

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, August 6, 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
James Thompson
Adam Thomsen
Shontina Tipton*

Members Absent

Guests

Joann Hartig, 1756 S. Main
Beverly Domitrovic, 1219 GW Blvd
John Stevens, 3125 E. Boston
Patricia Fields, 1910 E. 22nd Street
Mary A. McDonald, 1654 N. Lorraine
Shirley Benton Kelley, 2217 E. 1st St.
James Roseboro, 4518 Greenbriar
Shirley Knight, 1101 N. Estelle
Gene Rath, MKEC Engineering
Lesla Adams, 1329 Mathewson
Willie Burton, 2356 N. Poplar
Bev Griffin, P.O. Box 2725
Eugene Smith, 2220 N. Roosevelt

*Alternate

City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant
Officer Ryan, WPD
Donna Goltry, MAPD
Derrick Slocum, MAPD

Order of Business

Call to Order

Council Member Williams called the meeting to order at 7:03 p.m. and welcomed the guests. She then asked if anyone present wished to be added to the Public Agenda. **Cecile Kellenberger, 5932 East 39th North**, requested to be added.

Approval of Minutes

Roberts (Brown Foster) made a motion to approve the minutes as submitted. Motion carried 10-0.

Approval of Agenda

Roberts (Tipton) made a motion to approve the agenda as amended. Motion carried 10-0.

Public Agenda

1. NUSA Presentation

Council Member Williams presented a PowerPoint presentation on the 2007 NUSA Conference held in Baton Rouge, Louisiana. City staff and District Advisory Board Members represented the City of Wichita and presented a session on the Citizen's Academy, which is an 8-week program designed to inform participants about local government.

From the survey results, 69% of the attendees said the session was very useful and 28% rated it as useful; 79% thought the academy could be replicated in their city; and 72% rated the presentation as outstanding and 28% good.

The presentation ended by describing the sessions attended by the presenters, the bus tours, and the benefits of the NUSA Conference.

The board received and filed.

2. Off Agenda Items

Cecile Kellenberger, 5932 East 29th, a representative of Prairie Travelers, stated that she appeared before the board two years ago concerning the Federal Transportation Enhancement Program. In 2003, Prairie Travelers received a grant and plan to apply for a \$7 million grant to be awarded in 2009, as a 20/80 matching program (20 City/80 federal). The deadline for the application is October 31st.

Ms. Kellenberger stated that she has spoken with Council Member Williams and Scott Dunakey, Transportation, concerning the area of 13th to 17th, Oliver to 17th, which is a 3-mile stretch of land out of the Rail Bank total of 11 miles. She asked that the board support this effort for the grant funding for approximately \$379,000.

(Ms. Kellenberger's response is in italics)

Williams commented that the City is reviewing the overall project and the availability of funding. She encouraged Ms. Kellenberger to continue her collaboration with the City. **Stiff** asked about the total cost of the project. *The cost is approximately between \$250,000 - \$500,000. A land use plan has to be created before the actual cost can be established (water fountains, trees, landscaping, etc. must be figured in).*

Roberts (Brown Foster) made a motion to receive and file. Motion carried 10-0.

Staff Reports

3. Police Report

Officer Ryan, 31 Beat, reported the following: 1) encouraging residents to call Donna Phoenix, OCI, at 268-4481 and report graffiti tagging and send an e-mail to the Community Police Officer in that area; 2) Officer Schepis, Patrol South, reported that aggravated assaults and residential burglaries are up and there were 6 auto thefts; 3) the Hyde Park NA will host a neighborhood cleanup in June; 4) WPD continues to saturate Old Town with foot/vehicle patrols on the weekends. They are also running undercover ops for urination in public and other crimes.

(Officer Ryan's response is in italics)

Brown Foster asked if the six auto thefts were from cars left running? *I would have to look at the reports to answer that.* She also asked about gang activity downtown. *SCAT has two places with reoccurring problems – one is Happy's on east Douglas. Enforcement efforts are ongoing to address any issues.*

Roberts (Tipton) made a motion to receive and file. Motion carried 10-0.

Unfinished Business

4. CON2007-00028

Derrick Slocum, MAPD, explained that on Thursday, August 2nd, the MAPC denied the applicant's request and that he has no additional information to add from the previous DAB meeting, when this item was deferred.

(Mr. Slocum's response is in italics)

The board asked the following questions: 1) what are the applicant's options at this point? *Under Class A, he can open a restaurant, open a Class A Club (fraternal organization), or he can open with 50/50 food and beverage;* 2) did he give any indication as to what he plans to do? *Not during the MAPC meeting. We have not heard from him since that time;* 3) is there a procedure he has to follow to let the City know of his plans? *There are many procedures he would have to follow. For example, he must obtain a liquor license to operate a liquor establishment;* 4) is there anything you can do to make him put up a high fence on the west side of the street and also a no parking sign? *Yes. The fencing requirement could be a Conditional Use;* 5) noticed a vacant lot directly south of the property. What is that for? *That is his parking lot. In the 1990's, the owner obtained a Conditional Use for parking;* 6) would you keep us informed as to what happens on this property? *Yes.*

Donna Goltry, MAPD, added that the applicant has a two-week protest period to object to the MAPC's ruling. This two weeks is provided before the case goes to the City Council.

Office Paul Kimble reported on the survey he conducted with area residents. The survey was conducted with residents living in the 1200 – 1400 blocks of North Lorraine and 1300 – 1400 North Chautauqua. The results from the five-question survey (28 residents responding) revealed that the majority (23 out of 28) do not want the establishment in their neighborhood, felt like the closing was a positive change, and that reopening a club would cause negative results for their area.

Shirley Knight, 1101 North Estelle, commented that her 94-year old mother lives across from the old Antler's Room and was negatively affected by the traffic, noise, and the police chases where people would run on her porch or on her property when running for the police. Personally, they do not want the club to reopen.

Roberts (Brown Foster) made a motion to deny the request. Motion carried 10-0.

New Business

5. CON2007-00034

Derrick Slocum, MAPD, explained that the applicant seeks "GC" General Commercial zoning on a .26-acre lot located northeast of the Harry and George Washington intersection. The "LC" zoned site was a former fire station, and is now developed with a vehicle repair business. Vehicle repair, limited is a permitted land use under the current LC zoning. The applicant now wishes to do auto bodywork, which falls under the definition of vehicle repair, general, and requires GC zoning. The site received a Conditional Use in 1999 permitting outdoor vehicle sales limited to three vehicles. Also, the application area has "GO" General Office, "B" Multifamily Residential, and "TF-3" Two-family Residential zoning to the north, with an apartment building and single-family residences immediately north of the site. South of the site, across Harry, is an LC zoned commercial area. Southwest of the site, across Harry and George Washington, is the "LI" Limited Industrial zoned Coca-Cola bottling facility. East of the site is an LC zoned commercial

area. West of the site, across George Washington, is an LC zoned restaurant and commercial area. Based on the their findings, MAPD recommends denial of the request.

(Mr. Slocum's response is in italics)

The board asked the following questions: 1) does the applicant want to make this a paint shop? *We were told that this would be a paint and auto bodywork shop;* 2) assuming there are rules that apply to painting, for example, ventilation, etc. that would be considered? *Yes, there are regulations under the Unified Zoning Code that must be adhered to;* 3) the letter from the apartment mentions noise. Is there anything for restrictions on hours of operations? *Noise is more of an OCI issue than a Planning issue;* 4) would a Conditional Use make this General Commercial? *No. A Conditional Use could be used to permit certain types of work.*

Miller Stevens (Thompson) made a motion to deny the request. Motion carried 9-1 (**Domitrovic**) to deny the request.

6. CON2007-00030

Donna Goltry, MAPD, explained that the applicant seeks "MF-29" Multi-Family Residential zoning, which is down zoning from the current "LC" Limited Commercial. The application area is approximately 10.94 acres of land zoned "LC," Limited Commercial located west of Oliver Avenue and south of 29th Street (extended). The application area is undeveloped, and the current owner owns approximately nine additional acres located contiguous to the subject site that are zoned "MF-29," Multi-family Residential and "SF-5," Single-family Residential. The applicant is seeking "MF-29" zoning in order to develop an apartment complex.

She further explained that the existing "LC" zoning is thought to have been established in 1958 with an area-wide commercial initiative that granted "LC" zoning on many corner properties located at the intersection of section line roads. The application area was part of the Greenbriar Manor Addition, recorded in 1960, until a portion of the plat containing the subject tract was vacated (VAC2002-19) in 2002. ZON2004-33 was a request to down zone the property from "LC" to "SF-5" Single-family Residential. ZON2004-33 was not completed and was withdrawn in 2004. SUB2007-56 is an application to replat the site as Campus Crest Addition that was heard by the Subdivision Committee on June 14, 2007, and is scheduled to be heard by the MAPC on July 5, 2007.

Lastly, Ms. Goltry stated that the drainage issues related to Chisholm Creek explains why the area has set so long and not been developed. Also, there is a major pipeline that dissects the property. Staff recommends approval of the request.

(Ms. Goltry's response is in italics)

The board asked the following questions: 1) is the drainage area in the flood plains? *In reviewing the Conceptual Site Plan, there is both a flood way and a flood plan. The flood way is a place where the channel flows and the flood plan states that there is a 1% chance of a storm rising above the banks. This is outlined in the 100 year plan;* 2) do we customarily allow people to build under these conditions? *The applicant's conceptual site plan depicts 10 individual apartment buildings plus a clubhouse. There are to be 192 units. The tallest building is to be three stories in height. The project will provide 560 parking spaces or 2.9 spaces per dwelling unit, which exceeds code minimums of 1.75 spaces per unit. All of these structures are to be located outside of the 100-year floodplain;* 3) Explain the major pipeline you mentioned. Can you build on that area? *There is a natural gas line located on the property. However, no building would be built over that area;* 4) are there two proposals? *Only one - to build apartment complexes.*

Gene Rath, MKEC Consultants, explained that Campus Crest develops apartment for university and campus students. The 11 buildings and 192 units would include 2 to 3 bedroom apartments. These apartments are geared to the WSU campus and would strictly be student housing. They could have built with “LC” zoning, but went with down zoning to match an existing strip of land zoned MF-29.

He added that there are two pipelines, New Star and Jay Hawk, on the land. The units cannot be built within 25 feet of the pipelines according to Federal regulations. He then explained the lay out of the facility, 550 parking spaces, and the buffering.

(Mr. Rath’s responses is in italics)

The board asked the following questions: 1) is this strictly student living? *Yes. That is what Campus Crest builds;* 2) still concerned with the pipelines. Is this like the one in Hutchinson? *Not at all. There would be no building within 50 feet of the pipeline. There may be some landscaping.* **Ms. Goltry** added that there would be no transmission lines and that she only mentioned the pipelines because that is the reason why the site has not been developed for 50 years; 3) who would incur the additional cost to avoid the pipeline? *An example of this is the Target Store that was built around the same Jay Hawk pipeline. By law, you can build within 25 to 50 feet of the line. Jay Hawk lines are buried 6 feet deep, but the requirement is only 4 to 5 feet. Campus Crest proposes to build 50 feet from the pipelines;* 4) are there any pictures of the proposed plan, landscaping, etc? *I can only show you examples of their work. This is a zoning request change. The project does not have to go through a site review process;* 5) are there two entrances and exits? *There is a total of two locations with both in and out access using a gated structure;* 6) would like to see a better plan as to what the buildings will look like before voting. *The architect is working on the site plan. Tonight is for the zoning only;* 7) any idea what the apartments would rent for? *No idea.*

James Roseboro, 4518 Greenbriar, stated that he is the representative for the Northeast Heights Neighborhood Association and made several points: 1) only found out about this proposal this past Wednesday and the case was heard as early as June 14th and approved by the MAPC on July 5th. The neighborhood residents and the association should have been notified long ago; 2) received an e-mail from the church that owns the land; 3) discovered that there has been a sign in the field for 3 days that no one could see; 4) would like for the board to request that MAPC send notification to the neighborhood associations. This is the 4th time this has happened in the past 10 – 12 years; 5) In 2002, there was a single family proposal that was dropped due to water sampling results; 6) have documentation that this company was fined for water run off on the west side of town in 2004; 7) this is a high density area, where would the water go; 8) the association and residents lost the opportunity to express themselves to the MAPC, which should never happen; 9) 67220 had the highest property appraisal value in the city and having 192 students in this area would devalue the neighborhood; 10) the traffic impact should have been considered, as 21st & Oliver is a high impact crash area; and 11) with 48 buses per day in the area, Rainbow United now causing additional traffic concerns, and the regular flow of traffic should have been considered when considering adding an apartment complex in the area.

Lastly, Mr. Roseboro also expressed that this case was passed when District 1 had no City Council representative to watch out for the district. He stated that he is not against development in the area, just would not want to see apartments. There are already 11 high-density developments for low-income residents from 17th Street to 39th Street.

Officer Paul Kimble added that students have the tendency to party, which would cause problems not only for the residents, but police as well. He asked who would manage the property

and how many students will be allowed in each apartment? Those questions should be answered before the complex is built.

Ray Fowler, 4703 East 27th Street, commented that he found out about this case last night and he lives across the street, where he has lived for 20 years. His backyard floods whenever it rains and he asked that the flooding be addressed before anything is built.

Adelaide Fowler, 4703 East 27th Street, inquired if there would be basements built and if so, would they interfere with the gas pipelines, as basements need to be dug deep. She also inquired about tornado shelters, the crime rate, and traffic. *Mr. Rath could not respond to these questions. Ms. Goltry responded that the gas line bisects the bottom corner of the site, which means single-family dwellings cannot be built there. No buildings can be built near pipelines. An example of this is in Tall Grass east. As far as storm shelters, building codes regulates those, which is not a part of the zoning case. Zoning and site plans need to be separated.*

Bob Scharg, 2725 North Dellrose, stated that he first learned of the project yesterday morning and the more he listens to this case the more he believes that there has been no market study conducted to assess the need for this type of housing. He also commented that he wonders if that area has the same water table as the surrounding area homes where sump pumps run frequently. Mr. Scharg wanted to know if a survey had been conducted on the water table in that field during rainy season.

Brenda Stevenson, 4723 East 27th Street North, commented that she would like an answer to the water table issue and stated that MKEC dug test holes recently to test the topsoil. She wanted those results. *Mr. Rath responded that there is a difference between ground water and flooding. The pipeline company was out to look at the pipeline and MKEC's dig was to find the property line for platting purposes. The flood way and flood plain has been identified and all buildings would be built away from that area. A drainage study would have to be conducted to determine the water run off concerns. Questions concerning the crime and basements cannot be answered, but there is no data to address the ground water concerns.*

(Ms. Goltry's response is in italics)

The board asked the following: 1) what are the rules for receiving notification? *State statue says notification must be provided for those living within 200 feet. However, when the size of the project has escalated, 500 to 1000 feet could be required;* 2) how many residents were notified about this project? *Twenty residents on Terrace and Pershing;* 3) would the lower zoning be more restrictive? *Yes;* 4) do they have options to build with current zoning? *Yes.*

Roberts (Lawrence) made a motion to deny the request. Motion carried 10-0.

Board Agenda

7. Updates, Issues, and Reports

- **Council Member Williams** reported: 1) that WSU would kick off the National Night Out at 4:00 p.m. on the south lawn of Koch Arena. The trolley would leave by 6:00 p.m. to tour participating neighborhoods in District 1. Spouses and/or friends are welcome; 2) District I Coalition Breakfast Meeting will be September 8, 2007, Ryan's Restaurant; 3) Next meeting of DAB I will be September 10, 2007, Atwater Neighborhood City Hall.

- **Stiff** stated that there is a discrepancy on how trash is picked up in the neighborhood cleanups. Roberts responded that it depends on how the president set up the cleanup using packers or skids.
- **Rich** reported the Hyde NA meeting for Saturday, August 11th. The YWCA and WPD are presenting the Project Butterfly Program.
- **Thomsen** commented that the K-96 NA is glad about his appointment to the board.
- **Brown Foster** reported that Northeast Millair NA would host their second cleanup on August 11th. She also thanked the Stevens and all who sent well wishes to her and her husband. He is out of the hospital and doing better.
- **James Roseboro, Northeast Heights NA President**, announced their cleanup on August 25th and the WIN Neighborhood University on September 15th.
- **Janet Wilson, A Price Woodard NA President**, invited everyone to their National Night Out on August 7th.
- **Beverly Domitrovic, Schweiter East NA President**, invited everyone to their National Night Out in their new park.
- **Joann Hartig** invited everyone to the Kansas Fire Museum, 6:30 p.m. – 8:30 p.m. to a tour on National Night Out.
- **Willie Burton, Matlock Heights NA**, asked that the City look at housing built along the drainage ditch along Grove Park, as erosion is occurring. He also addressed the bus shelters in an area that only have benches. **Council Member Williams** stated that the shelters were forthcoming and the benches were just the first phase.

With no further business, **Domitrovic (Roberts)** made a motion to adjourn. Motion carried 10-0. The meeting adjourned at 9:18 p.m.

Respectfully Submitted,
Virgena Gilkey
Neighborhood Assistant