

**DISTRICT ADVISORY BOARD (DAB) I
MEETING MINUTES**

Monday, October 2, 2006

7:00 p.m.

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

Members Present

Council Member Carl Brewer
Treatha Brown-Foster
Gerald Domitrovic
Shane Dundas
Debra K. Miller Stevens
Janice Rich*
Steve Roberts
Inga Taylor
James Thompson
Shontina Tipton
LaVonta Williams

Members Absent

Guests

(See the end of the document)

***Alternates**

City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant
Deb Legge, OCI
Marty Miller, Housing
Jess McNeely, MAPD
Lt. Doug Nolte, WPD
Officer Schwiethale, WPD
Officer Gerdes, WPD
Officer John Bogle, WPD

Order of Business

Call to Order

Pro Tem Domitrovic called the meeting to order at 7:10 p.m. and welcomed the guests.

Approval of Minutes

Brown Foster (Williams) made a motion to approve the minutes as submitted. Motion carried 9-0.

Approval of Agenda

Roberts (Brown Foster) made a motion to approve the agenda as submitted. Motion carried 9-0.

Public Agenda

1. District 1 Neighborhood Award

No awards were presented this meeting. The recipients did not attend the meeting.

Recommended Action: Present the award next meeting.

2. Off Agenda Items

No items submitted.

Staff Reports

3. Police Report

Officer Schwiethale, Beat 23, reported the following: 1) problems have been resolved with the Skate Park downtown, as a result of the school season starting; 2) there are on-going issues with vagrants in the park. Half dozen arrests were made for illegal drinking, etc. The idea is to clean up the park and make it safe again. The camping ordinance was designed to assist with those efforts. A coalition group has expressed concern with the effectiveness of the camping ordinance.

(Officer Schwiethale's response is in italics)

Williams commented that she was made aware of a camping issue where some of the people came back to the park and their belongings were gone. She asked if he had any information on that. *The residents who live along that area called and complained about trash left in the area. We contacted Public Works to clean up leftover items.* **Domitrovic** asked what is the status of the ordinance? *It has not been presented to City Council, as the Chief asked that we talk to the stakeholders first. In doing that, there were some who felt like jail time was not appropriate.*

Officer Gerdes, 45 Beat, reported the following: 1) the Ken Mar Shopping Center after hours congregating has been dealt with by management. The parking lot is locked with cable wire from 12:00 midnight – 6:00 a.m. There are no loitering signs posted as well; 2) have been working with the owners of Club Vision since June 2006 on complaints against juveniles. The owners have now applied for an adult drinking establishment licenses. They can currently house 143 people with the current parking and if the back lot is fixed, 240 people would be allowed.

(Officer Gerdes' response is in italics)

Williams asked if he had worked with the community and the neighborhood association and had you worked with them before the shooting? *Yes. I attended the Ken Mar Neighborhood Association meeting last month and have invited the owner to do so as well. I had already been working with the business owners. The shooting alerted the property owners.* **Tipton** stated that at the Power Neighborhood Association meeting, they were concerned about crime at 19th and Grove and 12th and Madison. *I don't have the specifics about that area, but will get with Officer Jones and the other Community Policing officers.* **Thompson** asked what time do they lock up the Ken Mar Shopping Center parking lot on Fridays? *They lock up at midnight and open back up at 6:00 a.m. the next morning.*

Officer John Bogle, Beat 38, reported the following: 1) there were 16 individuals identified as graffiti vandals; 2) Gang Enforcement – SCAT units are working on beats to document gang members and are checking to validate addresses; 3) Community Affairs is hosting a Gang Awareness Training, October 3rd, Towne East Square.

(Officer Bogle's response is in italics)

Thompson asked what time is the training? *6:30 p.m. – 8:30 p.m. These meetings are held the first Tuesdays of every month with different topics.* **Williams** stated that WPD used to send out e-mail notices. Can we get notified earlier? *You can locate the information on the WPD website under the Crime Prevention link. I will relay your concern.*

The board received and filed.

New Business

4. Neighborhood Revitalization Area Boundary

Marty Miller, Housing, presented the revised NRA boundary as recommended by the NRA Task Force. He explained that the staff recommendations were made in accordance with State NRA requirements to identify a substantial presence of deteriorated or dilapidated buildings and the HUD Neighborhood Revitalization Strategy, which requires that the area be primarily residential and contain a high percentage of low and moderate-income households.

Mr. Miller showed the 2004-2008 Consolidated Plan booklet and stated that the Task Force recommended the addition of the boundaries designated in the South Central Neighborhood Plan which are: Kellogg on the north, the Arkansas River on the south and west, and Washington and the railroad tracks, from Pawnee to the Arkansas, on the east. The Task Force also recommended adding the South Central Neighborhood Plan Boundaries as a Local Investment Area. The Task Force recommended keeping Hilltop, Planeview, Northeast, North Central, Delano and Orchard Breeze Local Investment Areas with no changes.

Mr. Miller also spoke about the Tax Rebate Program. Properties located within the NRA that undertakes new construction or rehabilitation is eligible for the State of Kansas Tax Rebate Program. The amount of the tax rebate is based on the value of the building permit and is established for 5 years, subject to the guidelines of 95% of incremental tax increase for single-family residential property; 75% of the incremental tax increase for non-residential and multi-family; and 95% of incremental tax increase for historic properties. The approximate total amount of tax rebates issued from 1999 to 2005 is \$359,000.

Lastly, Mr. Miller reviewed maps of: low/moderate income level areas, Assessed Valuations, and the Zoning & Land Use.

(Mr. Miller's response is in italics)

The board was concerned with the following: 1) would less money be available, should this area be added; *Amazingly, no.* 2) why Delano was left in the NRA boundaries with all of the recent improvements in that area; *Most of the improvements done in that area was through private monies. The City was only responsible for six blocks of sidewalks;* 3) what kind of improvements are required to qualify for tax rebates; *businesses, houses, etc. must meet 75% of incremental tax for SF and MF Residential and 95% for historical properties;* 4) is Tax Rebate Program a one-time thing? *It is a five-year plan.* One board member recognized that this addition was simply a completion of the current boundaries for the south end of the city.

Melody McCray-Miller asked about the difference between the Tax Rebate Program and the TIFF District. *It is a little different. When you get your permit, you will pay taxes then and receive a rebate later on.*

Ronald Stidham, 4310 Salem, asked how does a homeowner obtain money to rehabilitate a house, if you do not have good credit? He stated that his problem is that he oversees his deceased parents estate, but does not own the property. The City of Wichita is now charging him with violations that he has no money or authorization to obtain assistance. *If you are income eligible, there are programs available to assist you. Such as, Emergency Home Repair Program, which is the most heavily used citywide program. If you meet the low-income guidelines, you may be able to receive assistance.*

Brown Foster (Taylor) made a motion to receive and file. Motion carried 9-0.

5. StopBlight

Deb Legge, OCI, will present the amended Housing Code Ordinance (Title 20.04) and New Vacant and Neglected Buildings Ordinance (Title 30.01). Ms. Legge explained that a year ago the City Council asked staff to look at programs for blighted neighborhoods. In January 2006, staff went to City Council with an outline and was granted permission to proceed. From that time, five strategies were identified: 1) bid on tax-delinquent/foreclosed property; 2) Identify resources to purchase/bid on and rehab properties; 3) strengthen boarded/abandoned building policies; 4) require local property agent registration; and 5) create a means to acquire and “bank” land for reuse.

Ms. Legge stated that staff is working with Sedgwick County to speed up the foreclosure process and they finally ended up with approval from the City Council for condemnation. They are also working with non-profit groups, so that they would be able to rehab and bid on these properties. The hope is to efficiently deal with out-of-state property owners.

She also explained the Vacant and Neglected Building Code (Ch. 30.01), required registration details for vacant buildings, registration removal, registration penalties, and penalty payments. Staff is recommending the START Team, which is similar to the CLEAN Team

The board was concerned with the following: 1) how the fine process would be handled; 2) is this program designed to obtain properties for non-profits to rehab; 3) asked for clarity on the registration process for properties and how to get a property taken off of the “bad” list; 4) this ordinance is geared more toward homeowners than landlords, which are more of a problem for neighborhoods; 5) inquired how criminal nuisance is addressed; and 6) how would diversion be revoked for non-compliance.

Several citizens spoke in support of this ordinance. The following was addressed: 1) one citizen showed a PowerPoint presentation of pictures of problem houses and compared those with the houses the landlords reside in; 2) a citizen stated that this ordinance does not address administrators of estate property, who cannot receive assistance to rehab homes owned by deceased relatives; 3) two landlords stated that the fees are not nominal when the property is damaged by tenants, which is not addressed; 4) another landlord recommended that fees be applied to the renovation of the fined property; and 5) another citizen agreed with the need for a faster foreclosure process, but felt like some of the boarded up houses were not worth saving.

6. ZON2006-00037

Jess McNeely, MAPD, explained that the applicant is requesting a zone change from “SF-5” Single-family Residential to “GO” General Office. He described the zoning in the surrounding area, some of which is permitted under Community Unit Plan. Mr. McNeely stated that this request does not meet the Access Management Policy guidelines and planning staff recommends denial of the request.

(Mr. McNeely’s response is in italics)

The board asked the following questions: 1) define the term “low density office”; 2) how does the area neighborhood association feel about the project? *All of the property owners were notified. We have not received any comments against the project;* and 3) would the church remain the same? *Yes.* The board then asked direct questions of the applicant and expressed approval for the proposed school.

Rob Hartman, PEC, showed an aerial map of the area and explained that St. Alban's Church has combined with St. Stephan's Church and wants to sell to the Monart School of Art, which is considered a personal service use. They have a contract with the school, but must have the zoning change for the contract to go through. He stated that the 2.1 acres site fits in with the neighborhood and that "GO" is appropriate for the project. The church cannot sell the property with the current zoning.

Charles Baughman, 232 North Penrose, commented that he and his wife are the owners of the Monart School of Art and he is an adjunct professor at Wichita State University, a member of the Youth Activity Advancement Alliance, and the kids art work is on exhibit at the Starbucks at 25th and Rock Road. The school has 130 students in attendance, but they attend in numbers of 15 per session. Their school is currently located in a strip mall, which is not a safe environment for children. He works with the Boys and Girls Club and other partners to bring art to disadvantaged children.

Jim Mitchell, 7404 Cleary, commented that when they merged with St. Stephen's and put the property up for sale, there were many potential buyers. The Monart School of Art is the first organization to bring a contract and the congregation is very in favor of the sale.

Dwayne Lancaster, 36th and Governour, stated that he would like the board to consider a protective overlay to prohibit certain use should they vacate.

The board discussed the "GO" zoning and the incorporation of the protective overlay. Staff advised that if "GO" zoning is approved, all land use would go for that usage and that zoning goes with the property not the owner. A protective overlay can be placed on that property that would limit the property to specific uses.

Williams (Domitrovic) made a motion to recommend approval of the request, subject to the addition of a protective overlay. Motion passed 9-0.

7. ZON2006-00038

Jess McNeely, MAPD, explained that the applicant is requesting a zone change from "LI" Limited Industrial to "B" Multi-family Residential, which is located at the Kellogg Elementary School site between Lawrence and Pattie. There will be a public hearing by the MAPC on Thursday, October 5th.

Mr. McNeely provided a description of the area surrounding the requested zone change and stated that LI zoning prohibits residential use and therefore the applicants have requested "B" Multi-family zoning, which is considered down-zoning. Applicant could have requested a higher density, but opted against it. This was done to protect residents that abut the property. The Comprehensive Plan identifies this site as appropriate for an Urban Development Mix.

(Mr. McNeely's response is in italics)

The board asked the following questions: 1) is the applicant USD259? *Yes*; 2) how does this fit into the South Central Plan? *This is not a part of the South Central plan*; 3) what type of apartments will be housed in the facility? *7 of 39 units will be for 40% minimum income, 1 unit is 100% subsidized, 23 units will be 60% minimum income and 8 units at market rate. There are units for 900 square feet with two bedroom and one bedroom units for 750 square feet*; 4) was this property ever submitted for abatement? *No*; 5) will low-income housing tax credit be sought for this project? *Yes*; 6) what were the driving forces for this request? *The developer was attracted to the school. Schools are great for apartment conversions. He typically looks for vacated school buildings for conversion into apartments*; 7) what would the quality of life be for children living in that area; *Historically, these*

type of developments do not have a lot of families with children. It is more geared for single adults; 8) will there be on-site management? Yes; and 9) how did the area neighborhood association feel about this project? The people I have talked to seem to be in favor of this project. I did receive a letter through the e-mail, where one objection to the project was raised. The main objection was to low-income housing and the type of people that might live there.

Darryl Creekman, 440 Pattie, commented that he has been in the area 58 years and crime has leveled off in the past few years due to residential property going away. He is concerned about crime increasing, increased traffic congestion, and low-income housing placed in the area. Mr. Creekman feels that the area should remain commercial as zoned.

Tim Buchanan, 1400 East Kellogg, Church of the Nazarene, stated that he is not against affordable housing, but his concern is that business owners do not look out for kids. Thus this location is not suitable, as the infrastructure does not support residents.

Ken Potvin, 440 Pattie, stated that he has a problem with traffic flow, as there is no thoroughfare. He asked what would they do with traffic in and out of the area?

Mike Dove, 566 North Lancaster, commented that he has a business in the area and this project is not a good fit. He, too, is concerned about access. There are blighted multi-family houses on English street. If these properties fail, what makes the applicant think that a project like this would succeed and who will be responsible if it does fail?

Miller Stevens (Thompson) made a motion to recommend denial of the request. Motion passed 6-3 (**Brown Foster, Domitrovic, and Dundas** opposed).

8. CON2006-00038

Jess McNeely, Planning, briefly explained that the applicant is requesting a Conditional Use to allow multiple duplex residential units on 3.14 acres of land and that the board had previously heard this case and approved a tax credit for the project.

Council Member Brewer, due to the lateness of the hour, asked if there were any citizens present to speak in opposition of this request. No one came forth. He then asked if the board had any questions or objections to following staff's recommendation to approve the request, subject to the listed conditions? The board voiced no objection.

Thompson (Roberts) made a motion to recommend approval of the request, subject to staff conditions. Motion passed 9-0.

Unfinished Business

No items submitted.

Board Agenda

9. Updates, Issues, and Reports

- **Gilkey** announced Community Unity Day, Saturday, October 14, 2006; Atwater NCH grounds, 10:00 a.m. – 8:00 p.m.
- **Brewer** announced the District 1 Coalition Breakfast meeting would convene on Saturday, October 14th. He encouraged all to attend, as this meeting will host potential developers for a new grocery store located at Central and Oliver. He then apologized for the lengthy agenda.

- **Williams** announce the NAACP Annual Freedom Fund Banquet on Saturday, October 21st. She stated that Treatha Brown Foster would be receiving a reward at this event.
- **Tipton** announced that there would be a conference on mentoring children with incarcerated parents on Friday, October 6th and Saturday, October 7th at the Dellrose United Methodist Church.
- **Rich** announced that the first meeting for the newly formed neighborhood association met on September 23rd at the Spice Merchant. The next meeting is scheduled for October 21st, Spice Merchant, 3:00 p.m.
- **Miller Stevens** reported that she was appointed to the South Central Task Force.
- **Brewer** congratulated Treatha Brown Foster and Debra Miller Stevens for their award and appointment.

The board received and filed.

With no further business, **Roberts (Williams)** recommended adjournment. The meeting adjourned at 11:23 p.m.

Respectfully Submitted,
Virgena Gilkey
Neighborhood Assistant

Guest List

- 1) Lynn Burr, 508 North Hampton Rd
- 2) Shirley Burr, 508 North Hampton Rd
- 3) Darryl Creekman, 440 Pattie
- 4) Ken Potvin, 440 Pattie
- 5) Mary McDonald, 1654 North Lorraine
- 6) Mae Washington, 2314 Mossman
- 7) Isabelle Elder, 2623 East 8th Street
- 8) Essilene Witcher, 2120 East Murdock
- 9) Tim Buchanan, First Church of the Nazarene, 1400 East Kellogg
- 10) Joann Hartig, 1756 South Main
- 11) Paula Givens, 1228 North Mathewson
- 12) Gary Nye, 428 Pattie
- 13) Karen Nye, 428 Pattie
- 14) Michael Dove, 422 Pattie
- 15) Brandi Anderson, 206 Overlook
- 16) Kelly Adams, 322 West Allison
- 17) Kathy Zuelke, 314 McLain
- 18) Bonnie Hepline, 2740 Laura
- 19) Merle White, 2225 North Fountain
- 20) Sonya House, 2123 Piatt
- 21) Maurie Neal, 8444 Hickory
- 22) Willie Burton, 2356 North Poplar
- 23) Bill William, 3928 Vesta
- 24) Gwendolyn H. Bell, 2000 Random Rd
- 25) B. K. Domitrovic, 1219 George Washington Blvd
- 26) Shirley A. Benton Kelley, 1627 North Erie
- 27) Betty Pondexter, 1302 North Spruce
- 28) Wesley Darnell, 105 North Washington
- 29) Charles Baughman
- 30) Loren Culver, 2707 North Rainbow
- 31) Della F. Ivy, 1947 North Spruce
- 32) Karol Baldwin, 1947 North Spruce
- 33) Theola Cooper, 1618 New York Ave.
- 34) Elliott L. Friday, 801 North Erie
- 35) Lonnie Hephner, 2740 Laura
- 36) Nolan Jackson, 9400 Wilber
- 37) Gloria Amaro, 1556 North Minneapolis
- 38) Harold Spicer, 1541 North Green
- 39) Carolyn Spicer, 1541 North Green
- 40) Betty Kelly, 1345 North Gree
- 41) Eugene Smith, 2220 North Roosevelt
- 42) Otilda Charis, 1501 North High
- 43) Jim Mitchell, 1509 Robin Ridge Circle
- 44) Dwayne Lancaster, 3016 North Gouverneur
- 45) Brad Ream, 6406 East 14th Street
- 46) Mary Jo Bond, 4024 Charron
- 47) Kevin Kimmel, P.O. Box 20598
- 48) Mary E. Baker, 2253 North Volutsia

- 49) Romona Simms-Henry, 2807 East 22nd Street
- 50) Michael Balton, 1703 North Hydraulic
- 51) Earline Franklin, 903 Piatt
- 52) Nathan Swink, 1107 Greenwood
- 53) Michael Davis, 802 North Pershing
- 54) Donald E. Hogg, 1142 North Parkwood
- 55) Drusilla Triplett, 1601 North Estelle
- 56) Ronald Stidham, 4310 Salem