

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, January 7, 2008

6:30 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
James Thompson
Tythan Miles*
Shontina Tipton*

Guests

Beverly Domitrovic, 1219 George
Connie Toms, 2201 N Belmont
John Stevens, 3125 E Boston
Om Chauahan, 31 Laurel
U.L. Rip Gooch, 12 Crestview Lakes
David Mollhagen, 3405 N Hydraulic
Eric Sexton, WSU
Anthony Suber, 1950 N Spruce
Robert Alfred
Tim Austin
Eugene Smith, 2220 N Roosevelt
Janet Wilson, 1152 N Estelle
Timothy Donnell Jr., 734 N
Minneapolis
Mary Jo Bond, 4024 Charron

City of Wichita Staff Present

LaShonda Porter, Neighborhood Assistant
Jess McNeely, Planning
Officer Nienstedt, WPD
Lt. Kenney, WPD
*Alternate

Order of Business

Call to Order

Council Member Williams called the meeting to order at 6:30 p.m. and welcomed the guests.

Approval of Minutes

Roberts (Tipton) made a motion to approve the minutes as submitted. Motion carried **10:0**

Approval of Agenda

CM Williams amended agenda to move item 4 to the end of the agenda to allow the presenter time to get to the meeting as he was presenting at multiple DAB meetings that evening.

Roberts (Brown-Foster) made a motion to approve the agenda with the amendment. Motion carried **10:0**

CM Williams welcomed everyone to the DAB meeting and asked that anyone wanting to speak, to please state their name and address for the record before addressing the issue.

Public Agenda

1. Agenda Items

No items submitted.

2. Off Agenda Items

OM Chauhan, 31 Laurel, addressed the Board regarding his concerns in the 44 Beat. He advised that he was an investor and this year he has not being able to complete any projects, due to the thefts that due occurred to his properties once they become vacant. He advised that he

normally is able to rehab three properties a year, but since they are stealing copper pipes and other utilities of the property it is more difficult for him to repair more than one property a year.

Mr. Chauhan expressed that there is a need for increased security in the area and that safety should be the key priority for everyone. He went on to state that property crime has become an epidemic and fundamental changes need to occur and safety should be the primary objective.

Mr. Chauhan stated that he has some simple solutions and would be willing to sponsor ordinances along with CM Williams if that would be helpful.

CM Williams asked Mr. Chauhan to call her office to make an appointment for them to discuss.

Staff Reports

3. Police Report

Lt. Kenny, Patrol South, advised that they are working on some ordinances to address copper theft. He also advised that he was reporting on behalf of Patrol South Officers. He reported that on the 25 Beat they were having problems with burglaries, however, they were seeing a reduction in the number of burglaries. **Lt. Kenney** stated that he did not have anything else to report and stood for questions.

Lawrence wanted to know if there were a lot of gunshots on New Years? **Lt. Kenney** advised that this has not been an issue in the last few years, the marketing efforts in regards to safety has really reduced these incidents.

CM Williams wanted to know if they are having trouble with the skate park. **Lt. Kenney** advised that we have not seen it since the colder season began, but one issue they are dealing with is kids skateboarding on the street. He advised that they are currently working on signage to address the issue.

Officer Nienstedt, Patrol East, also advised that flyers had been distributed for New Years, which also helped reduce gunfire issues. He reported that the 32 Beat has a new beat coordinator – Officer Doug Mitchell. Officer Mitchell does not have e-mail yet, but will be at the next DAB meeting. **Officer Nienstedt** also advised that non-residential burglaries are stilling occurring and that six burglaries occurred near Central & Edgemoor within a three-week timeframe. A suspect has been arrested and the burglaries have stopped.

CM Williams wanted to know if Neighborhood Associations had been provided flyers regarding gunshots and safety for New Years? **Lt Kenney** advised that some did. **CM Williams** asked if the Officers could send this type of information to LaShonda (Neighborhood Assistant) as she could help disseminate the information through her e-mail distribution.

Brown-Foster wanted to know more information about the incident at city hall. **Officer Nienstedt** responded that he did not have much information but the individual did have some issues with the Police and the City. He stated the incident started when the vehicle was left unattended with the music playing loud and when Officers identified the owner they requested that the music be turned down. An exchange of words occurred and the pursuit happened shortly after.

Domitrovic wanted to know what happened with the security machines. **CM Williams** advised that staff did a good job with getting things up running quickly. She stated that city hall is back to business as usual; employees and citizens entering the building as normal.

CM Williams thanked the Officers for their report.

Lawrence wanted to know if the city had insurance to cover the incident. **CM Williams** stated yes but it would take more than the insurance to cover the damages and that they are seeking assistance from the Federal government.

New Business

Jess McNeely, Planning Department, approached the Board and requested that item 6 be moved before item 5 as Tim Austin (agent) needs to leave early to attend another meeting.

Board motioned to accept the change to the agenda.

4. ZON2007-00058

Jess McNeely, Planning Department, presented the zoning reclassification request to change the property generally located northeast of the Oliver & Central Avenues intersection from Multi-family Residential to Limited Commercial. The intended use of the property is not identified however, the applicant would like to have the ability to develop the property and the Limited Commercial zoning allows for greater development.

McNeely advised that the adjacent zoning included single-family residences, vacant duplex to the north, vacant bingo parlor and liquor store to the south, single-family residences to the east, and apartment, office and convenience store to the west.

McNeely advised that staff is recommending approval of the request, contingent on the provisions of the Protective Overlay #120, being complete within one-year of the approval by the governing body. The Protective Overlay includes the following conditions:

(1)(a) Dedication of ROW along Oliver to meet the 50-foot of half street ROW standard for this intersection. (b) Dedication of cross lot access between the site and one of the applicants' abutting southern (bingo hall) property. (c) Dedication of access control onto Oliver Avenue and possible complete access control onto Glendale Avenue. All reviewed and approved by the Traffic Engineer, all accomplished either through the replatting process or by dedication of separate instruments.

(2) Because the site is partially in a FEMA flood area provide a drainage plan for review and approval by the Storm Water Engineer.

(3) No signage allowed along the north and east sides of the site, where the site is adjacent to residential development. No off-site signs. Monument signs are allowed per the sign code for the "LC" zoning district.

(4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.

Miller-Stevens wanted to know if there had been discussions about drainage, as it would be an issue as this location. **McNeely** advised that no study has been conducted regarding a drainage solution. The protective overlay however requires a drainage study since the land is already platted.

Tim Austin, (Agent) Poe & Associates, stated that they are in agreement with staff's recommendation and that they are currently looking at the drainage. He also stated that this land is apart of a bigger project.

CM Williams wanted to know if the developer would purchase the two homes on Oliver. **Austin** responded yes.

Lawrence wanted to know if the same person owns all of the area? **Austin** stated no, he does own one of the properties.

Tipton wanted to know if he had any idea of what the plans for the site might be? **Austin** advised that the developer is looking at several options; however, the solution to the drainage issue will drive a lot of the decision. **Tipton** asked if the developer could come before the Board when a decision has been made on the development of the site. **Austin** said yes they would.

Roberts (Brown-Foster) made a motion to approve the zoning request as recommended by staff. Motion carried **9:0 Miller-Stevens abstained from vote.**

5. ZON2007-00060

Jess McNeely, Planning Department, presented the zoning reclassification request to change the property generally located north of East 21st Street North, and west of North Belmont Avenue (2201 N. Belmont) from Single-family Residential to Neighborhood Retail. The intended use of the property is a Day Spa and Salon.

McNeely advised that the adjacent zoning included single-family residences to the north, Wichita State University to the south, single-family residences to the east, and single-family residence to the west.

McNeely stated that the applicant owns the property and could have this type of business in her home but with some restrictions. Personal care service can be handled under home occupation, but the restrictions would include no signage, no outside employees, and they could not sell products. **McNeely** further explained that surrounding landowners have protested the request (57%) and Wichita State University is also opposed to the zoning request. Additionally, MAPC heard the request on December 20th and denied the request as well.

Finney wanted to know if the applicant still had their business on Woodlawn. **McNeely** stated that was a question for the applicant.

Connie Toms, 2201 N Belmont, Applicant, advised that she has been in the business for 5 years and enjoys her work. She feels that the spa brings tranquility to the environment and would not cause a disturbance. She stated the property has ample parking; the business would not create traffic congestion or increased traffic in the area. The business would have eight cars in the area throughout the course of the day, as the service takes hours at a time. **Toms** explained that she wanted to move out of the Brittany Center because she is unable to bring peace and serenity to her customers due to her location.

Tipton asked if she knew the size of the lot for parking and if future parking would be at the rear of the house? **Toms** provided the Board with a copy of property layout and stated that future

would be in the rear of the house. She also explained that the customers would be able to enter the property from 21st Street or Belmont and that they only schedule 8 appointments a day.

Brown-Foster wanted clarification on whom her clientele included. **Toms** confirmed it was doctors, lawyers, and WSU employees. **Brown-Foster** stated so most of your clientele is professionals? **Toms** responded yes.

Rich wanted to know how many employees **Toms** had. **Toms** advised that she has three currently. **Rich** also wanted to know what business she was currently next to in the Brittany Center. **Toms** responded Access Lighting.

Finney stated that she was recently a customer and did not feel that the noise interfered with her experience. **Finney** also wanted to know if **Toms** had considered another location besides her home. **Toms** stated that no this is the only location that she was looking at.

Domitrovic wanted to know how many cars would be parked on the property at one time? **Toms** stated that it would 3 or 4 with employee's cars maximum. **Domitrovic** also wanted to know if she planned to do anything with signage or lighting. **Toms** stated she was in agreement with the Protective Overlay with no possibility of body piercing or tattooing venues. Additionally, she will make no structural changes but would like to put a sign in the yard.

Brown-Foster stated so your customers would be viewed as visitors of your home. **Toms** responded yes, it would be completely professional and quite.

Domotrovic also wanted to know what the hours of the business are? **Toms** responded 10:30 a.m. to 6:00 p.m.

Anthony Saber, 1950 N Spruce, wanted to know how the business would handle traffic when WSU has events? **Toms** responded that the business closed at 6p.m. and games didn't generally start until 7 p.m.

Mary Jo Bond, 4024 E. Charron Lane, Northeast Heights N.A., stated that the neighborhood association realizes that this is possibly a quite business, but what assurance do we have that this business will not change, or her plans wont change. **Bond** stated that at the MAPC meeting it was asked if there were other spas in homes and the applicant mention two locations; however, these spas are in homes that are in commercial areas.

Bond stated that we already have the Union Rescue Mission to east, a college student apartment going up with 192 housing rooms. This is already affecting the wildlife. Additionally, we have Wichita State University to the south of our single-family homes. **Bond** stated that they are hanging on to their single-family residential and would it here the way that it is.

Janet Wilson, A Price Woodard N.A., wanted to know why the business couldn't function with the current restrictions and regulations; had the applicant considered future growth; and have you looked at a long-term plan? **Toms** stated that the restrictions do not allow her to have employees or signage that is why she is requesting the zoning reclassification. She also stated that she does not plan on growing really large, the more people you take on the less serene the environment becomes.

OM Chauhan, 31 Laurel, asked since 57% of surrounding property owners were opposed to the zoning request, does it require a 2/3 vote from Council for approval. **McNeely** stated yes.

James Roseboro, 4518 Greenbriar, asked McNeely how many properties represented the 57% protestors. **McNeely** confirmed that included five houses. **Roseboro** stated that he has talked with the entire neighborhood and none of the homeowners are in favor of this request. He mentioned that 13 people spoke against this request at the MAP meeting, and this is not fair to the community; what about the peace and serenity of the homeowners. **Roseboro** wanted to know if the business isn't successful then what happens. The people would like to keep the area safe and the way that it is now. **Roseboro** stated that we have signed petitions against this request.

Brown-Foster wanted to know when the applicant purchased the property? **Toms** stated November 8, 2008.

Domitrovic asked if a protective overlay could be developed to address the concerns of the community? **McNeely** stated that planning would have to do the protective overlay and once the zoning is changed it goes with the property and not the owner. So it is not good planning practice to create protective overlay for this reason. Additionally, the request of the protective overlay would also need to come from the MAPC.

Thompson (Finney) made a motion to deny the zoning request as recommended by staff. Motion carried 8:1 **Miller-Stevens abstained from vote.**

Unfinished Business

6. DER2007-00013

Jess McNeely, Planning Department, presented the request to modify the Wichita-Sedgwick County Unified Zoning Code (UZC) dealing with off-site signage in nonresidential Community Unit Plans (CUP). The request is being made based on the result of a request from Ferris Consulting. McNeely stated that the request was heard last month and the Board chose to defer action to allow staff the opportunity to make a recommendation based on the modifications presented at the meeting.

McNeely stated the CUP is a document that is required in a commercial zoning of 6 acres land or more. Currently the code prohibits off-site signs to advertise. Generally these are signs for businesses that are not located where the sign is displayed. **McNeely** also advised that Mr. Ferris submitted a letter that provided his perspective and position on this issue. **McNeely** then stated that staff is recommending denial of this request and stood for questions from the Board.

McNeely stated that the applicant has proposed in future CUP that billboards be permitted in future developments; in old CUPs they applicant would be required to come before the DAB, MAPC, and Council for amendment to their CUP. These cases would be heard and decided on a case-by-case basis.

McNeely advised that MAPC heard the request and approved request

Domitrovic wanted to know if staff was still against the request. **McNeely** stated yes.

Greg Ferris, Ferris Consulting, we started this process several months ago and we made request to the Planning Department to amend the Unified Zoning Code. We heard that there were some concerns from staff about the language, so we made some changes (thus the changes heard last month). We then got with staff and made this final document before you tonight. **Ferris** stated that we would be asking that you allow us (landowner) to have the right to access for approval to

put billboards in on a case-by-case basis. **Ferris** stated that the reasons they are asking for this change now is because sign code changes made a year ago made it more restrictive; as the community spreads out, the non-conforming issues restricts how we update and modify signs; and has anyone looked at it before and asked why are we doing things this way. **Ferris** stated that he thought the request was fair and reasonable.

Rich asked if each sign would have to be approved on a case-by-case basis? **Ferris** stated that possibly one site could have two signs, but each request or site has to come before the Boards.

James Roseboro wanted to know who would benefit from the change? **Ferris** stated the property owners, sign companies and businesses would benefit.

OM Chauhan stated that the one concern he has is that we are paying planning staff a lot of money as they are the professionals and their hesitation should be considered before a vote is made.

Brown-Foster (Finney) made a motion to approve the amendment. **9:0 Miller-Stevens** abstained from the vote.

Board Agenda

7. Updates, Issues, and Reports

CM Williams asked the Board if there were any updates to report.

Porter polled that Board to see if there were any volunteers to administer the START surveys. Miles, Brown-Foster, and Domitrovic volunteered. **Porter** advised that she would send the information via e-mail. **Porter** also announced the merger of Office of Central Inspection and Environmental Service, informing the Board and community that the District I inspectors were now permanently housed at Atwater. **Porter** also announced the meeting dates for the Busing meeting with USD 259.

CM Williams thanked both Tythan Miles and Chief Blackwell for their assistance with the Christmas event at the Boys and Girls Club.

Rich announced that the Hyde Neighborhood Association would have there next meeting Saturday at 3p.m.

Finney announced the Democratic Caucus would be held in Kansas on February 5th. **CM Williams** asked **Finney** to send the information to **Porter** to send out in the Friday updates.

Lawrence advised that she met with CM Williams and state representatives about the Pay Day Loans in Wichita and has come up some ideas. **Lawrence** stated that they are going to plan a trip to Topeka to speak to the House. If this is something you are interested in please contact Lori Lawrence or CM Williams.

Lawrence also mentioned that the Solid Waste Committee is at a stand still.

Tipton advised that Interfaith Ministries ~ Tabernacle, 1718 N Volutsia will host an Martin Luther King event. Volunteers are needed to help diversity cultural affair. If anyone would like to volunteer please contact Shontina Tipton at 264-9303 x142.

Miller-Stevens advised that the WIN banquet would have guest speaker Phil Blake speak and the event will take place on Thursday, January 10th.

Brown-Foster wanted everyone to mark his or her calendars for the Pure & Simple event on February 9, 2008. The event will take place at WSU-Metroplex from 10 to noon. The guest speaker will be the U.S. Attorney. Please R.S.V.P. with Treatha Brown-Foster.

With no further business, **Domitrovic (Tipton)** made a motion to adjourn. Motion carried 10-0. The meeting adjourned at 8:00 p.m.

Respectfully Submitted,
LaShonda Porter
Neighborhood Assistant