

## **District II Advisory Board Minutes**

**September 11, 2006**

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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. 8 board members, 5 staff and approximately 8 citizens were in attendance. Only those individuals who signed in are listed as guests below.

### **Members Present**

Daryl Crotts  
Larry Frutiger  
Tim Goodpasture  
Joe Johnson  
David Mollhagen  
Marty Weeks  
Sarah Devries  
Aaron Mayes  
Council Member Sue Schlapp

### **Members Absent**

Phil Ryan  
Matt Hesse  
Brian Carduff  
Kaci Tucker\*

\*Youth Representatives

### **Staff Present**

Officer Lloyd, Community Officer 37 Beat  
Dale Miller, Planning  
Don Henry, Environmental Services  
Donna Goltry, Planning  
Kelli Glassman, Neighborhood Assistant

### **Guests**

Listed on the last page

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:02 p.m.

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

The meeting agenda for September 11, 2006 was approved as submitted (**Goodpasture:Crotts, 8-0**)

The meeting minutes for August 10, 2006 were approved as submitted (**DeVries:Frutiger, 8-0**)

**DAB** did introductions and **CM Schlapp** explained the purpose of the District Advisory Board, as well as how the meeting is held for District II. She explained that she has appointed **Joe Johnson** to run the meeting, as she does not want to influence the DAB members or citizen responses.

## PUBLIC AGENDA

### 1. Scheduled items

No items were submitted.

### 2. Off-agenda items

No items were submitted.

## STAFF REPORT

### 3. Community Police Report

**Community Officer Lloyd, 37 Beat**, advised that there was not much going on the 399 Beat, however, highlighted a few issues in the district:

- Officer Gallagher, 399 beat, has moved to the training division and Officer Hinnners, 37 beat coordinator, will temporarily be the 399 beat coordinator.
- There have been an increase in open garage and house burglaries around the Harry and Webb area.. Although there are no suspect descriptions, police are using lab results to try and apprehend the person(s) responsible.
- Central and Rock continues to be a high accident area, so police are stepping up enforcement at this location and trying to get a stop light placed at Corporate Hills.
- Thursday, September 21, there will be a DUI patrol from 5 p.m. to 3 a.m. At this time, no specific locations have been set, but police will try to work through the areas covered in the Patrol East boundaries.

**Devries** stated that south of Douglas to Kellogg on Hillside is a very dangerous traffic area. **Officer Hinnners** replied that **Officer Shirkey** continues to address this problem.

**Council Member Schlapp** indicated that traffic at Central and Rock was backed up to Woodlawn and that she had contacted staff to evaluate the situation. **Kelli Glassman** stated that she would contact the traffic engineer to make sure that this issue was followed up on.

**Mollhagen** requested an update on the thefts at 45<sup>th</sup> and Webb mentioned at a prior DAB meeting. **Kelli Glassman** stated that she would contact the appropriate community police officer to follow up on this issue.

**Frutiger** inquired about monitoring traffic on 143<sup>rd</sup> St E. **Officer Hinnners** stated that he would have to contact the county about his, as this area is not within city limits.

The Board thanked **Officer Lloyd** for his report.

**Action Taken:** Received and filed.

## NEW BUSINESS

### 4. ZON2006-00030

**Dale Miller, Planning**, presented this request. The applicants, Greenwich Village, LLC (Han Diec/ Kenneth Lerman), are requesting from “GO” General Office to “LC” Limited Commercial south of Waterman and east of Greenwich (111313 E Waterman.) In addition to the subject lot, the applicant owns the two lots to the west of the application area. These two lots located west of the application area are zoned LC Limited Commercial and are developed with retail commercial uses. The owner desires to have his ownership zoned uniformly.

**Mr. Miller** and the applicant, **Mr. Ken Lerman**, were present and responded to questions and comments.

Approximately 8 citizens were in attendance. All were given the opportunity to discuss the issue.

**Rex Beals, 11407 E Waterman**, stated that he requested a height restriction for the buildings planned for this property. The Board then followed-up with this request by asking **Mr. Miller** the height requirements for a building located on property zoned “LC”. **Mr. Miller** stated that the height requirements for a building on a property zoned “GO” are 60 feet. Both **Mr. Beals** and **Mr. Lerman** stated that they would be comfortable with this height restriction.

**Mollhagen** asked if any public comment had been received on this. **Mr. Miller** responded that he had received one call from a citizen on this issue, but the applicant worked with the citizen to address these questions.

**Johnson** asked if this had been to MAPC yet. **Mr. Miller** responded that it MAPC considered this request on September 7 and that it was approved unanimously.

**Crotts** asked what type of development was being planned for this property. **Mr. Lerman** replied that he was not entirely sure at this point, but possibly a retail center.

**Action Taken: Crotts (Goodpasture)** recommended to accept the request with the understanding that the current 60 foot height restriction will still be applicable to any future development on this property. Motion passed 8-0.

### 5. Rodeos

**Dale Miller, Planning**, introduced this item. On May 2, 2006, the City Council passed a moratorium on the processing and approval of new licenses for rodeos under section 3.08.040 of the Code of the City of Wichita. The Moratorium is effective from May 2, 2006 until not later than December 31, 2006. The Moratorium Resolution directed the City Manager and a staff Task Team appointed by the City Manager to actively pursue development of comprehensive ordinances for licensure and regulation of rodeos events, to coincide with any revised land use and development regulations.

In May, a Rodeo Moratorium Task Team was assembled at the City Manager’s direction. The Task Team reviewed relevant existing licensing, land use, zoning ordinances and other regulations for Wichita and other jurisdictions, and reviewed national rodeo/animal treatment organization guidelines. The Task Team also provided input relating to rodeos for recently adopted amendments to Chapter 6.04.035 of the City Code relating to cruelty to animals

(adopted in late June, 2006). Legal issues and relevant case law regarding rodeo bans, licensing and related zoning and/or land-use restriction were also reviewed.

**DeVries** asked if this proposed ordinance would restrict the number of rodeos that could be applied for by an individual in a year. **Mollhagen** also questioned this, stating that when he read the ordinance, he understood it to mean that a person can only have one rodeo for two days in a year. **Mr. Miller** clarified that this would not restrict the number of rodeos someone could have in a year, but that the rodeos applicant would have to meet the criteria established under this ordinance if more than one rodeo for more than one night was planned.

**Crotts** asked if street carnivals and circuses were included in this ordinance. **Mr. Miller** stated that these events are covered under different ordinances.

**Mollhagen** requested clarification that if a rodeo was held on city or county property that this ordinance would not apply. **Mr. Miller** responded that this is correct due to the fact that usually if an event like this is held on city or county property, it is closely monitored.

**Crotts** asked what specific complaints about rodeos was this ordinance intended to address. **Mr. Miller** indicated that there have been issues with excessive noise and leftover trash and other debris with past rodeos.

**Johnson** asked what the next step for this ordinance would be. **Mr. Miller** stated that it would go to MAPC and then City Council for final approval.

**Action Taken:** Provided comment and feedback for MAPC and City Council consideration.

6. **CUP2006-00036**

**Donna Goltry, Planning**, presented this item. The applicant, Smith & Company, Inc. (Owner); K. E. Miller Engineering, PA c/o Kirk Miller (agent), are requesting an Amendment to DP 243 to permit an LED sign with moving images in "LC" Limited Commercial zoning, generally located south of Harry and Greenwich ((10919 E Harry).

The applicant requests Amendment #2 for Parcels 2 and 4 of DP-243 Smithmoor Commercial Community Unit Plan to change the signage provisions for this parcel. The applicant wishes to have a continuous movement building wall sign advertising his sign business, as well as a continuous movement tenant panel on the monument sign on Harry. The applicant is in the sign business and wants to display the items sold by the establishment.

**Ms. Goltry**, and the applicant, **Mr. Ron Smith**, responded to questions and comments. Citizens and Board members given the opportunity to speak.

**Mike McConnel, 10711 Lockmoor**, stated that he was fine with the current request, but did not want the entire billboard to be allowed to have LED signage due to the excessive luminosity that this would create.

The Board asked questions and expressed concern regarding the size, luminosity and proximity to the street and residential areas of these signs. They expressed reservation in approving this request due to lack of defined guidelines for LED signage. The Board did not want to set precedent for LED signage that is too large, too bright, too close to streets and residential areas or allow a large number of these signs in a concentrated area in order to ensure motorist safety

and minimize nuisance and inconvenience for residents. Furthermore, given increased request for this type of signage, they requested that City Council have a workshop to review sign regulations and possibly incorporate language to guide future LED signage requests.

**Action Taken: Crotts (DeVries)** moved to defer this item pending MAPC review. Motion passed 8-0.

7. **ZON2006-00031**

**Donna Goltry, Planning**, presented this request. The applicants, **D. Lemk, LP (Lucille M. Schauf) (owner)**, **Leewood Homes c/o Joe Lee (contract purchaser)**, **Baughman Company, PA c/o Terry Smythe (agent)**, **Insite Real Estate Group c/o Kurt Robertson (agent)**, are requesting a zone change from “GO” General Office to “LC” Limited Commercial on the northwest corner of 37th St North and Sweet Bay. However, the applicant’s agent, Mr. Smythe stated that he it has now been agreed upon to zone this property “NR” Neighborhood Residential instead of “LC” Limited Commercial.

This property is part of Lot 1, Ritz Addition, which is zoned GO and developed with a large day care facility that is closed. The day care center is being marketed for a different reuse allowed by the GO zoning district. An apartment complex on property zoned “MF-29” Multi-family Residential is located west of the day care facility. Willowbend, a residential/golf course community zoned “SF-5” Single-family Residential, is located north of the Ritz Addition. A community unit plan, DP-155 W.D.C. Parcel 5A, is located east of the request and is developed with freestanding office building closest to the application and a new retail strip center along 37th Street North. The property to the southeast is zoned MF-29 and developed with a large garden apartment complex. DP-122 W. D. C. #6 Parcel No. 104 is approved for LC but is a vacant 12-acre tract.

**Ms. Goltry**, and **Mr. Smythe** responded to questions and comments. Citizens and Board members present were given the opportunity to speak.

Board members asked if this was a typical recommendation and request given the other zoning surrounding this area. **Ms. Goltry** explained that this is a logical progression from the surrounding “GO” zoning.

The Board also inquired what the difference in buffering for a property zoned “NR” is in comparison to one zoned “LC” Limited Commercial. **Ms. Goltry** responded that height requirements are more stringent for “NR” zoned properties, but that screening is not required to be a masonry wall, unlike for “LC” property. Furthermore, “NR” zoning does not regulate landscaping.

Based upon information available prior to the public hearings, planning staff recommends that the request be approved.

**Ms. Goltry** informed the Board that this item has been heard by the MAPC and the request was approved.

**Action Taken: Frutiger (Crotts)** recommended to affirm the MAPC decision regarding this request. Motion passed 8-0.

## BOARD AGENDA

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

**DeVries** mentioned the lack of bike path lanes on roads in the City. **Council Member Schlapp** stated that one challenge to this is allowing easy access to these paths for citizens. **Mollhagen** stated that there is a bike path along I-235 south of 31<sup>st</sup> St. **Goodpasture** commented that most bicyclists he knows do not want dedicated bike paths on roads due to the debris that collects in these paths and the difficulty of sharing these roads with motorists.

**Crotts** stated that the Wichita Area Realtors Association would like more input on the City's urban renewal efforts. **Council Member Schlapp** stated that this has been discussed with staff and will be arranged.

**Frutiger** requested updates on the railroad project, East Kellogg construction project and the arena. **Kelli Glassman** will work to get individuals involved with these project to present updates at the next meeting.

With no further business, the meeting adjourned at 8:40 p.m.

The next DAB II meeting will be **October 2**, 2006 at the Rockwell Branch Library.

Respectfully Submitted,

Kelli Glassman, Neighborhood Assistant

### **Guests**

Ken Lerman, 1668 N Sagebrush  
Mike McConnell, 10711 Lockmoor  
Max Weddle, 862 S Zelta Ct