

**District VI Advisory Board  
Minutes  
[www.wichita.gov](http://www.wichita.gov)**

**Monday  
August 2, 2010  
6:30 p.m.**

**Evergreen Recreation Center  
2700 N. Woodland  
Lounge/Clubroom**

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The District VI Advisory Board meeting was held at 6:30 p.m. at the Evergreen Recreation Center Lounge Clubroom 2700 N. Woodland. District VI councilwoman led the meeting with five (5) District Advisory Board members in attendance, nine (9) city staff and five (5) members of the public who signed in.

**Members Present**

Carol Skaff  
John VanWalleghen  
Bob Aldrich  
Jaya Escobar  
Scott Dunakey

**Members Absent**

Pat Randleas  
Cathy Landwehr  
Charlie Claycomb  
Marsha Carr

**Staff Present**

Terri Dozal, Neighborhood Assistant  
Officer Carlson, Patrol South  
Officer Davidson, Patrol West  
Officer Lang, Patrol North  
Fire Marshall Crisp  
Lt. Everton, Fire  
John Schlegel, Planning Director  
Derrick Slocum, Planner  
Mike Mayta, IT Director

**Council Member Miller** called the meeting to order at 6:36 p.m. welcoming everyone. **Miller** asked members to introduce themselves and state their representation on the board.

**Approval of Agenda**

The agenda was approved as submitted. (**Skaff/VanWalleghen 5-0**)

**Approval of Minutes**

The minutes for July 21, 2010 were approved as submitted (**Aldrich/Dunakey 5-0**).

**Public Agenda**

1. **Scheduled items:** None at this time
2. **Off-agenda items:** None at this time

**\*\*\*\*\*Action:** Provide comments/take appropriate action.

**Staff Presentations**

3. **Community Police Report**

**Patrol West:** *Officer Davidson* reported the Sunflower NA held a successful clean-up. There was an increase in non-residential business/burglaries but since two arrests were made the burglaries have decreased.

**Patrol North:** *Officer Lang* reported 17 individuals were arrested for burglaries. Some of the arrests occurred because citizens called in and reported suspicious activity. We had a good turnout for the summer activity camp cookout for all kids on July 22nd. Then on July 23rd we had the final day cookout

for ESACK (Evergreen camp). National Night out celebrations will be on August 3<sup>rd</sup>. We see we will have a lot of participation from residents.

**Patrol South:** *Officer Carlson* reported Old Town had reported in the last month five assaults, 17 break-ins to vehicles and 32 larcenies including one non-residential and two residential. Officers are addressing the situation by putting flyers on cars telling the owners if I was a burglar, I would take the valuables that were visible in your vehicles. Hopefully this will make people more alert and not display their valuables in plain site for someone to see. We have seen some people on mountain bikes that we think are causing some of the issues.

**Skaff** asked if the concentration of problems was occurring in the parking garage of Old Town. *Carlson* responded that was one place possibly due to it being more secluded and the leveled parking.

\*\*\*\*\* **Action:** Receive and file

#### 4. **Fire Department Report**

*Lt. Everton* from Station F reported on the three fires that occurred in District 6. There was a fire at 2439 N. Perry with \$6000 damage due to a hairdryer left running on a pile of clothes. A fire at 847 N. Buffum with damage estimated at \$20,000 from a lit candle and at 1985 N. Amidon a fire from a cigarette estimated at \$200,000 burning the attic and balcony. At each location fire officers visited with surrounding neighbors about the FLASH program (fire loss awareness safer homes). So far for 2010 in District 6 there have been 865 calls using 1284 resources. There have been 25 fires with six of them structure fires and 662 medical calls. Any other assistance fell under other categories.

*Fire Marshall Brad Crisp* reported 11 citizens would be graduating from the Fire Academy on August 10<sup>th</sup>. They learned fire safety in numerous areas for 10 weeks-three hour classes. I'm inviting DAB to the graduation.

**Escobar** asked about the future of the Fire Department due to budget cuts. *Crisp* responded that recommendations have been made to City Council that won't impact citizen safety services.

\*\*\*\*\***Action:** Receive and file

### **New Business**

#### **Planning**

##### 5. **WAMPO Household Travel Survey**

This presentation will be given at a later date.

##### 6. **ZONING 101**

*John Schlegel, Planning Director* gave a power point presentation on what indicators should be considered when making recommendations for zoning cases. *Schlegel* stated the purpose of zoning was too reasonably limit the impacts of one property owner's use of his/her property on other people's property and zoning also creates districts of compatible land uses and sets the standards for compatibility. *Schlegel* explained that Conditional Use is only allowed after the request has been advertised and neighbors notified of the changes and a Protective Overlay is the base zoning including another set of regulations with more restrictions such as flexibility in administration of the zoning code.

**Miller** asked if the Quasi Judicial process applies to DAB. *Schlegel* responded no as their decision making authority is not recognized in a zoning code. The DAB is to hear the case fairly for the Council Member to make the best recommendations after gathering all the info. We need to restrain from voicing opinions until hearing the whole case process.

**Dunakey** asked about the Comprehensive zoning as listed in golden rule six. *Schlegel* stated you can't change some zoning unless you change the comprehensive plan and in some states they do this.

**Miller** asked so when DAB makes recommendations they should base it on factors of the Golden Rules. *Yes.*

**VanWalleghen** asked with golden rule three property value concerns, how do you weigh that? *Schlegel* said you need to base your decisions on concrete data. Encourage people to do their homework when it comes to a planning case. The county can help with providing data.

**Aldrich** asked if staff could do an economic impact study for DAB presentations, for example if a large business was to come in to the area this could be a valuable tool. *Schlegel* responded maybe that should be a requirement we ask of the applicant. **Dunakey** said if a case goes to court you will need documentation to back up the concerns with data.

**VanWalleghen** asked does your department advise neighbors on how to be effective when opposing a case. *Yes we do.*

\*\*\*\*\***Action:** Receive and file.

#### 7. ZON2010-00026

The District VI Advisory Board (DAB) considered a City zone change from SF-5 to TF-3 generally located north and east of the intersection of N. Hoover and W. Robinson St.

The members were provided the MAPD staff report for review prior to the meeting. *Derrick Slocum*, Planner presented the case background, reviewed the staff recommendation and answered questions of members and the public.

The Board asked the following questions/comments: *Responses in Italics.*

- Will the applicant pave the street as this request is on a dirt road? *I can't say, for one landowner to do all the paving would have to come from City Council.*
- The increased density will have a detrimental effect on the neighborhood.
- Has the applicant considered putting in single family residential instead of duplexes? *Due to the density of the land it is not feasible for single family residential.*
- With a zone change can you limit the amount of what can be built? *The amount can be whatever law allows but you could put a protective overlay with restrictions on what could be built.*

*Brian Kelly*, 541 Edminister spoke in opposition of the request stating:

- There are too many rentals in the area now.
- We will have traffic problems because of the dirt roads.
- More trash and junk will be dumped.
- No location for the school bus to stop and pick up the high school kids.
- The properties this applicant has now are not taken care of.

*Brian Kelly* also stated he was the Vice-President of the Orchard Park Neighborhood Association and was speaking for 41 residents who were also opposed to the request and they had already submitted the protest petitions on this case. *Kelly* handed out pictures of properties in the area that already had violations.

**Skaff** asked how many of the 41 protests were here tonight and when were these pictures taken. *Kelly* said he was speaking for the 41 this evening and he took the pictures last week.

**Dunakey** asked how many of the 41 protests were valid. *Slocum* said he didn't know yet.

**Miller** asked if the applicant's other properties had a reputation for not being in satisfactory condition would that play a factor in this request. *Slocum stated they can't take that into consideration as this is approved case by case.*

**Aldrich** said he lives in the area and from reviewing the golden rules feels there is no difference in this case and a previous case presented by the same applicant. Mr. Kelly is here in opposition as a representative of the neighborhood association so 41 other people didn't have to show up. There are too many rentals now and it's located on a dirt road. We're trying to clean up our area. I'm opposed.

**Skaff** said she was sensitive to his concerns but it just didn't make sense that no one else showed up to speak.

A motion was made to recommend Approval of the request (**Dunakey/Skaff**) motion failed.

**Dunakey** stated there were not enough facts to present on assumptions of the future housing.

**Aldrich** responded to **Dunakey** that he doesn't live in the neighborhood and doesn't have to deal with dirt roads and traffic density. We could have had the entire neighborhood here tonight but we opted for one spokesperson.

**Escobar** said we need to be consistent the previous case we heard from this applicant was similar and we denied it, I don't see the difference. **Skaff** said she couldn't trust a petition with out people here to back up their strong protest.

**\*\*\*\*Action:** The District VI Advisory Board members made a motion to recommend to City Council Denial (**Aldrich/Escobar 3-2 Dunakey/Skaff**) of the Zoning request due to it would be detrimental to the neighborhood.

8. CON2010-00030 3162 W 42ND ST N

The District VI Advisory Board (DAB) considered a City Conditional Use request for a wireless communication tower on property zoned Single-family residential (SF-5), generally located west of Meridian Avenue on the north side of 42nd Street North.

The members were provided the MAPD staff report for review prior to the meeting. *Derek Slocum*, Planner presented the case background, reviewed the staff recommendation and answered questions of members and the public. *Mike Mayta*, IT Director presented the DAB with a power point presentation of the requested site and how it will connect with the other City locations.

The Board asked the following questions/comments: *Responses in Italics*

- Does this tower fall in line with the revised Cell Tower Policy? *Yes but this is a broadband tower it works from point-to-point.*
- Will this be a shared tower? *It will have a co-location policy. But there are other cell towers that can be used.*
- What will the maximum height be? *Between 100/110 ft. supportable tower.*
- In case of a sever storm and power goes down, what would the back up plan be? *We will continue to have back up lines to City Hall in case of an emergency.*
- Would using this area be detrimental to the future development of the City? *I don't believe so.*
- Was the landfill ever looked at as a location to consider using? *Based on the consultants overall design, the landfill didn't have electrical power for use.*
- Is this location the final site selected for the pole? *Many studies have taken place for this property to get to this point especially since we are using federal dollars. It has already been presented to City Council and they wanted us to bring this here to you.*

*Brad Bachman*, 4829 Portwest and *Kurt Bachman*, 5025 Harbor side Ct. spoke about the case asking questions/comments:

- If the landfill was looked at as a potential site? *Yes we looked at it.*
- Where would the tower be placed at the fire station site? *It would be behind the building a little to the side.*
- If the county fire station was considered as a location for the pole? *We looked at many areas.*
- What about future expansion of the City? *This shouldn't be a problem.*
- The monopole is more visually appealing.
- There is other land the city owns where this could be placed. *This fire station was selected for multiple uses. People will be close to the tower if we have network issues. They will be trained to assist us if needed.*
- This devalues our area for what we are trying to do.

**Miller** asked what the diameter area of the pole was. *The pole is solid with a 4-inch diameter at the top and at the base it would be nine-ft.*

\*\*\*\*\***Action:** The District VI Advisory Board members made a motion to recommend to City Council Approval (**VanWalleghen/Dunakey 5-0**) of the Conditional Use request based on staff recommendations.

### **Board Agenda**

#### **9. Problem Properties**

**1241 Smith** built a privacy fence on the right-of-way and used concrete posts.

\*\*\*\*\***Action:** Receive and propose appropriate action.

#### **10. Neighborhood Reports**

**Benjamin Hills/Pleasant Valley, Twin Rivers Apartments and the Nomar International Plaza** will be hosting National Night Out events on 8-3-10.

\*\*\*\*\***Action:** Receive and file.

### **Updates from the Councilmember**

- It's that time of year when DAB member's term needs to be renewed. Members can serve up to 8 years. I need to know who would like to continue serving. **Carol** has planned to step down and **Jaya's** term limit is up. We possibly need four positions. You can submit an application through the website under Board and Commissions also include letters of recommendations.
- Recreation Centers: I have had people asking if some centers are being closed. We're looking at partnership with other agencies for programs. We need to cut \$1million dollars from the Park budget. We want to have neighborhood based options that are affordable and possibly offer a sliding fee scale for the low income to have access to fitness programs and summer youth programs.  
**Aldrich** asked if the agencies would be strictly non profit. **Miller** said they would be open to everyone and possible to more than one provider. We start the new budget cycle January 2011 and staff is looking at best practices nationally. **Dunakey** asked if there would be staff reductions. **Miller** said 22 positions needed to be cut and staff is looking at other positions thru the city where these 22 staff may qualify for and could be placed in.
- Fire Dept. Budget: Needs to be cut by \$175,000. The Fire Chief is making recommendations but the Union thinks differently. We don't know what staff changes will be but again best practices are being looked at and hopefully a solution recommended.

**Van Walleghen** asked **Miller** to find out what the outcome of the Park Dept. naturalist would be.  
**Escobar** asked how jobs will get done with fewer personnel.

#### **ANNOUNCEMENTS**

- Next DAB meeting will be on Wednesday August 18, 2010

With no further business to discuss the meeting adjourned at 9:10 pm (**Skaff/VanWalleghen 5-0**)

#### **Guests**

Brian D. Kelly	67212
Kurt W. Buchanan	67204
Lt. Heather Buchman WPD	
Greg Boyajian	67203
Brad Bachman	67204

Respectfully Submitted,

Terri Dozal, Neighborhood Assistant