

## **District II Advisory Board Minutes**

**December 3, 2007**

[www.wichita.gov](http://www.wichita.gov)

The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9<sup>th</sup> Street North. CM Schlapp was not in attendance, 6 board members attended, 6 staff and approximately 9 citizens were in attendance. Only those individuals who signed in are listed as guests below.

### **Members Present**

Larry Frutiger

Tim Goodpasture

Joe Johnson

Max Weddle

Marty Weeks

Sam Jones – Youth Member

Brian Carduff

Aaron Mayes

Nick Pompeo – Youth Member

### **Members Absent**

Daryl Crotts

Sarah Devries

Matt Hesse

David Mollhagen

Phil Ryan

### **Staff Present**

Antione Sherfield, Neighborhood Assistant

Karen Walker, Parks & Recreation

Larry Hoetner, Parks & Recreation

Larry –Harris, Library

Bill Longnecker, Planning

Julie Irvin, OIC

### **Guests**

Listed below.

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:07 p.m. DAB members did introductions. DAB Chairman Joe Johnson welcomed everyone to the meeting and explained how the District II Advisory Board meeting is conducted. DAB Chair Joe Johnson also explained that no actions would be taken tonight due to lack of quorum. All items that required recommendations will be brought back to the January DAB meeting.

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

### **PUBLIC AGENDA**

#### **Scheduled items**

**Sexually Oriented Businesses:** Carl Brown, Operation South Wind, presented information related to sexually oriented businesses. Mr. Brown stated that there is a growing problem associated with pornography and obscenity in our city. Operation South Wind would like to preserve and increase a better quality of life for citizens. One of the goals of Operation South Wind is to help our “community standards”, and what we as a community consider “obscene”. There are (2) areas of concerns for our City Government. **(1). The move of SOB’s (Sexually Oriented Businesses) due to the rezoning and to be completed by December 31<sup>st</sup>, 2007.** He stated that it is their

understanding that all licensed SOB's who aren't within the GC (General Commercial), or LI (Limited Industrial) are required to move by the end of the year. They would like to know the City's intentions on securing these moves. **(2). Licensing Code for SOB license.** Mr. Brown stated that in our city there is an ever-increasing sale of sexually explicit and obscene material in standard retail stores. They would like the City to revisit it's definition of the City Code 3.05.020 to define what a Sexually Oriented Business is. Today the wording stands at; Adult...means an establishment which as one of it's principal business purposes, offer for sale or rental for any form of consideration any one or more of the following. Stores they have found increasing Sexual Material for sale include and not limited to:

**Family Video Locations:**

Wichita 1759 S. Hillside  
Wichita 8778 W. 29<sup>th</sup> St. N.  
Wichita 3305 W. Central

**Spencer Locations:**

Towne West Mall  
Towne East Mall

**Spirit of Halloween Stores**

In conclusion, Mr. Brown stated that they have a short survey on their web site that anyone can take so their voice can be heard. **OperationSouthwind.org**

**Off-Agenda Items**

**Smoking Ban Issue:**

**Father H Setter, 3205 E Grand,** expressed concerns about potential smoking ban ordinance. Father H. has concerns about the City of Wichita duplicating Lawrence's smoking ordinance. He feels the Lawrence ordinance has flaws. He thinks that Business owners should have the right to be smoke free facilities or not. Tobacco products are a legal product in the United States of America and are taxed. He feels the businesses and not government officials should determine this issue. He feels his rights are violated because he is consuming a legal product. **Chairman Joe Johnson** expressed that this issue will more than likely be on the January agenda.

**Sonja Armbruster, 7009 E. Farmview CT,** expressed concerns about second hand smoke. She stated that we need to protect everyone from second hand smoke and Clean-Indoor Air ordinances will do so. She stated research indicates that a vast majority of registered voters in Wichita support Clean-Indoor ordinance. She also stated that 80% of this District wants a Clean-Indoor Air Ordinance. States this District does not see this issue as a Business right issue but as a **Public Health** issue.

**Diane Tinker, 6401 E. Beechy, representative of American Lung Association,** requested that DAB Board recommend to CM Schlapp to vote in favor of 100% comprehensive no exemptions smoking ordinance for the City of Wichita. Stated that Lung Cancer is the #1 preventable cancer killer among men and women.

**Becky Tuttle, 1909 N. Freden'c**, expressed support of local government interceding with smoking ordinance. Stated that this is a **Public Health** issue. She feels the Business Right issue is very bothersome to her, she stated that it is the business right to choose how they run their business but when people health is affected the government must intercede.

**Bruce Bodecker, 1945 N.W. Butler Rd**, expressed concerns about Business rights being violated by local government interceding into this matter. Stated that this issue should be a "freedom of choice" issue. Stated that a person that owns a business should have the right to make choices pertaining to business practices and not the responsibility of local government to protect people.

## STAFF REPORT

### 3. Community Police Report

**Officer Oblinger, Patrol east**, provided information on local crimes committed in the area. There is a string of non-residential burglaries occurring at doctor's offices, dental offices, and medical offices. Stolen items are normally cash, checks, laptops and burglaries are taking place late at night. **Officer Oblinger** encouraged all individuals to set alarms and monitor surroundings. **Officer Oblinger** and **Neighborhood Assistant (Antione Sherfield)** shared information pertaining to District II Community/Survey Survey that is in the process of being created and administered. This ideal was brought to Police Chief Norman Williams by **CM Schlapp** in an effort to reach out to the community and also provide residents/business owners an opportunity to provide feedback on citywide issues. The target date for administering this survey is scheduled for December 19, 2007. Outcomes of the survey will provided at the February DAB meeting.

## NEW BUSINESS

### 4. Off-Road Motorsports Park

**Karen Walker, Larry Hoetmer, Parks and Recreation**, presented information on the concept of an off-road motor sports park. **Karen** stated that this is the fastest growing recreation activity in the Country and there is no designated public off-road recreational facility in Wichita. Grant funding would be available to from the **Recreational Trails Program (RTP)** administered by the **Kansas Department of Wildlife and Parks (KDWP)** and the **Federal Highway Administration (FHWA)**. **Karen** explained that the **City of Wichita** owned the land and the land was relatively remote with low population density. **Karen** stated that the off-road market was a 55 billion industry and this concept would provide new recreational opportunities for citizens.

**Larry presented** information on the site location, which is located at 77<sup>th</sup> St. North and 111<sup>th</sup> St. East. There is roughly about 1,400 acres; the potential site is located on the far eastern portion of the land. The potential project will utilize about 240 acres of the land. **Larry** stated that this was a thumbnail sketch of what they are proposing to do with the land. They are looking at (3) different activities for off-roading that will include ATV primarily, motor cross, motorcycling, and possibly 4x4 trucks. On the southeastern portion there is an existing homestead that the **City of Wichita** owns which was originally a ranch and there is an existing home with some utilities. They are looking at placing the **Home office** there with the RV area not far from that location. The ATV area would be northwest of that and will focus on training and safety. The larger portion of the land will be utilized for potential 4x4 trucks.

One **member** of the public, **Bruce Bodecker**, had several concerns regarding project: (1) property loss value, (2) public utilities, (3) water/Soil conservation, (4) noise, trash, potential crime coming to area, (5) island annexation, (6) landfill issues. Mr. Bodecker stated, once you put a park out there you will be breaking state statues due to putting a facility out there without public utilities. He also stated that this is a county issue not a city issue.

**Larry reiterated** that this was just a concept design and they did not have all the answers at this time. **Karen** stated that they would look into these issue as they move forward with the project. **Board Member Weddle** inquired about why they were asking the DAB to vote if they did not have all of the facts present. **Larry** stated that they were asking for a vote on the concept. **Board Member Weddle** then stated that we would vote on a concept and then this would be set in stone. **Larry** stated that they were presenting this tonight to see what the DAB's feelings would be about this potential project.

**Board Member Weddle** then asked the question pertaining to source of water. He stated that rural water near the site would not be able to support project. **Board Member Frutigier** asked about operational hours pertaining to lighting the potential site at night. **Karen** stated that it would be used for daytime use only. **Board Member Frutigier** stated that he could see a big impact if you tried to light the potential park up at night. He also asked where are the people doing this now? **Officer Oblinger** expressed that they are doing it in Valley Center at a site near his home. **Larry** did not comment on the park in Valley Center

**Action Taken: No action taken, this item will be brought back to the DAB on January 9<sup>th</sup>, 2008 for recommendation.**

##### **5. Payday Loans**

**Melody McCray Miller** failed to show for DAB meeting.

**Action Taken: No action taken:**

##### **6. Neighborhood Inspections**

**Julie Irvin, Field Supervisor** presented information on the upcoming merger between OCI and Environmental Services. **Julie** first spoke about the vacant/neglected Building Ordinance that has been in place for about a year. This Ordinance was passed to accomplish two or three goals. (1). Provide the City of Wichita an avenue to address out of state homeowners. (2). Assist in getting properties up to compliance which in return would decrease “**blight**” in certain areas of the City. (3). Provide non-profit agencies access to these type of properties. When this Ordinance was started they identified (**788**) properties that were not in compliance with City codes. Out of that (274) properties were closed. There initial goal was a 10% in reduction but they have accomplished about 35%.

**Julie** spoke about the merger between OCI and Environmental Services. OCI has been dealing basically with residential zoning and existing housing cases. Effective January 2<sup>nd</sup>, 2008 Environmental Services Inspectors that work with tall weeds/grass, junk, debris and inoperative vehicles will become neighborhood inspectors. Once the merger is complete they will have (19) inspectors to cover (19) areas. They hope to provide easy access for the public and not take up additional dollars by sending (2) inspectors out. Hopefully, this will enhance the services that they

provide. The transition should take about a year, as they will have to cross-train everyone. **Chairman Joe Johnson** thanked Julie for her presentation.

**Action Taken: Received and filed.**

#### **7. ZON2007-00054**

**Bill Longnecker, Planning Department, Russ Ewy (Agent)**, presented information on the request for a rezone change from SF-5 Single Family Residential to LC Limited Commercial generally located south and west of the intersection of Calhoun Drive and Kellogg.

**Chairman Joe Johnson** asked **Bill** if this item had already been to MAPC. **Bill** explained that this item went to MAPC on November 15, 2007 and was approved unanimously. The protest period ended last Thursday November 29, 2007 without any protest for the zone change or the CUP. **Bill** presented a diagram requesting a re-zone of 0.15 acres. Current zoning is "LC" Limited Commercial, "GC" General Commercial, "SF-5" Single-Family Residential.

**Bill** stated that these are (2) existing car dealerships and the CUP will form a replating process that would vacate a portion of Whittier Road that runs between Calhoun and Gouverneur. This would allow the (2) dealerships to merge together. There is a plat that is currently going through the process. Access control shall be as shown on the plan. There will be (1) main entrance unto Kellogg Drive, (3) entrances unto Calhoun, and (1) main entrance unto Gouverneur. There will be a (6) ft. masonry wall put up, landscaping consisting of trees over (20) ft. **Chairman Joe Johnson** asked where the single family housing was. **Russ** identified (1) Single Family home that was displayed on the diagram. **Russ** states this item would have went to City Council on December 18, 2007 but were deferred at the request of **CM Schlapp**.

**Action Taken: Receive and file: No vote taken or recommendation provided from DAB Board due to no quorum.**

#### **8. CON2007-00038**

**Bill Longnecker, Planning Department**, presented information on the request for a conditional use for an accessory apartment, generally located west of 127<sup>th</sup> Street East, north of Douglas Avenue, on the east side of Jackson Heights Street.

**Bill** stated that this item was heard and passed (12-0) by the Planning Commission on October 18, 2007. **Bill stated that there is (1) protest on this case.** The property owner protested that the applicant would not have to pay the assessment for the water and sewer connection for a separate residence. One condition that they have for an accessory apartment is that water and sewer remain on the same service line as a primary structure. This procedure prevents it from being sold off as a separate structure dwelling. **Bill** states the unusual thing about this particular case is the property owner at this point has a non-conforming mobile home on this land, which OCI requires to be registered annually. The property owner wants to build a modular home or residential design manufacture home on the site which will become the primary residence and the legal non-conforming building will then become a temporary accessory apartment which will be taken off the site in (90) days when care of the applicants parents is no longer required. **Bill** states once the property owner's parent's leave; the property owner has (90) days to remove mobile home.

**Bill** states there is (1) property to the north left that has protested this item, which is the reason why this went to City Council. The property owner is not here and was not at the MAPC but did turn in a valid protest. **Board Member Goodpasture** asked if the accessory apartment would be on a permanent foundation? **Bill** stated yes it would be on a permanent foundation. It will become the primary residence and typically accessory apartments are always placed on a permanent foundation although the County does allow temporary accessory apartments for medical distress within a family.

**Chairman Joe Johnson** asked if there were any questions. The DAB had no questions for **Bill**.

**Action: No vote taken or recommendation provided from DAB Board due to no quorum.**

## **BOARD AGENDA**

### **9. Updates, Issues, and Reports**

With no further business, the meeting adjourned at 9:10 p.m.

The next DAB II meeting will be **Wednesday January 9<sup>th</sup>, 2008** at the Rockwell Branch Library.

Respectfully Submitted,  
Antione Sherfield, Neighborhood Assistant

### **Guest**

Officer Oblinger  
Farther H. Setter  
Becky Tuttle  
Diane Tuttle  
Bruce Bodecker  
Sonja Armbruster  
Tom Roth  
Diane Ward  
Ty Kane