

District II Advisory Board Minutes

July 9, 2007

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9th Street North. CM Schlapp, 10 board members, 3 staff and approximately 12 citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Brian Carduff
Daryl Crotts
Larry Frutigier
Tim Goodpasture
Joe Johnson
Aaron Mayes
David Mollhagen
Phil Ryan
Marty Weeks
Max Weddle

Council Member Sue Schlapp

Members Absent

Sarah DeVries

Staff Present

Officer John Ryan, Patrol East – Beat 31
Dale Miller, Planning Department
LaShonda Porter, Neighborhood Assistant

Guests

Listed on the last page.

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:05 p.m. **LaShonda Porter** called the meeting to order, she advised that **CM Schlapp** was in route and was delayed due to the rain. The Board proceeded with introductions.

APPROVAL OF MINUTES AND AGENDA

The meeting agenda for July 9, 2007 was approved. (**Goodpasture: Mayes, 9-0**)

The meeting minutes for May 7, 2007 were approved as submitted. (**Goodpasture: Mayes, 9-0**)

The meeting minutes for June 4, 2007 were approved as submitted. (**Weeks: Frutigier, 9-0**)

PUBLIC AGENDA

Scheduled items

Wendy Mayes, 8201 E. Harry, provided information on the Douglas Design District. On February 9, 2007 Bill Jackson held an exploratory meeting to discuss the enhancement of the main corridor. From that meeting a Business Association has been created and officers have been appointed. The Design District is inclusive of over 30 businesses. The Design District plans to have a public kick-off September 22, 2007 at the Kansas Food Bank.

In review of the district the association has determined that the area is sound but not robust. The association will look to create a true urban community and seriously intend to look at ways to revive the area from downtown to the East.

Some of the things we plan to do are 1) create a more attractive neighborhood, 2) sponsor community events, and 3) better define our mission. We are also working to get our websites up and running and hope to have them ready within the next few weeks. The website addresses are: www.dddwichita.com and www.douglasdesigndistrict.com

The **Board** thanked **Mrs. Mayes** for her presentation.

Action Taken: Receive and file.

LaShonda Porter, Neighborhood Assistant, presented information on the Neighborhood USA Conference. **LaShonda** highlighted that this was the 32nd Annual Conference and that the purpose of the conference was to provide the opportunity for community leaders and advocates to come together and share information, ideas, and success stories.

Three citizens and **Lashonda** attended this year conference, in which, they presented the Citizens Academy program of Wichita as well as attended sessions presented by other participants. The presentation was well received by the 35-40 participants and the feedback indicated that the City of Wichita was represented well.

LaShonda provided examples of the different sessions that were provided during the conference as well as the benefits of attending the conference.

Action Taken: Receive and file.

Johnson pro-tem arrived and chaired the meeting from this point. **CM Schlapp** had requested that **Johnson** move the planning cases around as she wanted to here the presentation and the feedback from the community and DAB members as several of the planning cases were coming before Council on Tuesday, July 10, 2007.

Johnson polled the audience to determine how many residents were in attendance on behalf of each case and asked **Dale Miller**, Planning staff to proceed with ZON2007-00020.

ZON2007-00020

Dale Miller, Planning Department, presented the zoning request to rezone property from SF-5 Single-family Residential to LC Limited Commercial, and a reduction of the rear compatibility setback standards from 25 feet to 22 feet. The site to be rezoned is the southern eight feet of four platted lots (Lots 2,3,4 & 5, Block 7, Bonnie Brae Addition) located on the south side of East Peach Tree Lane (8225, 8223, 8301, and 8307 East Peach Tree Lane) and west of Heather Road.

Based upon the information available prior to the public hearings, planning staff recommends that the request be approved, subject to the installation of a concrete wall instead of a wooden fence, as offered by the applicant. The recommendation is also based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is a transitional area. One side is zoned LC Limited Commercial, has frontage on a nationally significantly

cross-country highway carrying thousands of vehicles a day, and developed with highway oriented commercial uses. The other side of the application area is zoned SF-5 and developed with single-family residences served by a street system developed for low intensity uses. There is already an irregular pattern to the boundary line separating the commercial side from the residential side due to earlier platting decisions, especially to the west. Approval of the request is not inconsistent with already existing motel development patterns to the east and west.

2. The suitability of the subject property for the uses to which it has been restricted: The residentially zoned lots are already developed appropriately as zoned. However with the sale of the rear eight feet to a potential motel developer the tracts are not appropriately zoned to support commercial uses. Denial would also require the applicant to modify his building plans and potentially cause him to lose affiliation with the Best Western chain.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval will project LC commercial eight feet further north along the east property line. The applicant's offer to construct a concrete wall is a significant step up from a wooden screening fence. Landscape buffering will also be triggered. Required setbacks, landscaping and screening should moderate any expected negative impacts. The property owners have already sold the land to the adjacent property. Presumably is they had concerns they would not have sold their property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request should facilitate the development of the property as proposed.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" map depicts the application area as appropriate for "urban residential." However, movement of the boundary between these two uses by eight feet is not significant.
6. Impact of the proposed development on community facilities: Existing facilities are able to accommodate proposed uses.

Dale Miller then opened the discussion up for questions. **Johnson** then asked they we defer the discussions until **CM Schlapp** arrived.

Johnson then moved to planning case ZON2007-00025/CUP2007-00025.

ZON2007-00025/CUP2007-00025

Dale Miller, Planning Department, presented the request for the proposed DP-305 from Scholfield Honda Commercial Community Unit Plan, which would contain approximately 7 acres on the block of property bounded by Kellogg Drive on the north, Gouverneur Road on the east, Orme Street on the south, and Mission Road on the west.

The majority of this tract is already zoned LC and used for an automobile dealership. The addition of the peripheral tracts zoned GO and TF-3 consolidates the Scholfield Honda holding and triggers a need for a CUP since the overall tract exceeds six acres of LC zoning.

This case has been heard and approved by the MAPC; however, the MAPC had a concern with the one property that has not been purchased by Scholfield Honda at this time. Under the code if they do not purchase this property they will be required to put a masonry wall around the property. Scholfield Honda is requesting a waiver of this for a twelve-month period as they are still trying to purchase the one property. MAPC also disagreed on the closure of the driveway.

Planning staff is also recommending approval of the zoning request as well.

Mollhagen wanted to know if this should have been a PUD instead. **Dale** advised that it should not be.

Crotts wanted to know if there was a reason that MAPC didn't agree with the staff recommendation to close the driveway. **Dale** informed him that they did not give a reason but assumed that if it was there today why remove it.

Weddle wanted to know if there would be any kind of fence around the property that has not been sold. **Dale** advised that the developer is asking for a 12-month extension before proceeding with building the fence as they are still trying to purchase the property.

Weeks wanted to know the address of the property that has not sold. **Dale** advised that he did not have that information available.

Goodpasture wanted to know if once Scholfield Honda purchased the property would they have to go through the rezoning process again. **Dale** advised that they would.

Action Taken: Board recommended approval of the zoning request, with the 12-month extension to build the fence as well as to leave the driveway open. **Motion passed (9-0)** (**Ryan: Carduff**) **Johnson** abstained from the vote.

At this time **Board** updates were provided.

LaShonda advised that there would be a budget presentation given to the DAB members of all districts on **Monday, July 16, 2007 at 6:30 p.m.** at City Hall in the City Council Chambers.

LaShonda also advised that the District II Breakfast had a great turnout of about 25 people and the information shared from the PROS plan was great.

Johnson asked if we could have someone from the Park Department out to provide an update on the park at Central and Greenwich. **LaShonda** will follow up on this request.

DER2007-00004

Dale Miller, Planning Department, presented information on the request on the amendment to the unified zoning request to update the definitions for "recyclable material" and "wrecking/salvage yard." **Dale** explained that the amendment is being done to allow for industrial scrap to be handled at recyclable centers.

Mollhagen stated that this definition however does not give the wrecking and salvage yards the ability to handle scrap materials and that is not appropriate.

Alvee Campbell, 3423 N. St Francis Circle, provided examples of items that would be processed if allowed to recycle industrial scrap.

Leslie Hicks, 2230 Cardinal, advised that she was opposed to the amendment and wanted the DAB to vote this change down. She advised that other DAB meetings that she had been told that no extensive conversations had been held with the Office of Central Inspection (OCI) or the Fire Department, and that is needed before this amendment is approved.

Leslie also expressed a concern with how industrial scrap was defined in this amendment. She does not feel that it is clearly defined and this will cause some issues in the future. Her research has shown that most communities describe industrial scrap as excess material from a product. Additionally, most scrap from the airline industries is covered with oil, in which the excess scrap is contaminated. Currently we are working to resolve some of the issues with ground water contamination and allowing such a process would only worsen the problem. Her research also showed that other cities are looking at ways to strengthen the regulation for salvage and wrecking and recyclable centers and this just proves that more research needs to be conducted before the amendment is approved.

Laurie Campbell, 3423 N. St. Francis Circle, provided examples of the numbers of businesses we have in the City of Wichita today that would benefit from this service. She identified that the City of Wichita has 135 machine shops, 151 aircraft component manufacturers, and 11 aluminum fabrication centers to name a few. **Laurie** feels that the amendment to the definition would allow for more recycling centers to process this material locally and this would keep the business within the City as oppose to businesses packing it and shipping it out.

Laurie pointed out there are some great benefits to recycling such as: 1) saves energy, 2) preserves raw material, 3) waste reduction, and 4) air pollution reduction.

Laurie also identified that in the general area where her recycling center is located there are at least 6 other business that would benefit from this service.

Johnson wanted to know from staff if OCI had been involved in this process? **Dale** advised that yes. He also advised that there were concerns raised in regards to recyclable materials being licensed. Under KDHE regulations, recyclable materials are not licensed. So, if this approved they may need to amend their regulations to show there is a license required.

The Fire department has raised concerns with magnesium being recycled, as they do not want to see a repeat of the magnesium fire on 21st Broadway.

Mayes wanted “as a byproduct” to be inserted into the definition described on attachment #1 under recyclable material.

Johnson wanted to know if we could have all the regulations and departments review this amendment and package it all together before the **Board** makes a recommendation. This would ensure that the amendment does not have a negative impact to other processes.

Action Taken: Board recommended deferral of this item to the **August 6, 2007** meeting to give staff the opportunity to meet with staff and discuss the issues and

concerns discussed at this meeting, as well as, better define the definition and ensure that all regulations that this would impact have been reviewed and discussed.

Motion passed 10-0. (Crotts:Frutigier)

Community Police Report

Officer Ryan, 31 Beat, (Patrol East), advised that they have sat down with every club owner in the City of Wichita to educate them on gang activity. They discussed the need for club owners to enforce dress codes, and also the possibility of them purchasing inexpensive cameras for security.

Officer Ryan also advised that there would be a few stings occurring in the next months to try and target some of the more problem venues. He also advised that **Lt. Easter** is in charge of the gang unit and can be contacted if more information is required.

The **Board** thanked **Officer Ryan** for his update.

Action Taken: Receive and file.

Off-agenda items

Wilbur Baird, 6401 E. 11th Street, expressed his concerns in regards to the Central & Woodlawn construction. He expressed his concerns with the method of construction; the construction of the sidewalks: 1) are they ADA compliant, 2) why are the sidewalks in the gutter, and 3) why is there a traffic pole in the middle of the sidewalk? He also advised that he has sent e-mails to city staff and has not been able to get any information. He feels that the unique style of construction is designed for the service stations and not for the public. He would like for the construction to be reviewed and an explanation provided as to why the construction was done in the manner that it is has been completed.

Mr. Baird also advised that he was at the June **DAB** meeting expressing his concerns and has not heard from staff.

Weddle wanted to know if the city was required to provide a sidewalk. **Dale Miller** stated that he was not sure.

CM Schlapp **thanked** Mr. Baird for his presentation and advised that **LaShonda Porter** would do some research and be in contact with him with more information.

Action Taken: Receive and file.

ZON2007-00020

Dale Miller, Planning Department, provided a recap of the case and then opened the discussion for questions.

Ron Holt, 8315 Peach Tree, advised that he had not sold his 8-feet to the developer, as they could not agree on terms of the sale. He expressed concerns with drainage issues with the new slant on Kellogg. He feels that this construction will cause the water to run from north end to the south end and hit the wall (if built) and then have no place to go.

Ron also expressed concerns with the lighting of the facility. The proposed hotel is going to be 3 stories high, which will cause the lights to shine directly into his bedroom. He is also concerned with the placement of the dumpster, currently it is too close to the properties and the pickups will become a nuisance based on its planned placement.

Ron also advised that the lots that have been purchased have already been paved over.

Johnson wanted to know if the developers had approached **Ron** to sell his 8-feet. **Ron** advised that he has but has not agreed to sell.

Larry Saylor, 8121 Peach Tree Lane, is opposed to the rezoning request. He stated that the residents who had sold their property had been offered \$1 for the property and have not even received the \$1. They were also promised that a cement fence would be built. **Larry** advised that he opposed to this request because it is creating a hazard.

Greg Barker, 8236 Morningside, advised that there have been issues with two of the properties in the area with having chain-linked fences and the city did not enforce those violations. He expressed that the current shape of the neighborhood is not deteriorating and urban revitalization is not needed.

Johnson acknowledged that **Greg Johnson, President of Bonnie Brae HOA**, has submitted a letter acknowledging that the Bonnie Brae HOA is opposed to the zoning request.

Dale Miller advised that it was too late for the residents to submit a petition that petitions have to be submitted within 14 days after MAPC has made their recommendation.

CM Schlapp wanted to ensure that she understood the issue and that main concern is surrounding the masonry wall. **Greg Barker** confirmed **CM Schlapp** observation and also advised that this change is against the HOA covenants. As part of their covenants property owners are not supposed to subdivide their properties.

CM Schlapp advised that the city does not enforce HOA covenants but they do take them into consideration when looking at all the facts before ruling on a request.

Johnson pointed out that if the applicant does not turn the wall south when it is built then they will still have a water flow issue. **Dale Miller** advised that based on the applicants comments at MAPC he intends to turn the wall south. The wall will actually be placed on the resident's property.

Weeks was concerned that the residents were not aware that once the wall was placed on their property they would be responsible for the maintenance and repairs. Has this information been explained to the residents? **Weeks** also explained that the **Bonnie Brae HOA** is not opposed to commercial development but they do want it to conform to the neighborhood.

Jerry Sanderson, 8001 Willowbrook, wanted to express that he is opposed to this request.

Weddle wanted to know what where the next steps for the Homeowners Association. **Greg Barker** advised that we could sue the neighbors for violating the covenants, but we are not looking to do that, as they have already been through a lot with this ordeal.

Mayes motion to defer this item so that the developers could answer the questions of the **Board**. The **Board** expressed concerns with that action as the developer had the opportunity to come to the DAB meeting in both June and July and did not do so. **Mayes** withdrew his motion.

The **Board** recommended that the request be denied. **Frutigier** expressed his concern with this project not fitting into the neighborhood. **Ryan** expressed his concerns with the developers disregarding the covenants of the Homeowners Association. **Mollhagen** stated that he takes exception to this request as it is carving into the neighborhood.

Weddle wanted to understand how the drainage issues would be handled. **Dale Miller** explained that they would have to submit a drainage plan to show where the water would go.

Darryl Crotts commented that we have a history of trying to get the developers to work with the HOA.

Action Taken: The **Board** recommended that the request be denied. **Motion passed 9-1. (Weeks:Frutigier) Goodpasture (1)**

ZON2007-00018

Dale Miller, Planning Department, presented the request to rezone from SF-5 Single Family Residential to LC Limited Commercial for a narrow strip of property for landscaping generally located 250 feet north of Kellogg and on the east side of Heather (8201 Peach Tree Lane).

Planning staff is recommended approval of the request based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the east and south is zoned LC and developed with a motel. Property to the north and west is zoned SF-5 and developed with a residence. The subject site is located in a transition zone between single-family residential and retail and service commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to used as the back yard of the single-family residence used as rental property. If the request is approved, the site will still have significant footage (over 9,000 square feet) over code required minimum lot standards (5,000 square feet), and will be larger than the lots immediately to the east.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval would project LC zoning further north by 29 feet when compared to the property to the west, but will not exceed the existing depth of LC zoning on the east. The property owner is the applicant, and apparently is a willing seller and does not see this proposal as a threat to his investment. Code required setbacks, landscaping and screening requirements would minimize detrimental affects.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will add to the square footage of LC zoned property fronting East Kellogg and may assist with keeping an existing hotel competitive. Denial would presumably be an economic loss to the lot owner due to the potential loss of the transaction.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as being the dividing line between “urban residential” and “regional commercial” uses. Movement of the line 29 feet further north will not be inconsistent with plan recommendations.
6. Impact of the proposed development on community facilities: Additional easements may be required to ensure that the lot continues to abut utility easements. Otherwise, little, if any, impact on community facilities is foreseen.

Weeks expressed a concern that approving this request would set a precedent for other request to come forward and that would cause an encroachment on the neighborhood.

Greg Barker, 8201 Morningside, also expressed the same concern.

Action Taken: The **Board** recommended that the request be denied. **Motion passed. 10-0 (Weeks:Carduff)**

With no further business, the meeting adjourned at 9:10 p.m.

The next DAB II meeting will be August 6, 2007 at the Rockwell Branch Library.

Respectfully Submitted,

LaShonda Porter, Neighborhood Assistant

Guests

Laurie Campbell	2330 Gary
Alvie Campbell	2330 Gary
Ron Hole	8315 Peach Tree
John B Morris	8208 E Willowbrook
Greg Barker	8236 Morningside
Wilbur Baird	6401 E 11th Street
James Talbott	1226 Patricia
Wendy Mayes	8201 E Harry #1803
Larry Saylor	8121 Peach Tree Lane
Leslie Hicks	2230 Cardinal Drive
Jerry Sanderson	8001 E Willowbrook
Joanne Murray	8215 Willowbrook