

## **District II Advisory Board Minutes**

**April 4, 2011**

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The District II Advisory Board meeting was held at 7:02 p.m. at Fire Station #20 located at 2255 S. Greenwich Road. CM was not in attendance, (9) board members attended, (4) staff and approximately (15) citizens were in attendance.

### **Members Present**

Max Weddle  
Daryl Crotts  
Tom Roth  
David Mollhagen  
April Leason  
Sarah Devries  
Marty Weeks  
Aaron Mayes  
Phil Ryan

Paula Hancock

Brian Carduff

### **Staff Present**

Antione Sherfield- Neighborhood Assistant  
Dale Miller – Planning Department  
Officer Lloyd – Wichita Police Department  
Captain Bickel – Wichita Fire Department

### **Members Absent**

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. Antione Sherfield, Neighborhood Assistant welcomed everyone and explained how the DAB meeting is conducted. DAB members did introductions.

### **APPROVAL OF MINUTES AND AGENDA**

- **April Agenda approved (9-0)**
- **Approval of March Minutes approved (9-0)**

### **PUBLIC AGENDA**

#### **1. Off-Agenda Items**

No Items submitted:

## STAFF REPORT

### 2. Community Police Report

**Officer Lloyd** provided information pertaining to current crime trends in District II. Officer Lloyd stated that the Wichita Police Department ran a special assignment at the intersection of Kellogg and Webb Rd. The focus of the special assignment was seatbelt violations. Twenty eight (28) tickets were issued for seatbelt violations, and two (2) tickets were issued for driving on suspended DL.

Officer Lloyd also stated that thefts are up in District II. These are mostly garage thefts. Individuals are mainly focusing on power tools and golf clubs. He encouraged everyone to monitor their neighborhoods for suspicious vehicles and not to hesitate to call law enforcement.

Lastly, thefts are also increasing at the local YMCA's. Individuals are picking locks inside of the locker room and taking personal items from the lockers. WPD has scheduled a meeting with the Cooperate staff to look at ways to prevent thefts.

**Antione Sherfield** thanked Officer Lloyd and the Police Department for the fine work they provide our community.

**Recommended Action:** Receive and file

### 3. Community Fire Report

**Captain Bickel** provided information pertaining to Fire Service calls in District II. Captain Bickel stated that grass fires are a major concern in the area. This is an extreme fire danger zone. Based on the forecast, the City of Wichita and Sedgwick County have imposed a "No Burn" policy throughout the entire month of April.

**Antione Sherfield** thanked Captain Cole and the Fire Department for the fine work and service they provide our community.

**Recommended Action:** Receive and file

## NEW BUSINESS

### 4. ZON2011-0002

**Bill Longnecker, Planning Department** provided information pertaining to a City Zone request located on the northwest corner of East Central Avenue and North 159<sup>th</sup> Street East.

**BACKGROUND:** The applicant was originally seeking GO General Office (“GO”) zoning for 2.04 acres, zoned SF-5 Single-family Residential (“SF-5”), that are located at the northwest corner of East Central Avenue and North 159<sup>th</sup> Street East. The applicant met with neighboring property owners on March 16, 2010, and agreed to a number of concessions, chief among which was an amendment to the request that changed the request from the GO zoning district to the NO Neighborhood Office (“NO”) subject to a Protective Overlay that limits the permitted NO uses to Office, General and Medical Service. Other concessions are discussed below.

The subject property is platted as Lots 1, 2, 3 and 4, Block 3, Brookhaven Estates. Lots 1, 2 and 3 are vacant. Lot 4, the northwest corner of the application area, is developed with a single-family home that is owned by the applicant. The plat depicts forty-foot building setbacks along Lancaster and 159<sup>th</sup> Street. The application area has 360 feet of frontage along Central Avenue and 246.66 feet along 159<sup>th</sup> Street and Lancaster Street.

Two single-family homes, zoned SF-5, are located immediately north of the application area. East, across 159<sup>th</sup> Street, is the Terradyne office building and southeast is an animal care clinic, both of which are in the City of Andover and zoned B-1 Office Business district. The land east of the application area (159<sup>th</sup> Street and east) is located in the City of Andover. Land located south of the application area is developed with a single-family residential subdivision (Belle Terre Addition), zoned SF-5, as is the land located to the west (part of Brookhaven Estates Addition).

Examples of uses permitted by right in the NO district include: Single-family Residential, Duplex, Group Home, Church, Library, Parks and Recreation, Automated Teller Machine, Medical Service and Office, General. No individual commercial use permitted in the NO district can exceed 8,000 square feet of gross floor area. The NO district permits building heights up to 35 feet.

If this request is approved, the Unified Zoning Code (UZC) requires non-residentially zoned lots that are adjacent to SF-5 or TF-3 Two-family Residential (“TF-3”) zoned lots to provide screening along the common rear and interior lot lines. The required screening can be fencing, evergreen vegetation, berm or a combination of the three. If fencing alone is used for screening, the landscape ordinance will also require one tree every forty feet along the common property line. Additionally, the landscape ordinance will require landscape street yard plantings along the south and west property lines and parking lot screening.

The UZC requires outdoor loading or work areas and dumpsters located within 150 feet of the property line to be screened. Dumpsters may not be located within twenty feet of any property zoned TF-3 or SF-5. Rooftop mechanical equipment must be screened from ground view. Compatibility setbacks of at least fifteen feet are required where side and rear lot lines of MF-18 Multi-family Residential (“MF-18”) or more intense zoning are adjacent to property zoned SF-5 or TF-3. Compatibility building height standards limit buildings to thirty-five feet in height unless additional setback is provided. UZC lighting standards require outdoor lighting sources, including base or pedestal, pole and fixture to employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning districts.

The NO district permits one ground or pole sign up to thirty-two square feet in size on a single-tenant zoning lot. Multi-tenant lots sharing the same sign may have up to twenty-four square feet each, up to a maximum sign size of ninety-six square feet. If more than one business is located on a zoning lot, additional pole or ground signs may be permitted when the signs are separated by 150 feet. Ground or pole signs are prohibited from being located within fifteen feet of an adjacent property line. Sign height is limited to twenty-two feet. Maximum pole or ground signage on a zoning lot shall not exceed one-half square foot per linear foot of street frontage. Lighting of signs is

limited to indirect or internal illumination of white light only. Flashing or moving images are prohibited. Institutional uses may be permitted portable signs in certain circumstances. Building signage not exceeding thirty-two square feet in area or thirty feet in height, and limited to one per building elevation for each major use in the building, provided the total amount of building signage for each major use in the building does not exceed thirty-two square feet; and provided that the building elevation to which any sign is to be attached shall have one of the following: street frontage, be adjacent to a nonresidential zoning district or if adjacent to a residential district, there must be parking, loading or open space area with a depth of 150 feet or more as measured from the face of the sign to the property line which adjoins the residential district.

At the meeting between the applicant and neighbors held on March 16, 2011, the neighbors presented a list of concerns. Listed below are the neighbor's concerns and the applicant's position regarding each issue:

1. Change the zone request to NO (Neighborhood Office). The applicant has accepted this request.
2. Screening to the North and West will be some sort of a concrete or brick wall. The applicant has declined to accept this request. In this instance, the code does not require a masonry or concrete screening wall. Staff was asked to obtain an estimate of the linear foot cost to install a six-foot tall masonry wall. Staff was provided an estimated \$45.00 per linear-foot cost or \$16,200 for the 360-foot length across the northern property line. The applicant agreed to install the Unified Zoning Code required minimum screening of a six-foot tall wooden fence.
3. Architecture, style, materials or colors similar to those in neighboring communities, such as a gable or hip roof and brick / stone façade facing towards the street. The applicant has accepted this request.
4. Signage to be monument style with no moving or LED signage allowed. The applicant has accepted this request. See item 12 below for additional sign limitations.
5. Single story structures only. The applicant agreed to limit building height to 25 feet.
6. Lighting (building & parking lot) designed to prevent light pollution. The applicant agreed to comply with Unified Zoning Code Sec. IV-B.4 standards regarding outdoor lot lighting standards.
7. Noise - no outdoor speakers or PA systems to prevent noise pollution.
8. Landscaping. In addition to the screening fence noted in item 2 above, the applicant agreed to install the equivalent of one tree per 40 linear feet along the north property line, and to comply with Landscape Ordinance standards for parking lot and landscape street yard requirements. In addition to parking lot screening, landscape street yard requirements would apply along Lancaster, Central and 159<sup>th</sup>.
9. Prevent rezoning of the property once approved for a period of 30 years (concerns that they will go back in a year to zone commercial when it doesn't sell). The applicant has declined to accept this recommendation.
10. No residential street access. The applicant has agreed to complete access control along Lancaster.
11. Only allow general office and medical facility - remove assisted living and nursing facility a permitted uses. This request was agreed to when the applicant amended the application to NO instead of GO zoning per item 1 above.
12. No temporary signage. The applicant also agreed to eliminate: electronic message signs, animated signs, advertising decorations (streamer, string pennant, pinwheel type signs), banner signs, commercial balloon signs, moving, flashing or rotating signs.
13. Drainage plan; don't want this development to force the neighborhood to pay for sewer system, etc. If the application is not approved subject to replatting, the applicant has agreed to provide an updated drainage plan; dedicate right-of-way sufficient to meet code minimums and provide guarantees for their proportional share of improvements. Assessment districts and those properties included in any given district are established

following procedures defined in state law that is outside the ability of the zoning process to address.

**CASE HISTORY:** The application area is Lots 1, 2, 3 and 4, Block 3, Brookhaven Estates Addition. Brookhaven Estates Addition was recorded on June 2, 1954.

The application was presented to District Advisory Board (“DAB”) II on March 7, 2011. At the DAB II meeting there were neighbors who were opposed to the request. Neighbors expressed concerns ranging from: the GO district is incompatible with surrounding zoning and uses; intrusion of signage, lighting, noise, traffic associated with office uses; incompatible building architecture and structure heights. District Advisory Board II approved a motion to defer action so the applicant and neighbors could meet to seek agreement.

The Metropolitan Area Planning Commission (MAPC) heard this request on March 10, 2011. Concerned neighbors expressed concerns similar to those presented at the DAB II meeting. The MAPC recommended the case be deferred to April 7, 2011, to allow the two sides to meet and work out solutions.

**ADJACENT ZONING AND LAND USE:**

|        |   |
|--------|---|
| NORTH: | SF-5; single-family residences                                  |
| SOUTH: | SF-5; single-family residences                                  |
| EAST:  | B-1 Business Office (Andover); office, golf course, animal care |
| WEST:  | SF-5; single-family residences                                  |

**Citizens had the following questions and concerns:**

- The residents were adamant regarding item Prevent rezoning of the property once approved for a period of 30 years (concerns that they will go back in a year to zone commercial when it doesn't sell).
- Screening to the North and West will be some sort of a concrete or brick wall. The applicant has declined to accept this request. In this instance, the code does not require a masonry or concrete screening wall. Staff was asked to obtain an estimate of the linear foot cost to install a six-foot tall masonry wall. Staff was provided an estimated \$45.00 per linear-foot cost or \$16,200 for the 360-foot length across the northern property line.
- A resident that resides on Lancaster stated that she felt she should be provided appropriate screening. She requested that a six foot wooden fence be constructed so she doesn't have to look at a potential parking lot out of her front door.

**Recommended Action:** The DAB voted (9-0) that the zoning request, as proposed, with staff's recommendations, be approved subject to an agreement between the applicant and the two affected homeowners for the upgraded separation concrete or masonry fence. The agreement would regard sharing costs of the construction, although not proportionally. Otherwise the recommendation would be to deny the request. It is also understood that the

wall would not need to be constructed unless or until there was a sale of the properties in question.

Explanation: (It was suggested and tentatively agreed to by the homeowners that they would contribute \$2,000 to \$2,500 each toward the cost of construction of that fence with the remainder to be the sole cost of the applicant. He had already volunteered to a wooden fence with additional landscaping including trees. The cost of the “upgrade” (difference is cost) therefore would be the subject of some shared cost.)

With no further business, the meeting was adjourned at 7:58 p.m. The next **DAB II Meeting will be May 2, 2011.**

Respectfully Submitted,  
Antione Sherfield, Neighborhood Assistant