

**District V Advisory Board**  
**Meeting Minutes**  
**August 6, 2007**  
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The **District V Advisory Board Meeting** was held at 7 p.m. at the Auburn Hills Golf Course Clubhouse, 443 S. 135<sup>th</sup> St. W. In attendance were 12 District Advisory Board members, seven staff and 15 citizens with 11 signing in.

**Members Present**

Mike Bell  
Dana Brown  
Jay Buckmaster  
David Dennis  
Joey Ellzey  
Jay Flinn  
Bryan Frye  
Mike Hill  
Darrell Leffew  
Clarke Sandberg  
Kelly Watkins  
Pat Ream - Alternate  
Logan Fritz – Youth Member  
Council Member Longwell

**Staff Present**

Dale Miller, Planning  
John Schlegel, Planning  
Gordon Bassham, Police  
Officer Brad Haught, Police  
Capt. Joe Dessenberger, Police  
Chris Carrier, Public Works  
Janet Johnson, City Manager's Office

**Members Absent**

**Guests**

Listed on last page

**Order of Business**

**Call To Order**

The meeting was called to order at 7 p.m.

Motion to approve the agenda for the Aug 6, 2007 meeting. Motion passed 10-0.

Motion to approve the minutes from the July 2, 2007 meeting. Motion passed 10-0.

**Public Agenda**

**1. Off Agenda Items**

**No scheduled items**

**Non-scheduled items**

**Council Member Longwell** introduced **Megan Buckmaster**, who will be the new DAB V Neighborhood Assistant and Neighborhood Services supervisor. She is slated to begin her job at the City on Aug. 13.

**David Dennis** announced that the Rainbow Lake HOA has been trying to get City water and sewer services in their neighborhood. Work started last Friday on the sewer and the water contract has now been let. He said he appreciated the hard work City staff did to make this happen.

**Dennis** expressed concern about the stoplight in on the westbound side at 111<sup>th</sup> and Kellogg. He said big trucks don't have enough time to stop when the light turns red. **Dennis** said he has already sent an e-mail to City staffer **Paul Gunzelman** regarding the light. **Dana Brown** and **Chris Carrier** said that the State of Kansas has authority over that signal.

**Joey Ellzey** said he thinks reducing the speed limit at the top of the hill would be more helpful than changing the traffic light. **Carrier** said some places across the country are using a signal second countdown. He said they would work with the State to investigate what can be done with this signal light.

**Action: Receive and file.**

## **Staff Presentations**

### **Community Police Report**

**Officer Brad Haught, Patrol West Beat 199**, reported that residential and non-residential burglaries, as well as auto thefts are up this year in the District. He said auto thefts are up mainly due to the theft of motorcycles in the apartment complex parking lots in the area of Central and Ridge, and the 300 block of S. Tyler. Open garage doors, which can result in larcenies, have also been a problem. A complaint has been opened at Sunset Park in the 1800 block of N. Keith, and a complaint has been opened in the 199 beat for the removal of temporary signs in the City right of way. **Haught** also reported that there were eight arsons in July, mostly in the Rolling Hills area.

**Capt. Joe Dessenberger** acknowledged the support from **Council Member Longwell** for relocating the Patrol West substation. He said the substation opened in 1991 and housed 74 personnel, and today 134 Officers work out of that facility. He also reminded everyone of National Night Out.

**Action: Receive and file.**

## **New Business**

### **DER2007-05 Proposed amendments to the Unified Zoning Code Pertaining to Wireless Communication Facilities**

**David Dennis** advised that he would not participate in the voting on this item as he is a Board member for the Metropolitan Area Planning Commission, and he will vote at that time.

**John Schlegel, Planning Department**, said that in 2000 the City adopted a wireless communications master plan. He said under this plan, there is broad discretion for administrative approvals (made by OCI Superintendent Kurt Schroeder and Planning Director Johns Schlegel). He explained that the industry is happy with the current process, but often the public is not. As a

result, the City is proposing to adopt a map to the zoning code that maps out where cell towers can be located.

**Schlegel** explained that there is a need for cell towers and that the height is determined by the technology that the provider uses. He said the City tries to utilize co-location as much as possible (placing an array of providers on one tower) but that it's not always possible.

He outlined the biggest changes in the zoning code as:

New disguised ground-mounted facilities up to 85 feet in height in any zoning district.

New undisguised ground-mounted facilities up to 65 feet in the SF-10, SF-5, TF-3, MF-18, MF-29, B, and MH zoning districts that comply with the compatibility height standards as outlined in Sec. IV-C.5., which shall not be reduced or waived through the provisions of Sec. V-I.2.d.

New undisguised ground-mounted facilities up to 85 feet in the NO, GO, and NR zoning districts that comply with the compatibility height standards as outlined in Sec. IV-C.5., which shall not be reduced or waived through the provisions of Sec. V-I.2.d.

New ~~undisguised~~ ground-mounted facilities up to ~~85~~ 120 feet in height in the RR, SF-20, LC, OW, and GC limited-commercial zoning districts that comply with the compatibility height standards as outlined in Sec. IV-C.5., which shall not be reduced or waived through the provisions of Sec. V-I.2.d.

New ground-mounted facilities up to 150 feet in height in the GC general-commercial IP, CBD, LI, and GI and more intensive zoning districts that comply with the compatibility height standards as outlined in Sec. IV-C.5., which shall not be reduced or waived through the provisions of Sec. V-I.2.d.

**Mike Hill** asked about the set back criteria. **Schlegel** said it's per foot of tower height to the closest residential district.

**Darrell Leffew** asked if there were currently any new towers planned for District 5. **Schlegel** said no.

**Bryan Frye** asked what the process would be if someone wanted to place a tower outside the areas designated on the map. **Schlegel** said they would have to go through the conditional use process, which requires public hearings.

**Dennis** pointed out an inconsistency between the first page of the document, which cited 80' towers as acceptable, and the second page, which cited 65' towers as acceptable. **Schlegel** said they would make that correction.

**Ellzey** asked if restrictions by a neighborhood covenant would override the City zoning code. **Schlegel** said the City doesn't enforce covenant rules – that would be a civil action.

**Hill (Brown)** moved to approve the amendments as recommended by staff, with a review of the inconsistent item on page one.

**The motion passed 9:0 with David Dennis abstaining (will vote as a member of MAPC).**

**Action: Approved the amendments to move forward to MAPC and City Council.**  
**Auburn Pointe Development**

**Dale Miller, Planning Department, Gary Oborny, Occidental Management Inc., Gary Stamps, 14157 Bluegrass Ct.,** provided an update on the development at 135<sup>th</sup> and Maple. Oborny is seeking a change in zoning so they can add a veterinary business that will provide small animal care. The vet office would be located on the south end of the shopping center. A landscape buffer with 14' pine trees is planned between the shopping center and the nearby residences.

**Oborny** said he has met with the nearby residents several times and they are supportive—they like the idea of having a vet in the area. He stressed that there would be no outdoor kenneling involved and that the protective overlay would prohibit that activity.

**Ellzey** asked if doggy day care would be provided. **Gary Stamps** said no, nor would they provide grooming services. He said they would have limited boarding – primarily over night only – with only 12 indoor animal enclosures. **Oborny** added that they would have additional soundproofing in the veterinary clinic.

**Brown** asked if **Dr. Stamps** vacated the premises and another vet came in, if they would be allowed things like outdoor kenneling. **Miller** said no, that the code already prevents anything like that from happening, but they could also restate it in the protective overlay.

**Ellzey** asked if they would be providing emergency care. **Stamps** said no, they would maintain regular business hours such as 7:30 a.m. to 6 p.m., or something similar.

**Miller** explained that the entire shopping development would be zoned LC, but the protective overlay would specify that only the vet clinic would be allowed to function as and LC, everything else would still function as a NR. He explained that under the law, if you try to re-zone only one section of a structure, it's called spot zoning and it typically will not hold up in court if challenged. **Miller** emphasized that with the exception of the vet clinic, all the rest of the center would be NR and any proposed change to that would have to come back through the process as an amendment.

**Jim Byrum, 824 Waddington,** asked if the animals would be exercised and where they would take care of their business. **Stamps** said the animals would be walked on a leash twice a day and there would be timely and appropriate animal waste disposal. **Oborny** pointed out on the map the area where the animals would be exercised – near the detention pond.

**Ben Ennis, 375 S. Limuel Ct.,** asked if the trash receptacles would be enclosed. **Oborny** said no. He explained that there would be a neutral colored back wall and then a barrier of 14' pine trees that will provide a visual and sound barrier.

**Ennis** asked if the City had experienced any problems with people trying to come in and change the protective overlays. **Miller** said no, and that this one is the only one he is aware of that is restricted to one use only.

**Ellzey** said he was originally opposed to not having the trash receptacles enclosed. He asked if **Oborny** had considered grease traps. **Oborny** said those are typically located inside the building structure. He also pointed out there will be a stem wall at the back of the building across from

Maple street that will block the view of the trash receptacles. **Ellzey** asked of a tenant of the shopping center would be required to put in a grease trap. **Oborny** said yes, for a restaurant. **Dennis** asked of the DAB needed to take any action on this item. **Miller** said no, the actual application will come back to the DAB next month (September).

**Ellzey** asked if the DAB could get the information that **Oborny** had collected from the neighbors. **Oborny** said he turned that information over to the City with the application. **Ellzey** asked if City staff would bring it when they came to present the application in September.

**Ennis** asked if the application could go through without a majority of supportive signatures from nearby residents. **Schlegel** explained that signatures weren't a part of this process – that the application would be presented to the DAB, MAPC and ultimately the City Council for approval, and any citizens who were opposed could present their arguments to those boards.

**CM Longwell** asked if the soundproofing is part of the overlay, and if the air system in the vet clinic will be separate from the rest of the shopping center. **Oborny** explained that there will be a demising wall, and extra layer of sheetrock and extra insulation in the kenneling area. He said a special design is being done for the vet clinic air system. **Stamps** said he wants to do everything he can to be a good neighbor.

**Action: Provide comment/receive and file**

**Cadillac Lakes**

**Chris Carrier, Public Works**, provided the DAB with the history of this project. He said the City got involved in this about six years ago and at that time, the U.S. Army Corps of Engineers had no vested interest in the area – they had determined that it was a man-made, non-jurisdictional wetland. He said the City was concerned about drainage in that area and for years the area has acted like a big sponge, sometimes sitting underwater for days at a time.

**Carrier** said developers got contracts and started to build things in the area and the Corps wasn't interested, but the City was concerned because the more development that occurs, the more drainage becomes an issue in areas like Chadsworth.

He said currently there is a big lake behind New Market Square and a pump drains it. He said the same type of thing was being proposed for other nearby developments, where they would all have their own pump. **Carrier** said the City was concerned, and hired a company to verify if there was in fact a drainage problem. One of the challenges he said is that a lot of the land in question is not located in Wichita.

When development was being proposed on the Eastside property, **Carrier** said all the sudden the Corps of Engineers said those were jurisdictional wetlands, which then presented two problems: wetlands and drainage. **Carrier** said the City's solution was to develop a wet pond, dry detention basin and pump station and to have wetland mitigation to meet the Corps requirements. He explained the City would include wetlands in the area and maybe someday involve the Prock land. The City would get 54 acres of land for the drainage areas and the wetlands would be in public ownership.

Currently, the application for a 404 permit has been submitted to the Corps of Engineers and all the public hearings have been held. They are now contemplating whether or not to issue the permit. **Carrier** said Lowe's is anxious to get their store built and open by Christmas, but

cautioned that the City promised to have meetings and seek public input on the design of the drainage area before any work was done.

**Carrier** said there are still a lot of unknowns concerning the drainage issue, i.e., he approved a concept plan, but they don't know how New Market and other Slawson property would drain into, and the same with the Fox Ridge area. **Carrier** said he felt like he must finalize a detailed drainage plan before he can allow Lowe's to start construction and he said he needs assurance that the drainage plan is going to work.

**CM Longwell** pointed out that when the City acquires the land needed for the drainage project, it would be locked in as parkland. **Carrier** confirmed this and said the Council has approved \$1.7 million for the concept design, construction, wetland mitigation and pump stations. **CM Longwell** said if the City tried to do this project without the developers, it would cost between \$10 and \$12 million. **Carrier** said if we don't do this, development will be very restrictive and that under this plan the entire area benefits, including parts of Sedgwick County and the city of Maize.

**Tim Austin, Poe and Associates**, said that he would be meeting with residents from the Bradford Addition, Sterling Farms, Chadworth, etc., on the questions of fencing, screening and other types of aesthetic issues. He pointed out that even with no new development in the area, there are still problems for Chadsworth in terms of drainage.

**CM Longwell** said the entire City Council signed a resolution of support for the project and that today he and the Mayor signed another resolution. He said Senator Pat Roberts and Congressman Tiahrt have also extended support for the project.

**CM Longwell** said he wanted to determine how to get neighborhood input so it would be possible to turn dirt as soon as the 404 permit is issued. **Carrier** said he needs a design contract in order to do that. **Austin** said he is close to having it completed.

**Dennis** asked if Austin's design would include, in addition to fences, gates and landscaping, the wells that need to be capped. **Austin** said yes.

**Hill** asked how much additional water discharge do they foresee. **Carrier** said they know what the maximum they can put through Chadsworth is, and they are going to have to do some work with on the channel that runs through there.

**Mike Bell** asked if the current open ditch would handle the New Market drainage. **Austin** said yes, the open ditch will remain, but some of the water will need to be re-routed.

**Austin** said he would anticipate having the first meeting with citizens sometime in September. **Carrier** said they need at least two public meetings – the first to get input and then a second to show what has been developed.

There was discussion on utilizing an open house type format and holding the meetings at the Sedgwick County Extension Building.

**Frye** asked what the long-term maintenance costs would be. **Austin** said there are not really any maintenance costs for wetlands.

**Jim Byrum, 824 Waddington**, said the Westlink ditch is getting choked. **Carrier** said he agreed and that they would be looking at that.

**Action: Provided comment/receive and file**

## **BOARD AGENDA**

### **Board Updates and Issues**

#### **Council Member Longwell**

- DAB outing slated for Aug. 26, Wranglers game. Everyone was encouraged to bring his or her spouse.
- **CM Longwell** is now the chairman of the WAMPO, which is a two-year commitment.
- If your neighborhood isn't having an event for National Night Out, contact **LaShonda Porter** and she can provide the list of all District 5 events and you can attend one of those.
- **Kenton Cox** will not be able to serve on the DAB. Joey Ellzey will take his place and Pat Ream will be the new alternate.
- There was a press conference today announcing that the Prairie Wranglers will now be performing at Cow Town.

**Dana Brown** raised the question of when the DAB minutes should be posted – immediately after being completed, or after the DAB has approved them. The Board agreed they want them posted as soon as possible.

**Janet Johnson** announced Citizen's Academy would run from Sept. 4 through Oct. 23 and interested citizens can sign up online, or give LaShonda a call. **Frye** said he participated in the program last year and it was very worthwhile. DAB Orientation is slated for Aug 20 and 27 and the District 5 breakfast is scheduled for Sept. 8 at the Northwest YMCA.

**Action: Receive and file.**

### **Adjournment**

With no further business, the meeting adjourned at 9:51 p.m.

Respectfully submitted,  
Janet Johnson, Neighborhood Assistant

### **Guests**

Jay Schweilert 2367 N. Crestline Ct.  
Gary Oborny 6427 N. 143<sup>Rd</sup> E.  
Jim Byrum 824 Waddington  
Jerry Hoggatt  
Scott Fugarino 985 N. Westlink  
Gary Stamps 14157 Bluegrass Ct  
Greg Allison 411 N. Webb

Ben Ennis            374 Limuel Ct.  
Tim Austin  
Megan Buckmaster