

District 3 Citizens Advisory Board Meeting

Minutes

Monday, March 7, 2022 Goddard School Administration Center

7 p.m. 215 S. Main, Goddard

**Board members:** Pat Gaughan, Kevin McWhorter, Sharon Ailslieger, Nancy Hinten, Janice Manlove, David Wright, Luke Sponsel, Cameron Dawson,

**County representatives:** Commissioner David Dennis, Mike Pepoon, Philip Zevenbergen, Corinthian Kelly

**ORDER OF BUSINESS**

1. Call to Order

* Chair Kevin McWhorter called the meeting to order at 7:05 p.m.
* Unanimous Approval of Minutes – February 7, 2022

**PUBLIC AGENDA**

*The public agenda allows members of the public to present issues on the agenda to the Board.*

**NEW BUSINESS**

1. Legal brief on Charter 68 – County Counselor, Mike Pepoon

Mike Pepoon presented on the Local Preference Purchasing Policy. Local preference is defined when a jurisdiction establishes a legally-binding preference in the awarding of contracts.This gives a direct financial advantage to “local” companies, allowing them to receive an award, even though their offer may not be the lowest responsive bid.

Objectives

* Promotion of local business.
* Job and wealth creation.
* Increased tax base.
* Recycling dollars locally (multiplier effect).

**Methods**

**Tie-bid**: In the case of a tie-bid between a local company and non-local company, the local company would be awarded the contract.

**Percentage**: One method is to allow a higher bid with a local vendor within a certain percentage limit. Another method is to set a percentage which would be added to the low bid of a non-local vendor, which would then determine the low bid.

**Price Matching**: This gives the local vendor an opportunity to match the lowest non-local price if their original price falls within a certain percentage of the lowest non-local bid.

**Reciproca**l: The application of the local preference of the jurisdiction of the low-bidding, non-local vendor in favor of the local vendor and as penalty to the non-local vendor to determine low bid.

**Absolute**: The County buys only from local companies.

Pros

* + Keeps money in the community.
  + Saves local jobs.
  + Attract new businesses into the community, thereby increasing the tax base.
  + Acts as a stimulus for further growth in local businesses.
  + Promotes goodwill with the local business community.

Cons

* + Potential increase to the cost of goods and services when a percentage differential is allowed, in many cases, equal to the percentage of preference allowed.
  + Invites reciprocity, which could inhibit local businesses in their pursuit of business outside the local jurisdiction.
  + Discourage outside firms from submitting bids, thereby encouraging some or all local vendors to be less competitive.
  + The possibility of creating a public perception of subsidizing a relatively small group of business taxpayers in favor of other business and residential taxpayers.
  + The increase in bid protests, disputes, and possibly lawsuits based on perceptions of political favoritism.
  + The use of taxpayer dollars in subsidies instead of seeking the best value which is especially crucial during challenging economic times.
  + Legal challenges in defining exactly, who is a “local” vendor?

1. Conditional Use Case:CON2022-00004 (County) – Senior Planner, Philip Zevenbergen

**CON2022-00004 (County)**

Philip Zevenbergen began addressing the Third District Citizens Advisory Board on Monday, March 7th.

**BACKGROUND:** The applicants are requesting a Conditional Use to permit two uses on property zoned RR Rural Residential; generally located on the west side of North 295th Street West and on the south side of K-96 Highway. As illustrated on the attached site plan, the subject site is divided into two parcels by the Kansas and Oklahoma Railroad tracks. On the northeast parcel, the applicants are proposing a Recreational Vehicle Campground. On the southwest parcel, the applicants are proposing a firearm shooting range, which is classified as Outdoor Recreation and Entertainment. Both Recreational Vehicle Campground and Outdoor Recreation and Entertainment are permitted in RR zoning by Conditional Use.

Recreational Vehicle Campground

Article II, Section II-B.14.e *Wichita-Sedgwick County Unified Zoning Code* (UZC) defines a “recreational vehicle” as “a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a Motor Vehicle. Recreational Vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Zoning Administrator. A Recreational Vehicle may or may not include individual toilet and bath.”

A Recreation Vehicle Campground is defined as “the use of land designed for occupancy by Recreational Vehicles for temporary or transient living purposes, including the use of camping spaces for tents.” The applicants are proposing to use the northeast 10 acres for this use with the railroad tracks separating it from the firearm shooting range. The applicant consulted with a civil engineer regarding the number of RVs this parcel can support based on its size. The civil engineer determined that the 10 acres can support up to 6 RVs. The applicant will provide water and electricity hook-ups at each RV site, and there will be a dump station provided on-site for RV sewage disposal. The applicant will not be permitting tent camping. Staff is recommending a revised site plan illustrating the sites for the RVs and the location of the dump station to be reviewed and approved by the Planning Department prior to commencing use of the site as a business. Though the applicants are proposing to use this portion of the site for an RV campground, it is their plan develop the firearm shooting range first and develop the campground sometime in the future.

Firearm Shooting Range

The applicants are proposing to use the southwest 29 acres of the site for a firearm shooting range. It includes a parking area with a lodge for participate registration. The shooting range encompasses the majority of the site to the west of the lodge. The applicant explains that all shooting shall be oriented toward the interior of the site. The shooting range will consist of several stations including:

* The 5-stand: a shotgun range designed to shoot clay pigeon. This area is located at the bottom of a large depression (see updated site plan with updated shooting range detail).
* Pistol Training: this area is on the south side of the property and will be designed a berm on three sides which is 20 feet in height at the back, sloping to 10-12 feet on the sides. This area will have various targets to shoot at and will host firearm safety classes.
* Rifle Range: this area will have two stations for shooters to fire at targets located the bottom of a 25-30foot depression in the middle of the site. The site plan indicates that the target areas will be up against the earthen wall of the depression and berms will be installed in areas not covered by the natural wall. All shooting action will be oriented downward toward the bottom of the depression.

The Unified Zoning Code provides the following Supplementary Use Regulations in Section III-D.6.o to govern Outdoor Recreation and Entertainment when it is permitted by a conditional use.

1. Street access: The property shall be Contiguous to an arterial or expressway. *The subject site has access off of North 295th Street West, which has direct access to K-96 Highway within one-quarter mile to the north.*
2. Lighting: The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string type lighting or banners shall be permitted. *The site plan does not indicate any lighting fixtures, but the final site plan review shall ensure any proposed lighting fixtures conform to the applicable standard.*
3. Noise: The noise level shall be in compliance with the noise standards of Sec. IV-C.6. *There is only one dwelling unit within one-quarter mile of the property. The subject site has a mature hedgerow of trees along the share property line the property of said dwelling. The discharging of firearms is permitted in unincorporated Sedgwick County.*
4. Paving: All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt. *Since North 295th Street is gravel, Planning Staff has determined that a gravel/all-weather surface paving meets the spirit and intent of this regulation.*
5. Operating hours: The Planning Commission may establish operating hours as part of Conditional Use approval if the property is located in close proximity to residential areas.

“Sport Shooting Ranges” are governed by the Kansas Department of Wildlife, Parks, and Tourism (KDWPT), which has adopted safety practices established by the National Rifle Association (NRA). The KDWPT does not require any licensing or permitting for the operation of such shooting ranges, nor are they required to follow the adopting safety practice. Such safety practices can be reviewed at the following link: <https://ksoutdoors.com/Services/Law-Enforcement/Regulations>.

Staff recommends that the applicant adhere to the recommended safety practices adopted by the KDWP.

Property to the north is the right-of-way for K-96 Highway. Property to the south is zoned RR Rural Residential and primarily used for agricultural use. A portion of the site received a Conditional Use in 2003 (CON2003-00006) for a cell tower. Approximately 600 feet to the south of the proposed parking area and lodge is a single-family dwelling with accessory structures. The dwelling is approximately one-quarter mile to the southeast from where the proposed shooting range. There is a mature hedgerow of trees along the property line of the subject site separating it from the agricultural field associated with this dwelling. Property to the east is zoned RR and has abandoned structures but is primarily used for agricultural purposes. Property to the west is zoned RR and is use for agriculture.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED** subject to the following conditions:

Recreational Vehicle Campground:

1. All waste, including household and sewage, disposal shall be per applicable codes. Water service, including private water well, shall also be provided in compliance with all applicable codes.
2. Access to the site shall meet service drive code requirements and any other applicable code requirements.
3. The applicant shall provide a revised site plan to the Planning Department for review and approval prior to commencing business of the Recreational Vehicle Campground.
4. The recreational vehicle campground shall be developed and maintained in substantial compliance with the approved site plan and applicable codes. All improvements and the operation of the recreational vehicle campground shall be incompliance with applicable local, state or federal regulations and codes.
5. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Outdoor Recreation and Entertainment:

1. Earth berms shall be installed behind each shooting target area sufficient to absorb the impact of any discharged bullet and to minimize the opportunity for the bullets to ricochet.
2. The shooting range shall be developed in conformance to all applicable local, state, or federal codes.
3. If the Zoning Administrator finds there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north is the right-of-way for K-96 Highway. Property to the south is zoned RR Rural Residential and primarily used for agricultural use. A portion of the site received a Conditional Use in 2003 (CON2003-00006) for a cell tower. Approximately 600 feet to the south of the proposed parking area and lodge is a single-family dwelling with accessory structures. The dwelling is approximately one-quarter mile to the southeast from where the proposed shooting range. There is a mature hedgerow of trees along the property line of the subject site separating it from the agricultural field associated with this dwelling. Property to the east is zoned RR and has abandoned structures but is primarily used for agricultural purposes. Property to the west is zoned RR and is use for agriculture.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned RR Rural Residential which supports development of one dwelling unit per tax parcel, agricultural uses, and some limited commercial opportunities in the form of rural home occupations. The site unique features such as a railroad that divides it into two pieces and the 25-30 foot depression in the center of the site which could make it difficult to develop or use the site for typical uses in RR zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request will introduce uses that are not currently found in the immediate area. However, the area is predominantly agricultural fields with only one dwelling unit within one-quarter mile of the subject site. The existing mature hedgerow along the share property lines and the recommended conditions of approval should mitigate possible negative impacts associated with noise.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The public’s health and safety should not be significantly impacted by the request. The recommended conditions of approval provide an additional level of mitigation. Denial of the request could represent a loss in the use and enjoyment of the applicant’s property.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested Conditional Use is in conformance to the Community Investments Plan as discussed in the staff report.
6. **Impact of the proposed development on community facilities:** Approval of the requested Conditional Use will create additional traffic on North 295th Street West. However, the impact should be minimal give the sites close proximity to K-96 Highway.

**CAB Discussion and Questions:**

**Dawson** asked if there is a plan for a full time shooting range safety officer or is it just public use?

Response from applicants: Public use initially did not want to come with any job promises initially but it is in the plans and that will be determined by membership totals

**Ailslieger** asks regarding noise, have tests been done to check to check the noise levels near the houses/property?

Response from applicants: Yes - They have done decibel testing at different places around the property. State that there is currently no foliage or development so this is the worst point noise will be. The decibel meter recorded ambient noise at around 50 decibels and would spike up to 60 due to traffic.

Applicants shot five different firearms: shotgun, rifle, pistol, suppressed rifle, different ammos, etc. the highest decibel reading they got was a 63.

Applicants state there is a lot of sound suppression where the shooting would be down into the hole. Around the hole, the applicants state there is a heavy amount of trees, the ambient noise in the area is over 60 because of the direct proximity to the highway. The shots were not increasing the ambient noise on this property.

**Manlove** states she has heard the sound of a sudden explosion and asks if that will be allowed.

Applicants indicate the material is called tannerite and no it will not be allowed on the premises.

**Gaughan** asks if applicants are going to have posted hours of operation and/or gates of some kind.

Applicants state most of guidelines are from the Central Kansas Gun Club in Reno County and they have posted range hours generally related with sunrise and sunset hours, seven days a week, operated within those hours and there will be automatic security gates with fobs for entry and exit and the range will be membership based

**Manlove** makes the point what bothers her about conditional use on any property is that somebody is going to make money off of the use and their taxes will stay the same. She states that if somebody is going to make money off of property, they ought to be paying more in property taxes that stay in Sedgwick County

**David Wright makes a motion recommending approval of the conditional use application per staff’s comments/recommendations. The motion is seconded by Janice Manlove.**

**Nancy Hinten and Pat Gaughan abstained from vote**

**Kevin McWhorter, Sharon Ailslieger, Janice Manlove, David Wright, Luke Sponsel, Cameron Dawson all voted to approve.**

**None voted to deny.**

**The motion carried 6-0 with 2 abstentions**

**ADJOURNMENT**

*The next Citizens Advisory Board Meeting will be Monday, April 4, 2022.*