

District II Advisory Board Minutes

August 5, 2002

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9th Street North.

Members Present

Council Member Joe Pisciotte
Martha Bruce Fair
Michele Chauncey
Marla Flentje
Charlotte Foster
John Fuller
Larry Frutiger
Tim Goodpasture
Shirley Jefferson
Joe Johnson
Mike Jones
Joe Patrick*
Max Weddle*
Kathy Wegner

Staff Present

Donte Martin, CMO
Dale Miller, MAPD
Ray Trail, Finance

Guests

Greg Ferris
Charles Harris
Harold Johnson
Mark Nordyke
Bob Young

Members Absent

Ray Hinderliter*

* Denotes an alternate DAB member

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:00.

Approval of Minutes and Agenda

The minutes for July 15, 2002 was approved 11-0 as submitted (Chauncey/Jefferson).

The agenda for the August 5, 2002 DAB II meeting was approved as submitted (Chauncey/Foster).

Public Agenda

1. Scheduled items

No items submitted

2. Off-agenda items

No items submitted

STAFF PRESENTATION

3. 2003 Proposed City Budget

Ray Trail, Director of Finance, presented the proposed 2003 City of Wichita budget to the DAB. Trail discussed information contained in the 2003-2004 Proposed Executive Budget in Brief that was mailed to DAB members prior to the meeting.

Highlights of the 2003-2004 budget include:

- The 2003 Proposed Budget does not require a mill levy increase for the tenth consecutive year.
- The total 2003 Proposed Budget (all funds) is \$354,301,280, a 1 percent increase from the 2002 Revised Budget of \$350,660,410. The 2004 Projected Budget totals \$349,188,460, a projected decrease from the 2003 Proposed of 1.4 percent.
- General Fund expenditures of \$161,122,590 are proposed for 2003, a 3 percent increase over the 2002 Adopted Budget.
- Anticipating the opening of a new fire station in mid-2003, the 2003 Proposed Budget included funding for 17 additional firefighters and associated operating costs.
- The budget reorganizes and supplements police resources to create two new police beats.
- The 2003 budget continues to fund four Neighborhood City Hall locations and adds funding for two more in mid-year so that each of the six City Council districts will have convenient access to municipal services.
- Golf fees are projected to increase by \$1 in 2003 to solidify fund balances and provide resources for course renovation projects.
- The budget funds the operation Gilbert and Mosley groundwater remediation systems and natural resource education programs.
- Beginning in 2003 an annual supplement is included in the Park Department to provide more frequent and improved landscape maintenance of right of ways and public green spaces.
- Operating funds are included for two new regional libraries.
- Water and Sewer rate increases of 3 percent are tentatively projected beginning in 2003, driven primarily by capital needs for water supply and sewage treatment improvements.
- An increase of \$.05 per ERU is projected for 2003, 2004 and 2005 to allow the phased elimination of the General Fund subsidy for Storm Water.

Trail explained that the proposed budget attempts to meet goals set by the City Council. The proposed budget must be approved by August 13, 2002 in accordance with state law. This proposed budget is the proposed maximum budget City Council cannot make increases. City Council can continue to make budget cuts.

DAB II members asked the following questions that were answered by Ray Trail:

Charlotte Foster asked if the City of Wichita was still having difficulties receiving required payments from the State of Kansas? **Trail** replied that there are issues with timeliness and accuracy of demand transfers from the State.

Marla Flentje asked how would the \$318,000 increase given to Park Department be utilized? **Trail** responded that staff is currently evaluating options to maintain parks, open spaces, and facilities. It hasn't been decided where this money will ultimately go.

Joe Johnson asked what the money in the self-insurance fund is designated to insure. **Trail** answered that there are four designated areas that are insured by this fund. These designations are: 1) employee health; 2) employee life insurance; 3) workers compensation; and 4) general liability.

Council Member Pisciotte thanked Trail for his presentation and commended his staff on once again doing an excellent job balancing the interests of each City Council District. **Pisciotte** noted the increasing demands being placed on the Wichita Police Department due to annexation within the district and that the budget funds a new police beat as well as the hiring of new officers. A District II Neighborhood City Hall is due to open in 2003 also. This increase in services will be funded without an increase in the City's mill levy for the tenth consecutive year.

Action Taken: Received and filed. No action required.

PLANNING AGENDA

4. CON 2002-00038

Dale Miller, MAPD, presented a request for a Conditional Use for a wireless communication facility generally located south of Kellogg and east of Woodlawn (6603 E. Kellogg).

Miller explained that the applicant is seeking a Conditional Use to permit the construction of a 130-foot high monopole tower (see attached picture) for use by Cricket Communications. The proposed site is zoned "LC" Limited Commercial. Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on a 2,280 square foot area located 100 feet south of Kellogg and 600 feet east of Woodlawn. Access to the site is proposed via an existing gravel parking lot for a veterinary clinic located on the parent tract. The applicant's site plan (attached) depicts a 38-foot by 60-foot fenced compound with the tower and the initial ground-level equipment shown in the southwestern portion of the compound. The compound is shown as being enclosed by a six-foot high solid screening fence. The Unified Zoning Code requires screening of the equipment compound since the equipment compound is located less than 150 feet from the street right-of-way.

The applicant indicates (see attached memo and propagation plots) that the proposed wireless communication facility is needed for Cricket Communications to provide improved wireless telephone coverage along Kellogg. The applicant indicates that they evaluated using the existing tower at Carriage Parkway, and that it does not meet their communication needs. The applicant also indicates that they pursued constructing a tower on the VA Hospital property, but that the time required negotiating a lease was too long to meet their needs. Finally, the applicant indicates that there are no towers or tall structures within nearly 1-½ miles of the subject property; however, there are multi-story buildings located approximately one-half mile east and three-quarters mile west of the subject property.

The character of the surrounding area is a mixture of commercial and residential uses along the Kellogg corridor, with commercial uses located south of Kellogg and residential uses located north of Kellogg. The properties located east, west, and south of the subject property are zoned "LC" Limited Commercial and are used for vehicle sales. The properties north of the subject property are located with the City of Eastborough and are used for single-family residences and recreational uses.

Planning staff finds that the proposed wireless communication facility does not conform to the guidelines of the Wireless Communication Master Plan. The proposed facility does not utilize existing tall structures in the area. Antennas could be placed on multi-story buildings located approximately one-half mile east and three-quarters mile west the subject property. In an area where extensive beautification efforts, including major renovations to the park in Eastborough, will be undertaken with the Kellogg freeway project, it is important to preserve this visual corridor, which could be accomplished by placing multiple antenna sites on existing tall structures along the Kellogg corridor rather than constructing a tower less than 150 feet from the right-of-way. Doing so also would prevent negative visual impacts on single-family residential and recreational uses located along the north side of Kellogg. The applicant has submitted no site-specific radio frequency analyses to substantiate that placing antennas on existing tall structures rather than constructing a tower is not feasible. The fact that the applicant erroneously indicates that there are no tall structures in the area seems to indicate that these options were not explored as suggested by the Wireless Communication Master Plan. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for a 130 foot tall tower be DENIED; however, if the MAPC finds the request appropriate, planning staff recommends that the MAPC make appropriate findings and that approval be subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall be 130 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 160 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of

FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.

- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. 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.

Greg Ferris, agent for the applicant, addressed the DAB and stated that in his opinion the MAPD staff report is flawed. Ferris expressed concern with MAPD's references to tall buildings in the area that would be suitable for a cell tower. Ferris reported that he has searched Kellogg and that there are no suitable building sites tall enough to meet the applicants' needs. Ferris stated this commercial area is ideal for a cell tower and that the nearby residential areas are screened by trees.

Harold Johnson, Stevens Motor Group, expressed his opposition to the project. Johnson stated that this project would be detrimental to the area and would negatively impact beautification efforts.

Marla Flentje, DAB II, asked how tall are the nearby light fixtures. **Ferris** responded 80-90 ft but that the distance from Kellogg to the 130 ft. cell tower would make the tower appear similar in height.

Michele Chauncey, DAB II, asked if currently emplaced light pole fixtures could be utilized and what is the abandonment process for cell towers. **Ferris** replied that KDOT does not allow the use of light poles and that both the tower and land owners are required to sign letters stating they will remove the cell tower if abandoned.

Chauncey asked if USD 259 has any suitable sites and have they been contacted. **Ferris** responded the USD 259 has been contacted and that they are researching the issue.

The District II Advisory Board voted (8-1) Chauncey (Bruce Fair) to support the MAPD staff recommendation and deny the conditional use request. John Fuller voted against the motion. Joe Johnson and Shirley Jefferson declared a conflict of interest and abstained.

Action Taken: Approved the staff recommendation.

BOARD AGENDA

5. DAB Matching Grants

Michele Chauncey presented two applications for DAB II Matching Grants. The two applications presented were reviewed by the Neighborhood Assistant for Council District II, a DAB II subcommittee comprised of **Kathy Wegner, Shirley Jefferson, and Michele Chauncey** and were submitted to the full District II Advisory Board prior to the meeting. Board members were asked to review each application and recommend whether the each respective project should be funded.

Teal Cove HOA submitted an application to replace trees within their certified Backyard Wildlife Habitat. Beavers damaged these trees and the replacement trees will be protected by wire mesh.

The total project cost is \$3,341.10 and the HOA is requesting a grant for \$1,254.50 from DAB II. The HOA will be responsible for the remaining \$2,086.60 through in-kind contributions and a cash match of \$1,003.60.

Rockhurst Addition submitted an application to replace their rrent entrance marker with a monument sign. The original application included a memorial to a long-time resident that has recently passed away. This application was returned due to the DAB subcommittee's concerns with funding a memorial and the precedent that would be set. Rockhurst resubmitted the application deleting the portions related to the memorial. The revised application requests a grant for \$3,000. The total project cost is \$5,788 with Rockhurst Addition being responsible for the remaining \$2,788 through in-kind contributions and a cash match for \$2,500.

DAB II voted unanimously 11-0 Chauncey (Wegner) to approve matching grants for the Teal Cove and Rockhurst Addition projects.

Action Taken: Approved as submitted.

6. Updates, Issues, and Reports

No items were submitted.

The next regularly scheduled DAB II meeting will be September 16, 2002 at the Rockwell Branch Library.

With no further business the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Donte Martin
Neighborhood Assistant
District II