

District II Advisory Board Minutes

November 5, 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, 5 staff and approximately 9 citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Daryl Crotts
Larry Frutiger
Tim Goodpasture
Joe Johnson
David Mollhagen
Phil Ryan
Max Weddle
Marty Weeks
Sam Jones – Youth Member
Nick Pompeo - Youth Member
Council Member Sue Schlapp

Members Absent

Brian Carduff
Sarah DeVries
Aaron Mayes

Staff Present

LaShonda Porter, Neighborhood Assistant
Gary Janzen, Public Works
Cynthina Berner –Harris, Library
Derrick Slocum, Planning
Mary Kay Vaughn, Housing & Community Service

Guests

Listed below.

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:01 p.m. DAB members did introductions. **CM Schlapp** welcomed everyone to the meeting and explained how the District II Advisory Board meeting is conducted. She advised that chair Joe Johnson runs the meeting as she likes to get feedback from her board on issues brought before them and feels that this is the best manner to receive that information.

APPROVAL OF MINUTES AND AGENDA

The meeting agenda for November 5, 2007 was approved. (**Weddle: Weeks, 8-0**)

The meeting minutes for October 1, 2007 were approved. (**Frutiger: Mollhagen, 8-0**)

PUBLIC AGENDA

Scheduled items

No items submitted.

Off-Agenda Items

No items submitted.

STAFF REPORT

3. Community Police Report

No items submitted.

NEW BUSINESS

4. Petition to construct a Sanitary Sewer

Gary Janzen, Public works, presented information on the petition to construct a sanitary sewer to serve Lots 8 and 9, Block 1, of Belle Terre South 2nd Addition (north of Kellogg, west of 159th St. East). A petition was approved by the City Council on February 6, 2007 that would have provided sanitary sewer services to lots 8, 9, and 10 of Belle Terre South 2nd Addition. An attempt to award a construction contact within the budget set by the petition was not successful. The bids that were received from the construction companies were 75% higher than expected. As a result the price increased from \$25,000 to 36,000. Staff has met with the contractors to try and determine the reasons for the spike in cost but they were unsuccessful in pinpointing a specific variable.

During this period of bidding and an unsuccessful attempt at reducing the cost, lots 10 and 11 combined reducing the benefit area from 3 to 2, thus increasing the special assessment to the remaining properties. **Janzen** expressed that the sewer line really needs to go in and they are asking the Board to recommend that the City Council order the project line in to extend the sewer line.

Weddle wanted to know how lots 10 and 11 are served currently. **Janzen** responded that the sewer line on the north side serves them. **Crotts** wanted to know what attributed to the increase in cost. **Janzen** advised that there were many factors including the increase in gas prices and materials; however, I have not been able to pinpoint the specific reason. **Johnson** then wanted to know if staff had a valid petition? **Janzen** advised that they did not. **Johnson** followed with a clarification on the cost of the project, asking if staff thought the project cost of \$36,000 was accurate. **Janzen** advised yes based on the bids we have received. **CM Schlapp** wanted to know if when the original petition was signed if the residents were given a cost of the project? **Janzen** advised that yes they were given the cost of \$25,000.

Janzen then explained that they are asking the Board to make a recommendation to the City Council to order in the project and force the homeowners to pay the additional cost because the sewer is a necessity.

Mr. & Mrs. Anderson, 345 S. Grandmere Court, owners of lots in Belle Terre stated that the project started in 2006 and at that time the builder still had ownership of the property and he approved the \$8,000 for the sewer line. **Mr. Anderson** expressed that they did not feel that with the price increasing so drastically that they should be responsible for the full cost. The Andersons also feel that all the lots that signed the original petition should be responsible to pay for the installation of the sewer line.

Mrs. Anderson stated according to their builder they are already paying special assessments on the temporary line they are utilizing. She stated that there is also a street that is supposed to be put in their area and the city is fighting that. She advised that she has three disabled relatives in her home.

Additionally she wanted to know if Lots 9, 10 and 11 already have sewer connection, then why can't the sewer line be extended to serve Lot 8? **Janzen** responded that Lot 8 has a temporary line and it cannot remain that way. **CM Schlapp** asked the Anderson's if they would be willing to pay \$12,000. **Mrs. Anderson** explained that the originally petition was signed by four property owners, why isn't cost split between the four property owners. **Janzen** advised that he misspoke the original petition was signed by three Lots, as the sewer line on the north side has always serviced Lot 11.

Crotts wanted to know if the builder should have included the cost of the sewer lines in the cost of the lot? **Janzen** stated that they generally do. **Johnson** wanted to know if the assessment would be over a 15 or 20-year period? **Janzen** stated 20-years. **Weddle** asked if the cost would be based on the square foot ratio? **Janzen** said yes and that it would be close to a third of the cost per lot, as they are almost the same in size. **Mollhagen** wanted to know how old the development was. **Janzen** advised that he was not sure; however, **Mrs. Anderson** advised that it was developed in 2002. **Janzen** then added that the area has been replatted since then.

Mrs. Anderson also advised that they are currently already being assessed specials and they are from 1994, 1995, and 1999. He also advised that he would be willing to pay the \$12,000.

Johnson stated why don't we make a motion acknowledging the owner's willingness to pay \$12,000. **Mollhagen** 2nd the motion. **Motion carried. (8-0)**

Janzen advised that he would have to discuss this with legal to determine if we could add Lot 10 back into the petition, since the owner has combined Lot 10 and 11 into one Lot and now has sewer service that is provided from the sewer line on the north.

Action Taken: Board made a motion acknowledging that property owner's willingness to pay for the sewer line at the cost of \$12,000. Motion carried 8-0 (Johnson: Mollhagen)

5. 21st Street Improvement, between K-96 Freeway and 159th St. East

Gary Janzen, Public works, presented information on the project to improve 21st Street, between K-96 and 159th Street East. This is currently a two-lane asphalt mat road with drainage ditches. The proposed improvement consists of a five-lane roadway with two through lanes in each direction and a center tow-way left turn lane with a landscaped median in the west mile of the project. Left turn lanes will be provided at all four approaches to the 21st Street intersections at 127th St. East, 143rd St. East and 159th St. East. Drainage improvements will be included with the project as well as 5-foot sidewalks on both sides of the street the length of the project.

We would like to start the project in Spring 2008. Staff will work with the utility companies to get their utilities moved so that the project can start on time. The project is estimated to take 12-15 months for completion. The cost of the project is \$10,200,000 with \$2,600,000 paid by General Obligation Bonds and \$7,600,000 paid by Federal Grants administered by the Kansas Department of Transportation (KDOT).

Johnson wanted to know how far west does Andover school's go? **Janzen** advised that he was not sure. **Pompeo** advised that he thought they went out as far as 12^{7th} Street. He further explained that near Magdalen School there is a lot of traffic there and there is a Police Officer out there every Sunday directing traffic and that this project is needed and would be great for the community.

Action Taken: Board recommended approval of the project. Frutiger:Ryan (8-0)

Mr. Johnston advised staff if they landscaped the medians he would water and maintain.

6. Library Master Plan

Cynthia Berner-Harris, Director of Libraries, presented information on the Library Master Plan. She stated that in September of 2006 the Wichita City Council endorsed the Library Master Plan. Since that time, the Board has been at work seeking to identify a location that would meet the plan's requirements as an appropriate site for a new Central Library. On October 15, the Library Board identified the former Watkins Steel plant as its preferred location for a new facility. The target area the Board was seeking was within the area of Kellogg to Central and Seneca to Washington.

They identified an area at 2nd McLean and they felt it was a facility of sufficient size, close to the core area, it was within the cultural corridor, and it was on a transit route. This information was brought to the City Council workshop in October and Council requested that staff do one last site check and review parking needs. **Berner** advised that two proposals had been brought forward, but neither one meets the needs of the proposal.

Johnson asked if she could provide more information about the two proposed sites. **Berner** advised that one was 2-acre parcel of land – an assembly of properties that was located in the farther west quadrant.

Berner also advised that the Watkins property was 9.3 acres.

Goodpasture wanted to know how the pricing compared with the different properties. **Berner** advised that they did not have that information yet.

CM Schlapp advised that the price is in the air as we do not know if we would have to purchase land or use land they we already own.

Weddle wanted to know if we were going to take 5.5 acres of land instead of the full 9.3 acres at Watkins property? Also, does the city have a plan for the balance of the property that would not be used for the Library? **CM Schlapp** advised that there has been discussion but nothing has been decided.

Mollhagen requested more information on the city properties and the possibility of sharing parking with Lawrence Dumont.

Ryan wanted to know if it is an option to purchase the whole Watkins property.

CM Schlapp advised that at Friday's Agenda Review it was discussed that negotiations would not begin, but we will have to wait and see how the votes happens when it comes before Council.

Board thanked **Berner** for her time.

Action Taken: Received and filed.

7. CUP2007-00042

Derrick Slocum, Planning Department, presented information on the request to amend Parcel 3A of DP-53 Quail Meadows Community Unit Plan to permit (2) 56 square foot wall-signs, one on the front (east) elevation and the other on the side (north) elevation.

The applicant, KBT Investments LLC, proposes to add two (2) 56 square foot wall-signs, on the front (east) and side (north) elevations of a strip center, at the corner of East Boston Street and South Webb Road on Parcel 3A of DP-53 Quail Meadows Community Unit Plan. The property is zoned "LC" Limited Commercial. Currently, Parcel 3A contains one (1) strip store, with space for four (4) tenants. This parcel has a pole sign facing north and south along Webb Road, with spaces on the sign for each tenant that occupies the strip center. The signs in question for this application have already been installed on the building. One sign faces east towards Webb Road and the other sign faces north towards a multi-family development zoned TF-3, Two-family Residential. Both signs are 56 square feet (15'3" x 3'7½") and are lighted.

The Wichita Sign Code allows illuminated building signs, provided that any building elevation on which such sign is placed shall be required to have or comply with any one of the following:

- A) Street Frontage;
- B) Be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial zoning district; or
- C) If adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use. (Wichita Sign Code 24.04.195.2).

For DP-53, the sign provision states that advertising signs shall be permitted along Harry and Webb Road not to exceed 30 feet in height or to be placed as to project over any street right-of-way. No billboard advertisement or roof signs will be allowed. Any increase could only be granted either by an action of the governing body, relying on the permissive language of the Unified Zoning Code that allows the CUP approval/amendment process to set specific requirements related to signage and other site development elements, or by a variance.

Based upon information available prior to the public hearings, planning staff recommends that the **request be APPROVED to allow one 56 square-foot wall sign on the east elevation facing Webb Road, but staff recommends DENIAL of the wall sign on the north elevation facing the multi-family residential development (TF-3 Two-family Residential zoning.)**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The intersection of Webb Road and Boston Street has "LC" Limited Commercial zoning on the southwest corner of the intersection and is developed with a supermarket. The southeast corner of the intersection is zoned LC and developed with a small commercial strip center. Condos, zoned "GO" General Office, are located across Webb Road from the subject site, the northeast corner of the intersection of Webb and Boston. Just north of the subject site, less than one hundred fifty feet from the north elevation of the strip store in question, is a multi-family development zoned "TF-3" Two-family Residential.

2. The suitability of the subject property for the uses to which it has been restricted: The property is suited for uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The placement of the wall sign on the east elevation, facing Webb Road, as requested will add to the amount of signage competing for motorists attention at the intersection of Webb and Boston, but otherwise will not detrimentally affect nearby properties. But, the placement of a wall sign on the north elevation, facing the multi-family residential development, does not comply with any of the three (3) conditions as stated in Section 24.04.195.2 in the City of Wichita Sign Ordinance.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan Land Use-Commercial/Office Objective/Strategy III.B.2 seeks to integrate the development of out parcels to planned retail centers through combined signage. The requested sign for the east elevation does follow this guideline, because the four businesses located in the strip center are allowed wall signs on their respective elevations for advertisement, also there is a pole sign for the strip center that allows each tenant sign space to attract the vehicles traveling north and south along Webb Road. The wall sign on the east elevation complies with all the conditions for wall signs, set forth in the City of Wichita Sign Ordinance (Section 20.04.195.2). According to this section of the sign code, the sign needs to comply with one of the following:

(East Elevation Sign)

1. Street Frontage
 - (Yes) The sign faces Webb Road.
2. Adjacent to either NO, GO, NR, LC, GC, CBD, OW, IP, LI or GI zoning districts.
 - (Yes) Across Webb Road is GO Zoning.
3. If adjacent to residential use or zone, there must be parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential use or zone.
 - (Yes) The sign is adjacent to residential uses across Webb Road, but there is a parking/loading area and a principal arterial road that separates the sign from the residential uses, and the distance is greater than one hundred fifty feet.

However, the other sign, located on the north elevation, does not follow this guideline, nor does it follow the conditions set forth for wall signs set forth in the City of Wichita Sign Ordinance (Section 24.04.195.2).

(North Elevation Sign)

1. Street Frontage
 - (No) The sign does not have street frontage. The sign faces a parking/loading area and a multi-family development.
2. Adjacent to either NO, GO, NR, LC, GC, CBD, OW, IP, LI or GI zoning districts.
 - (No) The sign is adjacent to a TF-3 zone district.
3. If adjacent to residential use or zone, there must be parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential use or zone.
 - (No) The sign face is less than one hundred fifty feet from the residential zoning to the north.

Slocum then opened the discussion for questions. There were no citizens in attendance to speak for or against this request. **Slocum** then advised that the case had been heard by the MAPC and they recommended approval of the request and there were no citizens at MAPC.

Action Taken: Board recommended approval of the request as recommended by staff. Approval to allow one 56 square-foot wall sign on the east elevation facing Webb Road and denial of the wall sign on the north elevation facing the multi-family residential development (TF-3 Two-family Residential zoning.). Mollhagen:Crotts (8-0)

8. CUP2007-00056 and ZON2007-00050

Derrick Slocum, Planning Department, presented information on the request for an amendment to permit commercial uses and create Parcel 3S (assoc. w/ZON2007-00050), generally located on the west side of Rock Road one block south of Rockhill Street.

The applicant proposes to rezone 1.1 acre from “GO” General Office to “LC” Limited Commercial and amend DP-62 Chelsea Station Community Unit Plan to create Parcel 3A from Parcel 3. The amendment and zone change would allow for the reuse of this parcel as a commercial rather than office parcel. Uses would be all uses permitted by right in the LC district except the following prohibited uses: correctional placement residences, pawn shops, taverns, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment as defined by the City Code. Also, the uses of vehicle storage yards and general vehicle repair would be shown as prohibited, even though they are never permitted in the LC district. Outdoor storage would be prohibited.

The applicant has requested to reduce the building setback on Rock Road and along the south property line from 75 feet to 35 feet. Since this is a platted setback, a vacation action would be required also.

Currently the CUP prohibits billboards on parcels zoned LC (Parcels 1 and 2) and this also should apply to Parcel 3A if rezoned LC. The maximum building coverage of 30 percent, the floor area ratio of 1:0.40 and the maximum building height of 35 feet would be the same as currently allowed.

The proposed Parcel 3A is located on the southeast corner of DP-62, a large CUP including the quarter-section (160 acres) on the southwest corner of 21st Street North and Rock Road.

Currently a medical office occupies the subject tract. The remainder of Parcel 3, which would remain zoned GO, is restricted to offices and personal services and was developed with the understanding that the area now being requested for LC was under the same restrictions. To protect the office on the remaining portions of Parcel 3, additional screening is requested by staff.

West of Parcel 3, the property is developed with duplexes on property zoned “MF-29” Multi-family Residential (Parcel 5 of DP-62). The property north of Parcel 3 (Parcel * of DP-62) is zoned MF-29 and is developed with a large apartment complex. The property to the northeast is part of a large shopping center, DP-191, that is zoned LC. A large estate located on 160 acres of property zoned “SF-5” Single-family Residential is located to the southeast. A rail-banked right-of-way abuts the property on the south and a furniture store and a bookstore on property zoned LC are located south of the rail-banked right-of-way.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2007-50) to LC Limited Commercial subject to platting of the property within one year;
- B. APPROVE Amendment #10 to DP-62, subject to the following conditions:
1. Add to General Provision #7: For Parcel 3A, screening shall be in accordance with Article IV of the Unified Zoning Code of the City of Wichita. However, all service areas (trash dumpsters, loading docks, outdoor work and storage areas, mechanical and rooftop equipment) shall have solid screening if adjacent to office or residential property or visible from Rock Road. Such screening may be composed of solid evergreen, solid masonry or a combination of solid fence and evergreen and shall be reviewed and approved by the Director of Planning prior to issuing building permits and installed at the time development occurs.
 2. The following uses shall also be prohibited in Parcel 3A: vehicle repair, limited, service station, convenience store and nursery and garden center.
 3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-62) includes special conditions for development on this property.
 6. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Johnson asked was there anyone to speak for or against request, no citizens in attendance. **Weeks** wanted to know if staff knew what was proposed for this location. **Slocum** advised not at this time. **Johnson** wanted to know if this had been heard by MAPC. **Slocum** advised yes and that MAPC approved the request.

Action Taken: Board recommended approval of request. Goodpasture:Crotts (8-0)

9. ZON2007-00043

Derrick Slocum, Planning Department, presented information on a zone change from the “B,” Multiple-family Residential to the “GO,” General Office district on property located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue (7015 E. Central). The property is currently developed with an office building containing space for four tenants.

Surrounding land uses are: single family residential (“SF-5”, Single family Residential) north of Central; multi-family residential (“B”, Multi-family Residential) on the east and south; and a synagogue (“SF-5,” Single family Residential) on the west. Access to the site is via two access points located on Central. Screening fencing currently exists along the south, east and west side of the property.

Z-2643, a request for “OC,” Office Commercial zoning was approved by MAPC, but withdrawn by the applicant prior to governing body hearing in 1984. (Minutes indicate the case was withdrawn

due to a 60% protest.) Z-2782, a request for “GO,” General Office was denied in 1986. Opposition comments centered on “striping out” Central with non-residential uses, decrease in property value caused by introduction of non-residential uses in an area which is predominantly residential and objections to office uses that near to residences. ZON2000-16 and CON2000-14 was approved by the MAPC in 2000, but was denied by the City Council. The Normandy Village Addition was recorded in 1965.

The Wichita Land Use Guide depicts this site as appropriate for “low-density urban residential” which permits densities of 1 to 6 dwelling units per acre. This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units. Schools, churches and other similar uses are also found in this category.

Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However if the Planning Commission feels the request is appropriate, the application should be subject to the following Protective Overlay conditions:

- A. Uses permitted on the site are limited to those permitted in the “B”, Multiple-Family Residential zoning district, and the only GO, General Office use permitted is “office, general.” Permitted “office, general” uses are the uses listed under “office, general” in the Unified Zoning Code, not the uses permitted in the ”GO”, General Office zoning district.
- B. The site shall be developed and utilized in general conformance with the site plan submitted with this request.
- C. No off-site, portable, variable or electronic message signs (LED) are permitted.
- D. Any violation of the conditions of approval shall render the conditional use permit null and void.

Weddle wanted to know what was currently at the property? **Slocum** advised that a dental office was currently there. **Goodpasture** wanted to know if they were operating out of conformance. **Slocum** advised that no they were operating under conformance as offices are allowed in this zoning.

Bob Kaplan, Agent for OLC Properties, advised that the applicant Less Eck has made every effort to market this property at the current zoning. He has tried to limit the renters to medical professionals over time. However he would like to broaden his use a little bit. **Kaplan** advised that they would concede with the protective overlay staff is recommending. He went on to say that changing the zoning including the protective overlay would not bring a noticeable difference to the neighborhood as far as traffic and clientele. **Kaplan** advised that with the current zoning the applicant could have assisted living, a community assembly, a group home, or a veterinarian; however, he did not think those professions were appropriate for the location.

Kaplan advised that the applicant is seeking to rent to accountants, lawyers and that there would not be a discernable difference between the users. Additionally, we are okay with the protective overlay.

Scott Colby, Chaumont Board of Directors – VP, 7077 E Central #8, advised that he was apart of the protest in previous years and I have currently made contact with many of my neighbors who

are in opposition of this request. This is the 3rd time we've had to oppose this project and my neighbors and me have had a concern of zoning this to general office.

CM Schlapp asked Slcoum how many petitions have been received. **Slocum** advised none to date, and that this request will go to the MAPC on November 15, 2007 and they will have 2-weeks after this date to submit their petition.

Kaplan stated that to discuss this zoning as commercial is a mischaracterization of the property.

RJ Brown, P.O. Box 8063, wanted to know if the zoning is changed would the dental office still be in conformance. **Slocum** stated that what is currently operating in that location would still be allowed if the zoning were changed. **Brown** then stated that the idea of a veterinarian at this location is appalling. **Slocum** advised that even if the zoning were changed a veterinarian would not be allowed and that they would have to start this process over again.

Rita Beck, 7077 E Central raised a concern with more strangers in the community, an overflow of private business, and safety.

Johnson wanted to not if the 1st floor of the building was occupied. **Kaplan** responded that there is one tenant.

Crotts stated that it was hard to conceive that law offices would bring in negative elements and felt that this was an appropriate use of the property with the protective overlay.

Less Eck, Applicant, advised that he was looking to rent to small user that don't have a lot of traffic, but he also wanted a long time tenant.

Goodpasture advised that he thinks that the applicant and the HOA are not that far apart in wants for the property and maybe there is an opportunity for the parties to discuss this issue and come to an agreement.

Johnson wanted to know if there was anything in specific the HOA was uncomfortable with? **Colby** stated that this is a residential area and this business is in a residential neighborhood.

Weeks motioned for the Board to recommend approval of zoning request with protective overlay as defined by planning staff. **Goodpasture** 2nd the motion.

CM Schlapp asked if Goodpasture intended for the decision to be delayed to allow the applicant and HOA to discuss concerns. **Goodpasture** agreed that yes this was his intent.

Mollhagen wanted to know if this could comeback to the DAB before it goes to Council? **CM Schlapp** asked the applicant what would this do to your potential renter? **Eck** advised that the renter is gone already.

RJ Brown advised that it is not just the Chaumont area it is also residents who live north of Armour that have concerns. **Goodpasture** asked what is the notification area? **Slocum** advised 200ft.

Goodpasture withdrew his 2nd to Weeks motion.

Weddle commented that if the building was not there this would be a slam-dunk, but the building is there, and to protest business opportunities would be counterproductive.

Johnson motioned to approve the request with the protective overlay. The protective overlay must also be provided to the HOA by Friday, November 9, 2007 as defined by the Planning staff. Motion passed. **Johnson:Weddle (8-0)**

Action Taken: Johnson motioned to approve the request with the protective overlay. The protective overlay must also be provided to the HOA Friday, November 9, 2007 as defined by the Planning staff. Motion passed. **Johnson:Weddle (8-0)**

CM Schlapp stated that timing is a concern, will the HOA have the opportunity to review and that the request should comeback before the DAB on December 3, 2007 before going to Council.

10. ZON2007-00033

Derrick Slocum, Planning Department, presented information on the request for a zoning change from “Multi-Family Residential” to “GO” General Office generally located east of Woodlawn Avenue, west of Armour, on the south of Central Avenue.

The applicant is requesting a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial, on Lots 14 & 15, East Kellogg Addition. Each of the lots is approximately 0.68-acres in size, each has 101.5-feet of frontage along Greenwich Road and all are 291-feet deep. The lots were developed with single-family residences (built 1961 & 1973), which have been removed. The applicant proposes unspecified commercial uses. The agent for this case had previously rezoned the north, abutting three lots, Lots 16, 17 & 18, East Kellogg Acres Addition, ZON2005-53, from “SF-5” and “GC” to “LC” with Protective Overlay #166. All but one of the single-family residences on those three lots has been removed.

The area’s nonresidential-zoned properties (nonresidential zoning is the overwhelming majority of zoning on properties in the area) are experiencing recent (from 2000 to present) commercial development, including a Lowe’s, Wal-Mart, strip retails and a Green Lantern car wash. Development east of the site and immediately across Greenwich Road, includes two retail strips (built 2002 & 2004), zoned “GC” and “LC,” a car sales business (built 1990) zoned “LI” Limited Industrial and “GC” General Commercial. East of these businesses is the Wal-Mart (built 2002), the Lowe’s (built 2001), some free standing fast food restaurants and platted undeveloped commercial lots. Zoning on these properties is either “LI,” “GC” or “LC”. All of the properties east of the site, across Greenwich Road, are part of CUP DP-196, with the exception of the car sales properties. Abutting and adjacent to the south and west sides of the site are single-family residences and a vacant lot; all of them zoned “SF-5.” Properties abutting and adjacent to the site’s north side are single-family residences, zoned “LC” and “GC.” All of the mentioned abutting and adjacent northern, western and southern properties are in the same subdivision, the East Kellogg Acres Addition (recorded December 23, 1953) as the site.

The site’s East Kellogg Acres Addition was platted and mostly developed while it was located in the County and before the current commercial development in the area began. The area was annexed into the City sometime between 1961 & 1970. Long time homeowners in the addition now find themselves isolated and surrounded with regional types of commercial development. There are ten “SF-5” zoned single-family residences (built in the early and mid 1950s, the early and mid 1960s and the early 1970s) remaining from the original single-family residential development of the

subdivision. An “SF-5” zoned 10.5-acre undeveloped tract is located approximately 300-feet west, across Trig Street, of the site.

The site and the East Kellogg Acres Addition, which the site is a part of, are in the “Spring Branch Master Drainage Plan”. Almost all of the East Kellogg Acres Addition is identified on the Plan’s Master Map as being in the 100-year flood boundary. The plan states “That there is an abrupt rise in the flood profile upstream of I-35 (KTA) and west of Greenwich Road,” which is the location of the East Kellogg Acres Addition. It further states that “Floodwaters upstream of I-35 (KTA) reach nearly 10-foot in depth, and Greenwich Road is overtopped. In addition, Trig Avenue (a dirt residential street) becomes impassable during major storm events.” These are the two roads that define the East Kellogg Acres Addition’s east and west boundaries. A 40-foot easement runs north to south through and between all of the residential lots in the East Kellogg Acres Addition to I-35 (KTA). The easement contains a sewer line and an open drainage ditch, with well-defined grass banks and bordering trees. In the past, when the drainage ditch has been filled to overflowing with water the sewer line has backed up into the single-family residences that abut it.

Properties in the East Kellogg Acres Addition are identified in the plan as having potential flood risk. At the May 27, 2004 “Spring Branch Drainage Study” public meeting six of the residence (40%) in the East Kellogg Acres Addition provided written comments expressing their experiences, concerns and experiences with the current drainage on their properties.

Any development on the site will be required to provide a drainage plan to the Public Works Storm Water Engineer for review and approval, meet the access management regulations, compatibility setback standards, landscaping and any other applicable codes and development standards.

When ZON2005-33 was written it was noted that its requested “LC “ zoning was a possible preview of how the rest of the East Kellogg Acres Addition’s “SF-5” lots would eventually be rezoned: a few lots at a time. The current request for the rezoning of two residential lots confirms that anticipated trend. The East Kellogg Acres Addition was platted and mostly developed while it was located in the County and before the current commercial development in the area began. Long time homeowners in the addition now find themselves isolated and surrounded with regional types of commercial development. Drainage, as noted in the “Spring Branch Master Drainage Plan,” is a key issue that needs to be addressed with this zoning request and any future rezoning applications in the addition. Retention and storage of drainage on the site and any subsequent rezoned sites presents a challenge for the developer to in regards to how much of each site can be built on after a drainage plan has been approved by the Public Works Storm Water Engineer. Access control and cross lot access will need to be addressed in way that anticipates future rezoning and a 2030 projected increase in traffic on Greenwich that is three times higher than today. A Protective Overlay with the proposed provisions would limit the negative impact of commercial development on the remaining single-family residences in the East Kellogg Acres Addition and anticipate possible future rezoning in the area.

Based upon information available prior to the public hearings, Staff recommends APPROVAL of the “LC” zoning with a Protective Overlay. The provisions of Protective Overlay #195:

1. On site pole lights shall be no higher than 14-foot, if within a 100-feet of property with residential zoning. They shall be hooded and directed onto the site and away from the residential developments and zoning west, north and south of the site. No pole lights shall be located within the required compatibility setbacks along the west and south sides of the property.

2. No signs shall be permitted along the face of any building or along any street frontage that faces any property that is in a residential zoning district.
3. A drainage plan including retention and compensatory storage must be provided to the Public Work's Storm Water Engineer for review and approval, prior to any building permits being issued.
4. Dedicate by separate instrument 10-foot of right-of-way along the site's Greenwich frontage. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published
5. A restrictive covenant providing cross lot access between the site's lots and ensuring that conformance to the current access management standards can be applied to the entire site and not on it's current configuration of two individual lots platted in the East Kellogg Acres Addition. Complete access control will be approved at the time that access from the site (not per individual lot) onto Greenwich is approved by the Traffic Engineer and implemented when commercial use replaces the current single-family uses. The current driveways for each lot's current single-family use/residences will remain in effect until such time that commercial use replaces the single-family residences. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published.
6. In anticipation of future commercial development in the area the approved drainage plan and the restrictive covenant will tie into abutting and adjacent northern lots covered by PO #166.

Johnson wanted to know what zoning was for the two lots south of this property. **Slocum** advised SF-5 Single Family Residential.

Slocum advised that the developer would have to develop a drainage plan prior to building on the property.

Weeks wanted to know if there had been any opposition. **Slocum** stated no and that the MAPC approved the request unanimously.

Action: Board recommended approval of the zoning request. Goodpasture:Mollhagen (8-0)

11. CON2007-00040

Derrick Slocum, Planning Department, provided information on the request for a conditional use to allow a car wash facility to placed on site, generally located near the northeast corner of N. Webb Road and Chamberlin (700 N. Webb Road).

The applicant proposes a Conditional Use for a car wash on the "GC" General Commercial zoned Lot 5, Block 1, Cornejo East 2nd Addition. There is a small vacant structure on the site. A car wash is listed as a permitted use in "GC" zoning, but, if it is located within 200-feet of residential zoning it can only be considered as a Conditional Use. The site is located within 200-feet of residential zoning on its south, east and northeast sides.

The proposed car wash is a completely enclosed automated facility, with customers driving their cars to one of two gated lanes, where they will proceed to select the type of wash they want from a menu board and then pay to enter the car wash. After paying, the customer drives to the entrance bay door of the car wash and remains in their car as it advances, via a conveyor system, through the automated car wash. The bay doors on the entrance and exit will remain open during fair weather, but raise and close for each individual car during foul weather. There will be a manager and an employee on site during the 8AM – 8PM hours of operation, seven days a week. The site plan identifies the 18 parking spaces for vacuum islands areas. The applicant has stated that the vacuum island will have only hoses above the ground, with the vacuum motor(s) located in a central enclosed area. The site plan shows one point of access onto Webb Road. The exit bay door of the car wash is facing Webb Road, towards a USD 259 elementary school. No lighting is shown on the site plan, although the applicant has told Staff that 15-foot tall (total height including base) pole light is acceptable. The only landscaping shown on the site is a 5-foot landscape buffer, which runs along only a portion of Webb.

Properties north of the site (all with frontage along Webb) are zoned “GC” and “LI” Limited Industrial, and include an abutting undeveloped property, two commercial strips (2002), and an outdoor recreational use (All Star Sports, 1988). Properties to the east include an abutting “GC” zoned warehouse/distribution building and a single-family residence (built 1935, with overlay CU322) and “SF-5” Single-family Residential zoned single-family residences (mid 1950s) and manufactured homes. Properties west and south of the site are zoned “SF-5” and are developed as the already noted USD 259 elementary school (west, across Webb), single-family residences (northwest, across Webb, late 1980s – early 1990s) and (south, across Chamberlin) single-family residences (1918 and mid 1950s), manufactured homes and some vacant land along Webb. There is an open, 8 self-service bays, two automatic bays (no conveyer system); with nineteen vacuum spaces, car wash (“LI”, CON2000-36) located two blocks south of the subject site.

Further to the north, east and south of the subject site, are the “LI” zoned Hawker-Beechcraft Company’s facilities. The Hawker-Beechcraft aircraft manufacturing facility is the dominant land use in the area and one of the largest employers in the county. Because of the airstrips used by Hawker-Beechcraft, this site is located within “Area A” of the “Airport Hazard Map” which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

The immediate area contains a car wash, which means that this proposed car wash is not the first proposed for the area. A completely automated facility with continuous on-site staff during its 8AM – 8PM operation hours, the conditions of the Conditional Use, all applicable standards of the Unified Zoning Code (UZC), and the landscape ordinance will help to minimize the negative impact of the proposed facility. Based upon information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for an enclosed (including bay doors that would close during foul weather and perhaps for security), single bay, fully automated, conveyer propelled car wash be APPROVED, per the following conditions:

1. All the conditions of Art III, Sec III-D, 6(f) of the UZC, shall apply, including a minimum of two attendants will be on site during its 8AM – 8PM operation hours (seven days a week), no access onto Chamberlin Street, no building signage along the south and east sides where it is adjacent to “SF-5” zoning and single-family residences, and pole lighting shall be no taller than 15-foot tall,
2. The applicant shall submit a revised site plan and landscape plan for review and approval by the Planning Director, prior to the operation of the car wash, within six months of approval

by the MAPC or the City Council. The site plan will include dimension control and show all aspects of the car wash facility. Elevations of the car wash facility will be provided for review and approval. Materials and signage will be provided. The site will be developed according to the revised site/landscape plan. The applicant shall install and maintain landscaping in accordance with the current landscape ordinance.

3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. If the Zoning Administrator finds that there is a violation of any of the conditions 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 that the Conditional Use is null and void.

Frutiger wanted to know if this was the old EMS station? **Mollhagen** confirmed that yes it was.

Action: Board recommended approval of request. Mollhagen:Frutiger (8-0)

CM Schlapp introduced the new Neighborhood Assistant Antione Sherfield and asked that he join the Board for the remainder of the meeting.

12. New Communities Initiative (NCI)

Mary Kay Vaughn, Director of Housing & Community Service provided information on the New Communities Initiative and the proposed Master Plan. New Communities Initiative is a strategy designed to support and enhance successful families and sustain the communities in which they live, by focusing resources and efforts from a variety of public and private service providers.

Vaughn explained that the first target area for the initiative is zip code 67214 where many persons lived before their incarceration in the Kansas prison system, and return when they are released; majority of abandoned building exist; high percentage of violent crimes have occurred; the 2006 high school graduation rate was 54%; and the 2006 unemployment rate was 8%.

Vaughn further described why we are doing this initiative. She stated the initiative was being done to improve the quality of life, reduce negative environmental conditions, create new partnerships among agencies and with neighborhood residents to promote lasting change, and to transform a community of consumers into one, which is more productive.

There are many players involved in this initiative which include the State Departments of SRS, Corrections, Health & Environment, Aging, Juvenile Justice, Commerce and Labor. The County Departments of Corrections, Human Services, and Housing. The City Departments of City Manager's Office, Neighborhood Services, Central Inspection, Housing & Community Services, and Police. USD 259 is also an active member in this initiative. Additionally there are community leaders on board and they are inclusive of Bank of America, Intrust Bank, Koch Industries, Wesley Medical Center, Via Christi Wichita, Knight Foundation, Via Christi Foundation, Wichita State University, and Workforce Alliance.

To date we have accomplished a one-stop phone line for information on employment and business development. We held a faith based "Community Response to Violence" seminar; provided a summer youth employment program to clean up a small target area; and we will continue to work on goals and strategies to address needs in the following areas: Adult Education/Economic

Development, Children/Youth, Physical, Mental, Behavioral Health, Housing, and Safe & Secure Neighborhoods. We are also working to create a Master Plan to design, budget for and implement community-wide transformation.

Vaughn went on to explain the details of a Master Plan and how the Master Plan could transform a community. She displayed pictures of the impact of this initiative in other communities.

Johnson wanted to know how many schools are in the target area? **Vaughn** responded that she believes there are 3 or 4.

Pompeo wanted to know what high school was in the area? **Vaughn** responded East High School.

Goodpasture wanted to know if anyone had replaced Larry Schumacher. **Vaughn** responded that he is still active but once he leaves that hope to replace him with Lori Barbacka.

CM Schlapp advised that the proposal that came forward to the Council, was to fund the Master Plan in the amount of \$800,000. **CM Schlapp** stated that they have not been give a cost on the entire plan and would like that information. **Vaughn** responded that because they are utilizing existing funds it is difficult to give a total dollar.

Schlapp expressed her concern with this been a government driven program. She stated this program should be a private driven program and wanted to know who else is putting up money besides the government.

Vaughn responded that City Manager Kolb intentions were to have the city put up funds and then he was going to go to the private businesses to solicit funding.

Goodpasture wanted to know if Communities in Schools were involved. **Vaughn** advised that she did not think that they were on one of the pillars groups but would have to double check as the groups have expanded as they continue to work.

Johnson wanted to know if there was any federal funding? **Vaughn** advised that if we get a Master Plan we might be able to get some federal funds. Currently the only federal funds are the ones from Housing & Community Service.

Crotts wanted to know what portion of the liquor tax is going to this program? **Vaughn** stated she was not certain of the exact percentage. **Crotts** then expressed that the real estate group is tired of supplying funding. **Vaughn** clarified that the initiative is not using new funding it is using the existing funding.

Pompeo wanted to know in the communities where this initiative was successful, how the community remained in the current improved state. **Vaughn** responded that the developers actually manage the property after they were developed.

CM Schlapp expressed that she is having great concerns with government being driver over the project.

Action: Board thanked Vaughn for her time. Receive and file.

BOARD AGENDA

13. Updates, Issues, and Reports

With no further business, the meeting adjourned at 9:46 p.m.

The next DAB II meeting will be **December 3, 2007** at the Rockwell Branch Library.

Respectfully Submitted,
LaShonda Porter, Neighborhood Assistant

Guest

Robert Kaplan	430 N Market
Les Eck	3955 N Hoover
Laurie & Darrell Anderson	345 S Grand Mere Ct
Russ Ewy	315 Ellis
Rita Beck	7077 E Central #19
Ray Jones	11908 Tipperary St.
Scott Colby	7077 E Central #8
R.J.Brown	P.O. Box 8063
Bruce Smith	11930 W Jennie