

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, September 10, 2007

7:00 p.m.

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

Members Present

Council Member Lavonta Williams
Treatha Brown-Foster
Gerald Domitrovic
Gail Finney
Lori Lawrence
Debra K. Miller Stevens
Janice Rich
Steve Roberts
Benjamin Stiff
Adam Thomsen
Shontina Tipton*

Members Absent

James Thompson

Guests

Ramona Jefferson, 1701 N. Volutsia
Beverly Domitrovic, 1219 GW Blvd
Janet Wilson, 1152 N. Estelle
Patricia Fields, 1910 E. 22nd Street
Adelaide Fowler, 4703 E. 27th St. N.
Gene Rath, MKEC Engineering
James Roseboro, 4518 Greenbriar
Shirley Knight, 1101 N. Estelle
Ray Fowler, 4703 E. 27th St. N.
Drusilla Triplett, 1601 N. Estelle
Clara Perry, 1423 N. Poplar
Richard Perry, 1423 N. Poplar
Brenda Stevenson, 4723 East 20th St. N.
Jane Eshelman, 2609 N. Pershing

***Alternate**

City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant
Dale Miller, MAPD
Officer Schwiethale, WPD
Officer Nienstedt, WPD
Officer Kimble, WPD

Order of Business

Call to Order

Council Member Williams called the meeting to order at 7:00 p.m. and welcomed the guests. She then asked if anyone present wished to be added to the Public Agenda. **Clara Perry, 1423 North Poplar Avenue**, requested to be added.

Approval of Minutes

Roberts (Brown Foster) made a motion to approve the minutes as submitted. Motion carried 8-0.

Approval of Agenda

Roberts (Tipton) made a motion to approve the agenda as amended. Motion carried 8-0.

Public Agenda

1. Dog Fighting

Mr. John Polson was not present to discuss this issue.

2. SAV A Lot Store

Clara Perry, 1423 North Poplar, addressed the board stated that she lives directly behind the SAV A Lot Store located at 13th & Grove. Their concerns are with: lots of noise from the trash dumpsters, increased traffic, trash and debris that blows in the neighborhood from the dumpster, flood lights that remain lit until 1:00 a.m., the load humming of the AC unit, the horrible smell from the garbage trucks, and 18 wheeler trucks the drive down the street and shake the houses.

Mrs. Perry stated that this is the only store in Wichita that was built so close to residents. The issues they are facing now were brought to the attention of many within the City of Wichita, but all ignored their concerns and did nothing. She and her husband are living in hell with many other neighbors who unfortunately could not attend.

Council Member Williams thanked Mrs. Perry for appearing before the board.

Miller Stevens (Roberts) moved to receive and file. Motion carried 8-0.

3. Off Agenda Items

No items submitted.

Staff Reports

4. Police Report

Officer Schwiethale, 22 Beat, provided the following report: 1) there has been an increase in thefts/vandalism in the downtown area. As a result, a Business Watch was established and crime has decreased; 2) 10 complaints were reported due to the homeless issue at Heritage Park. The bus shelter is now at a different location other than the Main Library; 3) skate park – a mentally ill citizen was charged with battery and taken to the hospital; 4) a proactive approach is being taken to educate skateboarders as to the rules and regulations they must follow. The Park Department is paying for “No Skate Boarding” signage.

(Officer Schwiethale’s response is in italics)

Council Member Williams stated that she appreciates what they do. She had gone to staff and the Park Department to inform them that there was no signage in the skate park that indicated where the skaters could or could not skate. It is good to know that signage would be available. **Finney** asked if there was a fine associated with the skate park? *Yes. \$80 plus we could take the skateboard for a week and picked up by the parents.* **Roberts** inquired about the 10 complaints for the homeless. *The reports were from employees being asked for money and in the mornings, the homeless were camped out near the businesses.* **Roberts** suggested that they consider placing signage indicating where they can skate as well. *I will forward your suggestion to Tim Martz.* **Brown Foster** asked if they handle arson around the arena site? *Arson is handled by the Fire Department, although it is a crime.*

Officer Nienstedt, 38 Beat, provided the following report: 1) Non-residential burglaries increased with theft occurring in detached garages. Lawn mowers, weed eaters, etc., being stolen (two in the 600 block of North Belmont and 1 on Rutan); 2) residential burglaries are down 13.2% from last year; 3) larcenies on 31 and 38 Beat: punching/drilling holes in gas tanks of cars (13 from June – August) between Central and Oliver and incidents near Douglas; 4) citywide auto thefts up 120% in July. 38 Beat hit hard with 25 thefts year to date; and 5) case resolved for 8 businesses that were hit between Central and Oliver. Hit were beauty salons, jewelry and trinket stores, etc.

Officer Paul Kimble, 47 Beat reported the following: 1) 42 Beat has a new officer that recently took the beat, Officer Feuerborn; 2) 43 Beat is open; 3) 45 Beat, Officer Gerdes, has seen an increase in residential burglaries; 4) 47 Beat, has experienced residential burglaries in vacant/occupied structures. Vacant structures have the theft of copper and the occupied structures, such as churches; there is the theft of AC units. These properties need heavy-duty chain link fences surrounding them, 5) Officer Patton, Beat 44, working on blight and burglaries. 25th & Estelle was hit twice in the same week. Also, there are gang related issues on 2700 block of North Green and 1700 East 23rd Street.

Williams (Roberts) made a motion to receive and file. Motion carried 8-0.

Unfinished Business

5. CON2007-00030

Gene Rath, MKEC Engineering Consultants stated that he is appearing before the board, as this item was deferred until September 18th to allow Northeast Heights Neighborhood Association time to review the plans. He added that there were questions raised at the neighborhood meeting regarding notification of this project by the City of Wichita and Dale Miller would address that issue.

Dale Miller, MAPD, introduced **Dan Norman, Campus Crest**, showed pictures of student housing complexes in other cities and states, introduced the proposed site plan and aerial view with 192 units, 10 apartment buildings, fitness center, basketball/volleyball courts, community room, and coffee shops. The apartment complexes are two and three bedrooms with Internet access and washer/dryer hookup. Each student will rent a bedroom. In addition, there will be Lifestyle Programs offered to teach the students life skills.

Mr. Norman then stated that he was asked to downzone by the City of Wichita. He apologized that some residents were missed in the notification, but he had the opportunity to explain this project during the neighborhood association meeting.

(Mr. Dan Norman's response is in italics)

Domitrovic asked if the people who attended the association meeting were notified? *I was asked to set up a meeting with the neighborhood association group and worked with City staff that sent out notifications.* **Tipton** asked if a traffic study was done prior to the neighborhood association meeting? **Mr. Miller** responded no. Ms. Tipton also asked if there would be on-site security, which will monitor the complex, and will the police be notified when disturbances occur? Lastly, is there an age requirement for the students? *There would be on-site staff to monitor the activities and the residents. The police would be called if necessary like with any other area. As far the age of the students, the age does not matter. They just have to be full-time students with no children.* **Thomason** asked about the age of the other complexes presented, would the complexes have secure gating, what is the percentage rate for students, and how many 3-bedroom and 2-bedroom apartments are there, and will it be required for all three residents to have student identification, as someone could attend for one semester and then discontinue going to school? *Our oldest complexes are more than 10 years old. There will be secured gates with each area requiring a key to access the premises. The rate of students is 100%. There will be 72 two-bedroom units and 102 three-bedroom units. As far as the students, they will police themselves. If someone no longer attends school, the word will get around.*

Benjamin Stiff arrived at 7:42 p.m.

Rich asked what the neighborhood association thought of the apartment complex? *By the end of the meeting the project was well received.* **Miller Stevens** asked why would the applicant bother to rezone this property if they are allowed to build what they want under the current zoning? Mr. Miller responded that unless the zoning is changed, businesses could come into this area and build what they want under LC zoning. The downzoning is more restrictive, yet allows the apartment complex. **Roberts** asked would they have to a CUP, why not perform a traffic study, and was it taken into consideration that there would be three persons per apartment? **Mr. Miller** responded that a CUP would not be needed if downzoning and that they used the Uniform Traffic Generation plan, which are national standards. These standards take into consideration the area

and the population. **Stiff** inquired about the level of disturbance for units this size. *Those incidents would vary. However, the worse case would be burglary, speeding through the area, etc. The incidents would be treated no differently than any other apartment complex. When activities occur, the police are contacted.*

Several citizens made the following comments:

Janet Wilson, 1152 North Estelle, asked if they had accounted for single parents, do you have a green plan for this area, and would the clubhouse be used for parties? *We do not allow children to reside in the apartments. Yes, we do have a green plan that has met the codes/standards of the City of Wichita. We do plan to jazz the area up with additional greenery. As far as the clubhouse, it will be for meetings and not for on-going parties.*

Brenda Stevenson, 4723 East 20th Street North, presented statistics from properties developed by Campus Crest in other cities. She stated that the Grove – Ashville complex has 90% students and 10% anyone. She found that that complex has allowed one child. The Grove – Georgia allows anyone to rent and uses the Fair Housing laws as the reason. The Grove – New Mexico also has 90% students and 10% anyone. Grove – Abilene does not have the endorsement of the University of North Carolina, as they do not endorse out of state housing. She added that in speaking with Wichita State University, they have said the same and do not endorse this project. Mrs. Stevenson also addressed the floodplain and where the water will go when it rains. It is her thoughts that there is a reason why no one has built on that property in 50 years and she is concerned with the project. *We cannot add any more water than what is there by law. To address the water issue, we are building detention facilities that will cycle the water. The City has approved the drainage study submitted, so I think we are doing all that we can to address that concern. We do adhere to FHA standards, but we only rent to students. We are in Chapel Hill and not in the area you mentioned for UNC.*

James Roseboro, Northeast Heights Neighborhood Association, stated that he was concerned with the following: 1) lack of proper notification for the surrounding residents; 2) increase in traffic, wear and tear on the streets, maintenance and repair of the streets; 3) Rainbows United and the Boy Scouts have facilities in the area that generate traffic; 4) Chisholm Creek flows south and the area cannot handle the current water flow; 5) quality of life and property values are at risk. If homes are damaged, who will repair them; 6) ecological impact to the wildlife; 7) the economic impact; and the posting of the signage was incorrect. He ended by stating that Northeast Heights Neighborhood Association requests that this application be denied and proper notification be put into place.

Jane Eshelman, 2609 North Pershing, commented that she is an employee of Wichita State University and she is aware of others that have attempted this same type of project and failed. The university had to buy out the Wheat Shockers complex. *We are a private company, as opposed to the Wheat Shockers.*

Additional questions were raised concerning water run-off, the detention pond, and the FHA requirements.

Brown Foster asked Mr. Roseboro if the neighborhood association have a plan for this property? He responded that they would like to see a retirement center or home for seniors, a public fishing pond, or just leave it with green space with a pond/lake.

Williams stated that the decision before the board is to approve or disapprove the zoning from LC to MF-29. If they rezone to MF, this eliminates major business development along Oliver. Businesses, such as, Wal-Mart type structures.

Domitrovic made a motion to approve the zone change from LC to MF-29. Motion **failed** due to the lack of a second.

Brown Foster remarked that she wanted the residents to understand that not changing the zoning would result in developers being able to build what they want and that the down-zoning would have been more restrictive. She added that without the neighborhood association having a written plan for this area and not providing information as to what is preferred and how it might be implemented, it ties the hands of those who would like to assist with them getting what they want. In regards to the water drainage, the City Manager would ensure that the drainage and flooding issues are addressed in any development within the city. **Stiff** stated that he agreed with those comments and would not like to see a Wal-Mart in the area. While he is worried about the flood plan, he would not like to see a major retailer in the area. He later apologized for not providing the second to the motion.

New Business

6. **DR2007-05: Proposed Amendments to the Unified Zoning Code Pertaining to Wireless Communication Facilities**

Scott Knebel, MAPD, presented the amendments to the Unified Zoning Code for wireless communication facilities. The amendments include: 1) eligibility of properties for administrative approval of tower placements (designated on map); 2) adjustments to the height and setback criteria for administratively approved towers. All towers would have to comply with low density. The height requirement has decreased in General Commercial designated areas; 3) the cost of the tower would be excluded from the requirements of approval due to the expense to build; 4) technical clarifications are included regardless of property's zoning; 5) include updates to the aircraft warning light regulations to comply with changes Federal regulations, which require over 200 feet in height; and 6) include technical clarifications regarding the parties responsible for the removal of unused towers.

(Mr. Knebel's response is in italics)

The board asked the following questions: 1) where can the towers be placed in District 1? *On any property, the way the code is written. However, it depends on the zoning of the land. The proposed changes significantly reduces where they can be built;* 2) Can towers be built in any part of the city? *If approved. Anyone can apply for a permit to build on any property;* 3) Do we know what is in the Master Plan? *The Master Plan is a 60-page document that spells out the requirements for wireless communication and facility location. This plan was adopted by the City Council in 1999 and a copy is available on the website;* 4) Does the changes remove power from the DAB? *No. The changes limit City staff to approve without a hearing. Only designated properties on the map are available for due diligence;* 5) What is the height requirement for a tower? *Most are over 100 feet, but can be 100 – 150 feet;* and 6) Will the towers be disguised? *Some will and other will not. That is not a requirement, however, we usually know where the disguised towers are located.*

The board expressed concerns with the request for parkland, the allowance of too many towers throughout the city, and the allowance of too many towers in District 1.

Roberts (Brown Foster) made a motion to approve the proposed amendments to the Unified Zoning Code pertaining to the regulation of wireless communication facilities. Motion carried 9-0.

Board Agenda

7. Updates, Issues, and Reports

- **Lawrence** announced the Uptown NA Halloween gathering would take place next month.
- **Tipton** has an extra ticket to Neighborhood University, if someone would like to attend. She also announced the National Association for Colored Women's Annual Make A Difference Banquet, November 3rd; 6:00 p.m., St Mark United Methodist Church. Tickets are \$25.00. Call 393-7286 for tickets. **Williams** added she has tickets for sale for the Neighborhood University.
- **Roberts** announced that Crestview Heights NA would meet September 20th; 7:00 p.m. Guest speaker is Council Member Williams.
- **Brown Foster** announced Northeast Millair NA would meet September 15th; 3:30 p.m., Patrol North. Kathy Williams, Sexual Assault Center, would present on Domestic Violence and Sexual Assault.
- **Domitrovic** announced Schweiter Days would be held on September 22nd from noon to 3:00 p.m.
- **Stiff** apologized for not providing a second to the vote on the zoning case for 29th & Oliver. He stated that he should have shown leadership by doing that and he did not follow his conviction.
- **Gilkey** announced the Community Unity Day, October 13th, Noon to 8:00 p.m. She asked for volunteers for that day. She also announced the District 1 Town Hall Meeting on Saturday, November 3rd, WSU Hughes Metroplex, 11:00 a.m. – 2:00 p.m. A survey is being circulated to obtain the top three topics for discussion.
- **Janet Wilson, A. Price Woodard NA President**, thanked everyone for coming to the National Night Out for their area. Also, their neighborhood cleanup is scheduled for September 22nd and 29th, 7:00 a.m. – Noon. Dumpsters will be located on 11th Street.
- **Williams** announced the dedication of the Boys & Girls Club on September 20th. She would see if the board is invited. Also, the District I Coalition Breakfast Meeting will be October 6, 2007, Ryan's Restaurant and the *DAB I will be October 1, 2007, WSU Metroplex, 29th & Oliver, Suderman Room.*

With no further business, **Roberts (Tipton)** made a motion to adjourn. Motion carried 9-0. The meeting adjourned at 9:08 p.m.

Respectfully Submitted,
Virgena Gilkey
Neighborhood Assistant