

District V Advisory Board
Meeting Minutes
October 01, 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. 135th St. W. In attendance were 9 District Advisory Board members, 3 staff and 26 citizens with 8 signing in.

Members Present

Mike Bell
Dana Brown
Jay Buckmaster
David Dennis
Jay Flinn
Bryan Frye
Mike Hill
Clarke Sandberg
Kelly Watkins
Pat Ream - Alternate

Staff Present

Dale Miller, Planning Dept.
Officer Francisco Tejada
Sergeant. Kevin Mears
Officer Kevin Brown
Megan Buckmaster, City Manager's Office

Members Absent

Council Member Longwell
Joey Ellzey
Darrell Leffew
Logan Fritz – Youth Member

Guests

Listed on last page

Order of Business

Call To Order

The meeting was called to order at 7:02 p.m.

Motion to approve the minutes from the September 10, 2007 meeting. Motion passed 9-0.

Motion to approve the agenda for the October 01, 2007 meeting. Motion passed 9-0.

Public Agenda

1. Off Agenda Items

No scheduled items

No Non-scheduled items

Action: Receive and file.

Staff Presentations

Community Police Report

Officer Francisco Tejada, Community Police reported on beats: 16, 18, 19, 199. On Beat 16: Residential burglaries are on an increase, criminals entering through front and back doors. A special assignment is in the works. Town West Mall is having a safety event Saturday, November 3rd. The activities included will be child id's Community Police and display of the City helicopter. Officer Woodrow has secured 1250 reflective metallic Halloween bags. These bags will be distributed at Community Fall festivals and events before Halloween. Beat 18: Problem property at 330 S. Tyler apartment complex. Reports of auto theft violations, and suspicious characters. Working with landlord/ manager on evictions. At Benton Elem. There is a problem with parents parking on the opposite side of the street and letting their children ruin across the street to the school. This poses a safety risk to all. An education strategy has started with passing out informational flyers, and talking to parents. On 10/3 enforcements will start. Beat 19: all crime statistics are down, but burglaries are still a concern with open garage doors. There will be a child id at Wal-Mart, 21st and Maize rd., on October 13th from 10 am-2 pm. Beat 199: The crime trend is business thefts, copper thefts, and open garage door thefts.

Bryan Frye asked officer **Tejada** about open car sales on vacant lots i.e. Maple and Maize. **Tejada** reported that there is no violation to do so on private property. Officers can ticket the vehicle, but cannot tow. Police hopes that vehicle sellers will work with police in these cases.

Jay Flinn asked about the homeless at the Zoo Blvd and Windmill Road bridge. Several of his neighbors from Sterling Farms, have been "surprised" by these people. Since this is County jurisdiction, Tejada reported police will work with County on this matter.

Action: Receive and file.

New Business

3. CUP2007-43

Dale Miller, Planning Department, reviewed the Staff Report for CUP2007-43; The request to amend the CUP to allow car sales on proposed reconfigured Parcels 1 & 3, generally located north and west of the Central Avenue and Tyler Road intersection (WCC #V). **Miller** made note that this applicant is not associated with the existing dealer located adjacent to the property. Based upon information available prior to the public hearings, planning staff recommends that the request for Amendment #1 to CUP DP-209, to allow car sales be APPROVED.

Dana Brown questioned the location of the masonry wall. Miller answered it would be north and east on northern property line, along Delano Cir. **Brown** also questioned whom residents should contact if the lighting shines in the residential area, becoming out of compliance. **Miller** answered to direct them to Office of Central Inspection, City of Wichita.

Bryan Frye questioned about car service as well as car sales. **Miller** answered; car service would be limited to indoor only. Car sales are limited to cars and light trucks only. Miller referred to the Planning staff report: "Parcels 1 & 3 shall be limited to the sales of cars and light

trucks. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pickups is permitted.”

Dean Babsel, 2511 N. Lakeridge Circle, asked about fencing on the north side of the property.

Russ Ewy, The Baughman Company, answered; the history of this land plot was 3 lots; 2 smaller pads sites and 1 large parcel. The reconfigured layout is 2 longer rectangular sites: 1 along the north, 1 along the south. There is 500 feet of separation between the sites and residential property. To the west there is 300-400 feet to residential property.

Jim Byrum, 1824 Waddington, asked for assurance that there would be no vehicle access to the west. **Ewy** gave assurance.

Babsel, asked if the parking lot to the north of the strip center would be an access point? **Ewy** answered that the only access would be on Tyler Rd.

Dana Brown, asked about outside amplification. **Ewy** referred to Planning staff report condition #9, page 4; ‘No outdoor amplification system shall be permitted.’ Today’s technology uses 2-way radios and pagers.

The recommendation was made to approve CUP2007-43

The motion passed 9-0.

Action: Approved the Case to move forward to City Council.

David Dennis asked the DAB board to approve a change in the agenda to combine agenda items #4 and #5. These presentations referred to the same case and there would be no vote taken on original agenda item #5. The DAB Board agreed.

4. CUP2007-44

Dale Miller, Planning Department gave a history of the land plot: The Shiners acquired the land to build on originally, but were now trying to sell to a developer proposing a range of residential uses and densities; single family, duplex and triplex units. This item was to come before MAPC originally on September 20th. The developer asked for a deferral to meet with community and homeowner groups. The deferral as granted until the October 4 MAPC meeting.

Miller reviewed the staff report: The gross dwelling unit density proposed by the CUP is to be 144 dwellings at six dwelling units per acre (General Note 4).

The proposed density for the various housing types are as follows (General Note 25): maximum number of single family units would be 98 units, not exceeding 4 dwelling units per acre; the maximum number of patio homes and zero lot line homes would be 122, not exceeding 5 dwelling units per acre; the maximum number of duplex and triplex units would 144 dwelling units, not exceeding 6 dwelling units per acre.

General Note 11 specifies that the minimum lot size for detached single-family units shall be 5,000 square feet, except that minimum lots for zero lot line and patio home units shall be 4,500 square feet while duplex lots shall have a minimum lot size of 6,000 square feet.

Maximum building height is set at 35 feet (Note 25) and two parking spaces are to be provided. Depending upon right-of-way width, Subdivision Regulations may require four off-street spaces (Note 17).

Access to the site is via a single drive 13th Street located at the northwest corner of the application area. Buildings located on the site are to be served by a nearly ½ mile long street that loops around on the southern end, with a stub street going to the southern property line. An “emergency access only” stub, going west to North Hazelwood Lane, is located approximately ½ way down the primary street within the subdivision (Note 15). Subdivision Regulations limit the length of streets that do not have other points of ingress or egress to 800 feet, so if this request is approved, at the time of replatting it is likely the issue of opening up full access to Hazelwood will be discussed.

The site’s base zoning of SF-5 permits minimum lot sizes of 5,000 square feet, and permits 8.712 dwelling units per acre. Spinnaker Cove Addition is developed at approximately 1.16 dwelling units per acre while Country Acres Addition is developed at approximately 3.01 dwelling units per acre.

Surrounding property is zoned SF-5, Single-family Residential, MF-29 Multi-family Residential and SF-20 Single-family Residential, and developed with single-family residential (east and west), public park (north) and an apartment complex (north) uses.

Based upon information available prior to the public hearings, planning staff recommends that the request for densities greater than that permitted by the site’s current SF-5 Single-family Residential zoning be denied based on several factors: The zoning, uses and character of the neighborhood: The suitability of the subject property for the uses to which it has been restricted: Extent to which removal of the restrictions will detrimentally affect nearby property: Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Length of time the property has been vacant: Impact of the proposed development on community facilities: However, if the planning commission finds this request to be appropriate, then it is recommended that the approval be subject to replatting within 1-year and to the conditions contained in the proposed CUP, as may be amended, by the MAPC.

Jay Flinn asked about the proposed traffic volume on 13th and what this development would do to that pattern. **Miller** answered: Today the traffic count on that section of 13th is 12, 704 avg daily trips. The proposed increase would be between 864-1440 avg daily trips per day dep on the type of units built. That section of 13th can hold 20,000 avg trips/ day.

Jay Buckmaster asked that if this was approved, does the developer have the right to build any scheme of these residences; single family, duplex and triplex? **Miller** answered: Yes.

Judith Abrams, 1158 Sandplum, asked if there was any environmental study being considered? **Miller** answered: this is not typically required of a residential development.

Ron Chapman, 1214 Sandplum, asked have you considered the traffic die to the ball diamonds on 13th. Increased traffic during game times. **Miller** answered; a former traffic engineer approved the current access plan and that area was known. Currently traffic engineers are looking at all traffic problems in that area.

Tim Austin, Poe and Associates, agent for the applicant presented: He reminded the board that this is not a request for a change in zoning, it is still SF-5, but a request to consider an overlay in nature of a CUP. Austin commented on the past difficulty this land posed. It had been under contact 2 times previously, but the developers found the land too difficult and expensive to develop. Austin asked the board to look at this request subjectively, using good planning practices to guide thoughts. Austin told the board that meetings had occurred with the Spinnaker coves HOA and community groups. Austin presented the COMP plan to the board outlining several keynotes: This is a low-density request, which meets the definition from the COMP plan. This land is “infill” (all surrounding property is developed). In the COMP plan the commission desires to encourage infill and redevelopment opportunities in central Wichita. A goal of the COMP plan is to provide for rural, suburban, and urban residential areas, which provide a variety of housing opportunities. A strategy of this goal is to use CUP, planned development districts and zoning as tools to promote mixed-use development, higher density residential environments and appropriate buffering. Austin noted that financially this development would be beneficial due to increased tax revenue for the community. Austin answered Buckmaster’s earlier question re: type of units that could potentially be built. Austin stated that there were no apartments in the plan, only town homes or condominiums. They would be “ground based” dwellings only. Austin passed around exhibit D, which showed examples of higher density areas that have been approved by council in the past. Austin reviewed the COMP plan’s “Golden Rules” and reviewed the Tranquility Bay CUP, DP-307 Position Statement.

Mike Hill asked about the square footage of the town homes/ condominiums and the cost to buyers per unit. **Austin** answered: 1200- 2400(view outs) sq. ft with 2 car garages. The cost estimated was 4125 per sq ft. The target market at this time was \$175,000-\$200,000 per unit. These prices are comparable to what is on the east side of the lake.

David Dennis asked **Austin** to describe the flood plain/ flood zone scheme for this land plot. **Austin** described that the western limits of the floodway can be filled. The southern ¼ of the property is on flood plain.

Kelly Watkins asked what the price range for single family units. **Austin** answered that he does not foresee there being any single-family units built.

Dennis asked what the plan was for the parkland area. **Austin** answered: there has been discussion to “trade out” the parkland for another area to have the access roadway. This project went to the park board in August and it was decided that it would need to come back to the board in October.

Watkins asked about the access to the lake for these residents. **Austin** answered: This issue is big for Spinnaker Coves residents with increased lake use. The plan is for 2 docks for common use boats. There would be shared maintenance and shared liability issues. **Watkins** also asked about the height of the units. **Austin** referred to the staff report: Maximum building height is set at 35 feet. The units would be 2 stories at most due to this height restriction.

Bryan Frye asked if this would be a gated community. **Austin** answered: gated communities are not allowed on public city streets at this time. **Frye** also asked about the safety concerns regarding the access. **Austin** answered: fire and traffic engineers had discussed this issue and any determinations are unknown at this time.

Tom Nelson, 1318 Sandplum, asked if the developer would raise the ground level with fill. **Austin** answered: The current rules on flood plains is to take the lowest opening 2 feet above the base flood elevation. Not all property would have to be filled but would meet the required safety and flood plain requirements.

Les Bumley, 6606 Warren Circle, asked if there was anything that legally binds the developer to build what is being proposed. **Austin** answered: The CUP binds them. Whatever parameters are written in the staff report must be met. **Bowman** also referred to the increase of lake use and the concern of Spinnaker coves. **Austin** made reference to a letter that was currently with Spinnaker Coves relating to lake use agreements. He noted to the board that lake use was a private issue, and should not have an impact on their recommendation.

Norm Conley, representing Country Acres, 1322 Sandplum, presented a slideshow on behalf of the residents of country Acres with their concerns: CUP2007-44 is not consistent with current neighborhoods; a ball field to the north and a small lake to the south would be displaced. The access point would cause safety concerns for residents and children. The views for current homeowners would be tainted with mass production housing. Increased flooding to residents would occur due to displaced lake to south.

Tom Nelson, 1318 Sandplum, made several comments: 1. In regards to Austin's exhibit D: other communities where higher density dwellings had been approved. Nelson questioned whether those neighboring residents had been asked their thoughts about these units in their neighborhoods, what it had done to the character of their neighborhood? 2. As a taxpayer he has a concern for the liability of the increase in people living on one road with one entrance and exit and emergency services. 3. This current open land is in the direct flight path for airplanes to the airport. If an emergency landed was needed currently there would be very few homes and residents in jeopardy, with the new development, these tragedies would increase tremendously. 4. The "slab home" units would have no tornado protection. 5. Finally, Residents and the board are being asked to accept the unknown. The plan proposed is too vague. Leave the land as is.

Les Bumley, 6606 Warren Circle, made several comments: 1. In the past when being asked to approve a development there has been more information, more detail. This time residents have no idea what will be built. 2. Make the height restriction even lower to protect current residents view. 3. Keep the development for single-family units only as originally planned. 4. Make whatever is approved more legally binding to the developer. 5. The Schriners knew when they purchased the land, the restriction on it, let them keep it.

Larry Heeren, 6603 W. Briarwood Cir, made comment; He purchased his home in July 2007. The realtor told him that the Schriners were going to build on that land. He was fine with that. Now he is being told about this development proposal and he believes it is not right for this unique property.

Neil ?, 6602 Warren Cir., agreed about the uniqueness of the land.

Ron Chapman, 1214 Sandplum, made several comments: 1. 30 years ago the land was filled with concrete and sand. He does not believe that this can be developed. 2. This is not enough land; esp. with the utility easement to built this type of housing.

Tim Austin, Poe and Associates, made a final comment: 1. The density is not being increased. It is actually being decreased from 8.71-dwellings/ unit to 6-dwellings/ unit. The zoning and COMP plan do not designate the amount of dwellings/ unit only “low density”.

The motion to approve was denied 8-0 with David Dennis abstaining from the vote.

Reasons were given from the Board for the way they voted:

Watkins: Property and home values will decrease with this type of development.

Brown: A concern for this type of density. Not having a concept to see at this point. Exit onto 13th a safety concern. Adding a stoplight, is it even possible?

Ream: (alternate-did not vote) Should not develop on a flood plain. The people whom have lived there for 30 years did not expect this type of development to come into their neighborhood. Triplex units will not compliment this neighborhood.

Frye: This land is zoned for single family. To add more density is not in character with the current neighborhood.

Buckmaster: Value of the property will decrease. Higher traffic concerns. Too many “unknowns”.

Hill: Too many unknowns. More details are needed.

BOARD AGENDA

Board Updates and Issues

From Council Member Longwell: Cadillac Lakes Community Input meeting will take place on Thursday, October 04, 2007, 6:30 p.m. at the Sedgwick County Extension Office. Please let your HOA or NA groups know.

David Dennis: traffic engineers are looking at the stoplight at 111th and Kellogg. Soding has begun in Rainbow Lakes. He wanted to thank the City Engineers for their help with this project.

Bryan Frye: The construction on Central at Tyler - This is a 2008 construction project. There are some utility relocations being done now, but construction will be next summer. The construction on Central @ 235 - currently designing this project and just got clearance to begin ROW acquisition. At this point, it is unknown how long ROW will take. Hope to build next summer as well if ROW doesn't hit a big snag. Frye wants to make sure the City is proactive in educating businesses and citizens of the construction plans and alternates to get to businesses in area.

Action: Receive and file.

Adjournment

With no further business, the meeting adjourned at 9:07 p.m.

Respectfully submitted,
Megan Buckmaster, Neighborhood Assistant

Guests

Daniel Schaplowsky	1304 Sandplum Ln
Jim Byrum	824 Waddington
Larry Heeren	6603 W. Briarwood Cir
M.S. Mitchell	1215 Forest
Les Bumley	6606 Warren
Rus R.	315 Elm
Elizabeth Bishop	8518 Long Lake St.
Norm Conley	1322 Sandplum