

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, June 7, 2004

7:00 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Vice Mayor Carl Brewer
Gerald Domitrovic
Treatha Brown-Foster
Lori Lawrence
Debra K. Miller
Debby Moore
Sharon Myers*
Celina Porter Robinson
Steve Roberts*
James Thompson
Lois Tully-Gerber
Ken Woodard

Members Absent

Rickie Coleman*
Lacey Ganther*

Guests

Andy Bias, 2145 N. Topeka
Dorothy Nave, 1802 Looman
Glen Dey, 4515 Greenbriar
Bruce Bachelder, 2417 Walden
Russ Evy, 315 Ellis

***Alternates**

City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant
Bill Longnecker, MAPD
Daniel Nguyen, MAPD
Bhuperdra Patel, MAPD
Valerie Robinson, MAPD
Lt. Wanda Givens, WPD
Officer Judi Jones, WPD

Order of Business

Call to Order

Vice Mayor Brewer called the meeting to order at 7:06 p.m. and he welcomed guests.

Approval of Minutes

Brown Foster (Moore) made a motion to approve the May 3, 2004 DAB I meeting minutes as submitted. Motion carried (8-0).

Approval of Agenda

Dorothy Nave, NE Millair NA and Andy Bias, Mennonite Housing, requested to be added to the agenda.

Brewer (Brown Foster) made a motion to approve the June 7, 2004 DAB I meeting agenda with the addition of Dorothy Nave and Andy Bias. Motion carried (8-0).

Public Agenda

- a) **Dorothy Nave, NE Millair Neighborhood Association, 1802 Looman**, commented that the association sent a letter to the judge on March 10, 2004 regarding two property owners, in their area, that refuse to comply with the City codes (letter submitted to the board for the record). Ms. Nave requested that the city council force the judge to issue a clean up of these properties as this nuisance has been going on for quite some time.

Vice Mayor Brewer responded that the city council could not force a judge to do anything. However, since there is a case on these properties, staff will review the files and submit a recommendation to the judge. He added that he would get back with Ms. Nave next week on this issue.

- b) **Andy Bias, Mennonite Housing**, addressed the board regarding proposed renovation to Calvary Towers, 2600 North Grove. He stated that this tax credit application would come before the board in July and that he merely wanted to make them aware of his plans.

Mr. Bias explained that they are proposing to renovate the facility from 60 units (54 SRO's and 6 one bedrooms) to 30 one-bedroom apartments, 6 two-bedroom apartments with an additional 24 new-constructed units on site. The renovations will be funded by a \$2.4 million dollar HUD grant, \$2.3 million dollar tax credit via a city resolution.

(Mr. Bias' response in italics)

Porter Robinson asked if the addition would be to the north? *The addition will be to the east. The intent is to increase the unit's efficiency. The current units are 680 square feet. The size would increase to 720 square feet.* **Lawrence** commented that she is concerned about the disabled and asked if there would be handicapped accessible units? *The newer units will be handicapped accessible and will be located on the first floor of the building.* **Brown Foster** asked about the exterior modifications. *The front entrance will be relocated to the west side of the building with a circle drive. This will allow residents to be closer to the entrance for drop off and pick up.* Foster also asked if people would have to move out of the facility during the renovations? *Based on the logistics, we will build new and then move the 30 current residents in those units. If necessary, we will do a floor-by-floor rehab.* **Tully-Gerber** remarked that this seems like a staggering cost for renovation. She asked why the cost is so extreme? *The budget is on the back of the document. In order to receive HUD money, we have to do the renovations. The entire renovation of 60 units is approximately \$40,000 per unit. The building is 30,900 square feet and the total overall cost to rehab the facility is \$7.4 million dollars.* **Moore** commented that she personally thinks that Mennonite Housing gets the best bang for their buck.

The board received and filed.

Staff Reports

1. Police Report

Officer Judi Jones reported the following: 1) Weed & Seed area – police will increase their bike patrol as well as gang suppression by addressing the drivebys (gang units addressing the drivebys); 2) domestic violence presentations to begin again; 3) summer is coming and there are a lot of calls about loose dogs; 4) August 14th is the day for Community Unity Day; and 5) Officer Mitchell, Patrol East 38 Beat, sent the report that he will be teaming with Country Overlook NA on overgrown weeds on lots in their boundaries. The association is putting together a plan to mow the lots.

(Officer Jones' response in italics)

Tully-Gerber asked about the liability issues. *You would need to speak with Officer Mitchell for the details.* **Moore** complimented the police on noise control issues in the neighborhood. **Brown Foster** inquired about the loose dogs and who checks to make

sure they have been immunized? *When Animal Control comes out, the owner has to show proof of shot records. If it is a loose dog and the owner cannot be identified, the dog will be fixed. Animal Control is currently busy with the enforcement of the Anti-tethering Law. Miller* asked for a clarification of the tethering law. *Dogs can only be tethered an hour, no matter how they are tethered. Thompson* inquired about basketball goals in the streets. *Basketball goals cannot be on the streets. There will be fliers issued this summer in regards to that issue. Myers* asked for any new reports on gunshots fired in the neighborhoods. *Unfortunately this does happen. Please call us when you hear gunshots and we will respond.*

Moore (Porter Robinson) moved to receive and file. Motion carried 8-0.

2. Public Input on Preserving the BNSF Railroad Corridor for a Greenway

Daniel Nguyen and Jamsheed Mehta, Planning Department, presented a presentation on the proposed preservation of the BNSF Railroad Corridor for a Greenway. The presentation outlined the proposal, explained the history of the railroad corridor, and the corridor analysis.

Mr. Mehta explained that the city is interested in 10 miles of the 11 miles of the corridor. The Corridor Analysis revealed three potential choices: 1) drainage basins (utility corridor) – upstream of the corridor; 2) recreational corridor; and 3) a short-line passenger rail service. Per the direction of the City Council, staff is investigating options 1 and 2 to preserve the corridor for utility and recreation purposes. Option 3 is not a consideration.

Further, he explained why the corridor should be preserved. 1) There are 21 water lines and 19 sanitary sewer lines that cross or traverse this right-of-way and a new sanitary sewer line recently installed. The city must maintain utility infrastructure within the corridor to continue service to customers. Otherwise, we face legal problems for the abandonment; 2) There is surface and storm water drainage along and across this corridor, which affects the adjacent property owners; 3) The Parks and Open Space Master Plan supports a potential greenway with opportunities for non-motorized access, etc.

Several other items were presented: 1) not pursuing the corridor from I-135 (Hydraulic) west to 13th and Washington, because this area is unsuitable for recreational purposes; 2) public input from the April 19, 2004 public hearing (document given to board); 3) no typical hours of operation; 4) the railbanking process, which includes the negotiation phase where the City and the BNSF would decide the terms for transfer of right-of-way; and 5) several examples of other cities Rails to Trails projects.

(Jamsheed Metha's response in italics)

Moore stated that she supports the rails to trails and hopes we adopt more corridors for people to be outdoors and enjoy the open space. **Myers** stated that she is concerned with the safety issue for residents and those who use the trail. **Lawrence** asked if the city would maintain this corridor like they have 3rd Street, which has been mowed once a year and looks terrible? *There are federal funds available for capital development. Maintenance cannot come out of the operation budget, however, included in the design plan is the operation plan. Brown Foster* inquired about purchasing the easement vs railbanking. She stated that she is concerned about spills and contamination being found after the purchase. *Remediation would be addressed before any development –*

beautification, landscaping, etc. **Tully-Gerber** commented that she supports this plan and the presentation has made it very clear. **Brewer** asked if this were agreed upon, under what department would the maintenance fall under? Also, what happens in terms of deeding? *By tradition and past practices, the Public Works Department, Park Department, and Planning all work together to meet federal guidelines. Once the design and funding are secured, operating cost would be identified. Park and Recreation would be responsible after that. I am not sure about the deeding portion.*

Moore (Porter Robinson) made a motion to support the railbanking and the rails to trails project.

Discussion: **Roberts** asked if the vote was to support all three portions of the proposal – recreational, utilities, and passenger rail corridor.

Substitute motion: **Moore (Porter Robinson)** made a motion to support all phases of the project except abandonment. Motion carried 8-0.

3. Off-site Billboard Regulation

J. R. Cox, Office of Central Inspection, stated that there are approximately 55 off-site signs in District 1. Signs are permitted in Limited Industrial (LI), Limited Commercial (LC), General Industrial (GI) and General Commercial (GC), but it is not allowed by UZC in approved CUPs. The maximum size allowance is 825 square feet with the maximum height of 30 feet above grade. The exception to this height requirement is an additional 14' may be added to the top of the sign if above a railroad deck or highway. The top of the sign may be 8' above a roof.

There are a number of prohibited locations for signage, which should be no closer than 660': K-96 Highway right of way and any park or recreation. Also, signage should be no closer than 330 feet to another off-site billboard sign facing the same direction of travel. In areas zoned GI and GC, there should be at least 500 feet distance per sign.

(J.R. Cox' response in italics)

Roberts asked where they came up with the 660 feet in the Park and Recreation areas? *That is in the sign code.* **Tully Gerber** asked are we following a norm as far as other cities in our state, such as Topeka, Orland Park, etc.; is there any regulation on graphics, etc. in the code; how would that be dealt with and how is enforcement? *I do not know. I do know the history of Wichita's sign code, which has changed immensely as far as size. There is a code that addresses obscenities, but graphics are not addressed in the sign code ordinance. I would have to check the code to see who is responsible for enforcement – OCI, Police, Health Department.* **Tully Gerber** added that sign regulation is critical to our city. Out of control billboards are tantamount to obscenities. We need to keep controls implemented in our city. Not to censure anyone, but I hope the City Council is online to strongly regulate billboards. **Brown Foster** asked if a show comes into the city, is there any way the neighborhoods can know if they want to object to the sign and is there a notice that says what is going on the billboard? *There is no mechanism set for the notification of neighborhoods, as no permits are required. The sign companies regulate what is on the sign and have the right to refuse certain advertisement.* **Woodard** asked how many signs were erected in East Wichita the past three years? *Between half dozen to a dozen.* **Brewer** stated that looking at District 1, we had fewer signs than anyone.

Recommended Action: The board provided input about off-site billboard regulation for City Council review.

4. **CUP2004-00018 (DP-156 Amendment #3) with ZON2004-00012**

Bill Longnecker, MAPD, explained that the applicants are requesting an amendment of DP-156 Killarney West Commercial Community Unit Plan and a zone change to "LC" Limited Commercial. The area to be rezoned is Parcel 5 with the proposed use being a restaurant, retail, and office. Staff recommended approval with conditions that were noted in the staff report.

(Mr. Longnecker's response is in italics)

Moore inquired if the Shamrock Advisors, Inc. was the same affiliation as the petroleum company? *The applicant is proposing retail and the affiliation is not known. Perhaps the applicant's representative can answer that question.* **Roberts** commented that he could not see it being used as multi-family ever and that there is no major impact on the residents.

Russ Evy, Baughman Company, commented that there is no affiliation to the petroleum company and no affiliation to the filling station. On staff comments #1 and #2, there is no unified ownership. We have been working with the Planning staff and one of the negotiations was an additional signage allowance of 200 square feet. Staff was asked for one multi-tenant sign and one office sign. The applicants take exception to #2 and ask for allowance of a 200 square feet signage. Another issue being opposed is the access control by the elimination of one access point.

(Mr. Evy's response is in italics)

Myers inquired about the reduction of the driveways. *What we are asking is that staff abide by the procedures established by Traffic Engineering, which addresses access by the Site Plan.* **Tully Gerber** asked about signage and the height limitations of the signs. *Bill Longnecker responded that staff is approving the request subject to conditions stated in the recommendations, Item #2. He added that what the board needs to consider is two modifications: 1) what staff is recommending, which is 60 feet less than what the applicant is requesting and 2) the 200 feet of separation in plat drives. Since we had a change in the Access Management Plan for 200 feet of separation, this cut down the number of drives.*

Mr. Evy responded that we still have 400 feet of frontage with no traffic conflicts across the rode. We meet the criteria of Access Management. We are asking to keep two drives, because it impacts the site design.

Tully Gerber asked why this case has come before the DAB when MAPC is not finished with it? She added that it should not have been brought to the board for a recommendation when the applicant and staff have not reached an agreement. *Bill responded that this is not unusual. Sometimes staff and the applicant cannot reach an agreement. Zoning is not always very neat and in some cases there are unresolved differences. You can either make a recommendation or defer it until after MAPC hears the case.*

Brewer (Tully Gerber) made a motion to defer this item until July 12th after the case is heard by MAPC. Motion carried 8-0.

Recommended Action: The board deferred this item until July 12, 2004.

Bruce Bachelder, Clear Channel World Advertising, asked to address the board after the vote. Mr. Bachelder commented that with the moratorium being approved, his company is interested in the opinion of the boards. The issue with obscenities touches on how they operate their business. While they understand the rights of the First Amendment, every plant has the right to approve or disapprove the copy when it arrives. Over the past 15 years with the company, he has seen many copies rejected. He added that our city is in the Bible belt and they are very cognizant that this is a real sensitive issue.

Unfinished Business

No items submitted

New Business

No items submitted

Board Agenda

5. Updates, Issues, and Reports

- a. **Virdena Gilkey** referenced the memo on the motor vehicle restriction and asked the board to pass this information on.
- b. **Brown Foster** read the petition signed by Northeast Millair, Matlock Heights, Fairmount, Power, McAdams, and Ken Mar Neighborhood Associations. This petition was signed to close down the Mecca Club, which has become a problem due to violent activities. She asked staff to get this documentation to the appropriate party.
- c. **Porter Robinson** stated that she would not reapply for a seat on the board next term due to her school schedule and pending graduation in May 2005. She commented that she would like to come back to the board after next year.

Brewer thanked her for her efforts and all of the work she has done for the neighborhoods.

- d. **Moore** reported that she was one of the few selected to attend the National Forum on Poverty in July. She encouraged all to provide input on their take on the poverty crisis.
- e. **Brewer** reported: 1) the District 1 Breakfast meeting went well and covered: Economic Development, the new city manager, and 21st Street Revitalization. The meeting was very diverse, which is reflective of the entire district; and 2) the next DAB meeting will be July 12, 2004. He then thanked each board member for all of their work this past year and stated that with all of the applications submitted for appointment to the board, he will follow strict requirements. One of those requirements for reappointment is that the members were not limited to assist in their particular area and that there was group collaboration. Brewer added that in the future he would like to spend some time downtown due to our boundaries. Also, that he would like to have a representative from the religious and the business sector.

Recommended Action: The board received and filed.

With no further business, **Thompson (Porter Robinson)** made a motion to adjourn. Motion carried 8-0. The meeting adjourned at 9:34 p.m.

Respectfully Submitted,

Virdena Gilkey
Neighborhood Assistant