



Sedgwick County...
working for you

District 2 CAB

Haysville Community Library

July 13, 2021

Meeting Minutes

Board Members in Attendance: Manuel Lopez, Nicole Helms, Jan Marple, Martha Pint, Spencer Dean, Susan Norton, Tabitha Lehman, William Hammers, John Burke, Jenny Duong, Ashlie Brockleman

1. Call to Order:

- a. Nikki Helms called the meeting to order at 6:01 pm

2. Approval of Minutes:

- a. Unanimous approval of the June 4, 2021 Minutes

3. Public Agenda:

- a. Public agenda was moved to the ZON2020-00053 Item

4. New Business:

- a. Bylaws of the Second District CAB
 - i. Spencer Dean moved to approve the bylaws. The motion was seconded by Jan Marple. The motion carried unanimously.
- b. Sedgwick County Government Overview
 - i. Tom Stolz presentation on County Government
 1. Counties serve as units of the state
 2. County organization charts are confusing
 3. A mixture of elected and appointed officials
 4. Budget process is an ongoing process
 - a. Begins with a budget retreat early in the year with the BOCC
 - b. Followed by staff meeting with senior management
 - c. Recommended budget presented to the BOCC in July
 - d. Public hearings
 - e. Final approval in August
 5. COVID-19 has stressed tested the system
 - a. There were lots of unknowable problems at the start of the pandemic
 - b. This led to financial uncertainty
 - c. 2020 was a budget and CARES
 - d. 2021 is a budget and ARPA
 6. There is a focus on staff
 - a. Wages are an issue
 - b. Concern about public safety and efforts are being undertaken to address those issues.
- c. ZON2020-0053
 - i. This presentation will focus on protective overlays. Overlays are additional restrictions on zoning classifications. They significantly increase mitigation of zoning changes on surround properties. At the heart of this case is the effort to

rezone a property located at 63rd and Hydraulic. The applicant is attempting to have property rezoned from Rural Residential to General Commercial. The applicant would like to establish a vehicle storage yard on the site. A vehicle storage yard is defined as “the keeping outside of an enclosed building one or more operable motor vehicles.” In this case vehicles will be limited to RVs, boats, and the associated trailers for these vehicles.

The surrounding properties are zoned General Commercial and Rural Residential. The General Commercial property in the surrounding area has no protective overlay. Mr. Warne could build a vehicle storage yard, by right, in the other General Commercial properties in the area.

This case originated in 2020. The first planning commission occurred in early 2021. The MAPC decided more information was needed—with a particular focus on screening. On 18 March 2021 the MAPC met and recommended approval of the rezoning plan. The Board of County Commissioners heard the case on 19 May 2021. The Board of County Commissioners wanted more information and the case was sent back to MAPC. MAPC collected the information and will be representing the case to the Board of County Commissioners on 21 July 2021.

The MAPC has made alterations to the protective overlay and have recommended approval of the rezone.

Zevenbergen informed the Second District Citizens Advisory Board that they can advise to recommend the rezone, recommend with modification, or recommend denial of the zoning case. There will be a recorded vote. This is a public meeting and there will be time for public comment.

Board of County Commissioners Questions

One major question that the Board of County Commissioners had was the impact that rezoning would have on crime. Zevenbergen spoke with the Sheriff. In general, an analysis of crime rates is a very long process. However, in the professional opinion of the Sheriff a vehicle storage yard could become a target of crime. How much and to what extent the increase in crime could extend to the surrounding area is unknown. All that is known is that valuable items will be stored at the site and that attracts crime. Mr. Warne has a vested interest in preventing crime.

Additionally, the Board of County Commissioners had concerns about drainage. Zevenbergen mentioned that drainage is not a zoning issue. A drainage plan has already been determined for this property when it was platted. The building permit process will require the creation of a drainage plan. There were concerns regarding runoff going into Pine Bay Lake. It was the opinion of Lynn Packer that this was unlikely. There will likely need to be a retention pond for drainage—and this will have to be approved by the storm water engineer.

The Board of County Commissioners also had questions about access. Again, access is not a zoning issue. The plat shows that there are two 30" openings along Hydraulic. Any changes to access would have to be reviewed and approved by Public Works.

History of Nearby General Commercial Zoning

The commercial zoning in the area was approved by Sedgwick County in 1993. At this time the County had its own zoning code. There was no protective overlay created at this time. The MAPC uses overlays to minimize the impact of zoning changes on surrounding areas. For the sake of clarity, Zevenbergen was going to focus on the second overlay that will be presented to the Board of County Commissioners on 21 July 2021.

The first major change to the overlay is that usage shall be limited by right to Rural Residential except for use as a vehicle storage yard. If someone does not go in with a vehicle storage yard the property will revert to Rural Residential. The rest of the overlay applies only to the vehicle storage yard.

- A. There are to be no sales, dismantling, service, or storage of supplies on site.
- B. Storage areas and entrances shall be covered with an all-weather surface approved by the MAPC
- C. A landscape buffer will be provided along 63rd and Hydraulic
 - a. 4 to 6" above grade
 - b. Must include trees
 - c. Ornamental grass or shrubs will be planted between trees
 - d. Must be planned by a professional and approved by MAPC
 - e. Must be irrigated
 - f. The COW has a landscape ordinance that establishes minimums that must be followed
 - g. Actual screening will be provided by a screening fence
- D. All lighting must and follow zoning code to avoid light pollution
 - a. Height restriction
 - b. Orientation restriction
- E. Signage
 - a. No billboards
 - b. Electric signage is banned
- F. Landscape
 - a. A revised landscape plan shall be submitted
- G. The site shall meet the requires for compatibility setbacks

Public Comment

After the 18 March 2021 MAPC meeting there was a two week protest period. During that time 42 protests were submitted. The state statute has different requirements for the protest area. In the County the protest area is 1000" and

in the City of Wichita it is 200". The majority of the 42 protests were outside of the protest area. However, the protests covered 26.2% of the protest area. This automatically means that any Board of County Commissioners vote on the case requires a super majority. Public comment alone cannot stop a zoning case.

Zevenbergen addressed the process of public comment on a zoning case at Citizens Advisory Boards. The applicant has a chance to address the CAB first.

Kayl Warne, the applicant, is leasing the land and has a long-term agreement with landowner. There were no storage units in the area when he moved in 2018 and he felt there was demand. He stated that he has worked diligently to address the concerns of the residents in the area. Warne stated that he a young entrepreneur and is looking to get started on his life.

CAB member Lehman asked a question to clarify the location of a fence. Warne clarified the location and purpose of the fence.

CAB member Norton asked about signage and lighting. Warne answered that the lighting would be directed down and into the property. The lighting would be used to assist his security system. There will be one sign along each street.

CAB member Duong asked about hours of operation. Warne confirmed that customers will have 24 hour access to the site via a passcode lock.

CAB member Duong asked about demand for these services. Warne answered that there are numerous vehicles in the driveways in the area. Warne also stated that he spoke with storage site owners in the area and these owners have wait-lists for access.

CAB member Dean asked about water infrastructure. Warne answered that he was unaware if there was water access on site.

CAB member Pint asked about the height of the buildings. Warne answered that the buildings will be 14" at the opening and will have peak heights of 28 to 30". They will have depths of 30, 35, and 40".

Protests from Residents

Mathew Reilly

Reilly stated that several his neighbors are opposed to the zoning change. Reilly stated that Warne has "initial intentions" and this indicates that he does not know what he wants. Reilly stated that as a business owner you need to know exactly what you are planning. He is concerned that property values will decrease if the rezoning takings place. Reilly also expressed concern about safety hazards presented by driving RVs .Reilly stated that he will be at the MAPC office with his attorney if the zoning change occurs. He expressed concern about professional misconduct. Reilly wanted to know why the City of Wichita was pushing this zoning change so hard. He showed the CAB a picture of

home and stated that when he built his home it was in an area that was zone Rural Residential. Reilly mentioned that they did not sign up for this. He raised questions about Sean Fox's involvement in this process.

David Edwards

Edwards is the president of the Pine Bay Home Owners Association. He had a presentation that was given to the CAB that showed pictures of the neighborhood. They have a golf course, a lake, and beautiful homes. There are three commercial properties in the area and they are all eyesores. 80 out of 82 people he spoke with said they opposed the rezoning. Opposition to the zoning change is nearly unanimous. The area does not need a vehicle storage yard. Edwards noted that the Board of County Commissioners has "golden rules" and he wanted to add a few.

- "Does this add utility to owners?"
 - No, it just brings in other people's problems.
- "Does this benefit the adjacent community?"
 - No, it does not bring in revenue or improve quality of life.
- "Is there existing property in the area available for use that does not require rezoning?"
 - Yes, there are properties in the area.

Edwards stated that they signed on for an area zoned rural residential and they don't want this changed.

Paul Davis

Expressed appreciation for the five minutes he was given for public comment, but expressed dissatisfaction that MAPC was given more time. Davis expressed concern with the term "yard" he felt that it meant that vehicles could be stored in the open. This rezoning will not provide jobs. He felt that there was evidence that codes were not being enforced in other areas and that the vehicle storage would become an eyesore. He felt that the main issue was one of quality of life. This area is just not right for a vehicle storage yard. He congratulated the CAB members for being appointed by Commissioner Lopez and informed that if the vote is not unanimous it will not be listened to.

Ron Murray

Expressed concern about where people will be dumping sewage. There is no plan for a lagoon and he argued that there are runoff concerns.

Steve Howard

Stated that his front door will look directly into the south side of the property and that the overlay will not protect him. He felt that this was a big issue. The signs that are to be used are not the typical signs for a residential area. He

expressed concern that there are no restrooms on site. There will be increased traffic in the area and Hydraulic goes from four lanes to two lanes near this area.

James Sizemore

Purchased his house on 18 February 2021. He had no idea that this zoning case was happening. He stated that he was not here to attack anyone. He felt that where this was being located was not the right area. He is waiting to find out how this zoning case and is planning on selling his home if the zoning change is made. Had he known about the zoning case he would not have bought the property.

Mr. Warne's Response

He has no plans to allow the dumping of sewage. There are a number of facilities in the area that allow for the dumping of sewage. He stated that in general areas that have two arterial roads are zoned general commercial. He plans on having vehicles stored inside buildings and that there will be no external storage.

CAB member Brockleman asked about steps being taken to prevent runoff.

Mr. Warne answered that runoff will be handled by ensuring that all vehicles are stored in a building. This would prevent them from being rained on and the water from entering nearby lakes.

CAB member Bockleman asked about crime at the storage yard in El Dorado

Mr. Warne answered that he has not experienced trouble himself.

CAB member Hammers asked why he (Mr. Warne) picked this site.

Mr. Warne answered that he had a relationship with the landowner and lacked funds to build this site elsewhere.

CAB member Norton asked if this zoning change was rejected would he be able to move forward with this plan elsewhere?

Mr. Warne answered that at this time he would be unable to do so.

CAB member Duong asked about job creation.

Mr. Warne answered that he and his wife would be the sole employees.

CAB Discussion

Lehman applauded Mr. Warne for his efforts. She stated that she has been involved in many zoning cases and her parents lived in this area for 24 years. She stated these homes are gorgeous and they are bringing up the community

and she would hate to see that go. Lehman stated that she did not feel that this was the right spot for a vehicle storage yard.

Hammers commended Mr. Warne's "guts". He was concerned with the lack of control over the land. Mr. Warne is not the landowner and this was concerning to Hammers. He also expressed concern about the issues of crime because of his experience as owner of Clearwater Self-Storage. In his estimation those two issues are very serious.

Manuel Lopez disagreed with this assessment and expressed his support the rezoning.

Dean felt thinks it just the wrong area for General Commercial. He mentioned that a few of the general commercial zoned properties were grandfathered in and the residents knew about those when they moved in.

Chair Helms asked if there was a motion.

Marple made a motion to recommend denial of ZON2020-00053. Dean seconded the motion.

Nicole Helms, Jan Marple, Martha Pint, Spencer Dean, Susan Norton, Tabitha Lehman, William Hammers, John Burke, Jenny Duong, and Ashlie Brockleman voted to deny.

Manual Lopez voted to not deny.

The motion carried 10-1.

- d. Creation of Mental Health and Substance Abuse Subcommittee
 - i. Nikki Helms sought comment about the subcommittee
 - ii. Anthony Gonzales, Nikki Helms, and Ashlie Brockleman volunteered to members of the Mental Health and Substance Abuse Subcommittee
- 5. Adjournment:**
- a. The meeting of the District 5 Citizens Advisory Board was adjourned at 8:45 p.m.