where the theory is great but the practice does not always work out like it should. SCHAEFER said that they have a pistol range there now, and they keep taking one more step in this area.

SCHAEFER stated that Mr. Voth advised him that on several occasions, prior to the original application being filed, he has heard automatic weapons fired, from his house, as late as midnight.

MOTION: That Mr. Schaefer be allotted an additional five minutes to finish his presentation. Gardner moved, Bayouth seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER felt that something should be done about the hours; the hours proposed were not reasonable. He said that originally when this matter came up, Mr. Voth went to the Sheriff's Department and he agreed to try to work out something with them and they refused to work with him at all. SCHAEFER said that the Sheriff's Department has now conceded to some things. They do want the trap range. SCHAEFER could not see why they would want a trap range. He said that no police officer was going to learn anything about shooting a shotgun by going out and shooting on a trap range. He said that he did not know how many criminals fly, but he just could not believe that a trap range was going to be of any training use whatsoever. He suggested that this operation be conducted some other time of year rather than in the middle of summer. He said that he could not believe that this should all be done in the summertime when daylight savings time is on and the days of sunshine are longer.

SCHAEFER stated that Commissioner Gardner had mentioned the Wichita range. He said that he had heard the same thing that the largest caliber allowed out there was a .38 with a wad cut slug in it simply because they had found slugs laying in the runway, and he understood that on one occasion there was an airplane that got a hole drilled in it. So the Police Department obviously does not care about using heavy weapons.

SCHAEFER pointed out that there was a range at Whitewater which is not that much farther than Lake Afton from the Sheriff's Department. He said that he could not conceive why they couldn't work something out with the Whitewater range. They apparently have had no problems. There is nothing around there that they could hit in that area. As far as shooting heavy caliber pistols, SCHAEFER advised that there was an indoor range at 2625 West Pawnee in Wichita, and any pistol could be shot in there up to a .44 magnum which is probably the most powerful handgun known to man. Anything can be shot in there except an automatic weapon. SCHAEFER said that they have obtained from the National Rifle Association certain information concerning ballistics and what bullets will do.

SCHAEFER stated Mr. Voth's home is about three-quarters of a mile away as the crow flies and a simple .22 caliber long rifle has a range of 1500 yards which would very easily reach that location. A .357 magnum has a range of 1.34 miles which is almost twice the distance to Mr. Voth's home. He pointed out that a .9 millimeter luger goes over a mile and they have been shooting those out at this Sheriff's facility.

MOTION: That Mr. Schaefer be given an additional two minutes to finish his presentation. Bayouth moved, Banzer seconded and it carried unanimously. Goebel and Wilson were absent.

SCHAEFER continued that even with the pistols being fired out there today, there is a great danger with those pistols when there is that type of range. He mentioned the duel-a-tron in which an officer could fire lying flat on the ground. He was of the opinion that a bullet could very easily go over the berm because as the officer is falling into position, the gun might go off. He said if they are going to shoot pistols out there, the authority to do so should be rather limited, and should be limited to specific calibers and specific loads rather than just limiting it to pistols. He did not feel that heavy pistols should be fired in a potential residential area.

GARDNER commented to Schaefer that he enjoyed his recitation of the regulation providing for male public access at the federal facilities. He asked if Schaefer had ever tried to utilize those facilities.

SCHAEFER said no, because he was not a shooter.

GARDNER said that having pursued that for a Boy Scout troop, there has been a significant level of rebuff on available facilities primarily because they just are not open to the public in spite of the statute. He guessed that there was a level of discussion there between whoever wrote and interprets that statute and the Base Commanders having to do with letting people on or not. He said that he would like to agree with Schaefer that other facilities are readily available, but he would also like to submit that, at this point in time, with an essential location for a pistol range, since the primary objections that were initially raised were for rifles and fully automatic weapons, that the basic merit of the proposal with the removal of those particular items stands. He asked if Schaefer would concur with him.

SCHAEFER said not 100 percent. The reason he would not was for the reason he stated at the end, that they keep using heavier stuff out there all the time, and just saying that pistols were allowed was not good enough.

GARDNER stated that there was always a simple principal and that is the heavier ball you move out the barrel the quicker it comes back to earth. He said that with all due respect for the simple minds that equate bigger with more dangerous, not understanding what the ballistic principals are that are involved, there are some of the heavier rounds that are distinctly less dangerous than the lighter ones.

SCHAEFER said that even with his simple mind he would agree with that. He noted that Mr. Voth's place would be reached with some rifle slugs for a shotgun.

GARDNER said that it could be reached with a bow and arrow. He said that there was a distinct difference between maximum effective range at which it has an impacting velocity and energy level that will do damage and actual full distance that it may travel.

SCHAEFER said that he suppose what they were talking about, to put it bluntly, was killing range.

GARDNER said that probably has a lot to do with it. The second element that dovetails into that was that if a berm could be cleared within a very confined area, you end up with an elevation factor. The further back you are from this berm that you are trying to clear, the lower the elevation that you are shooting. GARDNER said that he suspects that if they had some technical experts comment on maximum range achievable within a confined area over a berm, they might not find that Voth was in a particularly endangered area.

SCHAEFER said that he put that in about the same category as Mr. Daily's 95 percent. He said that he could get a 9 shot revolver and play Russian Roulette and he would have 8-1 odds, but he liked a little better odds than that.

GARDNER said that he was in agreement that they needed an absolute a safety factor as possible, but felt that it was improper to represent that something fired within a very confined area necessarily always or automatically homes in on the residential site that they are concerned with. GARDNER said the point that he was trying to make was, if a weapon is fired within a confined area over an extreme elevated hill, a situation would be created where probably the slug itself begins to dissipate its energy as it goes up, and when it falls back it does not have quite the magnitude of danger that it did on a more horizontal trajectory. He said that he was trying to say that there was a lot more room out there safety-wise than what they have been talking about.

PETERS said that in Schaefer's opening comments he intimated that they moved into that area without the proper authority.

SCHAEFER said that he was not intimating it. All he was saying was that he went through the records and he could not find anything authorizing it.

PETERS asked if Schaefer had talked to the County Counselor about this.

SCHAEFER said no, the only person he talked to was Jack Galbraith to find out whether he had any history on it, and he had not been able to find any more than that it was there apparently before Goddard had their three mile ring zoning. It would not have been submitted for Planning Commission review if no zoning controls existed at the time.

BAYOUTH said he thought staff admitted that this was nonconforming.

GALBRAITH stated that Schaefer was suggesting another concern which was that he finds no record that the County Commission authorized the Sheriff's Department to use this property. The nonconforming status was from a zoning standpoint.

RANDY VOTH, landowner to the north, stated that he spent 15 months in Vietnam as an infantryman and he knows a little bit about weapons. He said that he was very concerned about his family and his children. He said that he had seen many children killed, has been shot at many times himself, and felt that he had paid his dues to this country to live in peace. VOTH said that they all know that a .44 magnum and a .357 were very much capable of dropping on his house. He mentioned that they have all witnessed the sort of holocaust that recently occurred at McDonald's and they know what weapons will do. VOTH said that he was asking the Commission to consider one thing ---- would they want to live in his area at his home under the conditions that are proposed of 155 people hustling through a duel-a-tron range under a time schedule and under qualifying pressure. Would they want to live there with him on that afternoon? The Commission was here today making a very difficult decision that they probably never thought they would encounter when they became Planning Commissioners. It is a life and death situation on his part. VOTH mentioned that he had been in these situations prior, and has tried to raise his family and take

them out of these kinds of situations that may exist. He asked that the Commission deny this application because there is a potential of his family being killed, maimed and wounded. He said that if they think that they can handle that by proposing to go ahead with it, that is on their consciences and for him to deal with later on. He pointed out that it was very hard to control weaponry. He has trained with every bit of it that they could dig up from Vietnam to Cambodia; he has used it; has seen it; and have trained with it, even World War II weapons.

GARDNER commented that they have talked at length on this subject and he understands very clearly Voth's concerns for his family's safety. He said that he did not in the least way mean to appear to disregard those feelings. He felt that more than the issue of whether or not something is approved here today, however, is what they are discussing. They are discussing a likely safety enhancement of some of the facilities already there in terms of increased berm height and shaping to limit the possibility and restrict the likelihood and reduce the probability that a stray round might affect him. GARDNER felt that while their initial discussions ranged around high powered rifles and a rifle range and involved the level of valid concern that has been at this point removed from consideration, as well as the discussions regarding automatic weapons fire and inability to control the elimination of those from that situation, they are now back to a point where they are dealing with a present use situation at a facility that probably could stand some safety improvements and enhancements in terms of dirt work in the berming out there. He did not feel that Voth had any dispute with the agility course and the class room. GARDNER asked if Voth was objecting to them changing the height on the berms and reshaping the dirt work to enhance the safety of the facility.

VOTH responded that Gardner wanted to get to a more engineering type discussion which he really did not want to get into. He said that he told him his true feelings and concerns and the reason he has these concerns. He said that the mentality of the individuals that he has so far met and tried to meet within this program that has been presented out there is one of such that they could care less of old Vietnam war stories. They were going to go ahead and run the M-16, or whatever they felt like they wanted to run. He said that with that type of mentality they had an architect draw up plans for the shooting range. VOTH contacted the National Rifleman's Association and they were totally surprised. He said that these people did not even take the first step to contact the planning facility in Washington, D.C. or the Area Manager of the National Rifleman's Association to come out and look at the program. They never even considered it after he had suggested it in the first meeting. He related that they have no consideration for anything except their enjoyment and 90 percent of what goes on out there is "Good Time Charley". Their rules and regulations compared to the National Rifleman's Association are very, very limited and not very enforceable. They have Sheriff Reserve personnel that go out there that may have never fired a weapon over 3 or 4 times in their life. They have access to this range to use it at any time they want without the control of the range master. He asked if the Commission thinks that some afternoon when he is sitting out there playing with one of his children that "Joe Cool", who was not even paid by the Sheriff's Department, would be concerned about striking up a .308, M-16, semi-automatic which could bounce from here to China. VOTH said that everybody said that everything was great, but he knew what was going on out there. He knows the attitude of the people involved and he knows they are upset with him for even mentioning the problems that exist out there. VOTH mentioned that he came to the Commission with projects that he has spent \$50,000 on just to get the plans drawn and that is no guarantee that he would even be able to do anything with the ground that he has already bought. He remarked that he could not get any more consideration when it is a life and death situation than what they would give to somebody with an air condition with a decibel sound problem. He said it upsets him. He felt that there should

be more consideration given here, not only to himself, but to Mr. Lytle.

MOORE remarked to Voth that he was not too sure that he did not equate the problems with this rifle range hardly being any worse than the air conditioning system. He felt that he was listening to a bunch of bunk from Voth and a lot of false fears that are not there. He asked Voth how long he had lived on this property.

VOTH said that he had lived there for seven years.

MOORE pointed out that the range had been put in about that time. He said that if he was as deeply concerned about it as Voth was and so scared about his children's safety, he would have been gone from there a long time ago.

VOTH said the thought had more than crossed his mind.

MOORE said that Voth was just getting around now to voicing his complaints.

VOTH said it was just getting to the point now where it is being expanded and you could take the simple principals of modern mathematics and determine that the more amount of rounds that one has going in that area, the more capability there is of killing bystanders. He pointed out that Sedgwick County has committed a lot of money to the Observatory that is well within the range of a duel-a-tron if someone would slip and fall. He said that the Wichita Police Department has set up 35-foot berms at their facility and they are still having problems with it; they are still finding slugs on the airstrip.

MOORE said that he doubted Voth's sincerity.

VOTH said that he disagreed with Moore.

BAYOUTH commented to Voth that if the Commission approved this request subject to it being engineered and designed properly, would it be a problem then.

VOTH said no.

BAYOUTH further commented that they have shooting ranges in Whitewater, the Air Base, Police Department, that have higher densities adjacent to them, and if they tried to approve those today they probably could not get them because there are more people living in those areas than where Voth was today. He pointed out that the Traffic Commission endangers more lives with not putting up stop signs than what they would approve today.

VOTH said that when this originally started, he tried to talk to the range master in areas of possibility of digging it out and down so that they could have total restriction of their rounds. If they went any place, they would go straight up and come right back down. It would also take care of the sound problems. The amount of sound would go straight up and would not carry over the whole neighborhood. He said that when they are talking about a cheap 35-foot berm that is hauled in with 2 or 3 truckloads of dirt, or 15, it is not adequate. He said that it was evident that the Commission has not been out there.

BAYOUTH felt that the facility can be made safer and engineered properly. It probably would be the best one in this whole area when they get through with it. The personnel have to be trained.

HANSEN asked Galbraith if it would be his impression that removal of the two items, rifle and automatic firing, would have alleviated the Goddard people to the point where that vote would have changed their decision, or did he think that they were ultimately against it.

GALBRAITH said that he could not really answer that because he had presented possible alternatives to Goddard that evening, that they could establish conditions or eliminate part of the request. A motion was forthcoming simply to deny the entire request.

HANSEN stated that they really have not talked about the fact that those of them who are citizens want to make sure that they are protected by competent personnel, and that one of the things they have to weigh is the opportunity for the Sheriff's people to have a chance to deal with this. She said that she has a dilemma in that she has tried very consistently to support the "ringed" communities when they have made a vote and this has been very tense for them, so at this point her vote would be no, simply because she did not know how to get around to the principal that she believed in that people closest to it should have some affect on the vote.

CROCKETT announced that he would abstain from discussion and voting on this request.

BAYOUTH asked the Chairman who was the authority on ranges.

CHISHOLM said that he would say the National Rifleman's Association would be a potential as an authority.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this application be approved subject to the Sheriff's Department conferring with the National Rifleman's Association, and that Mr. Randall Voth sit in on the meetings. Bayouth moved.

The motion died for lack of a second.

CHISHOLM commented that being something of a gun fanatic he has a problem when they talk pistols, since currently they make silhouette target pistols that shoot a .308. He said that he has some problems with some of the safety factors as they have been discussed.

BANZER said that he did not feel competent to really make a decision on this other than to defer it until they get some expert testimony.

BAYOUTH agreed that a deferral would be in order.

GARDNER stated that the concerns that Mr. Voth put forth were valid. He felt that what they were considering at this point in time with a conditional use permit revolves around several items. The first item, in terms of importance, was whether or not there would be a pistol range and improvements could be made to it which would enhance it in terms of safety and its general use. He felt that the design for it, which has come into question at least to this point, was something that was still open. GARDNER said that he did not think that there is any particular objection to making the range more safe than its present use situation. Safety seems to be the underlying point. There is a strong objection to rifle use or basically rifle type ammunition out there or for automatic weapons fire. He understands that the applicants are dropping the rifle range portion of the application. They are agreeing not to utilize automatic weapons, and they probably could resolve the type of ammunition that might be fired out there, limiting it perhaps to just pistol type ammunition of a more conventional law enforcement sort of nature, but he was not sure anyone on the bench was capable of delving into that as an expert. GARDNER said the other element which arises is whether or not, under the conditional use permit, they want to deal with and authorize an agility course and a classroom type training facility out there, which they have need of. He said it seems to him to be a reasonably simple situation. They also need to deal with the terms of the hours. GARDNER felt that if it is possible at this point in time to deal with the approval on an agility course and a class room facility, he felt that was prudent. It allows

them some level to proceed with their activities under the current operation. If the Commission wanted to hold and defer any approval on the conditional use element on a pistol range pending an investigation of a design that would be as safe as reasonably possible, he felt that would be prudent. He said that the hours of operation on the facility and the general terms of the conditional use are subject to debate also. It may be that an agility course and a classroom could be approved with a tentative deferral on the pistol range subject to a design approval and concurrence.

PETERS felt that the whole game plan has been changed since it left the Goddard Planning Commission, and since they are recognized as part of this whole area, he felt that it would be important that they get answers to all of the questions being proposed by returning the application back to them, which he thought was proper and fitting, and in the meantime, staff can gather the necessary answers that this board has brought out today. He said that Goddard Planning Commission was entitled to hear the case again.

MOTION: That the Planning Commission return CU-270 to the Goddard Planning Commission, and that staff gather the necessary information pertaining to the questions raised by the Planning Commission. Peters moved, Hansen seconded.

GARDNER felt that the Goddard Planning Commission should be involved. They, however, elected not to address the specifics or involve themselves in specifying which areas needed either additional embellishment or review. Rather than on a blanket basis refer this straight back to them pending staff's involvement in answering the questions, he would prefer to see it returned to the Planning Commission on a basis of at least seeing whether or not the preliminary elements have been addressed or not, and then perhaps prior to taking a final action, referring it to them in some completed fashion.

GALBRAITH commented that Gardner had asked earlier if he had any suggestions about whether part of it could be forwarded to the County Commission and part of it kept here. He said that the Planning Commission has those options. They could deny the request for expansion of the pistol range facilities at this time until more information is provided by the Sheriff's Department. They could deny the duel-a-tron request, and approve the trap shooting part of the application because that does not seem to be a problem. The classroom and agility confidence course are things that no one has any problems with approving. Those parts of the application could go on to the County Commission. He said the question has been raised, "who is the expert". GALBRAITH said staff had raised that question ever since this case has been filed. The Sheriff's Department has not been forthcoming yet with any concise design of the pistol shooting range or the rifle range since it has been submitted to the Commission. He felt that it was up to the Sheriff's Department, if the Commission was wanting expert testimony from someone, to pay to contact those sources and have them come in and look at the site, look at their plans and provide evidence to the Planning Commission that they feel this is a satisfactory design.

SUBSTITUTE MOTION: That the Planning Commission recommend to the Board of County Commissioners that a portion of the expansion request be approved (classrooms, agility course and trap shooting range) and action on the balance of the request be deferred until such time as satisfactory plans are submitted for review. Recognized experts in these fields should be contacted to review the proposed plans and evaluate them in terms of safety.

All interested local parties, especially landowners immediately north of the range, shall be consulted about development of the rifle range and duel-a-tron. The conditional use permit approval is subject to the following conditions:

- a. Subject property shall be used for trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
- b. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
- c. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
- d. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
- e. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

The motion for approval also included the condition that the Goddard Planning Commission be given an opportunity to review the MAPC's action prior to the case being considered by the Board of County Commissioners.

Gardner moved, Hansen seconded and it carried with a vote of 6 in favor (Gardner, Hansen, Banzer, Bayouth, Chisholm and Moore) and 1 opposed (Peters). Crockett abstained. Goebel and Wilson were absent.

August 2, 1984

Mr. Harry O. Lytle, Jr.
800 Fourth Financial Center
Wichita, Ks. 67202

Re: CU-270 - Conditional Use Permit
to Expand an Existing Training
Facility for the Sedgwick County
Sheriff's Department

Dear Mr. Lytle:

The Planning Commission at its regular meeting of July 26, 1984, considered the above-captioned request, 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, August 6, 1984. 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,

Jack H. Galbraith
Chief Planner

JHG:sad
Encl.

cc: Randall Voth, Rt. 1, Goddard, Ks. 67052 (1)



METROPOLITAN AREA PLANNING
COMMISSION

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

July 30, 1984

Mr. Paul Evans
Sedgwick County Sheriff's Department
Sedgwick County Courthouse
525 North Main
Wichita, Ks. 67203

Re: CU-270 - Conditional Use Permit to
Expand an Existing Training Facility
for the Sedgwick County Sheriff's Dept.

Dear Mr. Evans:

The Metropolitan Area Planning Commission at its meeting of July 26, 1984, considered the above-captioned case. The action of the Planning Commission was to recommend approval of a portion of the expansion request and to defer action on the balance of the request until such time as satisfactory plans are submitted for review. The portion of the expansion request which was recommended for approval includes the classrooms, agility course and trap shoot range, all to be operated in accordance with the range safety rules as presented in writing to the Planning Commission.

The rifle range and dual-a-tron range were not recommended for approval at this time. The Planning Commission stated that they would consider these facilities at such time as satisfactory plans are submitted for their review. They suggested that recognized experts in these fields be contacted to review your proposed plans and evaluate them in terms of safety. They also suggested that all interested local parties, especially landowners immediately north of the range, be consulted about development of the rifle range and dual-a-tron. The conditional use permit approval is subject to the following conditions:

- a. Subject property shall be used for trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
- b. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
- c. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.

Mr. Paul Evans - CU-270 - Page 2

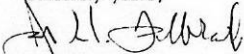
WICHITA - SEDGWICK COUNTY

- d. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
- e. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

The Metropolitan Area Planning Commission further recommended that the Goddard Planning Commission be given an opportunity to comment on their recommendation prior to County Commission review of this conditional use permit request. Therefore, this case has been rescheduled for the Goddard City Planning Commission agenda of August 27, 1984, at 8:00 p.m. at the Goddard City Hall and the County Commission agenda of September 5, 1984.

Please call if you have any questions regarding this matter.

Sincerely yours,



Jack H. Galbraith
Chief Planner

JHG:LO:sad

- cc: ✓ Sgt. John Daily, Range Master, Sedgwick County Sheriff's Department
Board of County Commissioners
Richard Euson, Assistant County Counselor
Johnny Darr, Sedgwick County Sheriff
✓ James R. Schaefer, Attorney-at-Law, 105 S. Broadway, Wichita 67202
✓ Randall Voth, Rt. 1, Goddard, Ks. 67052
✓ Harry O. Lytle, Jr., 800 Fourth Financial Center, Wichita 67202
Robert Johnson, Chairman of Goddard City Planning Commission, Goddard City Hall, 122 North Main, Goddard 67052



NATIONAL RIFLE ASSOCIATION OF AMERICA
(INCORPORATED 1871)

1600 RHODE ISLAND AVENUE
WASHINGTON, D.C. 20036

(202) 828-6190

Richard A. Whiting
Acting Manager
Range Engineering Specialist

*Submitted to
MAD by
Jim Schaefer
7-26-84*

The NRA does not "approve" ranges nor does it assume liability for accidents occurring on ranges because of their construction from range plans supplied as a guide by NRA. NRA range plans are compiled to show the best available current information on the design and construction of shooting ranges. If these plans are followed with the aid of professional engineering and architectural advice, and the firearms used are those for which the range was intended, then the range should be physically a safe one. This condition of safety can only be met if the strictest of safety rules and proper range conduct are demanded of everyone at all times while on or near the range.

RANGE PLANNING ASSISTANCE - The NRA can provide on-site basic planning assistance as Staff time and funds allow. This service includes help in site selection, range layout and design, etc. It is available to NRA affiliated clubs, governmental agencies, and other groups upon request to the NRA Field Services Division. There is a loan program for affiliated clubs and a variety of suggested plans are also available upon request.

SUGGESTIONS FOR PLANNING A NEW RANGE - In order to help clubs and other groups avoid mistakes in range construction, it is recommended that when a range is first proposed, appropriate NRA plans be obtained.

With the help of these plans, the club should decide what kind of ranges are desired, and try to plan for future expansion. Range cost is a major factor, and financing must be taken into consideration when the paper planning is underway.

It is best for private clubs to finance their own facilities without consideration of Federal Funds. Generally speaking, Federal money is available only to publicly-owned ranges.

Once the type and size of range is agreed upon, finding a suitable piece of land is the next step, and a club would be well-advised to have a local realtor help them look for land. Often realtors have listings of properties not marked "for sale". An attorney with experience in real estate transactions is also insurance against a sale contract becoming a pitfall for the club.

These factors should be kept in mind when considering property for range uses:

- Is there a clear access route to the land - not only usable or repairable road, but a right of way easement?
- What are the soil conditions? If grading is required, are there rock, shale, plastic clay, or other difficult soil types?
- What drainage problems exist? Does the site drain? Will off-site drainage ditches or piping be required as a result of improvement on the range?

◦ How can the impact area be protected from intrusion by children or others? Will some safety range baffles be required to limit length of impact area?

◦ Are electricity and telephone lines on the property? How much will it cost to get them to a place where they can be used?

◦ Are there easements binding on the owners allowing roads, utilities, livestock grazing or crossing, etc., which might interfere with the range when built?

◦ Are there zoning or special permit problems, or does the zoning even allow a range to be built?

◦ Is the title free and clear of encumbrance? Get a little search by an attorney qualified to do so, and require title insurance.

◦ What building codes must be satisfied? Is there a requirement that a licensed contractor do the building? Who may prepare the construction drawings?

◦ Are there restrictions on trailers, campers, camping or boats in local ordinances?

◦ What restrictions on water rights, mineral rights, airspace rights, etc., are entailed?

◦ Is sewerage available, or must septic fields be used? Get the county agent or Sanitation Department to perform a percolation test before signing a contract.

◦ Are environmental restrictions satisfied?

When a piece of land is located, the club should approach the people living in the area and seek their support. Most of the time a friendly effort at public relations will result in harmony between the club and the community. Be a good neighbor - involve the community. If strong objections do arise, it sometimes is best to forget that particular site and go to another.

When it appears that all legal and pre-planning criteria on a particular piece of land will be met, a sales contract can be signed, but only after contingency clauses are written into it to guarantee that proper zoning and special use permits are obtained before the sales contract is valid. Otherwise, a club can find itself with a piece of land which it is committed to buy, but cannot use. Do not go to settlement unless all provisions of the contract are met.

After the land is purchased, the range should be planned completely before any construction is done. Many costly mistakes can be avoided by following this procedure. Once the site planning is accomplished, construction permits may be obtained, and construction can begin.

By using the above outlined method, a club can build a range secure in the knowledge that all legal requirements have been satisfied, and that money has not been spent on a range which might be shut down because of unfriendly neighbors or for safety factors which were not foreseen because of insufficient or unrealistic planning.

COST ESTIMATES - Range construction costs can vary considerably. For indoor ranges, contracted construction costs are generally about those of a private home in per square foot expense. Outdoor ranges can vary from \$200 per firing point to \$10,000 per firing point, exclusive of land costs. Site preparation, planning costs, type of range, range equipment, safety baffling, etc., can all contribute to such costs.

MILITARY RANGE USE - Civilians are permitted to use military ranges when there is not a conflict with the military training schedule. Use is subject to the discretion of the Commanding Officer. (Title 10 United States Code Section 4309) provides as follows: (a) The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country. (b) All rifle ranges established under subsection (a) and all rifle ranges already constructed, in whole or in part with funds provided by the United States, may be used by members of the armed forces and by all able-bodied males capable of bearing arms, under regulations prescribed by the authorities controlling those ranges and approved by the Secretary).

FUNDING - The primary federal program to assist in range development is the Pittman-Robertson Act. This Act was originally enacted by Congress in

1937 and later amended to provide for hunter safety training, which includes the construction, operation and maintenance of public target ranges. This money is derived from the excise tax on pistols and revolvers and bows and arrows. The total fund available for apportionment to the various states for fiscal year '81 was \$1,309,456. No state can receive more than 3% nor less than 1% of the total amount available. This fund is managed through the state Fish & Game Department and is controlled by the Regional Office of the Fish and Wildlife Service of the Interior Department. The allocation for fiscal year 1981 was \$426,000 for the states receiving 3% and \$142,000 for the states receiving 1%. This apportionment may be used for hunter safety training programs and/or range development. If it is not used for either these programs, it can be used for wildlife restoration projects by the various states and if not used it then reverts to the Interior Department. The contact to obtain these funds is the Hunter Safety Coordinator at each state capital.

The use of these funds for range construction throughout the U.S. is somewhat spotty. Some states have wisely used these funds while others have not availed themselves to it at all.

The National Rifle Association has a loan program for affiliated clubs. The loan cannot exceed \$50,000, and must be repayed in 10 years, the club must have 75% or greater NRA membership, must have security for the loan and must show a program for repayment. The interest on such loans is the annual average of the portfolio investment for the Association. For more information on this program, contact the local field representative or the

NRA Field Services Division at NRA headquarters. (Statutory reference 16 U.S. Code Annotated, Section 669A through I).

COMMERCIAL RANGES - A commercial range is a business undertaking like an amusement park, bowling alley, parking lot, etc. There must be an essential need for a commercial shooting range in an area before construction can be undertaken with any reasonable degree of assurance that it will be a success. While it is not necessary to hire a professional surveying or marketing organization, a person contemplating the building of a commercial range should determine how much shooting goes on in his area and how interested the people are in guns and shooting. Visits to gun clubs, sportsmen organizations, fraternal organizations, etc., will aid a prospective range builder in determining the degree of interest and support that he might expect.

Although we suggest that a prospective builder of a commercial range get in touch with other such range operators, the hard facts cannot be ignored. Range operators do not always have time to engage in extensive correspondence on their operation, cost, etc. Further, in many cases, such people are understandably reluctant to reveal their financial position. While many commercial operators do not have the time to correspond, they are very often willing to talk over the matter and a long distance phone call or even a trip to an existing commercial range can provide the prospective builder with vital information.

Some suggestions for a successful commercial range operation are as follows:

1. Do a market study before building a range. Determine which type or types of shooting will provide income. Plan to provide facilities for these types of shooting, allowing space for expansion to take in other facets of the shooting sports.

2. Provide space for a pro shop where guns, ammo, and accessories may be purchased. Keep prices reasonable, and deal fairly with the customers. Allow a discount to regular customers whenever possible.

3. Recognize that the largest part of range income will not be from competitive shooting, but from casual shooters and plinkers. Hunters will provide quite a lot of activity with big game season in the fall, and varmint hunters will be around in the spring. At other times of the year, hunters can be discounted, although a few will be test firing and practicing all year.

4. Insist that all facilities be designed as compactly as possible so they may be supervised with a minimum of personnel during slow periods. Types of shooting activity should be kept separate by appropriate spacing, or different timing.

5. Provide a pleasant atmosphere. Try to have areas for picnicking and play for children. The whole family must be sold to get maximum business.

6. Get a range manager who has a thorough knowledge of the types of shooting to be carried out on the range. He must also be a good business manager and an aggressive promoter of activities.

7. Although competition will probably not be the largest source of income, it can provide a steady source when matches are run in a competent manner. Good relations with local clubs will result in a steady influx of business from their shooters, especially where club ranges are scarce or inadequate.

8. Utilize NRA programs in training, safety, and qualifications. The NRA has a multitude of shooting programs which can be of interest to all age groups.

9. Sell shooters on the programs which are carried out on the range. Keep before them the fact that you are providing a service in much the same way that golf courses, ski slopes, and bowling alleys do, but with a much wider variety of activities. Remember that the survival of your range depends largely on how well you sell this concept to the shooters in your area.

10. Consider community involvement, such as Boy Scouts, Hunter Safety, 4-H Clubs, etc.

1000-INCH RANGE - For construction data on 1000 inch or 25 meter military ranges, obtain a copy of Department of the Army Technical Manual TM 9-6920-210-14, or Department of the Air Force Technical Manual 50-25. These are available to authorized Service personnel from appropriate supply agencies.

BALLISTICS INFORMATION

BASED ON JOURNEE'S FORMULA

Shot size	Diameter (ins.)	Maximum range (yds.)
12-ga. round ball	.645	1420
16-ga. round ball	.610	1340
20-ga. round ball	.545	1200
410-ga. round ball	.38	850
00 buckshot	.34	748
0 buckshot	.32	704
1 buckshot	.30	660
#1 shot	.16	352
#2 shot	.15	330
#3 shot	.14	308
#4 shot	.13	286
#5 shot	.12	264
#6 shot	.11	242
#7½ shot	.095	209
#8 shot	.09	198
#9 shot	.08	176
#12 shot (cal .22 shot cartridges)	.05	110

BASED ON EXPERIMENTS OF SMALL ARMS & AMMUNITION
MANUFACTURERS' INSTITUTE

Rifled Shotgun Slug

Gauge	Weight (oz)	Muzzle Velocity (f.p.s.)	Maximum Range* (yds.)
12	1	1600	817
16	7/8	1600	817
20	5/8	1600	817
28	1/2	1600	817
.410	1/5	1830	843

* to point of first impact

Bullet name	Bullet wt. (grs)	Muzzle vel. (f.p.s.)	Ballistic co- efficient	Extreme Range (yds)	Range (miles)	Percent of max. vacuum range
Cal. .22 long rifle	40	1145	.128	1500	.85	12%
Cal. .380 ACP	95	970	.08	1089	.62	12%
Cal. .45 ACP in pistol	234	820	.16	1640	.93	24%
Same in submachine						
gun	234	970	.16	1760	1.0	21%
Cal. .30 Carbine M1	111	1970	.179	2200	1.25	6%
Same, Tracer M16	107	1910	.154	1680	.95	5%
Cal. .30 ball M2	152	2800	.40	3500	1.99	4½%
Cal. .30 boattail M1	172	2600	.56	5500	3.12	8%
Cal. .30-40 Krag	220	2000	.34	4050	2.3	10%
Cal. .50 AP M2	718	2840	.84	7275	4.13	9%

Bullet name	Bullet wt. (grs)	Assumed M.V. (f.p.s.)	Calculated max. range (yds)	(Miles)
Cal. .22 WRF	45	1450	1950	1.11
Cal. .22 WMR	40	2000	1900	1.08
M-16 Cal. .223	55	3240	2200	1.25
Cal. .30 Mauser Pistol	86	1410	1900	1.08
Cal. .30 Luger	93	1220	1900	1.08
Cal. .32 S&W Long	98	780	1450	.82
Cal. .38 Special	158	855	1800	1.02
Cal. .357 S&W Magnum	158	1430	2350	1.34
Cal. .38 Super Auto	130	1140	2050	1.26
9mm. Luger	124	1140	1900	1.08
Cal. .44 Remington Magnum	240	1570	2500	1.42
Cal. .219 Zipper	56	3110	2850	1.62
Cal. .22 Hornet	45	2690	2350	1.33
Cal. .243 Winchester	100	3070	4000	2.27
Same	80	3500	3500	1.99
Cal. .250 Savage	100	2820	3500	1.99
Cal. .257 Roberts	100	2900	3850	2.18
Cal. .270 Winchester	130	3140	4000	2.27
Cal. .280 Remington	125	3140	3700	2.10
Cal. .300 H&H Magnum	180	2920	4356	2.47
Cal. .338 Winch. Magnum	250	2700	4660	2.64
Cal. .375 H&H Magnum	270	2740	4500	2.56
Cal. .458 Winchester FMJ	500	2125	4500	2.56



22 Long Rifle



1 1/4 mi. Range

9MM



1.08 mi. Range

357.M



1.34 mi. Range

5.56 M16
223 Cal



1.25 mi. Range

7.62
308 Cal



1.75 mi. Range

Michael L. Diggs arrived in weekend as one of the two American Legion's 38th annu-

of Leguetta Diggs, 3900 N. incoming high school seniors who are in the capital to see take part in the democratic a from 30,000 students who am's summer. The nine- ing conducted at American idents are housed.

the U.S. Naval Academy on n at the Tomb of the Un- onal Cemetery on Monday. and Labor departments on and FBI headquarters on enators and representatives sident Reagan at the White ednesday, the delegates will sident and vice president wo mock political parties. egate is Jeffrey Schrag of

• • •
mong the several thousand the world attending the 1984 Ecumenical Assembly ayet and Frances Poley, eze, Sherry Phillips and icipating in sessions led by Angelou, biblical scholar elege professor of English outh College professor of and Guatemalan educator l. Sessions began Thursday ssembly theme is "Build a ce."

• • •
mons was elected second tional Association of Insur- ration's recent annual con-



Shirley Timmons
... Officer of
National Association
of Insurance
Women.

Also taking off July 11 was a group led by Kapaun-Mount Carmel High teachers Sister Mary Johnellen and Charles Thorpe. Those students are Sean Bell, Neil Genilo, Rowena Genilo, Carrie Gettler, Paul Hanna, Amy Hunter, Aretha McCraw, Christy Miller, Bridget O'Connor, Rusty Oliver, Darcy Onofrio, George Randall, Michelle Ruffin and Greg Santoscoy. Stopping places include Munich, Salzburg, Vienna, Venice, Florence, Rome, Lucerne, Paris and London.

Studying French at The Sorbonne in Paris are Jean Fulghum and Dayna Reed, participants in the Summer Language Institute program under auspices of the University of Kansas. Fulghum is a KU senior, and Reed is a junior. Both are Southeast High graduates.

In the Service

Boiler Tech. Chief John Richard Bonfiglio's return to Wichita next week will touch off a family reunion. His brothers, David of Chicago, Michael of Thayer and Leon of Wichita, plan to join their mother, Edith, at her home at 1637 S. Water to greet John, his wife, Jan, and two daughters when they arrive from Newport, Va., probably on Monday. The sailor, who left Wichita for the sea after graduation from West High School, will be on leave from the Navy's fast frigate McCloy.

Veteran's Bullets Dent Plans for Firing Range

By Jenny Upchurch
Staff Writer

Randy Voht lined up the cartridges on the desk in front of the Goddard Planning Commission members.

"I've killed people with these," said Voht, who was a military weapons trainer in Vietnam. "I know what it will do to a human being."

And, Voht told the commissioners, his family and anyone visiting his home one mile north of the Sedgwick County's Sheriff's Department firing range near Lake Afton would be within range of bullets like those he lined up, if the Sheriff Department's proposed expansion of that range were approved.

Voht convinced the Goddard Planning Commission to recommend denial of the request. And now he says he'll go before the Metropolitan Area Planning Commission on Thursday in an effort to convince it to vote against the expansion.

The final decision will come when the Sedgwick County Commission looks at the request, probably on Aug. 22. Actions of the planning commissions will have bearing on that decision.

The Sheriff's Department has

operated a pistol range on 80 acres just north of 38th South since 1976. It proposed in April to add a rifle range, trap range, agility course and classroom space.

Jack Galbraith, MAPC planner who attended the Goddard meeting, said the MAPC staff was leaning toward refusing at least part of the sheriff's request. Galbraith said the MAPC staff generally favored approval of the proposed trap range. "But after what I heard Monday night, we're still reluctant about the rifle range," he said.

Sgt. John Dailey, the department's range manager, told Goddard planning board members that safety precautions would be taken, including building a 35-foot-high earthen wall around the new rifle and shotgun ranges.

But, Dailey said, he could not guarantee the safety of residents living near the ranges. "I've never denied there was the potential for danger," Dailey said. But, he said, it would be more dangerous to have officers use weapons without practice.

Voht responded that sheriff's officers could use the range at McConnell Air Force Base or a range at Whitewater used by Wichita police officers.

BARGAIN BY

CARL and JEAN

THIS IS AN IMPORTANT RECORD SAFEGUARD IT.

BOOK 661 PAGE 50

1. LAST NAME FIRST NAME MIDDLE NAME VOTH RANDALL JOHNS		2. SERVICE NUMBER US 56 432 472		3. SOCIAL SECURITY NUMBER 514 50 8716	
4. DEPARTMENT, COMPONENT AND BRANCH OR CLASS ARMY AUS UNASGD		5a. GRADE, RATE OR RANK SP4	5b. PAY GRADE E-4	6. DATE OF RANK DAY MONTH YEAR 5 NOV 69	
7. U.S. CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		8. PLACE OF BIRTH (City and State or Country) HUTCHINSON KANSAS		9. DATE OF BIRTH DAY MONTH YEAR 10 SEP 49	
10a. SELECTIVE SERVICE NUMBER V14 69 49 1233		10b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE LB #69 WICHITA KANSAS 67204		11. DATE INDUCTED DAY MONTH YEAR 24 JUL 68	
11a. TYPE OF TRANSFER OR DISCHARGE TRFD TO USAR SEE #16		11b. STATION OR INSTALLATION AT WHICH EFFECTED US ARMY PERSONNEL CENTER OAKLAND CALIFORNIA			
12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND THIC 1ST BDE 1ST INF DIV USARV		13a. CHARACTER OF SERVICE HONORABLE		13b. TYPE OF CERTIFICATE ISSUED NONE	
14. DISTRICT, AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED USAR CONTROL GROUP/ ANNUAL /US ARMY ADMIN CENTER ST LOUIS MO.		15. REENLISTMENT CODE RE- 1		16. TERMINAL DATE OF RE-SERVICE / 17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION UNLESS INDICATED OTHERWISE a. SOURCE OF ENTRY: <input type="checkbox"/> ENLISTED (First Enlistment) <input type="checkbox"/> ENLISTED (Other Service) <input type="checkbox"/> REENLISTED DAY MONTH YEAR 23 JUL 74	
18. PRIOR REGULAR ENLISTMENTS NONE		19. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC PVT E-1		20. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) KANSAS CITY MISSOURI	
21. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, Cdo, Comp, State and ZIP Code) 201 W. WESTFIELD WICHITA KANSAS 67209		22. STATEMENT OF SERVICE YEARS MONTHS DAYS a. CREDITABLE FOR BASIC PAY PURPOSES (1) NET SERVICE THIS PERIOD (2) OTHER SERVICE (3) TOTAL (Line (1) plus Line (2)) b. TOTAL ACTIVE SERVICE c. FOREIGN AND/OR SEA SERVICE			
23a. SPECIALTY NUMBER & TITLE 11B20 INFANTRY		23b. RELATED CIVILIAN OCCUPATION AND D.O.T. NUMBER NONE			
24. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED NATIONAL DEFENSE SERVICE MEDAL COMBAT INFANTRYMAN BADGE VIETNAM SERVICE MEDAL BRONZE STAR MEDAL VIETNAM CAMPAIGN MEDAL FILED FOR RECORD March 3, 1970					
25. EDUCATION AND TRAINING COMPLETED Recorded Book 661 Page 50 John Hale Register of Deeds, Sedgwick County, Kans. Helena L. Hilton Deputy					
26a. NON-PAY PERIODS TIME LOST (Specify Time Years) NONE		26b. DAYS ACCRUED LEAVE PAID 32		27a. INSURANCE IN FORCE (MIL or USGLI) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27b. VA CLAIM NUMBER C NA		28. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE <input checked="" type="checkbox"/> \$10,000 <input type="checkbox"/> \$5,000 <input type="checkbox"/> NONE			
30. REMARKS BLOOD GROUP: "B+" CIVILIAN EDUCATION: 12YRS					
31. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, Cdo, Comp, State and ZIP Code) SEE ITEM #21		32. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>[Signature]</i>			
33. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER J M SCHUELER CPT AGC ASST ADJ		34. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>[Signature]</i> 23201 MJT			

FORM 1 JUL 68 214

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE EFFECTIVE 1 JAN 67.

* GPO: 1969-351-114

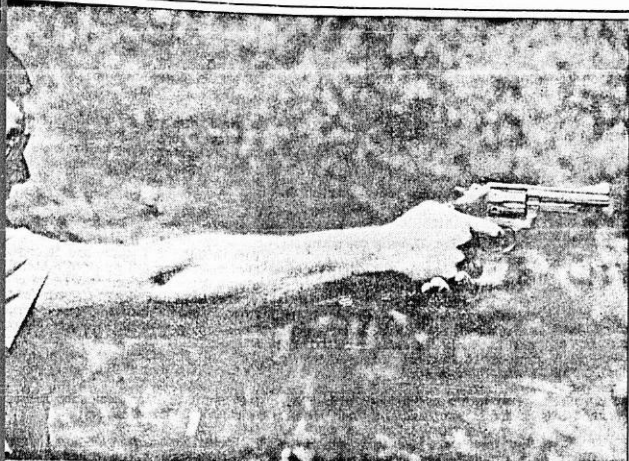
ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE

State of Kansas, Sedgwick County, ss.
I hereby certify this to be a true copy of
Honorable Discharge recorded in my office
in Book 661 page 50

JOHN HALE

Register of Deeds,

By: Helena L. Hilton
Deputy



Patrolman Keith Albright fires a .357-caliber Magnum on the Lake Afton range, left. Below, Sgt. John Daily, range manager, points to trees that he says help deflect stray bullets.

Bob Breidenbach/Staff Photographer

Range Is to Home

fire and I wake up a little upset — especially because of all the time I spent in Nam. ... It sounds like you're having a firefight in your back yard."

Goddard's Planning Commission will make its recommendation to the County Commission after a second discussion of the addition on June 25. The MAPC will review the plan June 28. The County Commission probably will decide the issue in late July, said Art Chambers, Metropolitan Area Planning Department senior planner.

Daily, who helped Chambers make the presentation to Goddard officials, said the facilities are needed to accommodate more officers for practice and in-service qualifying, to keep rifle testing in a location separate from small-arms practice and to upgrade the department's training facilities.

The U.S. Army Reserve has volunteered to do the dirt work project as a weekend training exercise, Daily said, and other costs will total about \$4,000, with some labor and materials donated by officers.

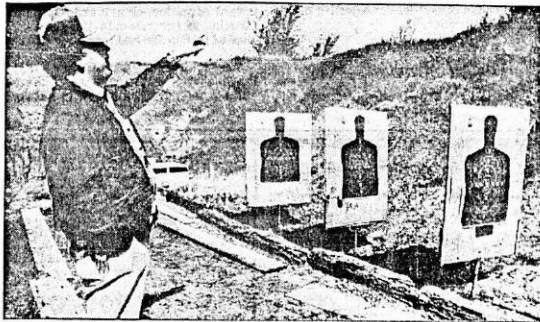
"If everything goes right, we hope to have it done before winter sets in," he said.

Now, an 11-station, 50-yard range and a classroom building used for storage make up the range just north of 39th South. The facility was developed for the sheriff's reserve in about 1976, Daily said. Regular officers switched from using the Wichita Police Department's range in 1981.

Sheriff Johnnie Darr said his department is working to keep the current range safe and to plan additions that are safe as well.

"I'm not going to take a chance on ever injuring anyone with a weapon," Darr said, because before that we just simply wouldn't have it. ... You train your personnel to handle the weapon that way safely and, by strict enforcement of the rules, continue to keep it that way."

As an example of state assistance,



range would have a 20- to 25-foot earthen barrier, or berm, to stop the rounds.

Also, all firing would be done in a prone position and a metal guard would prevent shooters from raising gun barrels to a dangerous angle, he said.

The rifle range would be used for rifle testing and adjusting sights, not for training the five officers to whom rifles are assigned, Daily said, because most rifle practice is done at Fort Riley or McConnell Air Force Base.

As it is now, the majority of pistol training would be done with low-power, small-caliber practice ammunition that doesn't travel far or have a loud report, Daily said.

Despite Voth's claim that high-powered weapons are routinely fired at the range, Daily said it happens only occasionally, when officers sight personal weapons there.

He said night firing, rarely later than 10 p.m., was necessary for low-light target practice and for second- and third-shift officers and reservists with daytime jobs.

Darr said he wasn't aware of any midnight firing.

"As far as noise," Daily said, "personally, nobody's ever complained to me about the noise."

Richard Pullum, who lives just west of the range, said he feels neither bothered

nor embarrassed by the noise.

jectionable to us," Pullum said. Daily and Darr insist that rules and safety measures are adequate, but acknowledge that the risk of accident, however small, is impossible to eliminate.

Daily said that in the northerly direction of firing, there is not a house between the pistol range and the Voths, and only a couple of homes to the east and west.

"I would not say that Mr. Voth is in danger," Daily said, "because there is always the possibility. ... The closer they (houses) get, the worse it's going to be if a bullet gets away from somebody."

That's precisely what worries Voth and property owner Harry Lytle, who owns 145 acres between the range and 31st South. And that's why the two say they'll do all they can to see that proper noise and safety precautions are taken.

"I bought this property with the idea of developing it into residential property," said Lytle. He lives in Wichita and now leases the land for wheat farming. "It seems to me that they are destroying some of its value when they make it dangerous, you might say, to live in that area. I didn't buy it to receive bullets."

Voth said automatic weapons fire "wants to get away from you, and when it does, it will take the pattern of going straight up. Those rounds could drop onto my house. I

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

REVISED STAFF REPORT

CU-270 - Conditional Use Permit to expand an existing training facility. Generally located on the north side of 39th Street South in an area east of 247th Street West.

CCPC HEARING DATE: 4-23-84 DEFERRED 60 days
MAPC HEARING DATE: 5-03-84 DEFERRED to 6-28-84
CCPC HEARING DATE: 6-25-84 No quorum
MAPC HEARING DATE: 6-28-84 DEFERRED 4 weeks
CCPC HEARING DATE: 7-16-84 Denied
MAPC HEARING DATE: 7-26-84

Acres: 80

Size: 1320' x 2640'

Reason: To expand an existing training facility for the Sedgwick County Sheriff's Department.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Traning facilities, lake and undeveloped	"R"
North	Agriculture	"R"
East	Agriculture	"R"
South	Agriculture & Church Camp	"R"
West	Lake Afton & Observatory	"R"

History: None

Applicant: Sedgwick County, 525 North Main, Wichita, Kansas 67203

COMMENTS:

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

The applicant is requesting a Conditional Use Permit to expand an existing training facility for the Sedgwick County Sheriff's Department located on the north side of 39th Street South in an area east of 247th West.

In addition to the existing training facilities, it is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities. A site plan submitted with the application indicates these existing and proposed facilities.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary, permit conditional uses in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

Subject property is located on an FAS road (39th Street South) and provides for only 30 feet of half-street right-of-way whereas 60 feet is required.

The Goddard Planning Commission at its meeting of April 23, 1984 considered the application and deferred the request for 60 days and requested more information on the following:

- a. Need more detail regarding construction plans (size of berms), and fallout areas with regard to area housing. Also recommend obtaining endorsement of the plan by some qualified outside source; for example, National Rifle Association.

- b. Include policies on operating hours by both regular officers and reserve officers; suggest limited usage after dark to specific times and days (for example, one night a month) as must be required for proper proficiency by the department.
- c. Assurance of more authority and tighter control by the Sheriff's Department Range Master.
- d. Any other significant points. For example, maximum size of weapons to be fired at the facility.

At the deferred meeting, representatives from the Sheriff's Department passed out prepared materials that attempted to answer the report for more detailed information. Along with this material was included a site plan for the area, a cross section of the 100 yard rifle range, a list of the type of ammunition to be used on the range and a copy of range safety rules and range rules and regulations. (Copy of the submitted materials attached).

After considerable discussion and listening to concerns expressed from two property owners to the north in opposition, the action of the Goddard Planning Commission was to recommend that the request be denied.

- 2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. Subject property shall be used for pistol and rifle ranges, duel-a-thon range, trap shooting, physical agility and confidence course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.
 - b. The rifle range shall not exceed the length of 100 yards and shall be constructed with an earth berm having a minimum height of 35 feet. The shooting area shall be constructed with appropriate baffles so that shooting must be into and not over the berm.
 - c. All operations shall comply with the Range Safety Rules and Regulations established by the Sheriff's Department.
 - d. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department
 - e. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - f. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.
-

THE SENTINEL Wednesday, July 18, 1984

Planners Deny Range Weapons Request

A recommendation to deny expansion plans for the Sedgwick County Sheriff's Department shooting range will be sent to the Wichita Metropolitan Area Planning Commission. The request was denied by a 5-1 vote at a special session of Goddard's Planning Commission Monday July 16.

Sgt. John Daily from the Sheriff's Department presented the plans to expand the current pistol range. An additional pistol range, trap shoot and rifle range, as well as an exercise area were outlined on the proposal. Daily explained how the area would be built and used according to approved standards. Any use by the sheriff's department would be supervised by himself, the rangemaster. Any use by the reserves would be supervised by a qualified and trained assistant. The assistant has not been appointed, but would probably be a reservist. Usual operating hours would be 8 a.m. to 10 p.m. with special hours from 10 p.m. to midnight. No use from midnight to 8:00 a.m. would be scheduled unless ordered by the sheriff.

He also read a copy of the rules of conduct that are posted at the area.

Down range land owners, Harry Lytle and Randy Voth stated they felt the expansion endangered their lives and property. Voth, who lives slightly

less than one mile northeast reported on his military experience with weapons. His opinion was that a two mile down range space is necessary on some high powered rifles.

Lytle's property is somewhat closer to the north. He has plans to divide his 145 acres into residential lots. The expansion of the weapon range would put the plan in jeopardy, he observed.

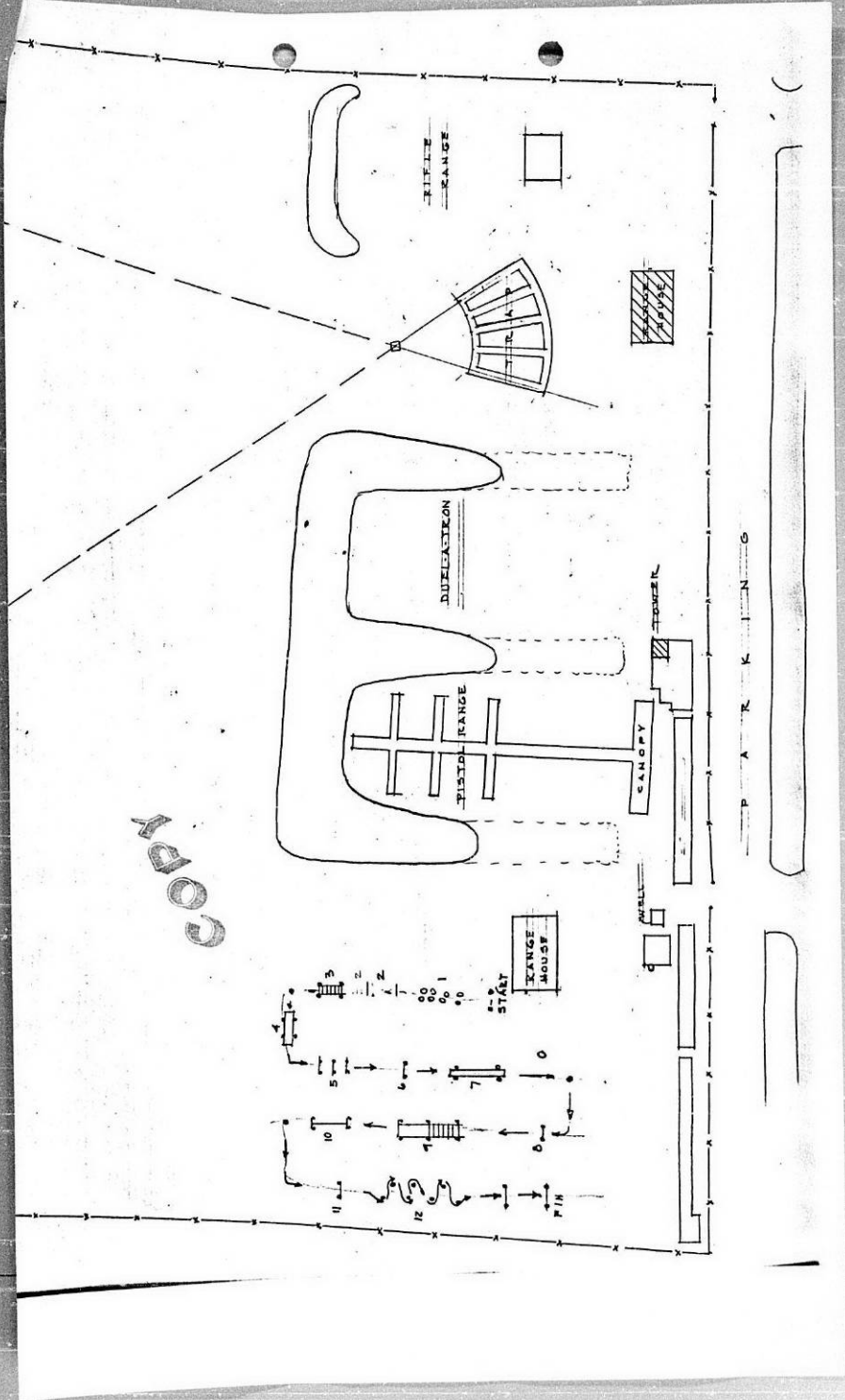
The Planning Commission invited Sgt. Daily to re-submit an altered plan if the sheriff's department cared to do so.

Some of the commissioners reasoning in denying the request were that they are getting along with present facility; and presently the sheriff's department has access to the McConnell range when it is necessary to use rifle.

The request for the conditional use permit will next go to the July 26 session of MAPC. Meeting begins at 1:30 p.m. stated Jack Galbreath from MAPD. The next stop will be the Sedgwick County Commission. The recommendations from Goddard's planners and MAPC will accompany it.

The next session for Goddard's planners will be Monday, July 23. A change in zoning has been requested for the area between Walnut and Easy streets.

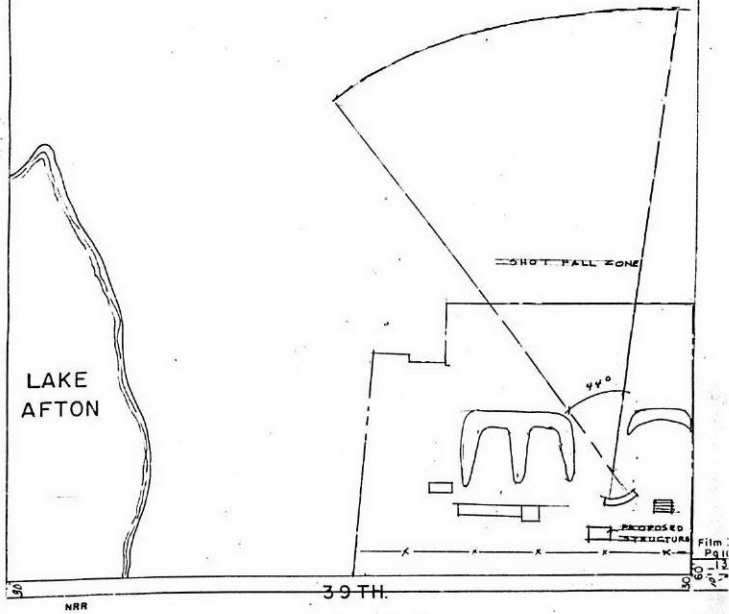
COY. 4



P A R K I N G

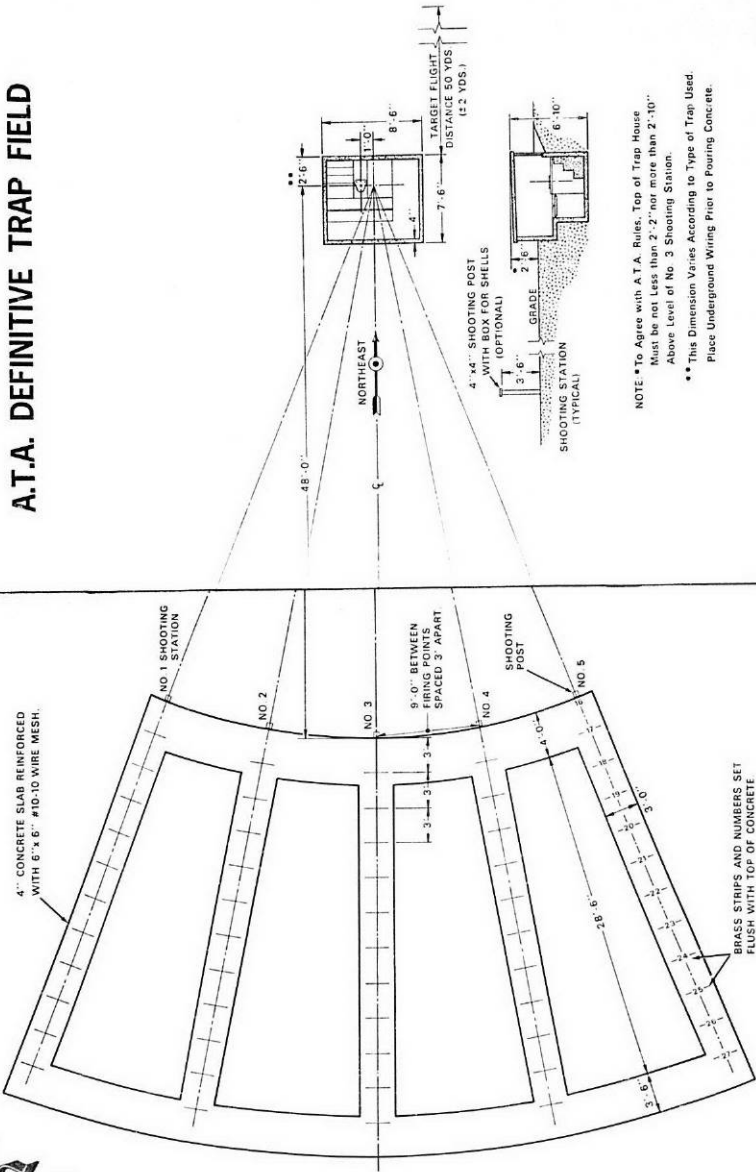
AF-58-1

COPY



COPY

A.T.A. DEFINITIVE TRAP FIELD

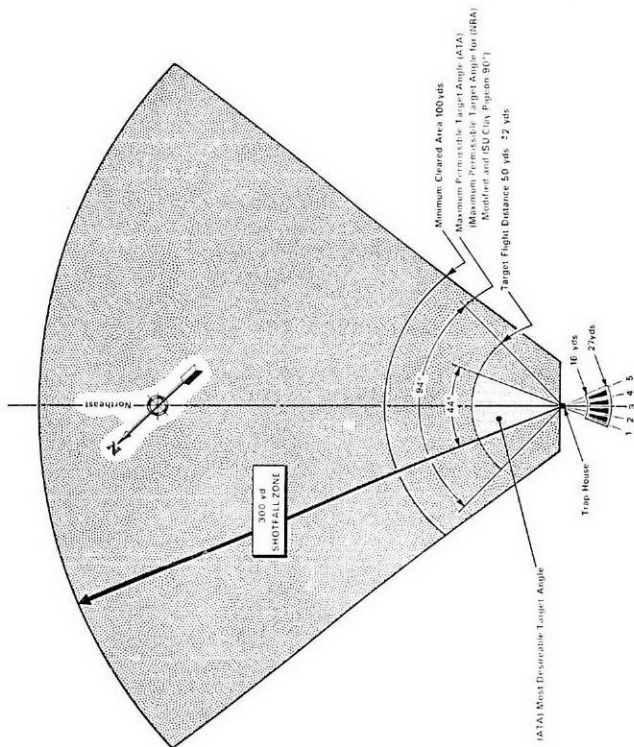


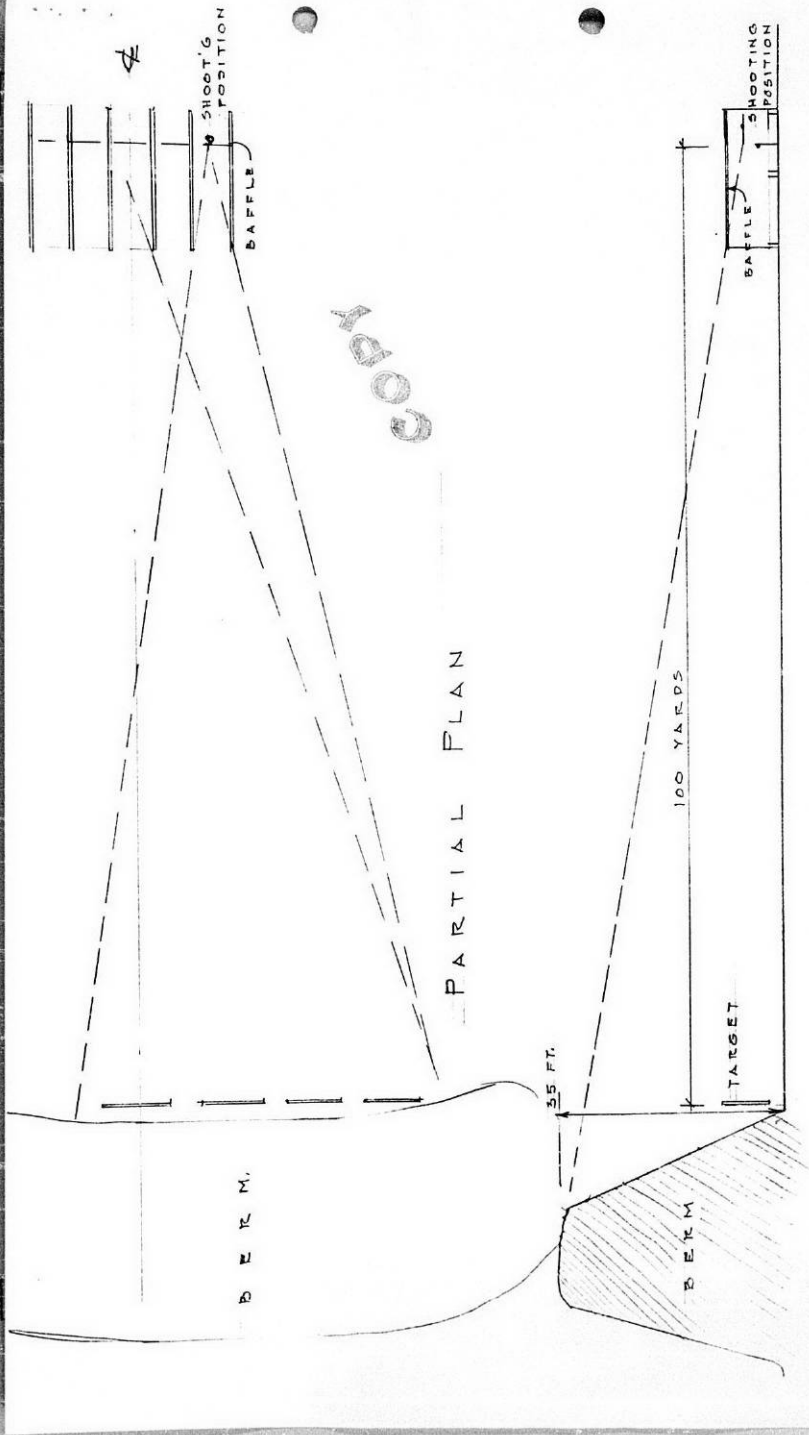
NOTE * To Agree with A.T.A. Rules, Top of Trap House Must be not Less than 2'-2" nor more than 2'-10" Above Level of No. 3 Shooting Station.

** This Dimension Varies According to Type of Trap Used. Place Underground Wiring Prior to Pouring Concrete.

COPY

TRAP FIELD - SHOT FALL ZONE





SECTION - RIFLE RANGE

SEDGWICK COUNTY SHERIFF'S DEPARTMENT
FIREARMS TRAINING RANGE

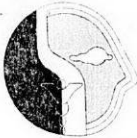
COPY

TYPES OF AMMUNITION USED AT THE
SEDGWICK COUNTY SHERIFF'S DEPARTMENT
FIREARMS TRAINING RANGE

CALIBER	BULLET WEIGHT	APPROXIMATE VELOCITY
1. .38	148 gr. FWC	750 fps
2. .38	158 gr. SWC	755 fps
3. .357 mag.	158 gr. J.S.P.	1235 fps
	125 gr. J.S.P.	1450 fps
	158 gr. L.S.W.C.	1235 fps
	110 gr. J.H.P.	1295 fps
	158 gr. J.H.P.	1235 fps
	180 gr. J.H.P.	1090 fps
4. 9 mm	123 gr. M.C.	1120 fps
	115 gr. J.H.P.	1160 fps
	95 gr. S.P.	1385 fps
5. 380 ACP	95 gr. M.C.	955 fps
	90 gr. J.H.P.	1000 fps
6. .45 ACP	185 gr. M.C.S.W.	770 fps
	230 gr. M.C.	850 fps
7. 44 S&W Special	246 gr. LEAD	755 fps
8. .41 mag.	210 gr. S.P.	1300 fps
	210 gr. LEAD	965 fps
9. .44 Rem. mag.	180 gr. S.J.H.P.	1610 fps
	240 gr. L.G.C.	1350 fps
	240 gr. S.P.	1180 fps
	240 gr. S.J.H.P.	1180 fps
	240 gr. LEAD (Med. Vel.)	1000 fps
10. .45 L. Colt	250 gr. LEAD	860 fps
	225 gr. S.W.C.H.P.	900 fps
11. .223 Remington	55 gr. S.P.	3240 fps
	55 gr. M.C.	3240 fps
12. .308 Winchester	150 gr. M.C.	2820 fps
	180 gr. S.P.	2620 fps

13. .30-06 Springfield	150 gr. Br. Pt.	2910 fps
	125 gr. S.P.	3140 fps
	180 gr. Br. Pt.	2700 fps
14. .35 Remington	150 gr. S.P.	2300 fps
15. .12 ga.	TRAP LOADS 7 1/2- 1 1/8oz. -	
	2 3/4" - 3 Drams	
	#4 BUCK SHOT 27 pellets 2 3/4"	
	3 3/4 Drams	
.12 ga. Rifled Slug	1 oz.	1560 fps

F.W.C.	Full Wadcutter
S.W.C.	Semi Wadcutter
S.J.H.P.	Semi Jacketed Hollow Point
M.C.	Metal Case
M.C.S.W.	Metal Case Semi Wadcutter
L.G.C.	Lead Gas Check
S.P.	Soft Point
S.W.C.H.P.	Semi Wadcutter Hollow Point
J.S.P.	Jacketed Soft Point
J.H.P.	Jacketed Hollow Point
Br. Pt.	Brass Point



June 15, 1984

COPY

Sgt. John Daily
Training Section
Sedgwick County Sheriff's Department
1015 Stillwell
Wichita, Kansas 67216


Dear Sgt. Daily:

On June 14, 1984, I evaluated the Sheriff's Practice Range at Lake Afton for noise levels associated with pistol and shotgun practice firing. A peak level of 92 dB(A) was monitored in the covered area at the south end of the range when the shotgun was being fired. Pistol noise in the same location was measured at 85 to 88 dB(A). Personnel exposed to this level of noise for extended periods should wear hearing protection.

The Sheriff's range is surrounded by a high, "U" shaped earthen berm which tends to absorb noise or deflect it upward. Measurements were made off-site during practice firing in front of the house located about 1/4 mile northwest of the range and at the bridge one mile due north of the range. Maximum levels recorded at these sites were 68 dB(A) and 50 dB(A), respectively. Although the gunshots were readily identifiable at these distances, the noise level does not constitute a hazard to hearing.

Please contact me if I can be of further assistance.

Sincerely,


Michael J. Everhart, R.S.
Environmental Health Director

MJE/jk

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street—Wichita, Kansas 67214-3198 (316)268-8401

CHAPTER XVI

Section 16.19

SHERIFF'S DEPARTMENT FIREARMS TRAINING CENTER (RANGE)

COPY

The Sedgwick County Sheriff's Department Firearms Training Range will be operated under the following safety rules and guidelines as determined by the Department's Rangemaster and Director of Training, and approved by the Sheriff.

RANGE SAFETY RULES

- A. The strictest discipline must be maintained at all times to prevent accidents.
- B. Only authorized personnel allowed on the Range.
- C. Weapons and ammunition must not be left unattended.
- D. Only authorized firearms and ammunition may be used on the range.
- E. No firing is allowed on the range unless a qualified instructor is present.
- F. No dry firing unless authorized by the Range Officer.
- G. Obey all range commands instantly.
- H. No one is to go forward of a firing line unless all guns are empty and safe.
- I. Use ear protection when shooting guns.
- J. Handguns must remain in holsters unless you are on the firing line. If a handgun is to be carried around on the range the cylinder must be open and/or the slide locked open, magazine out.
- K. If a misfire or malfunction occurs, keep the firearm pointed down range, count to ten, and signal the range officer for assistance.
- L. After a malfunction, check the firearm for obstructions: in the barrel, chamber, etc. Never try to shoot an obstruction from the barrel.
- M. No alcoholic or cereal malt beverages will be allowed on the range.
- N. Do not use firearms when under the influence of alcohol or drugs.
- O. If long guns are to be carried on the range, the action must be open, safety on, barrel up. The barrel should be kept higher than the head of the tallest person on the range.
- P. Clean firearms in designated cleaning areas only.

Section 16.19

Range Rules and Regulations

- A. It shall be the responsibility of the Department's Rangemaster or his designated assistant to be present at the range facility during any period of time that the range is to open for in-service training, departmental qualifications, shooting practice, or when any other type of activity is to be conducted on the premises.
- B. The hours of operation for the Sheriff's Range will be set fourth by the Department's Rangemaster and approved by the Sheriff. Hours of operation will be as follows:
 - 1. Normal hours of operation: 0800 hrs. to 2200 hrs.
Special hours of operation: 2200 hrs. to 2400 hrs.
 - 2. Normal operating times will be in effect for such activities as Pistol Team practice, weapon qualifications, shooting practice, night qualifications, and special types of in-service training.
 - 3. Special hours of operation will be used only when necessary to accomplish any of the above described activities.
- C. No shooting will take place at the Sheriff's Range between the hours of 2400 hours and 0800 hours unless at the direction of the Sheriff.

Days of operation for the range will be, under normal conditions, Monday thru Friday or any combination thereof as needed for practice and training.
- D. No person will be allowed to shoot on the Sheriff's Range unless authorized by the Department's Rangemaster.
- E. Other law enforcement agencies wishing to use the Sheriff's Range for qualifications or in-service training purposes must request to do so in writing and such request must be submitted to the Department's Rangemaster and approved by the Sheriff.
- F. No high powered rifles, semi-automatic shoulder weapons or fully automatic weapons will be fired at the Sheriff's Range unless it is under the supervision of the Department's Rangemaster.

June 29, 1984

Paul Evans
Sedgwick County Sheriff's Department
Sedgwick County Courthouse
525 North Main
Wichita, Ks. 67203

Re: CU-2⁷00 - Conditional Use Permit to Expand an
Existing Training Facility for the Sedgwick
County Sheriff's Department

Dear Mr. Evans:

At its regular meeting on June 28, 1984, the Metropolitan Area Planning Commission considered the above-captioned request. Inasmuch as Goddard had deferred this case for an additional three weeks, the action of the Planning Commission was to defer this case for four weeks.

The Goddard Planning Commission will reconsider this case at their regular meeting of July 16, 1984, to be held at Goddard City Hall, 122 North Main Street, Goddard, Kansas, beginning at 8:00 p.m.

The Metropolitan Area Planning Commission will reconsider this case at their regular meeting of July 26, 1984. This meeting will be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m.

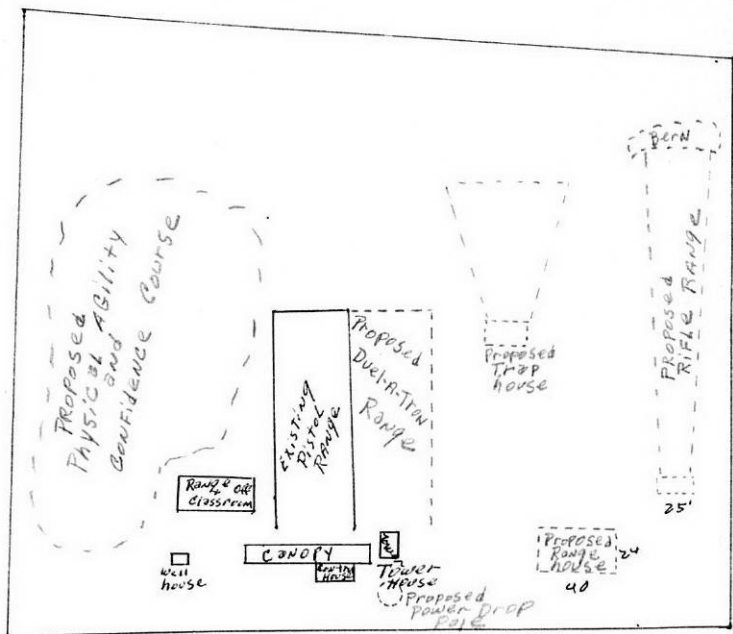
Sincerely yours,

Jack H. Galbraith
Chief Planner

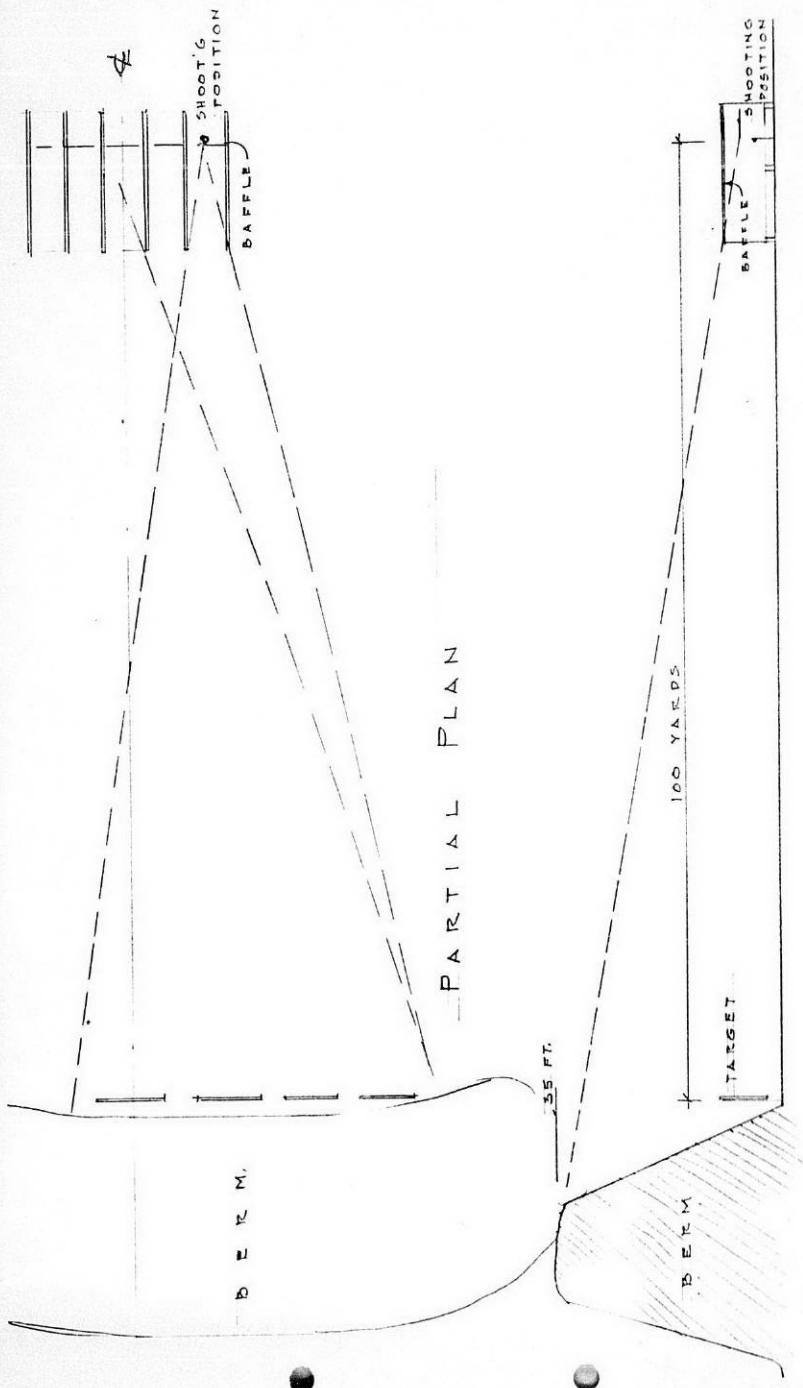
JHG:sd

cc: Board of County Commissioners, Sedgwick County Courthouse, 525 North
Main Street, Wichita 67203
William Rustin, County Counselor, Sedgwick County Courthouse
Johnny Darr, Sedgwick County Sheriff, Sedgwick County Courthouse
Sgt. Daily, Range Master, Sedgwick County Sheriff's Department,
Sedgwick County Courthouse

Robert Johnson, Chairman, Goddard City Planning Commission, Goddard
City Hall, 122 N. Main Street, Goddard, Ks. 67052
Jackie Rundell, City Clerk, City of Goddard, 122 N. Main Street,
Goddard, Ks. 67052
Randall Voth, Route 1, Goddard, Ks. 67052
Lynn Buerki, Route 9, 14707 W. Pawnee, Wichita 67235
Harry Lytle, 2874 Benjamin, Wichita 67204



1" = 100'



SECTION - RIFLE RANGE

June 21, 1984

Paul Evans
Sedgwick County Sheriff's Department
Sedgwick County Courthouse
525 North Main Street
Wichita, Kansas 67203

RE: CU-270 - Conditional Use Permit to Expand an
Existing Training Facility for the Sedgwick
County Sheriff's Department.

Dear Mr. Evans:

This is a reminder that the above-referenced case will be reconsidered on Monday, June 25, 1984, at 8:00 p.m., by the GODDARD CITY PLANNING COMMISSION, at its meeting to be held at Goddard City Hall, 122 North Main Street, Goddard, Kansas.

Jack H. Galbraith
Chief Planner

JHG:blw

cc: Sgt. Daily, Range Master, Sedgwick County Sheriff's Department,
Sedgwick County Courthouse, 525 North Main Street, Wichita, KS. 67203
Robert Johnson, Chairman, Goddard City Planning Commission, Goddard
City Hall, 122 North Main Street, Goddard, KS. 67052
Jackie Rundell, City Clerk, City of Goddard, 122 North Main Street,
Goddard, Kansas 67052
Randall Voth, Route 1, Goddard, Kansas 67052
Lynn Buerki, Route 9, 14707 West Pawnee, Wichita, Kansas 67235

People

Firing Range Too Close To Home, Family Says

By Scott Faust
Staff Writer

A home on the range is a Kansas idyll of big sky and good earth.

For Randy and Carol Voth, though, a home near the firing range isn't all peace and quiet.

The Voths and their three children live almost a mile north of the Lake Afton site where the Sedgwick County Sheriff's Department conducts target practice — too close for comfort, they say.

A Sheriff's Department proposal to triple the size of the present pistol range — and add a rifle range, trap-shooting range and fitness course — has inspired the Voths and another nearby property owner to voice fears about safety and noise.

The Sedgwick County Commission must decide whether to approve a conditional-use permit for the range additions in

late July, after the Goddard Planning Commission and Wichita-Sedgwick County Metropolitan Planning Commission make their recommendations next month.

The Sheriff's Department considers both the range and improvements necessary for sheriff's officers' training.

"If you want your law-enforcement personnel to be properly trained," said the department's range manager, Sgt. John Daily, "then you're going to have to have something like this."

Voth, who was an Army weapons trainer in Vietnam, said he doesn't want the range eliminated. He said what bothers him is use of the range for high-caliber, automatic weapons powerful enough to reach his family, home and thoroughbred horses.

Shooting occasionally goes on past midnight, Voth said.

"Sometimes it affects me fairly adversely if I go to sleep fairly early in the evening," he said. "I hear automatic weapons fire and I wake up a little upset — especially because of all the time I spent in 'Nam. . . It sounds like you're having a firefight in your back yard."

Goddard's Planning Commission will make its recommendation to the County Commission after a second discussion of the addition on June 25. The County Commission probably will decide the issue in late July, said Art Chambers, Metropolitan Area Planning Department senior planner.

The U.S. Army Reserve has volunteered to do the dirt work project as a weekend training exercise, Daily said, and other costs will total about \$4,000, with some labor and materials donated by officers.

● See next page



People

Family Doesn't Want to Be At Home on Firing Range

● Continued

"If everything goes right, we hope to have it done before winter sets in," he said.

Now, an 11-station, 50-yard range and a classroom building used for storage make up the range just north of 39th South. The facility was developed for the sheriff's reserve in about 1976, Dally said. Regular officers switched from using the Wichita Police Department's range in 1981.

Sheriff Johnnie Darr said his department is working to keep the current range safe and to plan additions that are safe as well.

As an example of safety precautions, Dally said the proposed 100-yard rifle range would have a 20- to 25-foot earthen barrier, or berm, to stop the rounds.

The range would be used for testing and adjusting sights, not for training the five officers to whom rifles are assigned, Dally said, because most rifle practice is done at Fort Riley or McConnell Air Force Base.

As it is now, the majority of pistol training would be done with low-power, small-caliber practice ammunition that doesn't travel far or have a loud report, Dally said.

Despite Voith's claim that high-powered weapons are routinely fired at the range, Dally said it happens only occasionally, when officers sight personal weapons.

He said night firing, rarely later than 10 p.m., was necessary for low-light target practice and for second- and third-shift officers and reservists with daytime jobs.

Darr said he wasn't aware of any mid-night firing.

Richard Pullum, who lives just west of the range, said he feels neither bothered nor endangered by the range.

"We hear it occasionally but it's not objectionable to us," Pullum said.

Dally and Darr insist that rules and safety measures are adequate, but acknowledge that the risk of accident, however small, is impossible to eliminate.

Dally said that in the northerly direction of firing, there is not a house between the pistol range and the Voiths, and only a couple of homes to the east and west.

"I would not say that Mr. Voith is not in danger," Dally said, "because there is always the possibility. . . . The closer they (houses) get, the worse it's going to be if a bullet gets away from somebody."

That's precisely what worries Voith and property owner Harry Lytle, who owns 145 acres between the range and 31st South. And that's why the two say they'll do all they can to see that proper noise and safety precautions are taken.

"I bought this property with the idea of developing it into residential property," said Lytle. "It seems to me that they are destroying some of its value when they make it dangerous, you might say, to live in that area. I didn't buy it to receive bullets."



Patrolman Keith Albright fires a .357-caliber Magnum on the Lake Afton range, left. Below, Sgt. John Daily, range manager, points to trees that he says help deflect stray bullets.

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The Sedgewick County Commission must decide whether to approve a conditional-use permit for the range additions in late July, after the Goddard Planning Commission and Wichita-Sedgewick County Metropolitan Planning Commission make their recommendations next month.

The Sheriff's Department considers both the range and improvements necessary for sheriff's officers' training.

"If you want your law-enforcement personnel to be properly trained," said the department's range manager, Sgt. John Daily, "then you're going to have to have something like this."

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Goddard's Planning Commission will make its recommendation to the County Commission after a second discussion of the addition on June 25. The MAPC will review the plan June 28. The County Commission probably will decide the issue in late July, said Art Chambers, Metropolitan Area Planning Department senior planner.

Daily, who helped Chambers make the presentation to Goddard officials, said the facilities are needed to accommodate more officers for practice and in-service qualifying, to keep rifle testing in a location separate from small-arms practice and to upgrade the department's training facilities.

The U.S. Army Reserve has volunteered to do the dirt work project as a weekend training exercise, Daily said, and other costs will total about \$4,000, with some labor and materials donated by officers.

"If everything goes right, we hope to have it done before winter sets in," he said. Now, an 11-station, 50-yard range and a classroom building used for storage make up the range just north of 38th South. The facility was developed for the sheriff's reserve in about 1976, Daily said. Regular officers switched from using the Wichita Police Department's range in 1981.

Sheriff Johnnie Darr said his department is working to keep the current range safe and to plan additions that are safe as well.

"I'm not going to take a chance on ever injuring anyone with a weapon," Darr said, "because before that, we just simply wouldn't have it. ... You train your personnel to handle the weapon that way (safely) and, by strict enforcement of the rules, continue to keep it that way."

As an example of safety precautions, Daily said the proposed 100-yard rifle



range would have a 20- to 25-foot earthen barrier, or berm, to stop the rounds.

Also, all firing would be done in a prone position and a metal guard would prevent shooters from raising gun barrels to a dangerous angle, he said.

The rifle range would be used for rifle testing and adjusting sights, not for training the five officers to whom rifles are assigned, Daily said, because most rifle practice is done at Fort Riley or McConnell Air Force Base.

As it is now, the majority of pistol training would be done with low-power, small-caliber practice ammunition that doesn't travel far or have a loud report, Daily said.

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"I bought this property with the idea of developing it into residential property," said Lytle. He lives in Wichita and now leases the land for wheat farming. "It seems to me that they are destroying some of its value when they make it dangerous, you might say, to live in that area. I didn't buy it to receive bullets."

Voth said automatic weapons fire "wants to get away from you, and when it does, it will take the pattern of going straight up. Those rounds could drop onto my house. I just don't want those kind of weapons pointed in my direction."

Bob Brendenbach Staff Photographer



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RE: AGENDA ITEM NO.

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-270 - Conditional Use Permit to expand an existing training facility.
Generally located on the north side of 39th Street South in
an area east of 247th Street West.

CCPC HEARING DATE: 4-23-84
MAPC HEARING DATE: 5-03-84

Acres: 80

Size: 1320' x 2640'

Reason: To expand an existing training facility for the Sedgwick
County Sheriff's Department.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Training facilities, lake and underdeveloped	"R"
North	Agriculture	"R"
East	Agriculture	"R"
South	Agriculture & Church Camp	"R"
West	Lake Afton & Observatory	"R"

History: None

Applicant: Sedgwick County, 525 North Main, Wichita, Kansas 67203

COMMENTS:

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

The applicant is requesting a Conditional Use Permit to expand an existing training facility for the Sedgwick County Sheriff's Department located on the north side of 39th Street South in an area east of 247th West.

In addition to the existing training facilities, it is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities. A site plan submitted with the application indicates these existing and proposed facilities.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary, permit conditional uses in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

Subject property is located on an FAS road (39th Street South) and provides for only 30 feet of half-street right-of-way whereas 60 feet is required.

2. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. Subject property shall be used for pistol and rifle ranges, duel-a-thon range, trap shooting, physical agility course, classrooms, offices and other similar activities as may be authorized by the Sedgwick County Sheriff's Department, and shall not be for use by the general public.

- b. Provisions for water and restrooms shall be approved by the Wichita-Sedgwick County Health Department.
 - c. A sufficient number of off-street parking spaces, as determined by the County Zoning Administrator, shall be provided on the site to accommodate the anticipated maximum number of members utilizing the facility at the same time. The parking area shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - d. One sign shall be permitted denoting the proposed use of the area and shall not be illuminated. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.
-

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

April 25, 1984

Paul Evans
Sedgwick County Sheriff's Department
Sedgwick County Courthouse
525 North Main Street
Wichita, Kansas 67203

RE: CU-270 - Conditional Use Permit to Expand an
Existing Training Facility for the Sedgwick
County Sheriff's Department.

Dear Mr. Evans:

On April 23, 1984, the Goddard City Planning Commission considered the above referenced case. Their action was to defer the case so that your department could furnish additional information about the use of the site. Sgt. Daily, representing your department, indicated that a sixty-day deferral would be preferable due to the amount of information requested. This case has been rescheduled for the Goddard City Planning Commission meeting on June 25, 1984, at 8:00 p.m.

During the discussion of this case, several comments were made that there was not enough information available to approve the request. In particular, the Planning Commissioners and area residents felt that a detailed site plan, drawn to scale, showing the location of the ranges, height of berms, clear zones, etc., was needed. Although there was some discussion of surveying the property, we do not feel that it necessarily needs to be surveyed at this time.

In addition to the request for a detailed site plan, the Goddard City Planning Commission expressed concerns about how the ranges would be operated. It was pointed out that there is a high level of activity in this area. They felt that automatic weapons should be prohibited and that shooting should not generally be allowed at night. The caliber of weapons and noise were also mentioned as concerns. It was suggested that it would be beneficial to have an outside expert review the site plan to see if it conforms to National Rifle Association specifications and was generally a safe use for this area.

Other concerns discussed by area residents and the Planning Commission dealt with the overall operation of the ranges. They would like to know what regulations, by-laws, etc., have been adopted to govern the ranges. There were several questions about the use of the ranges by reserve officers. Several people felt that the reserve officers should adhere to the Sheriff's Department regulations and that they should not have their own range master.

Area residents were especially concerned about the use of automatic weapons and the rifle range. If there is to be a rifle range, they would prefer to have it depressed so that the chances of a bullet leaving the range would be reduced. In addition, the depressed range would lessen the noise impacts on the area.

It would probably be beneficial if a meeting could be arranged between area residents and representatives of your office and this office. If you have any questions or wish to discuss this matter, please call.


Arthur D. Chambers, AICP
Senior Planner

ADC:blw

cc: Board of County Commissioners, Sedgwick County Courthouse, 525 North Main Street, Wichita, Kansas 67203

William Rustin, County Counselor, Sedgwick County Courthouse, 525 North Main Street, Wichita, Kansas 67203

Johnny Darr, Sedgwick County Sheriff, Sedgwick County Courthouse, 525 North Main Street, Wichita, Kansas 67203

✓ Sgt. Daily, Range Master, Sedgwick County Sheriff's Department, Sedgwick County Courthouse, 525 North Main Street, Wichita, KS. 67203

✓ Robert Johnson, Chairman, Goddard City Planning Commission, Goddard City Hall, 122 North Main Street, Goddard, Kansas 67052

✓ Jackie Rundell, City Clerk, City of Goddard, 122 North Main Street, Goddard, Kansas 67052

✓ Randall Voth, Route 1, Goddard, Kansas 67052

✓ Lynn Buerki, Route 9, 14707 West Pawnee, Wichita, Kansas 67235

MINUTES OF THE GODDARD
PLANNING COMMISSION MEETING

APRIL 23, 1984

RECEIVED

MAY 10 1984

METROPOLITAN PLANNING

ROUTE

Secretary Dave Reid acted as chairman and called the meeting to order. Other commission members present were Margaret Hubbard, Jim Kendrick, Steve Shephard, Robert Johnson and newly appointed commission member, Barney Sullivan. City Clerk Jackie Rundell, City Administrator Doug Fisher, Art Chambers from the Metropolitan Area Planning Department and Sergeant Dailey from the Sedgwick County Sheriff's Department were also present. There were three other people in attendance.

The first order of business was to elect a new chairman. Steve Shephard nominated Robert Johnson; a motion duly made and seconded for Bob as chairman was unanimously approved. Bob Johnson chaired the meeting from this point on.

The next item of business was a request for a conditional use permit, Metropolitan Area Planning Department Case No. CU-270. This request was to expand the existing training facility used by the Sedgwick County Sheriff's Department at the following location:

North side of 39th Street South, approximately 3/4 mile west of 231st Street West; commonly known as the Sheriff's Department shooting range north of MacArthur Road east of Lake Afton.

The proposal is to double the size of the facility, doubling the width of the present pistol range, adding a rifle range and a trap house along with a physical agility course.

Randall Voth, an area resident, appeared to question the present use of the facility regarding the use of automatic weapons and shooting hours. He also questioned the soundness of the proposed expansion plans.

Lynn Buerki appeared, in behalf of a land owner north of the range, to question long range planning regarding zoning north of the range. It was pointed out that this area is presently zoned residential, and there are no plans by the Commission to change the zoning of this area because of the shooting range.

Officer Dailey gave a report on the current use of the facility and the policies of the Sheriff's Department regarding hours and type of equipment used. He also reported he was the range master for the Sheriff's Department, but did not have control of the facility regarding usage by the Sheriff's Department Reserve Officers. He expressed the opinion that the late hour usage and continual automatic weapons firing would have been by the Reserve Officers. Sergeant Dailey has no control over the usage of the facility by the Reserve Officers.

After much discussion, it was decided by the Commission to defer action on the request at this time, and ask for more details on the proposal from the Sheriff's Department and the MAPD before we make a recommendation. The following additional information is requested and/or recommended by the Commission:

1. Need more detail regarding construction plans (size of berms), and fallout areas with regard to area housing. Also recommend obtaining endorsement of the plan by some qualified outside source; for example, National Rifle Association.
2. Include policies on operating hours by both regular officers and reserve officers; suggest limited usage after dark to specific times and days (for example, one night a month) as must be required for proper proficiency by the department.
3. Assurance of more authority and tighter control by the Sheriff's Department Range Master.
4. Any other significant points. For example, maximum size of weapons to be fired at the facility.

Since the regularly scheduled meeting on May 26 falls on Memorial Day, it was decided to cancel the next meeting unless some emergency item comes up, in which case the City Clerk should call a meeting on the first Monday of June (4th).

Action on the comprehensive development plan was tabled until the next meeting.

The Chairman declared the meeting adjourned at 9:30 p.m.

Dave Reida
Secretary
Goddard Planning Commission

CASE NO. CU-270

6	Goddard Planning Commissioners
1	City Clerk of Goddard
1	City Administrator of Goddard
1	Applicant, Chairman of Board of County Commissioners
1	Agent, Paul Evans
1	Claud Shelor
1	Ron Worley
<hr/>	
12	TOTAL
1	Karen Crook in Graphics

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

CASE NO. CU-270 To be heard by the M.A.P.C. on May 3, 1984

Request for Conditional Use Permit

Reason for Request (As Provided By Petitioner):

Conditional Use Permit to Expand an Existing Training Facility for the Sedgwick County Sheriff's Department on Property Zoned "R" Rural Residential District. It is also proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

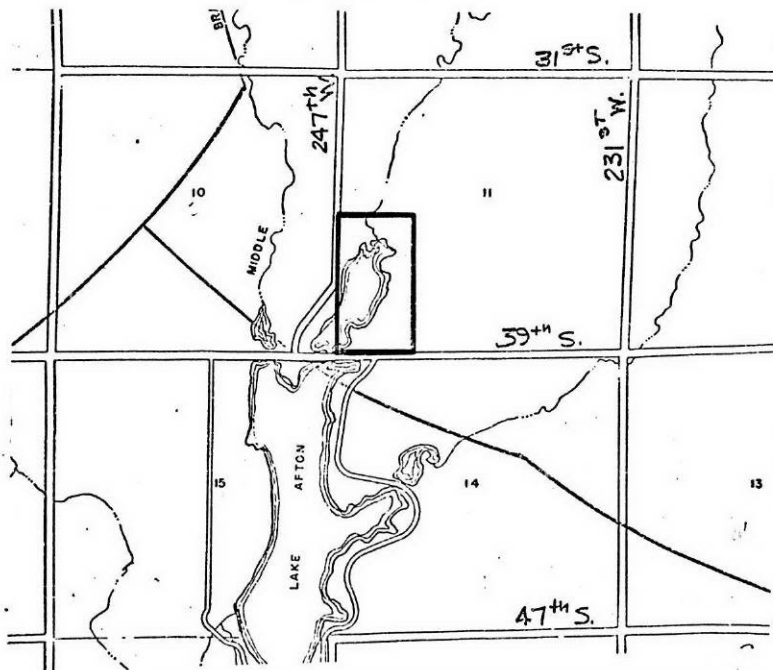
Location of Property:

On the north side of 39th Street South in an area east of 247th Street West.

Legal Description of Property:

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 28 South;
Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally
located on the north side of 39th Street South in an area east of
247th Street West.

APPLICANT: Sedgwick County
Address: 525 North Main
Wichita, Kansas 67203
AGENT for Applicant: Paul Evans
Sedgwick County Courthouse
525 North Main Street
Surrounding Land Use: Wichita, Kansas 67203



Recommendation Or Comments by G.C.P.C.

CASE NO. CU-270

7	Notice to Adjoining Property Owners mailed 4-12-84 for Goddard Planning Commission meeting on 4-23-84
1	Applicant (Paul Evans - Sedgwick Co. Sheriff's Dept.)
2	One Each to Karen Crook and Don Schneider.

10	TOTAL

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

April 12, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on April 23, 1984, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, City Hall, Goddard, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-270
Conditional Use Permit to Expand an Existing Training Facility
for the Sedgwick County Sheriff's Department on Property
Zoned "R" Rural Residential District

It is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

West ½ of the Southwest ¼ of Section 11, Township 28 South;
Range 3 West of the 6th P.M. Sedgwick County, Kansas.
Generally located on the north side of 39th Street South
in an area approximately ¾-mile west of 231st Street West.
(24516 West 39th Street South).

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, which begins at 1:30 p.m., Thursday, May 3, 1984, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

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



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 266-4561

April 4, 1984

Ms. Shari Royer, Manager
West Sedgwick County News Sentinel
226 North Main Street
Box 307
Goddard, Kansas 67052

Dear Ms. Royer:

This letter is in regards to the enclosed official notice. Please advertise this notice in your publication on Wednesday, April 11, 1984, one time. Also, I would like to receive a copy of that publication for my records.

Thank you.

Sincerely,

G. Lynn Shirkey
Junior Planner

GLS:blw

Published in the West Sedgwick County News Sentinel on April 11, 1984 (Once)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on April 23, 1984, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, City Hall, Goddard, Kansas will consider the following item for the purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-270

Conditional Use Permit to Expand an Existing Training Facility
for the Sedgwick County Sheriff's Department on Property
Zoned "R" Rural Residential District

It is proposed to add an agility course, trap shooting and rifle range, classrooms and other assorted training facilities.

West 1/2 of the Southwest 1/4 of Section 11, Township 28 South;
Range 3 West of the 6th P.M., Sedgwick County, Kansas.
Generally located on the north side of 39th Street South
in an area approximately 3/4-mile west of 231st Street West.
(24516 West 39th Street South).

If this matter is not deferred for further hearings by the Goddard City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, which begins at 1:30 p.m., Thursday, May 3, 1984, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Resolution, Section 14 - Administration, sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises and any protest against any of the provisions of the proposed Conditional Use, will be considered as by law provided.

WITNESS MY HAND AND SEAL on this 6th day of April, 1984.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

Wichita Sedgwick County News & Sentinel
April 11,
Published in The ~~Ark-Valley News~~ on ~~March 15,~~ 1984 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Goddard NOTICE IS HEREBY GIVEN that on April ²³~~2~~, 1984, at ~~8:00~~ ^{8:00} p.m., *Goddard* the VALLEY CENTER CITY PLANNING COMMISSION, City Hall, Valley Center, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

270
CASE NO. CU-268

* It is proposed to add an agility course, trap shooting and rifle range, classrooms and other ~~structures~~ *erected training facilities.*

Expand an existing
Conditional Use Permit to establish
Training Facility for the Sedgwick
County Sheriff's Department on Prosperity
Zoned "R" Rural Residential District.

*
West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 11,
Township 28 South; Range 3 West of
the 6th PM, Sedgwick County, Kansas.
Generally located on the north side
of 39th Street South ^{in an area} approximately $\frac{3}{4}$
mile west of 231st Street West (24516
West 39th Street South).

If this matter is not deferred for further hearings by the *Goddard* Valley Center City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, which begins at 1:30 p.m., Thursday, April 5, 1984, in the City Commission Meeting Room, First Floor, City Hall, ~~1973,~~ ^{1973,} 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Resolution, Section 14 - Administration, sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises and any protest against any of the provisions of the proposed ~~change to the~~ Zoning Resolution, will be considered as by law provided.

WITNESS MY HAND AND SEAL on this ⁶~~12~~th day of ^{April}~~March~~, 1984.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

Conditional Use

Send Staff Report, Agenda
and notice to:

Paul Evans
Sheriff Dept
Jeds Co Court House

3943 C

north side of 39th St. So. app.
 $\frac{1}{2}$ mile west of 231st West

IMPORTANT MESSAGE

FOR Jack
DATE 4-2 TIME 8:36 A.M.
P.M.

WHILE YOU WERE AWAY

Paul Evans
OF _____
PHONE No. 7567

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

MESSAGE Sandy Roberts Arrived
7453

SIGNED Frank

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 24516 West 39th Street South.
 THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)
 A. AT THE NE CORNER OF 247th West AND
West 39th Street South, OR
 B. ON THE _____ SIDE OF _____ (AVE.) STREET BETWEEN
 _____ (AVE.) STREET AND _____ (AVE.) STREET.
4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-Rural Residential
 (ZONING DISTRICT CLASSIFICATION).
5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS: The property
 is being used for residential and firing range purposes. The conditional use
 permit will allow completing more of the firing range to include an agility
 course, trap shoot range, classrooms, and other assorted training facilities
 for the Sheriff's Department.
6. 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
 AT 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.

SEDGWICK COUNTY

BY _____
 AUTHORIZED AGENT (IF ANY)
 Jack Spratt, Chairman
 Board of County Commissioners

BY Donald E. Gragg
 AUTHORIZED AGENT (IF ANY)
 Donald E. Gragg, Chairman Pro-Tem

BY _____
 AUTHORIZED AGENT (IF ANY)

BY _____
 AUTHORIZED AGENT (IF ANY)

BY _____
 AUTHORIZED AGENT (IF ANY)

BY _____
 AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at _____
 (AM) PM on April 2 (day, month, year). It has been checked and
 found to be complete and accompanied by required documents and the appropriate
 fee of \$ 200 fee.

Jack Spratt Name
City Planner Title

AF - -00055- - 02/24/84 1 OF 1
LYTLE, HARRY D. JR. ETUX
800 4TH. FINANCIAL CEN.
WICHITA KS 67202 0104
E1/2 NW1/4 EXC BEG NE COR NW1/4 S
849.7 FT WLY 772 FT NLY 843 FT ELY
772 FT TO BEG SEC 11-28-3W

AF - -00055-0001- 02/24/84 1 OF 1
VOTH, RANDALL J. ETUX
RT 1
GODDARD KS 67052 0104
BEG NE COR NW1/4 S 849.7 FT WLY
843 FT NLY 843 FT ELY 772 FT TO
BEG. SEC 11-28-3W

UN - -00159- 02/24/84 1 OF 1
NEISES, EDWIN J.
RR 1 BOX 51B
COLWICH KS 67031 2403
S1/2 SE1/4 EXC BEG 1022.52 FT W SE
COR W 242 FT N 360 FT E 242 FT S
360 FT TO BEG SEC 26-26-2W

UN - -00159-0001- 02/24/84 1 OF 1
MATTHEW, R. A.
3108 W. 13TH. ST.
WICHITA KS 67203 2403
N1/2 SE1/4
SEC 26-26-2W

AF - -00050- 02/24/84 1 OF 1
SEDGWICK COUNTY
525 N MAIN
WICHITA KS 67203 0107
S1/2 SE1/4 SEC 10-28-3W
EXEMPT 6323-0

AF - -00051- - 02/24/84 1 OF 1
PULLUM, RICHARD W. ETUX
RT 1 BOX 270
GODDARD KS 67052 0107
N1/2 SE1/4 SEC 10-28-3W

AF - -00054- - 02/24/84 1 OF 1
LYTLE, HARRY D. JR. ETUX
800 4TH FINANCIAL CTR
WICHITA KS 67202 0104
W1/2 NW1/4 SEC 11-28-3W

AF - -00058- - 02/24/84 1 OF 1

DAVIS, RICHARD L. ETAL
2 1ST. NATL. BANK TRUST DEPT.
BOX 913
HUTCHINSON KS 67501 0104
E1/2 SW1/4 SEC 11-28-3W

AF - -00058-0001- 02/24/84 1 OF 1

SEDGWICK COUNTY
525 N MAIN
WICHITA KS 67203 0104
W1/2 SW1/4 SEC 11-28-3W
EXEMPT 6323-0

AF - -00073- - 02/24/84 1 OF 1

CHURCH OF GOD STATE CAMP INC.
0104
NW1/4 EXC PT DEEDED TO COUNTY FOR
LAKE SEC 14-28-3W
EXEMPT 5914-0

AF - -00073-0001- 02/24/84 1 OF 1

SEDGWICK COUNTY
525 N MAIN
WICHITA KS 67203 0104

BEG NW COR NW1/4 E 550 FT S 2276.75
FT SE TO PT S LI NW1/4 1650 FT E SW
COR NW1/4 W TO SW COR N TO BEG
SEC 14-28-3W EXEMPT 6323-0

AF - -00076- - 02/24/84 1 OF 1

SEDGWICK COUNTY
525 N MAIN
WICHITA KS 67203 0107
NE 1/4 SEC 15-28-3W EXEMPT 6323-0

UN - -00155- - 02/24/84 1 OF 1

WENINGER, VIVIAN R.
731 S. LIGHTNER
WICHITA KS 67218 2403
SW1/4 EXC BEG SW COR N 530 FT E
290.4 FT S 340 FT W 61.14 FT S 190
FT W TO BEG
SEC 25-26-2W

Total Area 14,408,900 **SQ. FT.**
Application Area 3,408,900 "
Street R/W 431,400 "
Net Area 10,568,600 "
20% of Net Area 2,113,720 "
Net Protest Area 2,075,000 "
Total % Protesting 19.6 %



SCALE
1" = 400'

DATE
FEB. 1977

PREPARED BY

VERNON GRAPHICS

KANSAS GAS AND ELECTRIC COMPANY

SE



MR. VERTS
House

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*